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**Open-ended Working Group of the Basel Convention  
on the Control of Transboundary Movements of  
Hazardous Wastes and Their Disposal**  
Fifth session  
Geneva, 3–7 April 2006

## **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 fifth session**

### **I. Opening of the session (agenda item 1)**

1. The fifth session of the Open-ended Working Group was opened at 10.30 a.m. on Monday, 3 April 2006, by Ms. Anne Daniel (Canada), Co-chair (legal) of the Working Group.
2. Following the opening of the session by Ms. Daniel, Ms. Sachiko Kuwabara-Yamamoto, Executive Secretary of the Convention Secretariat, welcomed participants to the current session of the Open-ended Working Group. Ms. Kuwabara-Yamamoto stressed the need to concentrate efforts and resources on key activities necessary for the implementation of the Convention and highlighted in that regard the development by the Secretariat of a new strategic and programmatic approach to the entire scope of activities under the Convention. The Working Group, she said, would perform an important task in assessing the soundness and validity of that approach and making recommendations on it for the Conference of the Parties to consider at its eighth meeting.
3. Noting the central importance of financial matters and programme budgets at the current session, she encouraged the active participation of all delegations, including those from developing countries and countries with economies in transition, on those issues.
4. She highlighted Convention activities in the current biennium, reporting that, given the great number of activities contemplated by the action table of the Strategic Plan for Implementation of the Basel Convention (to 2010), the Secretariat had concentrated its efforts and resources on activities in the Strategic Plan focus areas based on priorities identified by the Parties for the 2005–2006 biennium. She also emphasized the importance of a regional approach and the support provided by Basel Convention regional and coordinating centres in facilitating implementation of the Convention, underlining the fact that implementation of the Strategic Plan was itself regionally based.
5. She expressed the view that, under the new programmatic approach to implementing the Convention, the Basel Convention Partnership Programme was an integral part of the Strategic Plan that promoted the Plan's objectives and focus areas. The Secretariat's resource mobilization efforts had therefore focused on activities set out in the Strategic Plan focus areas. Considerable progress had been made in resource mobilization and the focus accorded to the Partnership Programme, and several Governments deserved thanks for their contributions to various initiatives under the Convention.
6. The Working Group would take up several sets of technical guidelines at the current session, and was ready to make substantive progress on the technical guidelines for persistent organic pollutants

(POPs), with respect to which she urged closer coherence with work under the Stockholm Convention on best available techniques and best environmental practices. The Group would also consider initiatives taken in relation to the important issue of ship dismantling, including the second session of the Joint Working Group of the International Labour Organization (ILO), the International Maritime Organization (IMO) and the Basel Convention on Ship Scrapping, as well as the work by the IMO Marine Environment Protection Committee on the development of a legally binding instrument on ship recycling.

7. Emphasizing that ongoing discussions in various international forums on synergies were calling for more efficient delivery of environment-related activities, as most recently evidenced by the United Nations General Assembly's 2005 World Summit Outcome<sup>1</sup>, she noted that the Parties to the Basel Convention could take the opportunity to consult during the current session and in the period leading up to the eighth meeting of the Conference of the Parties with a view to providing the Conference with proposals, as appropriate, to consider at its eighth meeting.

8. Before closing, she reported that Sudan and the Central African Republic had recently acceded to the Convention, bringing the total number of Parties to 168. She also noted that two other Parties had, since the last meeting of the Group, adopted instruments of acceptance regarding the amendment to the Convention contained in Conference of the Parties decision III/1 and that one other Party had advised the Secretariat that it had recently submitted instruments of ratification of the amendment to the Depositary. In addition, she reported that, while there were still only seven Parties to the Convention's Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal, regional consultations were under way that could promote its early entry into force.

9. Finally, she thanked those Governments that had provided financial support for the participation at the current session of Parties that were developing countries and countries with economies in transition.

## II. Adoption of the agenda (agenda item 2)

10. The Working Group adopted the following agenda on the basis of the provisional agenda contained in document UNEP/CHW/OEWG/5/1:

1. Opening of the session.
2. Adoption of the agenda.
3. Organization of the session.
4. Implementation of the decisions adopted by the Conference of the Parties at its seventh meeting:
  - (a) Report to the Open-ended Working Group on:
    - (i) Strategic Plan for the Implementation of the Basel Convention: role and activities of the Basel Convention regional and coordinating centres;
    - (ii) Basel Convention Partnership Programme;
    - (iii) Mobile Phone Partnership Initiative;
    - (iv) Ship dismantling:
      - a. Joint Working Group of the International Labour Organization, International Maritime Organization and the Basel Convention on Ship Scrapping;
      - b. Environmentally sound management of ship dismantling;
      - c. Abandonment of ships on land or in ports;
    - (v) Amendments to the lists of wastes and the status of decision VII/21;
    - (vi) Illegal traffic;
    - (vii) Preparation of technical guidelines on persistent organic pollutants and the methodology for further work on persistent organic pollutants;
    - (viii) Harmonization of forms for notification and movement documents and related instructions;

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1 United Nations General Assembly resolution 60/1 of 6 September 2005.

- (ix) Financial matters, resource mobilization and sustainable financing;
  - (x) Basel Protocol on Liability and Compensation;
  - (b) Proposed draft decisions for consideration by the Conference of the Parties at its eighth meeting.
5. International cooperation: World Trade Organization.
  6. Other matters.
  7. Adoption of the decisions and the report.
  8. Closure of the session.

### III. Organization of the session (agenda item 3)

11. The session was attended by representatives of the following Parties to the Convention: Algeria, Argentina, Australia, Austria, Belgium, Bhutan, Bolivia, Brazil, Burundi, Cambodia, Canada, Chad, Chile, China, Colombia, Costa Rica, Cuba, Czech Republic, Democratic Republic of Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, European Community, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Latvia, Malaysia, Maldives, Malta, Mauritius, Mexico, Mongolia, Morocco, Namibia, Netherlands, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, the Former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uzbekistan, Venezuela, Viet Nam and Zambia.

12. The following States not party to the Convention were represented: Angola, Iraq and United States of America.

13. Observers from the following United Nations bodies, specialized agencies and intergovernmental organizations were also present: International Labour Organization, International Maritime Organization, Office of the High Commissioner for Human Rights, Organisation for the Prohibition of Chemical Weapons, Stockholm Convention on Persistent Organic Pollutants, United Nations Environment Programme, United Nations Industrial Development Organization and World Trade Organization.

14. The following intergovernmental organization was represented: South Asia Cooperative Environment Programme.

15. The following non-governmental organizations, private sector organizations and others were represented: Arnika, American Chemistry Council, APME, Basel Action Network, BIMCO, Bureau of International Recycling, European Federation of Waste Management and Environmental Services, Formosa Association of Resource Recycling, Greenpeace International, Institute of Environment and Resources, International POPs Elimination Network, International Precious Metals Institute, NGO Platform on Shipbreaking, Taiwan Green Productivity Foundation, Towa Kagaku Co. Ltd. and World Chlorine Council.

16. Representatives also attended on behalf of the Basel Convention regional and coordinating centres for South America (located in Argentina), for the Asia and Pacific region (located in China), for the Arabic States (located in Egypt), for South-East Asia (located in Indonesia), for French-speaking Africa (located in Senegal), for Central and Eastern Europe (located in Slovakia), for English-speaking Africa (located in South Africa) and for the Caribbean region (located in Trinidad and Tobago). Representatives of the Basel Convention regional centre located in the Islamic Republic of Iran and the South Pacific Regional Environment Programme (located in Samoa) also attended.

17. The Working Group agreed to conduct the current session in plenary meetings on the understanding that informal contact groups would be established as required. It was agreed that the number of such groups would be kept to a minimum, and that no more than two would meet simultaneously. It further agreed that a contact group on financial matters (agenda item 4 (a) (ix)) would be established following the initial consideration of financial issues in plenary.

18. During the opening of the session, Ms. Daniel announced that Mr. Daniel Chacon-Anaya, who had been elected as Co-chair (technical) of the Working Group at its fourth session, was no longer serving with the Ministry of Environment of the Government of Mexico. Accordingly,

Mr. Chacon-Anaya would be replaced as Co-chair (technical) by Mr. Ernesto Navarro (Mexico). She also announced, at a later meeting, that Ms. Berina Uwimbabazi (Uganda) had unfortunately had to step down as Rapporteur of the Working Group for health reasons, and that Mr. Patrick Kamanda (Uganda) would take her place.

#### **IV. Implementation of the decisions adopted by the Conference of the Parties at its seventh meeting (agenda item 4)**

##### **A. Report to the Open-ended Working Group**

- (i) Strategic Plan for the Implementation of the Basel Convention: role and activities of the Basel Convention regional and coordinating centres**
- (ii) Basel Convention Partnership Programme**
- (iii) Mobile Phone Partnership Initiative**

19. The Working Group took up sub-items IV A (i), (ii) and (iii) concurrently at its 1st plenary meeting, on the morning of Monday, 3 April 2006. In considering the items, it had before it a note by the Secretariat on implementation of the decisions adopted by the Conference of the Parties at its seventh meeting (UNEP/CHW/OEWG/5/2), a report on the Strategic Plan for the Implementation of the Basel Convention and the role and activities of the Basel Convention regional and coordinating centres (UNEP/CHW/OEWG/5/INF/11) and a note by the Secretariat on the Mobile Phone Partnership Initiative containing a progress report on the work of the Mobile Phone Working Group (UNEP/CHW/OEWG/5/INF/13).

20. The representative of the Secretariat gave a presentation on the programme concept of the Strategic Plan for the Implementation of the Basel Convention, in which he described the move to a programme-based budget format and outlined how the Strategic Plan, derived from the decisions of the Conference of the Parties, served as the blueprint for the implementation of the Convention. He also highlighted certain issues such as the need to build upon national and regional experiences in order to place the focus more on prevention, the need to ensure that hazardous waste disposal became part of an integrated waste management strategy and the concept and role of the Basel Convention Operational Network.

21. The importance of the Basel Convention Operational Network and especially the regional and coordinating centres was highlighted by a number of Parties during the ensuing discussion. A representative of the Secretariat called upon parties to provide information on national efforts to take preventive measures to minimize waste and noted that regional centres should take initiatives in that regard. He highlighted the view that the Strategic Plan was the blueprint for the implementation of the Convention and that the Basel Convention regional and coordinating centres were the delivery mechanism for implementing the Strategic Plan.

22. Mr. Marco Buletti (Switzerland), Chair of the Mobile Phone Working Group, gave a progress report on the Mobile Phone Partnership Initiative. It included information on the development of guidelines prepared by the Group's four project groups, four sets of which (on refurbishment, collection, material recovery and recycling and awareness raising on design considerations) had been finalized and approved by the Mobile Phone Working Group. Executive summaries and recommendations from the four guidelines would be consolidated in an overall guidance document to be presented to the Conference of the Parties at its eighth meeting for consideration and possible adoption in accord with Conference of the Parties decision VII/4. Certain issues associated with the transboundary movement of used and end-of-life mobile phones required further deliberation, which would continue in project group 2.1. Two pilot projects on collection and treatment schemes were being considered, the launch of which would have to await allocation of financial resources. Other pilot projects would be considered at a later date, and there was good collaboration between the public and private sectors. A side event on the Mobile Phone Partnership Initiative would be held during the current session.

23. A number of representatives made comments on the sub-items. All who spoke acknowledged the importance of concentrating efforts and resources on the Strategic Plan focus areas. Many representatives stressed the importance of the Mobile Phone Partnership Initiative given the exponential growth in mobile phone use. Several expressed support for extending the Partnership Initiative to e-waste more generally and certain Parties reported that they had already begun doing so at the national level. It was pointed out that while telephone network operators had been involved with the Partnership Initiative, it was also necessary to involve mobile phone manufacturers. One Party put forward the view that while pilot projects had demonstrative value, more efforts should be put into machinery that would have longer-term impact.

24. The Working Group agreed that the Chair of the Mobile Phone Partnership Initiative would prepare a revised draft decision on the Partnership to reflect views expressed during the discussion and further comments submitted to him by representatives.

25. The Working Group adopted the draft decision on the Strategic Plan for the Implementation of the Basel Convention and the draft decision on the Basel Convention Partnership Programme on the basis of the drafts contained in the Secretariat's note. Decisions OEWG-V/1 and OEWG-V/2, as adopted, are contained in annex I to the present report. The Working Group also adopted the draft decision on the Mobile Phone Partnership Initiative on the basis of the draft contained in the Secretariat's note, as revised by the Chair of the Mobile Phone Partnership Initiative to take into account the proposals made by representatives. Decision OEWG-V/3, as adopted, is contained in annex I to the present report.

**(iv) Ship dismantling**

**(a) Joint Working Group of the International Labour Organization, International Maritime Organization and the Basel Convention on ship scrapping**

**(b) Environmentally sound management of ship dismantling**

**(c) Abandonment of ships on land or in ports**

26. The Working Group took up the item at its 2nd plenary meeting, on the afternoon of Monday, 3 April 2006. In considering the item, which consisted of sub-items (a), (b) and (c), on the Joint ILO/IMO/Basel Convention Working Group on Ship Scrapping, the environmentally sound management of ship dismantling and the abandonment of ships on land or in ports, the Group had before it notes by the Secretariat on the Joint ILO/IMO/Basel Convention Working Group and the environmentally sound management of ship dismantling (UNEP/CHW/OEWG/5/2/Add.1) and comments on environmentally sound ship dismantling received pursuant to decision OEWG-IV/5 (UNEP/CHW/OEWG/5/INF/4), a report by the Secretariat on developments at the fifty-fourth session of the Marine Environment Protection Committee (UNEP/CHW/OEWG/5/2/Add.2), IMO Assembly resolutions (UNEP/CHW/OEWG/5/INF/14), a draft pocket manual on implementation of green ship recycling (UNEP/CHW/OEWG/5/INF/22), and the report of the working group on ship recycling that met during the fifty-fourth session of the Marine Environment Protection Committee (UNEP/CHW/OEWG/5/INF/23). Introducing the item, the representative of the Secretariat reminded the Group of the respective decisions on the three issues taken by the Group at its fourth session and invited the Group to consider the next steps to be taken.

27. Several representatives highlighted the ongoing work of the IMO Marine Environment Protection Committee, including the development of a draft legally binding instrument on ship recycling and the establishment of an inter-sessional correspondence group on the instrument. Parties and non-parties were urged to participate to ensure that issues relevant to the Basel Convention were taken into account. Several other representatives, while recognizing the importance of the ongoing work at IMO, highlighted the contributions to be made by the Basel Convention, for instance on the reporting mechanism and environmentally sound management. One representative observed that while cooperation with IMO was important, the Working Group had a mandate under Conference of the Parties decision VII/26 to present proposals to the Conference of the Parties at its eighth meeting on the practical, legal and technical aspects of the dismantling of ships.

28. A representative of the Basel Action Network, speaking on behalf of the NGO Platform on Shipbreaking stressed the need for the Parties to the Basel Convention to be more active than ever to ensure that the principles of the Convention were upheld in the IMO instrument.

29. The Working Group agreed to establish a contact group, under the chairmanship of Mr. Roy Watkinson (United Kingdom of Great Britain and Northern Ireland), to consider the issue further during the current session.

30. At the Working Group's 6th plenary meeting, on the morning of Friday, 7 April 2006, Mr. Watkinson reported on the outcome of the contact group's work and presented draft decisions on abandonment of ships and the environmentally sound management of ship dismantling for the consideration of the Working Group. He noted that, while progress had been made, more work needed to be done in order to fulfil the Working Group's mandate on the issue in time for the eighth meeting of the Conference of the Parties. Following Mr. Watkinson's report, the Working Group adopted the draft decision on abandonment of ships prepared by the contact group. It also adopted the draft decision on the environmentally sound management of ship dismantling prepared by the contact group, as orally amended. Decisions OEWG-V/7 and OEWG-V/8, as adopted, are contained in annex I to the present report. The Working Group agreed that the written report of the contact group's deliberations (UNEP/CHW/OEWG/5/INF/25) would be made available on the Convention website.

**(v) Amendments to the lists of wastes and the status of decision VII/21**

31. The Working Group took up the item at its 6th plenary meeting, on the morning of Friday, 7 April 2006. It had before it the note by the Secretariat on the implementation of decisions adopted by the Conference of the Parties at its seventh meeting (UNEP/CHW/OEWG/5/2). The representative of Germany introduced a conference room paper proposing amendments to the appendix to the draft decision contained in document UNEP/CHW/OEWG/5/2. The Working Group adopted decision OEWG-V/10, on amendments to the lists of wastes and the status of decision VII/21, on the basis of the draft decision contained in the note by Secretariat and the revised appendix contained in the conference room paper submitted by Germany, as orally amended. The decision as adopted is contained in annex I to the present report.

**(vi) Illegal traffic**

32. The Working Group took up the item at its 2nd plenary meeting, on the afternoon of Monday, 3 April 2006. In considering the item, it had before it a revised draft training manual on illegal traffic prepared by the Secretariat (UNEP/CHW/OEWG/5/2/Add.3), which had been produced pursuant to decision OEWG-IV/8.

33. In introducing the item, the representative of the Secretariat informed the Parties that the previous draft of the manual had been amended and revised with a view to making it more suitable for training, and she recalled the mandate given to the Working Group by the Conference of the Parties at its seventh meeting to adopt the manual on its behalf. She also noted that the regional centre in Slovakia was organizing a workshop on illegal traffic to be held later in the year.

34. In the ensuing discussion, which focused on approval of the draft manual and future work on illegal traffic, a number of proposals were made to amend the draft decision contained in the note by the Secretariat (UNEP/CHW/OEWG/5/2/Add.3), following which the Group agreed that the Secretariat would prepare a revised draft decision for the Working Group's consideration taking into account the comments made during the discussion.

35. The Group also agreed that following the current session the Secretariat would develop an outline of elements that might be included in a draft instruction manual for the legal profession on prosecution of illegal traffic, based on proposals to be submitted by Parties on the items that such a manual could address. The Secretariat would present the outline for consideration by the Conference of the Parties at its eighth meeting, having regard to the question of whether such a manual could be useful in the light of the differences that existed among national legal regimes.

36. At its 5th plenary meeting, on the afternoon of Thursday, 6 April 2006, the Working Group adopted the draft decision on the revised draft training manual on illegal traffic, based on the draft contained in document UNEP/CHW/OEWG/5/2/Add.3, as revised to take into account proposals made in plenary. Decision OEWG-V/9, as adopted, is contained in annex I to the present report.

**(vii) Preparation of technical guidelines on persistent organic pollutants and the methodology for further work on persistent organic pollutants**

37. The Working Group took up the item at its 1st plenary meeting, on the morning of Monday, 3 April 2006. In considering the item, it had before it the note by the Secretariat on the implementation

of the decisions adopted by the Conference of the Parties at its seventh meeting (UNEP/CHW/OEWG/5/2), draft technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with unintentionally produced polychlorinated dibenzo-p-dioxins (PCDD), polychlorinated dibenzo furans (PCDF), hexachlorobenzene (HCB) or polychlorinated biphenyls (PCBs) (UNEP/CHW/OEWG/5/INF/7), draft technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with the pesticides aldrin, chlordane, dieldrin, endrin, heptachlor, hexachlorobenzene (HCB), mirex or toxaphene or with HCB as an industrial chemical (UNEP/CHW/OEWG/5/INF/8), draft technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with dichlorodiphenyltrichloroethane (DDT) (UNEP/CHW/OEWG/5/INF/9), the report of the first meeting of the Expert Group on Best Available Techniques and Best Environmental Practices under the Stockholm Convention on Persistent Organic Pollutants (UNEP/CHW/OEWG/5/INF/12) and a document containing comments on a methodology for further definition of low POP content, levels of destruction and irreversible transformation (UNEP/CHW/OEWG/5/INF/21).

38. Mr. Michael Ernst (Germany), Chair of the small intersessional working group meeting on the issue that took place on 2 April 2006, reported on the work of the group, noting that further discussion was needed in a number of areas. In particular, there were divergent views on the methodology for defining low POP content. Secondly, there appeared to be a need to update the general guidelines and the specific technical guidelines on PCBs, polychlorinated terphenyls (PCTs) and polybrominated biphenyls (PBBs) in certain areas.

39. The Working Group agreed to establish a technical matters contact group to consider the technical guidelines on persistent organic pollutants and the methodology for the further definition of low persistent organic pollutant content and of levels of destruction and irreversible transformation, under the chairmanship of Mr. Ernst.

40. At its 6th plenary meeting, on the morning of Friday, 7 April 2006, Mr. Ernst reported on the outcome of the technical matters contact group's work on what he said was an important area for cooperation between the wastes and chemicals fields as well as for partnership with environmental non-governmental organizations and industry. He referred the Working Group to draft revisions agreed by the contact group of the three sets of specific draft technical guidelines (UNEP/CHW/OEWG/5/INF/7/Rev.1, UNEP/CHW/OEWG/5/INF/7/Rev.1/Corr.1, UNEP/CHW/OEWG/5/INF/8/Rev.1, UNEP/CHW/OEWG/5/INF/9/Rev.1) and draft amendments to the general technical guidelines on persistent organic pollutants and the technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with PCBs, PCTs or PBBs (UNEP/CHW/OEWG/5/INF/24 and Corr.1), and presented a draft decision agreed by the contact group for the Working Group's consideration.

41. Following Mr. Ernst's report, the Working Group adopted the draft decision on technical guidelines on persistent organic pollutants proposed by the contact group. Decision OEWG-V/12, as adopted, is contained in annex I to the present report.

**(viii) Harmonization of forms for notification and movement documents and related instructions**

42. The Working Group took up the item at its 1st plenary meeting, on the morning of Monday, 3 April 2006. In considering the item, it had before it the note by the Secretariat on implementation of the decisions adopted by the Conference of the Parties at its seventh meeting (UNEP/CHW/OEWG/5/2) and a document containing comments from Germany on the forms for the notification document and the movement document and related instructions for filling in those forms (UNEP/CHW/OEWG/5/INF/10).

43. A number of representatives expressed their general agreement with the comments by Germany, while some made suggestions for further changes.

44. The Working Group agreed that the contact group on technical matters would also consider the issues under the present item.

45. As noted in section (vii), above, the chair of the technical matters contact group reported on the outcome of the group's deliberations at the Working Group's 6th plenary meeting, on the morning of Friday, 7 April 2006. He also invited interested Parties and others to submit names or contact points for nominations to the small intersessional working group to Mr. Ibrahim Shafii of the Secretariat. At that time, the Working Group adopted the draft decision on the harmonization of forms for notification and movement documents and related instructions proposed by the contact group. Decision OEWG-V/13, as adopted, is contained in annex I to the present report.

**(ix) Financial matters, resource mobilization and sustainable financing**

46. The Working Group took up the item at its 2nd plenary meeting, on the afternoon of Monday, 3 April 2006. In considering the item, it had before it a note by the Secretariat on financial matters (UNEP/CHW/OEWG/5/2/Add.4), a note by the Secretariat containing a proposed programme budget for the Trust Fund to Assist Developing Countries and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention (Technical Cooperation Trust Fund) for the biennium 2007–2008 (UNEP/CHW/OEWG/5/2/Add.9) and a note by the Secretariat on information on financial matters as requested by the Conference of the Parties in its decision VII/41 (UNEP/CHW/OEWG/5/INF/19). The Executive Secretary explained that the document on financial matters attempted to show the scale of activities to allow the Parties to better evaluate the budget for 2007 and 2008 and described potential cost-saving measures proposed with a view to minimizing the expected increase in Parties' contributions.

47. The Working Group took up the item again at its 3rd plenary meeting, on the morning of Tuesday, 4 April 2006. In addition to the documents described in the preceding paragraph, it had before it notes by the Secretariat on resource mobilization (UNEP/CHW/OEWG/5/2/Add.5/Rev.1), sustainable financing (UNEP/CHW/OEWG/5/2/Add.6) and enhancing synergies and cooperation (UNEP/CHW/OEWG/5/2/Add.8); a progress report on the resource mobilization programme (UNEP/CHW/OEWG/5/INF/15); an examination of Article 14 of the Basel Convention (UNEP/CHW/OEWG/5/INF/16); a study on improving cooperation and synergies between the Secretariats of the Basel, Rotterdam and Stockholm Conventions (UNEP/CHW/OEWG/5/INF/17); and a supplementary analysis of financial and administrative arrangements that would be needed to implement proposals for enhancing synergies among the chemicals and wastes conventions (UNEP/CHW/OEWG/5/INF/18).

48. In introducing the documents, the Executive Secretary explained that the examination of Article 14 of the Basel Convention was a fully revised study prepared pursuant to Conference of the Parties decision VII/40 and decision OEWG-IV/9 of the Open-ended Working Group.

49. In relation to funding and resource mobilization, the Executive Secretary presented a detailed analysis of short-, medium- and long-term options, stressing the difficulty of the financial situation facing the Convention, particularly in the light of increasing costs and continuing unpaid contributions. She highlighted the possibility of access to funding through the Global Environment Facility (GEF), as recommended in the study on the examination of Article 14, and suggested that while obtaining such funding might be a challenge, the Parties should nevertheless consider the matter further and attempt to engage GEF in an appropriate manner.

50. In the ensuing debate, many representatives supported the use of GEF as a financing mechanism for the Convention, particularly in the light of the Convention's continuing financial difficulties. Others, however, expressed reservations for various reasons. For example, it was suggested by certain representatives that it would not be advisable to pursue GEF as a funding mechanism for the Convention because of difficulties in the GEF replenishment negotiations.

51. The representative of Honduras, speaking on behalf of the group of Latin American and Caribbean countries and requesting that his remarks be reflected in the present report as a regional position, stated that the programme budget for the next biennium should be based on the following principles: a balanced budget with a nominal increase equivalent to zero per cent in the contributions of member States; an adjustment of the scale of contributions based on Parties' capacity to pay; and the implementation of cost saving measures. On the last subject, he said that the regional group considered that option 2 as presented in document UNEP/CHW/OEWG/5/2/Add.4 was appropriate and that, due to the present financial situation of the Secretariat, it recommended that salary levels in the Secretariat be maintained as established in the 2005–2006 programme budget and that the requirement of a 15 per cent minimum trust fund reserve be strictly complied with. In the interest of ensuring the effective implementation of the Strategic Plan, he reiterated the statement set forth in paragraph 136 of the report of the seventh meeting of the Conference of the Parties (UNEP/CHW.7/33). That statement is as follows:

“For the first time, all Parties to the Convention have accepted a commitment to contribute to the Basel Convention Trust Fund. One-hundred-sixteen Parties have been included in the scale of assessment for the Convention, of which over a hundred are developing countries.

As a result of the discussion on financial matters, it is understood that this commitment will be accompanied by an effort of the developed countries to increase substantially their contributions to the voluntary fund.

Developing countries expressed very clearly the view that the scale of assessments does not reflect the responsibilities of the Parties in the production and export of hazardous wastes.

It is understood that after the biennium 2005–2006, any change in the scale of assessment will only be made by consensus on the basis of proposals circulated at least ninety days before the meeting of the Conference of the Parties at which they are to be considered.”

He concluded his remarks by stating that in the next biennium one of the most important considerations for the region would be the reinforcement of technical assistance programmes and support to countries and regional centres.

52. No consensus was reached on the question of revising the scale of contributions, as some were of the view that the Working Group was an inappropriate forum for such considerations.

53. The Executive Secretary explained that an increase in the assessed contributions of Parties, as set out in the proposed budget, was a result of the lack of funds available to be drawn down from the reserve of the Basel Convention Trust Fund, and was only to maintain the current capacity and activities of the Secretariat. She noted further that the application of United Nations standard salary costs, which provide for the absorption of the impact of exchange rates and staff benefits, also resulted in an increase in the assessed contributions of Parties, although that increase would entail changes in the number of staff posts or the salary levels of Secretariat personnel.

54. Numerous representatives raised concerns about unpaid contributions. One proposed that pursuing arrears in contributions was a better way to improve the financial situation of the Convention than cost-cutting. Many others echoed the concern with cost-cutting, saying that cost savings, such as by reducing the number of languages used by the Convention, should not be achieved at the expense of the effective implementation of the Convention. Some felt the only way to avoid such a result was through greater contributions from parties or alternative sources of funding such as the private sector.

55. Some representatives, in particular those of Norway and New Zealand, indicated that their countries would be open to considering an increase in their voluntary contributions.

56. On the subject of synergies and cooperation, most representatives who took the floor spoke of a need to ensure the integrity and identity of the Convention. They stressed that the focus should be on achieving greater harmonization between Conventions, examining collaborative activities and avoiding duplication of responsibilities.

57. Other issues raised included strengthening of regional centres and promoting capacity-building, technical support and technology transfer for developing countries.

58. Following its discussion on the item, the Working Group established a contact group on financial matters, resource mobilization, sustainable financing and synergies, as had been agreed at its 1st plenary meeting, to carry out the work on the item taking into account the debate thus far. The contact group would be co-chaired by Ms. Daniel and Mr. Osvaldo P. Alvarez-Pérez (Chile).

59. At the Working Group's 7th plenary meeting, on the afternoon of Friday, 7 April 2006, Ms. Daniel and Mr. Alvarez-Pérez reported on the work of the contact group and presented revised versions of the four draft decisions contained in the notes by the Secretariat on financial matters (UNEP/CHW/OEWG/5/2/Add.4), resource mobilization (UNEP/CHW/OEWG/5/2/Add.5), sustainable financing, (UNEP/CHW/OEWG/5/2/Add.6) and synergies (UNEP/CHW/OEWG/5/2/Add.8). The Working Group adopted decision OEWG-V/14, on financial matters, decision OEWG-V/4, on resource mobilization, and decision OEWG-V/5, on sustainable financing, on the basis of the draft decisions agreed by the contact group, as well decision OEWG-V/6, on synergies, on the basis of the draft decision agreed on by the contact group, as orally amended. The decisions, as adopted, are contained in annex I to the present report.

**(x) Basel Protocol on Liability and Compensation**

60. The Working Group took up the item at its 2nd plenary meeting, on the afternoon of Monday 3 April 2006. In considering the item, it had before it a note by the Secretariat on insurance, other

financial guarantees and financial limits (UNEP/CHW/OEWG/5/2/Add.7) and a report on a regional workshop for Central and Eastern European States (UNEP/CHW/OEWG/5/INF/6). The Secretariat sought guidance on the issue of financial guarantees and insurance from the Parties. As there would be insufficient time to explore all the options highlighted in the Secretariat's note, it was agreed that States would be invited to submit proposals on prioritizing options and other specific concerns by 31 July 2006. Some Parties offered their expertise. Concerns were voiced over the compatibility of European Union law with the Basel Convention and it was suggested that it would be necessary to await the results of a study on that question that was being conducted by the Union. One representative suggested that there was a divergence of views regarding the financial limits established under the Protocol and that the issue would have to be discussed further. Another suggested promoting a shift in emphasis of the Protocol from a punitive instrument to one facilitating trust and generating employment opportunities. Following the discussion, the Group agreed that the Secretariat would prepare a revised draft decision to reflect the comments of the Parties.

61. At its 5th plenary meeting, on the afternoon of Thursday, 6 April 2006, the Working Group adopted the draft decision on the Basel Protocol on Liability and Compensation, based on the draft contained in document UNEP/CHW/OEWG/5/2/Add.7, as revised to take into account proposals made in plenary. Decision OEWG-V/11, as adopted, is contained in annex I to the present report.

## **B. Proposed draft decisions for consideration by the Conference of the Parties at its eighth meeting**

62. The Working Group took up the item at its 4th and 5th plenary meetings, on the morning and afternoon of Thursday, 6 April 2006. In considering the item, it had before it annex II of a note prepared by the Secretariat containing proposed draft decisions for consideration by the Conference of the Parties at its eighth meeting (UNEP/CHW/OEWG/5/2).

63. The Working Group approved the following draft decisions for consideration and possible adoption by the Conference of the Parties at its eighth meeting, on the basis of the draft decisions contained in document UNEP/CHW/OEWG/5/2, as orally amended where so indicated:

- (a) Working relationship with the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals;
- (b) Separate identification in the World Customs Organization Harmonized Commodity Description and Coding System of certain wastes in Annexes VIII and IX to the Basel Convention;
- (c) Classification and hazard characterization of wastes (as orally amended);
- (d) National classification and control procedures for the import of wastes contained in Annex IX;
- (e) Technical guidelines on environmentally sound management (as orally amended);
- (f) Implementation of decision VII/2 on hazardous waste minimization (as orally amended);
- (g) Transmission of information, including implementation of decision II/12 (as orally amended);
- (h) Implementation of decision III/1 on amendment of the Convention;
- (i) Implementation of decision V/32, on enlarging the scope of the Technical Cooperation Trust Fund;
- (j) National legislation and other measures adopted by Parties to implement the Basel Convention;
- (k) Article 11 agreements and arrangements;
- (l) National definitions of hazardous wastes.

64. The draft decisions, as approved, are set out in annex II to the present report.

65. During the discussion of the implementation of decision III/1, the representative of Kuwait announced that her country had recently ratified the amendment to the Basel Convention contained in that decision. In addition, a number of representatives welcomed the information provided by the Secretariat that the Expanded Bureau would be facilitating regional consultations concerning paragraph 5 of Article 17 of the Convention with a view to assisting deliberations on the issue at the eighth

meeting of the Conference of the Parties. The representative of the Basel Action Network congratulated those Parties that had ratified the amendment since the last meeting. He suggested that the amendment was needed more urgently than ever and that the Parties should take a decision on it as a matter of urgency.

66. During the discussion on Article 11 agreements and arrangements, in response to a query from a Party, the Working Group agreed that the question of whether agreements entered into by Parties under Article 11 actually met the criteria established under that article should be considered by the Conference of the Parties at its eighth meeting.

67. With respect to the draft decision on the work programme of the Working Group for 2007–2008, the Working Group requested the Secretariat to prepare the work programme in time for its consideration by the Conference of the Parties at its eighth meeting.

## **V. International cooperation: World Trade Organization (agenda item 5)**

68. The Working Group took up the item at its 5th plenary meeting, on the afternoon of Thursday, 6 April 2006. It had before it a note prepared by the Secretariat reporting on the status of cooperation with the World Trade Organization (UNEP/CHW/OEWG/5/3). The representative of the Secretariat summarized the mandate given to the Secretariat by the Conference of the Parties at its sixth and seventh meetings in decisions VI/30 and VII/38 respectively.

69. The Working Group was informed that observer status had been requested for the Secretariat of the Basel Convention in the Committee on Trade and Environment in Special Session. While the Secretariat had been permitted to attend meetings of the Committee on an *ad hoc* basis as an observer, the request for formal observer status remained pending.

70. Several delegations stressed the importance of the Convention gaining observer status with the Committee on Trade and Environment in Special Session, saying that it would ensure greater understanding and cooperation on the interplay between trade and environment issues. Furthermore, there was consensus in respect of the need for increased capacity-building to promote coordination among national authorities with respect to issues relating to trade and the environment.

71. The Working Group adopted the draft decision on cooperation with the World Trade Organization on the basis of the draft contained in the Secretariat's note. Decision OEWG-V/15, as adopted, is contained in annex I to the present report.

## **VI. Other matters (agenda item 6)**

### **A. Compliance Committee nominations**

72. The Working Group took up the item at its 2nd plenary meeting, on the afternoon of Monday 3 April 2006. In considering the item, it had before it a note by the Secretariat on the mechanism for promoting implementation and compliance (UNEP/CHW/OEWG/5/4), noting that the terms of office of ten members of the Committee for Administering the Mechanism for Promoting Implementation and Compliance would come to an end at the eighth meeting of the Conference of the Parties. A representative of the Secretariat called on the Parties to conduct regional consultations for nominations of ten new members of the Committee by 27 September 2006. Elections would be held at the eighth meeting of the Conference of the Parties. In the interest of continuity, one representative called for the proposed decision on the item to invite Parties to ensure that only candidates likely to serve their complete terms of office were nominated.

73. The Working Group agreed that the Secretariat would prepare a revised draft decision for its consideration.

74. At its 5th plenary meeting, on the afternoon of Thursday, 6 April 2006, the Working Group adopted the decision on the nomination of members of the Committee for Administering the Mechanism for Promoting Implementation and Compliance on the basis of the draft contained in document UNEP/CHW/OEWG/5/4, as revised by the Secretariat to reflect the debate on the item. Decision OEWG-V/16, as adopted, is contained in annex I to the present report.

## **B. Report from the United Nations Environment Programme**

75. At the Working Group's 5th plenary meeting, on the afternoon of Thursday, 6 April 2006, the representative of the Secretariat drew attention to a report from the United Nations Environment Programme (UNEP) to the Conference of the Parties for consideration at its eighth meeting (UNEP/CHW/OEWG/5/INF/20). The report described UNEP activities in the area of hazardous wastes and administrative support to the Convention for the period from January 2004 to December 2005, as well as ongoing and planned activities for the period from January 2006 to December 2007.

## **C. Letters of designation**

76. At the Working Group's 6th plenary meeting, on the morning of Friday, 7 April 2006, the representative of Canada addressed the question of letters of designation, which had been raised at the Working Group's fourth session. She explained that while Canada had indicated at the fourth session that it would prepare such a paper (see UNEP/CHW/OEWG/4/18, para. 93), it believed that it was no longer necessary because discussions with the Secretariat had confirmed that the letters were not credentials and did not need to be signed by a minister but were instead letters signed by departmental officials confirming the composition of delegations that were intended to facilitate security procedures. On that basis, Canada believed that it should be able to agree to the Secretariat requesting such letters of designation for future meetings of the Working Group.

## **VII. Adoption of the decisions and the report (agenda item 7)**

77. During the current session, the Working Group adopted various decisions under the items contained in the agenda for the session. The adoption of those decisions is described in the sections of the present report relating to the agenda items to which they pertain. The decisions as adopted are set out in annex I to the present report.

78. The Working Group also approved draft decisions for consideration and possible adoption by the Conference of the Parties at its eighth meeting. The approval of those decisions is described in section IV (b) of the present report and the decisions as approved are set out in annex II to the present report.

79. The Working Group adopted the present report at its 7th plenary meeting, on the afternoon of Friday, 7 April 2006, on the basis of the draft report contained in documents UNEP/CHW/OEWG/5/L.1, Add.1 and Add.2, as orally amended, on the understanding that the finalization of the report would be entrusted to the Secretariat, working in consultation with the Co-Chairs and the Rapporteur.

## **VIII. Closure of the session (agenda item 8)**

80. In anticipation of the forthcoming eighth meeting of the Conference of the Parties, which was to be held at the headquarters of the United Nations Environment Programme in Nairobi, Kenya, the representative of Kenya, stressing the warm welcome that awaited participants, gave a brief talk and slide presentation in which he highlighted his country's rich cultural heritage and abundant natural beauty.

81. Following the presentation by the representative of Kenya and the customary exchange of courtesies, the fifth 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 4.25 p.m. on Friday, 7 April 2006.

## Annex I

### **OEWG-V/1: Strategic Plan for the Implementation of the Basel Convention: role and activities of the Basel Convention regional and coordinating centres**

*The Open-ended Working Group,*

*Recalling* the Strategic Plan for the implementation of the Basel Convention (to 2010),

1. *Takes note with appreciation* of the report of the Secretariat<sup>1</sup> on the progress made in the implementation of the Strategic Plan;
2. *Notes with appreciation* the completion by Parties and the Basel Convention regional and coordinating centres of 15 projects approved under the Plan;
3. *Requests* the Secretariat to report to the Conference of the Parties at its eighth meeting on further progress in the implementation of the Strategic Plan and related activities;
4. *Notes* the need to streamline reporting to Parties on issues that are interlinked in regard to the implementation of the Strategic Plan, which is the blueprint for the implementation of the Basel Convention up to 2010;
5. *Requests* the Secretariat to submit to the Conference of the Parties for its consideration and possible adoption at its eighth meeting a draft decision which would:
  - (a) Merge the following items under the Strategic Plan for the Implementation of the Basel Convention (decision VII/1): Hazardous waste minimization (decision VII/2); Small island developing States (decision VII/5); Implementation of the Environment Initiative of the New Partnership for Africa's Development as it relates to hazardous wastes and other wastes (decision VII/6); Follow-up to the World Summit on Sustainable Development (decision VII/7); Capacity-building for implementation of the Strategic Plan (decision VII/8); and Basel Convention regional centres: report on progress (decision VII/9);
  - (b) Incorporate the Basel Convention Partnership Programme as a complementary mechanism to support the implementation of the Strategic Plan focus areas which are mirrored in the 2005–2006 work plan for the Partnership Programme;
  - (c) Request the Secretariat and the Basel Convention regional and coordinating centres to work together with interested Parties and other stakeholders towards consolidating existing technical, legal or capacity-building programmes to support the implementation of the Strategic Plan focus areas at the regional level;
  - (d) Request the Secretariat to initiate consultations with the 14 Basel Convention regional and coordinating centres with a view to determining how those centres can contribute to providing and improving synergies at the regional level with the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trades and the Montreal Protocol on Substances that Deplete the Ozone Layer;
  - (e) Request the Secretariat to work closely with the Basel Convention regional and coordinating centres, as the Basel Convention operational network, under the guidance of the Open-ended Working Group and Expanded Bureau, to develop and operationalize programmes and a fund-raising strategy to implement the centres' activities in support of the Strategic Plan focus areas;
  - (f) Invite Parties and their public and private stakeholders to make financial and in-kind contributions to support the implementation of the Strategic Plan;
  - (g) Request the Secretariat to report on developments and obstacles in the implementation of the Strategic Plan focus area to the Conference of the Parties at its ninth meeting.

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<sup>1</sup> UNEP/CHW/OEWG/5/INF/11.

## **OEWG-V/2: 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,

*Recognizing* that public-private partnerships are important tools to support and complement Parties' efforts to implement the Basel Convention,

1. *Requests* the Secretariat to report on progress to the Conference of the Parties at its eighth meeting on the implementation of the 2005–2006 work plan of the Partnership Programme;
2. *Also requests* the Secretariat to submit to the Conference of the Parties at its eighth meeting a proposed 2007–2008 work plan for the Partnership Programme for its consideration and eventual adoption;
3. *Encourages* stakeholders, in particular industry, to join in the efforts undertaken by Parties to implement the public-private partnership initiatives and programmes.

## **OEWG-V/3: Mobile Phone Partnership Initiative**

*The Open-ended Working Group,*

*Recalling* decision VII/4 of the Conference of the Parties and decision OEWG-IV/2 of the Open-ended Working Group,

1. *Notes with appreciation* the progress made in the implementation of the Mobile Phone Partnership Initiative and the report<sup>2</sup> submitted by the chair of the Mobile Phone Working Group established under the Open-ended Working Group;
2. *Welcomes* the completion of four guidelines on mobile phones under the partnership relating to public awareness on design considerations, collection of used mobile phones, material recovery and recycling of end-of-life mobile phones, refurbishment of used mobile phones and ongoing work to complete the fifth guideline on transboundary movement of used and end-of-life mobile phones;
3. *Invites* Parties to continue to participate in and contribute actively to the Mobile Phone Working Group;
4. *Requests* the Mobile Phone Working Group to complete the overall guidance document on environmentally sound management of used and end-of-life mobile phones for consideration and eventual adoption by the Conference of Parties at its eighth meeting;
5. *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 and to provide financial support for the participation of representatives of developing countries and countries with economies in transition in the Mobile Phone Working Group;
6. *Also requests* the Secretariat to report on progress to the Conference of the Parties at its eighth meeting;
7. *Further requests* the Secretariat to prepare a draft decision concerning the Mobile Phone Partnership Initiative for consideration by the Conference of the Parties at its eighth meeting.

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<sup>2</sup>

UNEP/CHW/OEWG/5/INF/13.

## **OEWG-V/4: Resource mobilization**

*The Open-ended Working Group,*

Recalling its decision OEWG-IV/15 and paragraph 136 of the report of the seventh meeting of the Conference of the Parties;

1. *Welcomes* the progress made by the Secretariat together with the Basel Convention regional and coordinating centres in mobilizing resources to complement and support the efforts of Parties to implement the Basel Convention Strategic Plan, as well as the activities carried out by the senior programme officer for resource mobilization and partnerships;
2. *Urges* the Secretariat to continue its efforts on the fundraising campaign for the Trust Fund to Assist Developing Countries and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention and to maintain an up-to-date report on results on the Convention website;
3. *Notes* the need for the Conference of the Parties at its eighth meeting to consider further action on resource mobilization in the light of the recommendations to be made by the Secretariat in accordance with decision OEWG-IV/15.

## **OEWG-V/5: Sustainable financing**

*The Open ended Working Group*

1. *Requests* the Executive Secretary, in order to support current efforts by Basel Convention Parties to obtain funding, to complete a generic funding rationale for consideration by the Conference of the Parties at its eighth meeting reflecting the benefits associated with the implementation of the Strategic Plan for the Implementation of the Basel Convention, such as for the global environment, human health and sustainable development, drawing as much as possible on existing material;
2. *Recommends* the following elements for a draft decision for consideration and possible adoption by the Conference of the Parties at its eighth meeting;

*The Conference of the Parties,*

*Recognizing* the need to secure sustainable financing to assist Parties in implementing the Convention,

*Recalling* its decision VII/40 calling for an examination of Article 14 of the Convention to determine the legal and institutional feasibility of appropriate and predictable financial mechanisms of the Convention,

*Noting* the Article 14 study carried out in response to decision VII/40,

*Also recalling* decision OEWG IV/15 of the Open-ended Working Group on resource mobilization,

1. *Agrees* to supplement current and ongoing resource mobilization activities under the Convention by requesting:
  - (a) The Open-ended Working Group to initiate a review of the Trust Fund to Assist Developing Countries and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention for purposes of better aligning voluntary earmarked contributions to the fund with a short list of strategic priorities identified by the Conference of the Parties on a [biennium] [triennium] basis and drawn from the Basel Convention Strategic Plan focus areas;

(b) The Executive Secretary to enhance efforts to explore and pursue opportunities for activities associated with implementation of the Strategic Plan for the Implementation of the Basel Convention to be funded by the Global Environment Facility consistent with the Facility's mandate, focal area operational programmes and strategic priorities;

### Alt 1

[(c) *Requests* the Open-ended Working Group to develop possible recommendations for consideration by the Conference of the Parties at its ninth meeting with respect to the feasibility of a formal request to the Global Environment Facility regarding the establishment of a new focal area relevant to the scope of the Basel Convention and for the Facility to consider becoming a financial mechanism of the Convention, including, as appropriate, an elaboration of a description of the global benefits of the Convention;]

### Alt 2

[1 bis *Requests* the Executive Secretary to begin exploring with the Chief Executive Officer of the Global Environment Facility options for furthering access to the Global Environment Facility as a financial mechanism of the Basel Convention;]

### Alt 3

[1 bis *Requests* the Executive Secretary to begin exploring, with the Chief Executive Officer of the Global Environment Facility, possibilities for furthering access to financing in support of the Basel Convention;]

2. *Also requests* the Secretariat and the Basel Convention regional centres, subject to the availability of voluntary contributions and in consultation with relevant international organizations such as the Global Environment Facility, to conduct training activities in the regional centres and with countries within the regions to enhance their capacity to access the Global Environment Facility and other financing mechanisms;

3. *Encourages* competent authorities and focal points of the Basel Convention to pursue opportunities for coordination at the national level regarding other chemical and waste management activities, including those advanced under other multilateral environmental agreements;

4. *Further requests* the Open-ended Working Group to monitor implementation of the present decision and report to the Conference of the Parties on the implementation thereof.

## OEWG-V/6: Synergies

*The Open-ended Working Group,*

*Recalling* its decision OEWG-IV/10 in which it requested 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 in exploring cooperation and synergies, taking into account decision SC-1/18 of the Conference of the Parties of the Stockholm Convention, and to make recommendations to the Conference of the Parties at its eighth meeting,

*Recognizing* that there is further need for consideration of the substance of the proposals contained in the annex to the note by the Secretariat on improving cooperation and synergies,<sup>3</sup> as well as the study prepared by the Secretariat of the Stockholm Convention<sup>4</sup> and the supplementary financial analysis prepared by the United Nations Environment Programme pursuant to decision RC-2/6 of the Conference of the Parties of the Rotterdam Convention,<sup>5</sup>

*Noting* the recent adoption of the Strategic Approach to International Chemicals Management,

3 UNEP/OEWG/5/2/Add.8.

4 UNEP/CHW/OEWG/5/INF/17 (incorporating UNEP/POPS/COP.2/25 and UNEP/POPS/COP.2/INF/12).

5 UNEP/POPS/COP.2/INF/18.

*Noting also* the need carefully to take into account the autonomy of conferences of the parties in any decisions on synergies,

1. *Requests* the Secretariat to send the annex to the note by the Secretariat,<sup>6</sup> which contains useful preliminary information that has not yet been fully considered by the Open-ended Working Group, to the Secretariats of both the Stockholm and Rotterdam Conventions and to invite them to make the document available as an information paper to their respective conferences of the parties and the Executive Director of the United Nations Environment Programme;

2. *Invites* Parties to transmit to the Secretariat comments and proposals on the annex to the Secretariat's note<sup>7</sup> by 31 July 2006;

3. *Directs* the Secretariat to compile the comments and proposals it receives pursuant to paragraph 2 above for submission to the Conference of the Parties at its eighth meeting;

4. *Requests* the Secretariat to transmit to the Conference of the Parties for consideration at its eighth meeting the annex to the Secretariat's note,<sup>8</sup> the Stockholm Secretariat study<sup>9</sup> and the United Nations Environment Programme supplementary financial analysis,<sup>10</sup> as well as any relevant decisions adopted by the Conference of the Parties of the Stockholm Convention at its second meeting and the Conference of the Parties of the Rotterdam Convention at its third meeting and the final recommendations requested in decision OEWG-IV/10;

5. *Invites* the Secretariats of the Basel, Stockholm and Rotterdam Conventions and the United Nations Environment Programme to enhance cooperation on a mutually inclusive basis on synergies across the three Conventions;

6. *Invites* Parties to coordinate fully at the national level on cooperation and synergies so that the Conferences of the Parties of the Stockholm, Rotterdam and Basel Conventions can take harmonized complementary decisions.

## **OEWG V/7: Abandonment of ships**

### *The Open-ended Working Group*

1. *Requests* the Secretariat to review and analyse information received from Parties, other States, ship owners and other stakeholders by 30 June 2006 on the abandonment of ships on land or in ports and to identify key issues for proposals on how to address cases of such abandonment for consideration by the Conference of the Parties at its eighth meeting;

2. *Also requests* the Secretariat to continue consultations with the secretariats of the International Labour Organization and the International Maritime Organization on the issue and to follow closely developments on the issue in the International Labour Organization and the International Maritime Organization and to report on them to the Conference of the Parties at its eighth meeting.

## **OEWG-V/8: Environmentally sound management of ship dismantling**

### *The Open-ended Working Group,*

*Recalling* that the Conference of the Parties at its seventh session invited the International Maritime Organization to continue considering the establishment in its regulations of mandatory requirements, including a reporting system for ships destined for dismantling, that would ensure an equivalent level of control as established under the Basel Convention and to continue work aimed at the establishment of mandatory requirements to ensure the environmentally sound management of ship dismantling, which might include pre-decontamination within its scope;

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6 UNEP/OEWG/5/2/Add.8.

7 Ibid.

8 Ibid.

9 UNEP/CHW/OEWG/5/INF/17 (incorporating UNEP/POPS/COP.2/25 and UNEP/POPS/COP.2/INF/12).

10 UNEP/POPS/COP.2/INF/18.

1. *Welcomes* the steps taken toward the development of a legally binding instrument for the safe and environmentally sound recycling of ships;
2. *Encourages* Parties to organize internal coordination between their International Maritime Organization and Basel Convention representatives and to participate actively in the consideration by the International Maritime Organization's Marine Environment Protection Committee of the draft text for a new legally binding instrument for the safe and environmentally sound recycling of ships, including, but not limited to, by presenting proposals for provisions on preparations for ship recycling, requirements for ship recycling facilities and reporting requirements;
3. *Invites*, pursuant to the recommendation of the Joint International Labour Organization/International Maritime Organization/Basel Convention Working Group (Joint Working Group) at its second session, as reflected in its report<sup>11</sup> on the work of the session, Parties and other stakeholders to provide information to the Secretariat, to be shared with the International Labour Organization and the International Maritime Organization, on any technical cooperation activities or other relevant initiatives already launched or planned so that those activities can be taken into account in the future technical cooperation programmes of the three organizations;
4. *Requests* the Secretariat to follow the development of the draft text for the legally binding instrument for the safe and environmentally sound recycling of ships by the Marine Environment Protection Committee and report thereon to the Conference of the Parties at its eighth meeting;
5. *Requests* Parties and others to forward to the Secretariat by 30 June 2006 relevant information that may be of assistance to stakeholders in developing measures to address, in the short and medium term, the potentially harmful consequences of ship dismantling on human health and the environment;
6. *Requests* the Secretariat to compile and make available on the Basel Convention website relevant practical information and documents on the environmentally sound management of ship recycling, which would include the guidelines of the three organizations and annex 2 of the report of the second session of the Joint Working Group<sup>12</sup> on the comparison of those guidelines, to serve as a reference tool for stakeholders;
7. *Requests* Parties and others to submit to the Secretariat by 30 June 2006 available information with regard to pre-cleaning and decontamination and requests the Secretariat to make the information received available on the Basel Convention website;
8. *Requests* the Secretariat to provide a brief description of the information compiled and available on the Basel Convention website to facilitate consideration by the Conference of the Parties at its eighth meeting;
9. *Invites* Parties and others to provide their assessments of the level of control and enforcement established by the Basel Convention, in its entirety;
10. *Invites* Parties and others to make comparisons with the expected level of control and enforcement to be provided by the draft instrument on ship recycling in its entirety, and submit them to the Secretariat;
11. *Requests* the Secretariat to compile the information received and submit it to the Conference of the Parties for its consideration at its eighth meeting;
12. *Welcomes* the outcome of the second session of the Joint Working Group;

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11 ILO/IMO/BC/WG 2/11.

12 Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships (UNEP/CHW.6/23), IMO *Guidelines on Ship Recycling*, adopted on 5 December 2003 at the twenty-third session of the Assembly by resolution A.962(23), *Safety and Health in Shipbreaking: Guidelines for Asian countries and Turkey*, endorsed for publication by the Governing Body of the International Labour Office at its 289<sup>th</sup> session (March 2004).

13. *Acknowledges* that a future meeting of the Joint Working Group could be useful and that specific proposals for objectives and a work programme for such a meeting could be formulated by the Conference of the Parties at its eighth meeting and other relevant bodies of the three organizations in the light of developments relating to the draft legally binding instrument within the International Maritime Organization after the fifty-fifth session of the Marine Environment Protection Committee, taking into account the work of the correspondence group and developments at the fifty-fifth session.

## **OEWG-V/9: Illegal traffic manual**

### *The Open-ended Working Group*

1. *Approves* the draft training manual annexed to the note on the draft manual by the Secretariat,<sup>13</sup> which shall be appendix 5 to the Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Wastes;

2. *Requests* the Secretariat to publish the Training Manual in the six official United Nations languages and to disseminate it widely as funds become available for that purpose, and invites Parties to provide voluntary contributions towards that end to enable the Secretariat to disseminate the Training Manual;

3. *Requests* the Secretariat to transmit the Training Manual to the World Customs Organization and to seek that organization's comments thereon, having regard to its competence and activities related to illegal traffic;

4. *Invites* Parties to use the Training Manual, to report to the Secretariat on their experience in the use of the Training Manual and to submit to the Secretariat, on an ongoing basis, information on their domestic legislation and regulations and to submit also case studies relating to the prevention and punishment of illegal traffic;

5. *Requests* the Secretariat to supplement the Training Manual on a regular basis by publishing copies of national legislation, regulations and case studies relating to the prevention and punishment of illegal traffic, in the languages in which such copies are received, on the Convention website;

6. *Requests* Parties to submit proposals for items that could be addressed in an instruction manual for the legal profession on the prosecution of illegal traffic to the Secretariat by 31 July 2006;

7. *Requests* the Secretariat to prepare an outline of an instruction manual for the legal profession on the prosecution of illegal traffic, based on submissions received from Parties, for consideration by the Conference of the Parties at its eighth meeting;

8. *Invites* the Conference of the Parties to consider adopting, at its eighth meeting, a decision along the following lines:

#### *"The Conference of the Parties*

1. *Approves* the outline of the instruction manual for the legal profession on the prosecution of illegal traffic contained in document [...]

2. *Requests* the Secretariat to prepare, for submission to the Open-ended Working Group at its seventh meeting, a draft instruction manual for the legal profession on the prosecution of illegal traffic based on the outline;

3. *Calls upon* Parties to make voluntary contributions for the preparation of the draft instruction manual as either a text document, a text document accompanied by a visual presentation or a self-learning CD-ROM, commencing with the first option for which sufficient funding becomes available;

4. *Agrees*, upon approval by the Open-ended Working Group of the text of the draft instruction manual, to include the approved text of the manual as appendix 6 to the Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Wastes;

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13 UNEP/CHW/OEWG/5/2/Add.3.

5. *Requests* the Secretariat, in collaboration with the Basel Convention regional centres, to continue to assist Parties, particularly developing countries and countries with economies in transition, in implementing the guidance elements at the national level, including the development of national contingency plans;

6. *Also requests* the Secretariat to continue its efforts to organize further training seminars in cooperation, where feasible, with other international organizations, agencies or programmes to assist Parties, particularly developing countries and countries with economies in transition, in implementing the guidance elements;

7. *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-V/10: Amendments to the lists of wastes and the status of decision VII/21**

### *The Open-ended Working Group*

*Recommends* that the Conference of the Parties, at its eighth meeting, consider adopting a decision along the following lines:

*“The Conference of the Parties,*

1. *Decides* to clarify the procedure for the review or adjustment of lists of wastes contained in Annexes VIII and IX of the Basel Convention set forth in the appendix to Conference of the Parties decision VI/35 and adopts the amended procedure set forth in the appendix to the present decision.

2. *Invites* Parties and others to provide comments with regard to a technical review of the wording of the entries in each of the language versions of Annexes VIII and IX of the Basel Convention, and particularly of entry B1030, by 31 December 2006, to be compiled by the Secretariat for further consideration by the Open-ended Working Group at its sixth session.”

## **Appendix to decision OEWG-V/10**

### **Procedure for the review or adjustment of lists of wastes contained in Annexes VIII and IX**

1. *The review or adjustment of the lists of wastes contained in Annexes VIII and IX of the Basel Convention can entail either amendments or corrections of those annexes. There is a legal distinction between amendments, on the one hand, and corrections, on the other.*

2. *An amendment refers to the formal alteration of the provisions of a treaty by the parties. The procedure for amending annexes of the Convention is governed by Articles 17 and 18 of the Convention. More particularly, such amendments must be adopted at a meeting of the Conference of the Parties and become effective six months from the date of issuance of a circular notification by the Depositary.*

3. *Corrections to the original text of a treaty may become necessary because of:*

(a) *A physical error in typing or printing, spelling, punctuation, etc.;*

(b) *A lack of conformity of the original of the treaty with the official records of the diplomatic conference which adopted the treaty;*

(c) *A lack of concordance between the different authentic texts constituting the original of the treaty.*

4. *The procedures for correcting a treaty are governed by Depositary practice.*

## **I. Procedure for amendments**

### **A. Applications**

5. Applications must be submitted to the secretariat using the form below. Any Party, observer State, non-governmental organization, private company or individual has the right to fill out the application form with the proposed placement of wastes under Annex VIII or Annex IX, or with a proposal for removing wastes from Annex VIII, Annex IX or working list C. Any application submitted to the secretariat shall be by or through a Party or observer State.

6. A Party submitting an application shall clearly state whether or not the application is a formal proposal for amendment of the annexes to the Basel Convention in accordance with articles 17 and 18 of the Convention.

7. Competent authorities and focal points are requested to make available any information in addition to the form to all focal points of the Basel Convention and to advise the Secretariat that this has been done. If a competent authority or focal point is unable to make available any annexes or attachments to all focal points of the Basel Convention, it may request the Secretariat to undertake that function.

### **B. Procedure for transmission of the form**

8. The applicant must present the application form with any additional information to a national authority for the Basel Convention.

9. The competent authority and/or focal point should consider the application form with any additional information and only forward it to the Secretariat of the Basel Convention if it is properly completed and if the completed application provides sufficient information for the Open-ended Working Group to reach a decision.

10. The Open-ended Working Group will consider the application at its following meeting, provided it is received by the Secretariat within the time frame stipulated in paragraph 11 (a) below.

### **C. Time frame for application**

11. *Paragraph 2 of Article 17 of the Basel Convention requires that the text of any proposed amendment to the Convention be communicated to the Parties by the Secretariat at least six months before the meeting of the Conference of the Parties at which it is proposed for adoption. To this end, the following conditions must be met:*

(a) The application form for placement or removal of wastes must be submitted to the Secretariat of the Basel Convention at least three months prior to the meeting of the Open-ended Working Group. Any information in addition to the form should also be submitted within that time frame;

(b) In exceptional circumstances, a Party may submit the application form for placement or removal of wastes two months before the meeting of the Open-ended Working Group if such proposal(s) cannot be sent to the Secretariat within the three-month deadline. The Open-ended Working Group will endeavour to consider such application(s) at its following meeting.

### **D. Procedure before consideration in the Open-ended Working Group**

12. After receiving an application, the Secretariat will place the application on the Internet website of the Basel Convention ([www.basel.int](http://www.basel.int)) within 30 days.

13. The Secretariat will send an e-mail to all focal points announcing that the application is available. Those Parties which have no access to Internet or e-mail facilities will be sent the application by mail or facsimile.

14. The Secretariat will invite the Parties to comment on the application within 20 days directly to the applicant (by mail, facsimile or e-mail).

15. The applicant will make, as necessary, an addendum to the application containing answers to the questions within 20 days.

16. The Secretariat will make the addendum available to the Parties at least 20 days before the meeting.

17. In the exceptional cases mentioned in paragraph 11 (b) above, the time frames stipulated in paragraphs 12 and 15 above are reduced to 10 days.

#### **E. Action by the Open-ended Working Group**

18. The Open-ended Working Group will consider and review the applications for placement or removal of wastes in Annexes VIII and IX. The applications must be based on sound scientific assessment in accordance with paragraph 1 (a) of article 1 of the Basel Convention.

19. The Open-ended Working Group should arrive at a decision by consensus.

20. The decisions of the Open-ended Working Group on the placement or removal of wastes on the lists contained in Annexes VIII and IX shall be transmitted in a report of the Open-ended Working Group through the secretariat to the following meeting of the Conference of the Parties. In cases where no formal proposal for amendment to the Annexes to the Basel Convention has been made by a Party when submitting an application, the Open-ended Working Group should invite other Parties to submit such a formal proposal to the Conference of the Parties in accordance with articles 17 and 18 of the Convention.

#### **F. Effective review procedure**

21. Costs of review should be kept to a minimum. Restricting the summary of cases to eight additional pages would help save costs, although a Party wishing to provide more information could do so at its own cost.

#### **G. Role of the Secretariat**

22. *The Secretariat of the Basel Convention will assist the Parties by acting as liaison with the Depositary with a view to facilitating the implementation of the amendment procedure, as necessary.*

#### **H. Reporting**

23. The Secretariat of the Basel Convention should provide a report to Parties on the status of the lists of wastes in Annexes VIII and IX of the Basel Convention on a regular basis and when changes have entered into force.

### **II. Procedure for corrections**

24. *Parties, the Open-ended Working Group or the Conference of the Parties may inform the Depositary on corrections of Annexes VIII and IX of the Basel Convention. In the case of a correction to Annex VIII and/or IX of the Basel Convention, the Depositary initiate the formal correction procedure by notifying the Parties and signatories of the error and the proposed correction.*

25. *The Depositary has the responsibility to scrutinize each apparent error in order to determine that it falls into one of the above categories and that it does not have the effect of modifying the meaning or substance of the text of the treaty. In case of doubt, the Depositary will seek to resolve it in consultation with the Party that proposed the correction. The Secretariat of the Basel Convention will assist the Parties by acting as liaison with the Depositary, with a view to facilitating the implementation of the correction, as necessary.*

26. *If, on the expiry of a specified time limit, no signatory or Party objects, the Depositary circulates a procès-verbal of rectification to Parties and signatories and causes the corrections to be effected in the authentic text(s) ab initio. States have 90 days to object to a proposed correction; this period can be shortened if necessary.*

**APPLICATION FORM FOR THE PLACEMENT OR REMOVAL  
OF WASTES ON ANNEXES VIII AND IX**

**A. WASTE IDENTIFICATION**

**Proposed wording for the placement (or replacement wording for an existing category)**

1. Name of the waste: \_\_\_\_\_
  2. Origin of the waste: \_\_\_\_\_
  3. Physical form: \_\_\_\_\_
  4. Major constituents: \_\_\_\_\_
  5. Typical contaminants: \_\_\_\_\_
6. Waste Code: UN Class \_\_\_\_\_ UN number \_\_\_\_\_  
 IWIC \_\_\_\_\_ OECD \_\_\_\_\_  
 EWC \_\_\_\_\_ Others (e.g. Harmonized System Code, BIR, ISRI, IPMI, etc.)
7. Enter all relevant Y numbers
8. Hazardous characteristics
- |      |      |      |     |
|------|------|------|-----|
| H1   | H4.3 | H6.2 | H12 |
| H3   | H5.1 | H8   | H13 |
| H4.1 | H5.2 | H10  |     |
| H4.2 | H6.1 | H11  |     |

**B. PROPOSED PLACEMENT**

List A of Annex VIII  
List B of Annex IX

**PROPOSED REMOVAL**

From list A of Annex VIII  
From list B of Annex IX

**C. NATIONAL DEFINITION**

Is the waste legally defined as or considered to be hazardous in the country submitting the application?

Yes                      No

**D. COMMERCIAL CLASSIFICATION**

Is the waste routinely traded through established channels and is that evidenced by commercial classifications?

Yes                      No

**SUMMARY OF REASONS FOR PROPOSED PLACEMENT**

NB: A detailed case study (no more than eight additional pages) should be attached, taking into consideration the category(ies) in Annex I to the Basel Convention under which the waste falls and with evidence demonstrating that the waste does or does not exhibit any of the hazardous characteristics in Annex III to the Convention (guidance document to be drafted). Additional material may be submitted in the form of annexes or attachments. All such annexes or attachments must be listed in the application form, together with instructions on how to obtain the documents.

**E. NAME OF APPLICANT**

Name:	_____	
Address:	_____	Party
	_____	Observer State
Tel:	_____	NGO
Fax:	_____	Company
E-mail:	_____	Individual

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Stamp)

**F. AUTHORITY TRANSMITTING APPLICATION**

Name:	_____	
Address:	_____	
	_____	(Signature)
Tel:	_____	
Fax:	_____	
E-mail:	_____	
		_____ (Stamp)

Date of transmission: \_\_\_\_\_

This application form may include up to 8 additional pages.

## OEWG-V/11: Protocol on liability and compensation

### *The Open-ended Working Group*

1. *Invites* Parties to identify whether there are specific concerns or considerations with regard to the adequacy of the financial limits laid down in annex B of the Basel Convention Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal and requests the Secretariat to invite submissions from the Parties on such specific concerns and considerations, by 31 July 2006, and to transmit those submissions to the Conference of the Parties at its eighth meeting;

2. *Invites* Parties to provide comments to the Secretariat by 31 July 2006 on which of the possible mechanisms for providing financial guarantees required under the Protocol described in section B of the note by the Secretariat<sup>14</sup> should be further explored by the Secretariat;

3. *Calls upon* Parties to continue to consult at the national and regional levels with a view to determining suitable mechanisms for providing financial guarantees, with particular reference to the differing needs of different regions and industries.

## OEWG-V/12: Technical guidelines on persistent organic pollutants

### *The Open-Ended Working Group,*

*Recalling* Conference of the Parties decision VII/13 and its own decision OEWG-IV/11,

1. *Agrees* to forward for consideration by the Conference of the Parties at its eighth meeting the draft technical guidelines for the environmentally sound management of:

(a) Wastes consisting of, containing or contaminated with the pesticides aldrin, chlordane, dieldrin, endrin, heptachlor, hexachlorobenzene (HCB), mirex or toxaphene or with HCB as an industrial chemical;<sup>15</sup>

(b) Wastes consisting of, containing or contaminated with 1,1,1-trichloro-2,2-bis-(4-chlorophenyl)ethane (DDT);<sup>16</sup>

(c) Wastes containing or contaminated with unintentionally produced polychlorinated dibenzo-p-dioxins (PCDDs), polychlorinated dibenzofurans (PCDFs), hexachlorobenzene (HCB) or polychlorinated biphenyls (PCBs);<sup>17</sup>

2. *Agrees* to forward for consideration by the Conference of the Parties at its eighth meeting draft amendments to the general technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants (POPs) and to the guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs);<sup>18</sup>

3. *Invites* Parties and others to submit comments to the Secretariat by 30 June 2006 on the updating of the following issues in the general technical guidelines:

(a) Destruction and irreversible transformation methods and related disposal operations (section IV.G.2), taking into account the suggestions by Germany on waste-to-gas conversion and thermal and metallurgical production of metals;<sup>19</sup>

(b) Other disposal methods when destruction or irreversible transformation does not represent the environmentally preferable option (section IV.G.3);

14 UNEP/CHW/OEWG/5/2/Add.7.

15 UNEP/CHW/OEWG/5/INF/8/Rev.1.

16 UNEP/CHW/OEWG/5/INF/9/Rev.1.

17 UNEP/CHW/OEWG/5/INF/7/Rev.1 and UNEP/CHW/OEWG/5/INF/7/Rev.1/Corr.1.

18 UNEP/CHW/OEWG/5/INF/24 and Corr.1.

19 Available on the Basel Convention website ([www.basel.int/techmatters/index.html](http://www.basel.int/techmatters/index.html)).

- (c) Other disposal methods when persistent organic pollutant content is low (section IV.G.4);
- (d) Examples of pertinent national legislation (annex II) and selected analytical methods for persistent organic pollutants (annex III);
4. *Mandates* the small intersessional working group to consider, working by electronic means and at a meeting to be held immediately before the eighth meeting of the Conference of the Parties:
- (a) The comments referred to in paragraph 3 of the present decision with a view to preparing any further amendments of the general technical guidelines and the technical guidelines on PCBs;
- (b) The elements listed in paragraph 6 of the present decision for a draft decision for consideration and possible adoption by the Conference of the Parties at its eighth meeting;
5. *Requests* the Secretariat to present the outcome of the work of the small intersessional working group to the Conference of the Parties at its eighth meeting for its consideration and possible adoption;
6. *Agrees* on the following elements for a draft decision for consideration and possible adoption by the Conference of the Parties at its eighth meeting:

*“The Conference of the Parties,*

*Recalling* its decision VII/13 on technical guidelines on persistent organic pollutants as wastes,

*Noting* with appreciation the roles played by Parties and others, especially the lead countries, in the preparation of the technical guidelines,

1. *Adopts* the technical guidelines for the environmentally sound management of:
  - (a) Wastes consisting of, containing or contaminated with the pesticides aldrin, chlordane, dieldrin, endrin, heptachlor, hexachlorobenzene (HCB), mirex or toxaphene or with HCB as an industrial chemical;<sup>20</sup>
  - (b) Wastes consisting of, containing or contaminated with 1,1,1-trichloro-2,2-bis-(4-chlorophenyl)ethane (DDT);<sup>21</sup>
  - (c) Wastes containing or contaminated with unintentionally produced polychlorinated dibenzo-p-dioxins (PCDDs), polychlorinated dibenzofurans (PCDFs), hexachlorobenzene (HCB) or polychlorinated biphenyls (PCBs);<sup>22</sup>
2. *Adopts* the amendments to the general technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants (POPs) and to the guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs);<sup>23</sup>
3. *Requests* the Secretariat to disseminate the technical guidelines referred to in paragraphs 1 and 2 of the present decision<sup>24</sup> to Parties, signatories, intergovernmental organizations, environmental non-governmental organizations and industry in all official languages of the United Nations;
4. *Further requests* the Secretariat to submit the technical guidelines to the Conference of the Parties of the Stockholm Convention on Persistent Organic Pollutants at its third meeting through the Secretariat of the Stockholm Convention;

20 UNEP/CHW.8/INF/[ ]

21 UNEP/CHW.8/INF/[ ]; lead country: Mexico.

22 UNEP/CHW.8/INF/[ ]; lead country: Australia.

23 UNEP/CHW.8/INF/[ ]

24 For the general technical guidelines and the technical guidelines on PCBs, the Secretariat is requested to disseminate consolidated versions.

5. *Invites* Parties and others to use the technical guidelines and to submit, not later than two months before the ninth meeting of the Conference of the Parties, a report to the Conference of the Parties, through the Secretariat, on their experience in the application of the guidelines, including any difficulties or obstacles encountered, with a view to improving them as necessary;

6. *Notes* that having considered, among other things, comments compiled by the Secretariat,<sup>25</sup> it is not practical or feasible for the time being to consider further, at the level of the Basel Convention, a methodology for the further definition of low persistent organic pollutant content and of levels of destruction and irreversible transformation and that the concerns expressed in the discussion on this issue to date may better be addressed by the further work referred to in paragraph 8 of the present decision;

7. *Agrees* to review the definitions of low persistent organic pollutant content and of levels of destruction and irreversible transformation at a later stage after 2008 after sufficient experience has been gained in the application of the definitions contained in the general technical guidelines;

8. *Agrees* that the following should be included in the work programme of the Open-ended Working Group for 2007–2008:

(a) Review and updating of the technical guidelines on persistent organic pollutants, if appropriate;

(b) Consideration of further guidance on other disposal methods when the persistent organic pollutant content is beneath the low persistent organic pollutant content in areas where there may be a high risk for human health and the environment, *inter alia*, through the food chain and for the soil;

(c) Consideration of the amendment of entry A4110 in Annex VIII of the Basel Convention, relating to PCDDs and PCDFs, and other relevant entries relating to pesticide persistent organic pollutants and DDT, in order to include a concentration level for these persistent organic pollutants;

9. *Invites* Parties and others to submit comments to the secretariat by 31 March 2007 on the issues referred to in paragraph 8 above;

10. *Decides* to extend the mandate of the small intersessional working group to continue to monitor and assist in the review and updating, as appropriate, of technical guidelines regarding persistent organic pollutants, working in particular by electronic means;

11. *Requests* the small intersessional working group to consider the comments referred to in paragraph 9 above and to present its outcome, through the Secretariat, to the Open-ended working Group for its consideration;

12. *Welcomes* that the bodies of the Stockholm Convention are considering best available techniques and best environmental practices with respect to unintentionally produced persistent organic pollutants, including the more recent technologies for destruction and irreversible transformation listed in the general technical guidelines, and invites experts of the Basel Convention to contribute to this work.

### **OEWG-V/13: Harmonization of forms for notification and movement documents and related instructions**

*The Open-Ended Working Group,*

*Recalling* Conference of the Parties decision VII/22 and its own decision OEWG-IV/14,

1. *Requests* Germany to prepare draft revised versions of the forms for notification and movement, including the instructions on how to use those forms, taking into account the discussions in the contact group on technical matters at the fifth session of the Open-ended Working Group, to be posted on the Basel Convention's website by early May 2006;

25 UNEP/CHW/OEWG/5/INF/21.

2. *Invites* Parties and others to submit comments on the draft revised versions referred to in paragraph 1 to the Secretariat and Germany by 15 July 2006;

3. *Invites* Parties and others to nominate further participants for the small intersessional working group and submit such nominations to the Secretariat by 30 April 2006;

4. *Requests* Germany, in consultation with the small intersessional working group, to prepare draft revised versions, taking into account the comments referred to in paragraph 2 of the present decision, to be posted on the Basel Convention website by 15 September 2006, for consideration by the small intersessional working group;

5. *Mandates* the small intersessional working group to finalize, at a meeting to be held immediately before the eighth meeting of the Conference of the Parties, the preparation of the draft revised versions;

6. *Requests* the Secretariat to present the outcome of the small intersessional working group to the Conference of the Parties at its eighth session for its consideration with a view to adoption;

7. *Agrees* on the following elements for a draft decision for consideration and possible adoption by the Conference of the Parties at its eighth meeting:

*The Conference of the Parties,*

*Recalling* its decision VII/22,

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

*Noting* with appreciation the roles played by Parties and others, especially Germany as lead country,

1. *Adopts* the revised versions of the forms for notification and movement documents, including the instructions on how to use those forms as contained in the appendix to the present decision.

2. *Requests* the Secretariat to disseminate the forms for notification and movement, including the instructions on how to use those forms to Parties, signatories, intergovernmental organizations, environmental non-governmental organizations and industry.

## **OEWG-V/14: Financial matters**

*The Open-ended Working Group,*

*Having considered and reviewed* the information submitted by the Secretariat pursuant to decision VII/41 of the Conference of the Parties and decision OEWG-IV/10 of the Open-ended Working Group,

1. *Requests* the Secretariat to include in its note on financial matters for the eighth meeting of the Conference of the Parties three options: one option based on having one session of the Open-ended Working Group, conducted in the six official languages of the United Nations, in 2007 and one meeting of the Conference of the Parties in 2008; the second option based on having two sessions of the Open-ended Working Group, conducted in the six official languages of the United Nations, in 2007 and 2008, respectively, and one meeting of the Conference of the Parties in 2009; and a third option based on zero nominal growth in contributions over the biennium and an explanation of the implications on the productiveness and the organization of the work programme, its efficient implementation, and the budget of the Basel Convention;

2. *Stresses* that the current financial situation of the Trust Fund for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Technical Cooperation Trust Fund) makes it particularly important for all arrears to be cleared at the earliest possible time;

3. *Also stresses* the need of increasing significantly voluntary contributions to the Trust Fund to Assist Developing Countries and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention, in particular contributions from developed countries;

4. *Agrees* on the following elements for a draft decision for consideration and possible adoption by the Conference of the Parties at its eighth meeting:

*“The Conference of the Parties,*

*Recalling* its decision VII/41 and decision OEWG-IV/10 of the Open-ended Working Group, on financial matters,

*Recalling also* paragraph 136 of the report of the Conference of the Parties at its seventh meeting,<sup>26</sup>

*Expressing* appreciation to the newly assessed Parties which have made timely payment of their contributions for 2005 and 2006,

*Noting* the financial reports on the Basel Convention trust funds for 2005 and 2006,<sup>27</sup>

1. *[Welcomes][Notes]* the new programme budget format proposed by the Secretariat as set out in table 1 of the present decision;<sup>28</sup>

2. *Approves* the programme budget for the Trust Fund for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention Trust Fund) in the amount of \$[ ] for 2007 [,][and] \$[ ] for 2008 [and \$ [ ] for 2009], for the purposes set out in table 2 to the present decision;<sup>29</sup>

3. *Authorizes* the Executive Secretary to utilize an amount not exceeding \$[ ] in the years 2007 [,] [and] 2008 [and 2009], respectively, from the reserve and fund balance of the Basel Convention Trust Fund to meet expenditures in the approved budget;

[4. *Approves* the staffing of the Convention Secretariat for the programme budget as contained in table 3 of the present decision;<sup>30</sup>

[5. *Also authorizes* the Executive Secretary, in addition to the approved budget, on an exceptional basis, to use an amount not exceeding \$[ ] by the end of 2007 from the reserve and fund balance of the Basel Convention Trust Fund for the purpose of completing the activities of the project entitled “Training on Environmentally Sound Management of Biomedical Waste in Dhaka City, Bangladesh” under the Strategic Plan;]

6. *Decides* that the total amount of the contributions to be paid by the Parties is \$[ ] for 2007[,][and] \$ [ ] for 2008, [and \$ [ ] for 2009], as set forth in table 4 to the present decision;<sup>31</sup>

7. *Also decides* that the contributions of individual Parties shall be as listed in table 4 to the present decision, which is based on the current United Nations General Assembly scale of assessments, modified so that no Party contributes less than 0.001 per cent of the total, no Party’s contribution exceeds 22 per cent of the total and no contribution from a least developed country Party exceeds 0.01 per cent of the total;

8. *Decides further* to maintain the level of the working capital reserve at [15] [8.3] per cent of the estimated annual planned expenditures at any time in the [biennium 2007–2008] [triennium 2007-2009];

9. *Decides* that the Executive Secretary may make transfers of up to 20 per cent from one main appropriation line of the approved budget to other main appropriation lines;

10. *Expresses its concern* over delays in payment of agreed contributions by Parties contrary to the provisions set forth in paragraph 8 of the terms of reference for the administration of the Basel Convention Trust Fund;

26 UNEP/CHW.7/33.

27 UNEP/CHW.8/INF/[ ].

28 This table will be inserted when the present draft decision is presented to the Conference of the Parties at its eighth meeting.

29 This table will be finalized when the present draft decision is presented to the Conference of the Parties at its eighth meeting.

30 This table will be finalized when the present draft decision is presented to the Conference of the Parties at its eighth meeting.

31 This table will be inserted when the present draft decision is presented to the Conference of the Parties at its eighth meeting.

11. *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 Convention website of all contributions received];

[11bis. *Invites* the President of the Conference of the Parties and the Executive Director of the United Nations Environment Programme to write to the relevant Parties impressing on them the importance of paying their respective arrears for 2005 and previous years;

11ter. *Requests* the Executive Secretary to continue to consult with Parties in arrears requesting payment of the arrears and, if necessary, to invite such Parties to agree on payment plans, and to report to the Conference of the Parties at its ninth meeting on such efforts;]

12. *Takes note* of the programme budget for the Technical Cooperation Trust Fund in the amount of \$ [ ] for 2007 [,] [and] \$[ ] for 2008, [and \$[ ] for 2009] as set forth in table 5 to the present decision;<sup>32</sup>

13. *Invites* voluntary contributions to the Technical Cooperation Trust Fund and to the Basel Convention Trust Fund from Parties, non-Parties and other sources;

14. *Invites* Parties, non-Parties and other stakeholders to contribute financially and with other means to implement the activities prepared for the Strategic Plan focus areas and related projects and encourages Parties and non-Parties to submit such projects for consideration by appropriate funding agencies;

15. *Requests* Parties to notify the Secretariat of the Basel Convention of all contributions made to the Basel Convention Trust Fund and the Technical Cooperation Trust Fund at the time such payments are made;

16. *Decides* that the Basel Convention Trust Fund and the Technical Cooperation Trust Fund shall be further continued until 31 December 2010 and requests the Executive Director of the United Nations Environment Programme to extend them to 2009–2010, subject to the approval of the Governing Council of the United Nations Environment Programme;

17. *Requests* the Secretariat to report annually to the Open-ended Working Group and to the Expanded Bureau on all sources of income received, including the reserve and fund balances and interest, together with actual, provisional and projected expenditure and commitments, and requests the Executive Secretary to report on all expenditures against the agreed budget lines;

18. *Requests* the Executive Secretary to prepare a budget for the [biennium 2009–2010] [triennium 2010–2012] for consideration by the Conference of the Parties at its ninth meeting and to explain the key principles and assumptions on which the budget is based;

19. *Notes* the need to facilitate priority-setting by providing Parties with timely information on the financial consequences of different options and to that end requests the Executive Secretary to include in the proposed programme budget for the [biennium 2009–2010] [triennium 2010–2012] three alternatives based on:

- (a) The Executive-Secretary's assessment of the required rate of growth of the programme budget;
- (b) Maintaining the operational budget at the 2007–2008 level in [nominal][real] terms;
- (c) Increasing the operational budget from the 2007–2008 level by 10% in [nominal][real] terms;

20. *Requests* the Open-ended Working Group and the Expanded Bureau to keep under review the financial information provided by the Secretariat, including the timeliness and transparency of that information.”

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<sup>32</sup> This table will be inserted when the present draft decision is presented to the Conference of the Parties at its eighth meeting.

**Table 2. Basel Convention Trust Fund programme budget**

Basel Convention Trust Fund		Budget approved at COP 7			Programme budget proposal for COP 8				
	Budget components	2005	2006	Biennium	2007	2008	Biennium	2009	Triennium
	PERSONNEL COMPONENT								
	Professional staff	1'413'600	1'413'600	2'827'200					
	Consultants	260'000	260'000	520'000					
	Administrative support	799'700	799'700	1'599'400					
	Conference servicing	704'000	804'000	1'508'000					
	Travel on official business	150'000	150'000	300'000					
	TOTAL PERSONNEL COMPONENT	3'327'300	3'427'300	6'754'600					
	SUBCONTRACT COMPONENT	10'000	10'000	20'000					
	MEETINGS AND CONFERENCES COMPONENT	136'400	136'400	272'800					
	EQUIPMENT AND PREMISES COMPONENT	113'500	118'500	232'000					
	MISCELLANEOUS COMPONENT	205'800	205'800	411'600					
	TOTAL OPERATIONAL COSTS	3'793'000	3'898'000	7'691'000					
	13% Programme support costs	493'090	506'740	999'830					
	TOTAL BUDGET OF THE TRUST FUND	4'286'090	4'404'740	8'690'830					
	Year to year								
	Percentage increase in total budget	2.0%	2.8%	3.4%	%	%	%	%	%
	Percentage increase in assessed contribution	9.5%	15.8%	18.1%	%	%	%	%	%
	Required working capital reserve (15 %)	642'914	660'711						

**Table 3. Basel Convention Trust Fund staffing**

	Staff category and level	Budget approved for 2006	Budget proposal for 2007	Budget proposal for 2008	Budget proposal for 2009
A.	Professional and above categories				
	D-2 level	1.00			
	D-1 level	1.00			
	P-5 level	2.00			
	P-4 level *	3.00			
	P-3 level	2.00			
	P-2 level	1.00			
	Subtotal	10.00			
B.	General Service category				
	GS **	10.00			
	Total (A+B)	20.00			

\* One post funded from 13 per cent programme support costs.

\*\* Two posts funded from 13 per cent programme support costs.

### Standard staff costs (based on United Nations standard salary costs for Geneva)

	Staff category and level	Budget approved for 2006	Budget proposal for 2007	Budget proposal for 2008	Budget proposal for 2009
A.	Professional and above categories				
	D-2 level	211'000			
	D-1 level	200'000			
	P-5 level	173'600			
	P-4 level	150'200			
	P-3 level	124'200			
	P-2 level	96'200			
B.	General Service category				
	GS	118400 / 92100			

## **OEWG-V/15: International Cooperation: World Trade Organization**

### *The Open-ended Working Group*

1. *Requests* Parties to coordinate at a national level with experts from trade and finance ministries on Basel Convention trade-related matters with a view to enhancing cooperation at the national, regional and international levels;
2. *Invites* Parties to provide information to the Secretariat on Basel Convention trade-related matters at the national, regional and international levels, including on litigation, to facilitate the promotion of cooperation with the World Trade Organization;
3. *Requests* the Secretariat to continue, to the extent possible, its cooperation with the World Trade Organization on critical areas for the effective implementation of the Basel Convention, its protocol and amendments.

## **OEWG-V/16: Nominations of members of the Committee for Administering the Mechanism for Promoting Implementation and Compliance**

### *The Open-ended Working Group*

1. *Calls upon* Parties to conduct regional consultations with a view to nominating candidates meeting the requirements of paragraph 5 of the appendix to Conference of the Parties decision VI/12 for membership of the Committee for Administering the mechanism for Promoting Implementation and Compliance;
2. *Requests* the Parties to submit their nominations to the Secretariat for ten positions on the Committee not later than two months before the eighth meeting of the Conference of the Parties, i.e., by 27 September 2006;
3. *Requests* the Secretariat to distribute such nominations together with the provisional agenda and supporting documents for the eighth meeting of the Conference of the Parties;
4. *Invites* Parties, in the interest of continuity, to nominate candidates that are likely to be able to serve their complete terms of office pursuant to paragraph 6 of the appendix to decision VI/12.

## Annex II

### **Draft decisions forwarded by the Open-ended Working Group to the Conference of the Parties for its consideration and possible adoption at its eighth meeting**

#### **VIII/[ ]: Working relationship with the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals**

*The Conference of the Parties*

1. *Agrees* to extend the mandate of the Joint Correspondence Group between the Open-ended Working Group and the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals and requests the Secretariat to communicate its decision to the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals;

2. *Requests* the Secretariat to report regularly on the outcome of the work of the Joint Correspondence Group to the Open-ended Working Group and the Conference of the Parties.

#### **VIII/[ ]: Separate identification in the World Customs Organization Harmonized Commodity Description and Coding System of certain wastes in Annexes VIII and IX to the Basel Convention**

*The Conference of the Parties*

1. *Requests* the Secretariat to pursue its cooperation with the secretariat, the Harmonized System Committee, the Harmonized System Review Subcommittee and the Scientific Subcommittee of the World Customs Organization;

2. *Also requests* the Secretariat to continue to move forward, under the guidance of the Open-ended Working Group, with the issue of identification of the wastes covered by the Basel Convention in the World Customs Organization Harmonized Commodity Description and Coding System and to report regularly to the Open-ended Working Group and the Conference of the Parties on progress.

#### **VIII/[ ]: Classification and hazard characterization of wastes**

*The Conference of the Parties*

1. *Invites* Parties in the position to do so to contribute to the finalization of the guidance paper on hazard characteristic H10 (liberation of toxic gases in contact with air or water) and the revision of the guidance paper on hazard characteristic H11 (toxic (delayed or chronic)), to include work on an appropriate de minimis level, with a view to finalizing them in time for adoption by the Conference of the Parties at its ninth meeting;

2. *Agrees* to include the revision of the guidance paper on hazard characteristic H11 to include work on an appropriate de minimis level and the finalization of the guidance paper on hazard characteristic H10 in the work programme of the Open-ended Working Group for 2007–2008.

### **VIII/[ ]: National classification and control procedures for the import of wastes contained in Annex IX**

*The Conference of the Parties*

1. *Invites* Parties experiencing difficulties with national classification or control procedures relating to the import of wastes contained in Annex IX to report information on such difficulties to the Secretariat;
2. *Requests* the Secretariat to collect the information submitted by Parties on a regular basis with a view to keeping the Open-ended Working Group up to date on the current situation.

### **VIII/[ ]: Technical guidelines on environmentally sound management**

*The Conference of the Parties,*

*Welcoming* the initiative taken by Brazil to review the technical guidelines on used tyres,

1. *Invites* Brazil to prepare draft revised technical guidelines on used tyres for consideration by the Open-ended Working Group;
2. *Requests* the Open-ended Working Group to 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);
3. *Invites* countries in a position to do so to undertake the lead in the review and updating of technical guidelines or contribute financially to the process;
4. *Requests* the Secretariat to keep the Open-ended Working Group informed of developments in the review and updating of technical guidelines;
5. *Invites* Parties and others to provide comments to the Secretariat by 30 June 2008 on their experiences with and assessment of the implementation of the existing technical guidelines on the environmentally sound management of hazardous wastes and any identified practical difficulties in and obstacles to their implementation;
6. *Requests* the Secretariat to prepare a compilation of the comments received for consideration by the Conference of the Parties at its ninth meeting.

### **VIII/[ ]: Implementation of decision VII/2 on hazardous waste minimization**

*The Conference of the Parties,*

*Recalling* its decision VII/2 on hazardous waste minimization,

1. *Invites* Parties and others to provide comments to the Secretariat by 30 June 2008 on their experiences with hazardous waste minimization;
2. *Requests* the Secretariat to prepare a compilation of the comments received for consideration by the Conference of the Parties at its ninth meeting.

### **VIII/[ ]: Implementation of decision III/1**

*The Conference of the Parties,*

*Recalling* its decision VII/23 on the implementation of decision III/1, entitled “Amendment to the Basel Convention”,

1. *Welcomes* the recent ratification, acceptance, formal confirmation, approval or accession by several Parties with respect to the amendment contained in decision III/1;

2. *Strongly appeals* to Parties to the Convention to expedite the process of ratification, acceptance, formal confirmation, approval or accession with respect to the amendment to facilitate its entry into force at the earliest opportunity;

3. *Also strongly appeals* to States that are not Party to the Basel Convention to expedite the process of ratification, acceptance, approval or accession with respect to the Basel Convention and its amendments.

## **VIII/[ ]: Implementation of decision V/32**

The Conference of the Parties,

*Recalling* its decision V/32 concerning the enlargement, on an interim basis, of the scope of the Trust Fund to Assist Developing Countries and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention (Technical Cooperation Trust Fund),

Recalling also its decisions VI/14 and VII/29 concerning the interim guidelines for the implementation of decision V/32 on enlargement of the scope of the Technical Cooperation Trust Fund, and recalling in particular that Parties and the Secretariat are to keep under review the possibilities for improving the existing mechanism or, if necessary, the establishment of a new mechanism for providing assistance in cases of emergency and compensation for damage resulting from incidents arising from transboundary movements of hazardous wastes and other wastes and their disposal, as provided for and adopted in paragraph 4 of decision VI/14,

1. *Observes* that, pursuant to part 3 of the interim guidelines for the implementation of decision V/32, assistance may be provided for projects for the development of capacity-building, transfer of technology and putting in place of measures to prevent accidents and damage to the environment caused by transboundary movements of hazardous wastes and other wastes and their disposal, including for the development of emergency response and contingency plans, and reiterates its invitation to developing countries and countries with economies in transition that are Parties to the Basel Convention to submit project proposals to that effect;

2. *Urges* Parties to provide contributions to the Technical Cooperation Trust Fund to support the activities referred to in parts 1, 2 and 3 of the interim guidelines and agrees that any contributor may specify that its contributions be used for purposes specified in parts 1, 2 or 3 of the interim guidelines;

3. *Invites* Parties to submit to the Secretariat, before 31 January 2007, responses to the questionnaire set forth in the appendix to the present decision regarding incidents, as that term is defined under article 2, paragraph 2 (h), of the Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal;

4. *Requests* the Secretariat to report on the responses received under paragraph 3 above to the Open-ended Working Group and requests the Open-ended Working Group to review those responses.

## **Appendix to decision VIII/[ ]**

### **Questionnaire regarding incidents, as defined under article 2, paragraph 2 (h), of the Protocol on Liability and Compensation**

The term "incident", as used in this questionnaire, means any occurrence, or series of occurrences having the same origin that causes damage or creates a grave and imminent threat of causing damage.

The terms "hazardous wastes and other wastes", "transboundary movement" and "disposal" are used here according to their definitions in articles 1 and 2 of the Basel Convention. Transboundary movement includes illegal traffic.

Have you encountered any incidents arising from transboundary movements of hazardous and other wastes and their disposal...

<p>1. ... that have caused loss of life or personal injury?</p> <p><input type="checkbox"/> <u>Yes.</u></p> <p><input type="checkbox"/> <u>No. Go to question 2.</u></p>	<p>If yes, how many of such incidents?</p> <p>.....</p> <p>Please attach, with regard to each incident, a brief factual description of what occurred and of the loss of life or personal injury. Please indicate also, with regard to each incident, to what extent loss of life or personal injury was not compensated for by the existing mechanism providing assistance in cases of emergency and compensation for damage.</p>
<p>2. ... that have caused loss of or damage to property?</p> <p><input type="checkbox"/> <u>Yes</u></p> <p><input type="checkbox"/> <u>No. Go to question 3.</u></p>	<p>If yes, how many of such incidents?</p> <p>.....</p> <p>Please attach, with regard to each incident, a brief factual description of what occurred, of the loss of or damage to property and of who owned the property lost or damaged (e.g. the importer, the exporter, the disposer, third parties...). Please indicate also, with regard to each incident, to what extent loss of or damage to property was not compensated for by the existing mechanism providing assistance in cases of emergency and compensation for damage.</p>
<p>3. ... that have caused loss of income directly deriving from an economic interest in any use of the environment, incurred as a result of impairment of the environment?</p> <p><input type="checkbox"/> <u>Yes.</u></p> <p><input type="checkbox"/> <u>No. Go to question 4.</u></p>	<p>If yes, how many of such incidents?</p> <p>.....</p> <p>Please attach, with regard to each incident, a brief factual description of what occurred and of the resulting loss of income. Please indicate also, with regard to each incident, to what extent there was loss of income (taking into account costs and savings as a result of the incident) not compensated for by the existing mechanism providing assistance in cases of emergency and compensation for damage.</p>
<p>4. ... that have resulted in the taking or planned taking of measures for reinstatement<sup>1</sup> of the impaired environment?</p> <p><input type="checkbox"/> <u>Yes.</u></p> <p><input type="checkbox"/> <u>No. Go to question 5.</u></p>	<p>If yes, How many of such incidents?</p> <p>.....</p> <p>Please attach, with regard to each incident, a brief factual description of what occurred and of the preventive measures taken. Please indicate also, with regard to each incident, to what extent there were costs resulting from these measures that were not compensated for by the existing mechanism providing assistance in cases of emergency and compensation for damage.</p>

<sup>1</sup> "Measures of reinstatement" are any reasonable measures to assess, reinstate or restore damaged components of the environment (taken by whoever is entitled to do so under domestic law).

<p>5. ... that have resulted in the taking of preventive measures<sup>2</sup>?</p> <p><input type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. <u>You have finished this questionnaire.</u></p>	<p>If yes, how many of such incidents?</p> <p>.....</p> <p>Please attach, with regard to each incident, a brief factual description of what occurred and of the preventive measures taken. Please indicate also, with regard to each incident, to what extent there were costs of these preventive measures, or loss or damage caused by the latter (provided the damage arises out or results from the hazardous properties of the waste involved), not compensated for by the existing mechanism providing assistance in cases of emergency and compensation for damage.</p>
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### VIII/[ ]: National legislation and other measures adopted by Parties to implement the Basel Convention

#### *The Conference of the Parties*

1. *Encourages* Parties to continue to provide the Secretariat with the texts of national legislation and other measures adopted by them to implement the Basel Convention and notes in that regard that, under article 4, paragraph 4, and article 9, paragraph 5, of the Convention, such measures include appropriate national/domestic legislation to prevent and punish illegal traffic;
2. *Urges* Parties to fulfil their obligations under article 9, paragraph 5, of the Basel Convention, in particular:
  - (a) To promulgate, update or develop stringent legislation on the control of transboundary movements of hazardous wastes;
  - (b) To incorporate in their national legislation appropriate sanctions or penalties for illegal traffic in hazardous wastes and other wastes covered by the Basel Convention;
3. *Requests* the Secretariat to continue to maintain a collection of national legislation and other measures adopted by Parties to implement the Basel Convention, including measures to prevent and punish illegal traffic, and to make such measures available on the Convention website;
4. *Requests* the Secretariat, subject to availability of funding, to organize regional or subregional training workshops, in collaboration with the Basel Convention regional centres, on the development and formulation of national legislation, taking into account the difficulties identified by Parties relating to the development of national legislation during the implementation of the 2005–2006 work programme of the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention;
5. *Urges* all Parties and organizations that are in a position to do so to make financial or in-kind contributions for the organization of workshops on the development and formulation of national legislation;
6. *Requests* the Secretariat to continue to provide advice and assistance on national legislation to Parties upon request.

<sup>2</sup> "Preventive measures" are any reasonable measures taken by any person in response to an incident to prevent, minimize or mitigate loss or damage, or to effect environmental clean-up.

### **VIII/[ ]: National definitions of hazardous wastes**

*The Conference of the Parties,*

*Recalling* its decision VII/33,

1. *Requests* Parties which have not yet provided the Secretariat with any of the information required under article 3 of the Convention to provide such information as soon as possible and to report any subsequent significant change in that information using the standardized reporting format for reporting under article 3 of the Convention;

2. *Also requests* Parties, when providing such information to the Secretariat, to make reference to the relevant Convention provision to avoid ambiguity;

3. *Requests* the Secretariat to assist Parties in ensuring that information notified is up to date and as clear as possible to facilitate each Party's understanding of other Parties' national definitions of hazardous wastes;

4. *Also requests* the Secretariat to make available on its website the information received from Parties pursuant to article 3 of the Convention and, within available resources, to make such information available in the six official languages of the Convention;

5. *Further requests* the Secretariat to report to the Conference of the Parties at its ninth meeting on the implementation of the present decision.

### **VIII/[ ]: Article 11 agreements and arrangements**

*The Conference of the Parties*

1. *Calls upon* Parties to notify the Secretariat of bilateral, multilateral or regional agreements or arrangements which they have concluded, as required under paragraph 2 of article 11 of the Convention, and invites Parties to transmit the full texts of such agreements or arrangements to the Secretariat;

2. *Requests* the Secretariat to communicate with the Parties with a view to obtaining notifications and full texts of such agreements or arrangements and to publish such texts on the Basel Convention website in order to provide a useful information resource for Parties, other States and other stakeholders.

### **VIII/[ ]: Transmission of information, including implementation of decision II/12**

*The Conference of the Parties,*

*Recalling* its decision VII/35,

1. *Urges* Parties that have not yet done so to transmit to the Secretariat the completed questionnaire on transmission of information for the year 2004 and for previous years, as soon as possible and if possible in electronic form, using the revised questionnaire adopted by the Conference of the Parties at its sixth meeting, bearing in mind that, in accordance with the provisions of article 13, paragraph 3, Parties shall transmit, before the end of each calendar year, a report on the previous calendar year;

2. *Requests* that such information be provided by Parties to the Secretariat for the calendar year 2005 before the end of calendar year 2006, if possible in electronic form;

3. *Invites* Parties to fill in any data gaps which may exist in their previously reported datasets on generation and transboundary movement of hazardous wastes and other wastes for the years 1999 and later;

4. *Encourages* Parties to continue to report on their implementation of decision II/12 in their reports under article 13 of the Convention;

5. *Requests* the Secretariat to prepare country fact sheets and annual compilation documents for the years 2004 and 2005 and to make such information available on a regular basis to Parties and non-Parties;

6. *Also requests* the Secretariat to incorporate the contents of part I of the questionnaire, on transmission of information, in English, into the reporting database, within available resources, if the questionnaires are completed by Parties in any official language of the United Nations other than English;

7. *Further requests* the Secretariat to prepare a further consolidated report on the implementation of decision II/12 and to report thereon to the Conference of the Parties at its ninth meeting;

8. *Requests* the Secretariat to continue to provide training to developing countries and other countries that are in need of assistance to meet their reporting obligations by organizing workshops through its regional centres or by other appropriate means.