

ORIGINAL: ENGLISH

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

Fourth meeting
Kuching, 23-27 February 1998

REPORT OF THE FOURTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE BASEL CONVENTION

I. OPENING OF THE MEETING

1. The fourth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was opened in Kuching on 23 February 1998 by Mr. Bakary Kante (Senegal), President of the third meeting of the Conference of the Parties.
2. Mr. Kante recalled that the Contracting Parties had at that meeting expressed their firm commitment to continue strengthening the Convention as a means of cooperating in the environmentally sound management of hazardous wastes. In their endeavour to establish a common scientific and technical basis, they had in particular adopted decision III/1 amending the Basel Convention and instructing the Technical Working Group to specify which wastes should fall within the scope of that decision. In the limited time available, the Group had done commendable work in drawing up the lists of wastes that were now before the Conference.
3. The Executive Secretary welcomed all participants to the meeting on behalf of the Under-Secretary-General of the United Nations, Executive Director of the United Nations Environment Programme (UNEP), Professor Klaus Töpfer, and wished them fruitful deliberations and a successful outcome to the meeting. She thanked the Malaysian Government and, in particular, the Ministry of Science, Technology and the Environment of Malaysia, as well as all the institutions and bodies of the state of Sarawak, for their outstanding efforts in preparing the meeting.
4. She thanked the outgoing President for his endeavours and support to the implementation and development of the Convention, not only in his capacity as President of the Conference of the Parties, but also in his previous capacity as representative of Senegal, first during the negotiations leading to the adoption of the Convention and then during the several meetings of the Conference of the Parties. She drew attention to the outstanding role which the Bureau of the third meeting of the Conference of the Parties had played over two years of its work and thanked its members for the guidance and support they had provided in the implementation of the Convention. She hoped that the incoming Bureau would provide the Secretariat with the same guidance and assistance.
5. She noted that the Convention currently had 117 Parties and that several countries were in the process of ratification and expressed the hope of the Contracting Parties that they would have among them one of the most important developed countries, which had not yet joined the Convention. The Basel Convention was the only global legal instrument dealing with the sound management of hazardous wastes, their disposal and transboundary movement. It had achieved remarkable success in establishing a ban on the transboundary movement of hazardous wastes from developed to developing countries. In conclusion, she stressed that the Convention was a lively instrument which would serve the world in protecting the environment and human health from the adverse effects of hazardous wastes.

6. Datuk Law Hieng Ding, Minister for Science, Technology and the Environment, Malaysia, officially opening the meeting, welcomed all participants and thanked the organizers. The choice of Sarawak as venue for the Conference had not been made by accident. Since the early 1980s, the Sarawak Government had been promoting the establishment of industrial areas and had acquired considerable experience in minimizing the impact of industry on the environment.

7. The Basel Convention had been born out of the need to control the illegal dumping of toxic and hazardous wastes in developing countries. In that respect, the third meeting had been a milestone in the annals of the Convention, in that it had decided to ban exports of hazardous wastes to developing countries, on the grounds that those countries mostly had neither the expertise nor the facilities to manage such wastes. He reiterated his Government's commitment to the principle that countries should not pollute their neighbours or cause them harm on any pretext. He urged countries that had not yet adhered to the Convention, to do so, and called on those that were already Contracting Parties to ratify the decisions of the Conference. Malaysia for its part was in the process of ratifying the amendment to the Convention decided upon by consensus at the third meeting.

8. In accordance with its mandate, the Technical Working Group had done useful work in removing ambiguity from the lists of wastes. The lists should now be accepted so that work could proceed on the important matters of capacity building, technology transfer and the elimination of illegal trafficking in hazardous wastes.

9. In connection with the amendment of the Convention, Malaysia supported the joint proposal by Chile and the European Community, as it was not in conflict with decisions II/12 and III/1 and preserved the concept of resource conservation and environmentally sound management of hazardous wastes.

10. With regard to the work of the Ad Hoc Working Group of Legal and Technical Experts to Consider and Develop a Draft Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal, he urged the Group to accelerate its work and resist any attempts to delay agreement of the Protocol.

11. In Malaysia, an amendment to the Environmental Quality Act had been enforced since 1 August 1996, providing severe penalties for illegal transboundary movements, transport and disposal of hazardous wastes. The amendment was an illustration of his Government's seriousness in protecting the country's marine resources, which were under constant threat from the illegal disposal of oil sludges by ships.

12. Malaysia's first integrated facility for the treatment and disposal of hazardous wastes was in the final stages of construction. Some parts of it were in fact already in operation. Full operation was expected by mid-1998, thus solving the problems of hazardous waste disposal in Malaysia. He expressed his Government's appreciation to the United States Environmental Protection Agency and the Danish Cooperation for Environment and Development organization for their technical support. Malaysia had introduced measures to regulate strictly the export of hazardous wastes, except for genuine recovery. Industries were also encouraged to implement waste minimization programmes. The three Rs - reduce, reuse and recycle - represented a better way forward than the older concept of managing wastes after they had been generated.

13. In conclusion, he urged the Conference to concentrate its efforts on capacity building and strengthening the developing countries' ability to manage wastes in an environmentally sound manner.

II. ADOPTION OF THE AGENDA

14. At the opening plenary session, the Conference considered the following agenda:

1. Opening of the meeting.
2. Adoption of the agenda.
3. Organization of the meeting.
4. Implementation of decision III/1: Amendment to the Basel Convention:

(a) Outcome of the work of the Technical Working Group on lists of wastes and the applicable procedure for their review or adjustment (decisions III/1, III/12);

- (b) Guidance elements for bilateral, multilateral and regional agreements or arrangements (decision III/1).
- 5. Proposals for amendments of annexes and adoption of new annexes.
- 6. Consideration of the report on capacity building activities within the Convention:
 - (a) Establishment of regional or subregional centres for training and technology transfer regarding the management of hazardous wastes and other wastes and the minimization of their generation (decision III/19);
 - (b) Training and seminars related to the Basel Convention (decision III/20);
 - (c) Current and planned technical assistance activities including for the implementation of Agenda 21 (decision III/21).
- 7. Consideration of the report on legal matters:
 - (a) Liability and compensation (decision III/2);
 - (b) Emergency fund (decision III/3);
 - (c) Monitoring the implementation of and compliance with the obligations set out by the Basel Convention (decision III/11);
 - (d) Illegal traffic in hazardous wastes and other wastes (decision III/5);
 - (e) Bilateral, multilateral and regional agreements or arrangements (decision III/9);
 - (f) Competent authorities and focal points (decision III/7).
- 8. Consideration of the report on information exchange activities:
 - (a) Instruction manual (decision III/16);
 - (b) Transmission of information (decision III/17);
 - (c) Establishment of the information management system on wastes of the Basel Convention (decision III/18).
- 9. Consideration of the report on technical matters:
 - (a) Preparation of draft technical guidelines on hazardous wastes: physico-chemical treatment and biological treatment (decision III/13);
 - (b) Hazardous waste minimization (decision III/13);
 - (c) Proposed work programme of the Technical Working Group for 1998 and 1999-2000.
- 10. Consideration of the report on international cooperation under the Convention:
 - (a) Cooperation with United Nations bodies, specialized agencies and regional systems and organizations (decision III/26), and others;
 - (b) Cooperation between the Basel Convention and the activities undertaken at the global level leading to the development of the legally binding instrument on trade in hazardous chemicals including the prior informed consent concept (decision III/27) and persistent organic pollutant.
- 11. Consideration of the report on institutional, financial and procedural arrangements (decision III/28) and consideration and adoption of the budget for 1999-2000.

12. Other matters.
13. Adoption of the decisions and of the report of the meeting.
14. Closure of the meeting.
15. The agenda was adopted by the Conference.

III. ORGANIZATIONAL MATTERS

A. Attendance

16. The following Parties to the Basel Convention were represented: Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Belgium, Belize, Benin, Brazil, Bulgaria, Canada, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Democratic Republic of Congo, Denmark, Egypt, El Salvador, Estonia, European Community, Finland, France, Germany, Guinea, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Japan, Jordan, Kuwait, Latvia, Lebanon, Liechtenstein, Luxembourg, Malawi, Malaysia, Maldives, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Viet Nam, Yemen, and Zambia.

17. The following States not Party to the Convention were represented: Albania, Angola, Armenia, Belarus, Burkina Faso, Cambodia, Cameroon, Central African Republic, Congo, Dominican Republic, Fiji, Georgia, Holy See, Lithuania, Mali, Marshall Islands, Togo, Ukraine, United States of America and Venezuela.

18. Observers from the following United Nations bodies, specialized agencies, intergovernmental organizations and secretariats of conventions were also present: United Nations Conference on Trade and Development (UNCTAD), United Nations Environment Programme (UNEP), UNEP Mediterranean Action Plan, UNEP Regional Office for Asia and the Pacific, United Nations Treaty Section, International Atomic Energy Agency (IAEA), International Maritime Organization (IMO), International Lead and Zinc Study Group (ILZS), Organisation for Economic Cooperation and Development (OECD), Organization for the Prohibition of Chemical Weapons (OPCW) and South Pacific Regional Environment Programme (SPREP).

19. The following non-governmental and private sector organizations were represented: Basel Action Network (BAN), BAN-CETDEM, Bureau of International Recycling (BIR), Consumer Association of Penang, Eurometaux, European Chemical Industry Council (CEFIC), Friends of the Earth, Greenpeace International, Industrial Pollution Control Centre, International Chamber of Commerce (ICC), International Council on Metals and the Environment (ICME), International Precious Metals Institute (IPMI), London School of Economics, TREDI, University of Orebro, Waste Minimization Technology International and Water Resources Company.

B. Election of officers

20. The following officers were elected to the Bureau of the fourth meeting of the Conference of the Parties:

President: Ms. Rosnani Ibarahim (Malaysia)

Vice-Presidents: Mr. Haroldo Mattos de Lemos (Brazil)
Mr. George Cornwall (Canada)
Mr. Bohuslav Bezúch (Slovakia)

Rapporteur: Mr. Prakash Kowlessar (Mauritius)

21. In his final statement as outgoing President of the Conference of the Parties, Mr. Kante noted his deepest appreciation to all Parties, States non-parties, representatives of industry and non-governmental organizations for the

great support given to the Bureau of the third meeting of the Conference of the Parties and extended sincere thanks on behalf of his Bureau.

22. In her statement, following her election, Ms. Rosnani, President of the fourth meeting of the Conference of the Parties, welcomed all participants from Governments, non-governmental organizations and other organizations to Malaysia and expressed the hope that she could count on their full cooperation in ensuring that the conduct of the meeting's work was as effective and efficient as possible. She also commended the Secretariat on its excellent cooperation with Parties in their common endeavour to make the world an environmentally safe place.

C. Organization of work

23. The President informed the meeting that the extended Bureau had recommended the establishment of the following working groups:

(a) Financial working group, which was expected to start its work on the first day of the meeting and to continue its deliberations throughout the meeting; the working group would report directly to the plenary on the outcome of its deliberations, namely, the budgets for 1999 and 2000, for adoption;

(b) Contact group, which was expected to start its work on the first day of the meeting and to consider the annexes and amendments to the annexes to the Convention; the group would also consider the issues of the review mechanism, as well as list C;

(c) Legal working group, which was expected to be ready to meet, when necessary, to comment on legal matters and to act if necessary as a drafting group;

(d) Technical working group, which was expected to be ready to meet, when requested, and to address any technical matters put before the Conference.

24. The representative of the Philippines, speaking on behalf of the group of Asian and Pacific countries, informed the meeting of the group's understanding concerning the nomination of the chair and the work of the four subsidiary bodies to be established by the Conference of the Parties. She underlined that the chairmanship and tasks of the working groups during the Conference should have no effect on the nomination of chairs or on the work of the subsidiary bodies established for the period between meetings of the Conference of the Parties.

25. In addition, it was expected that the plenary of the Conference of the Parties, after hearing the general observations, would start consideration of the draft decisions as presented to it in the documentation of the meeting.

IV. GENERAL OBSERVATIONS

26. One delegation brought the attention of the meeting to the six-months rule provided under the Basel Convention for the submission of proposals for amendments and to the six-language practice in the United Nations. He also expressed the view that different countries had different capacities in the field of recycling industries. He proposed the adoption of lists A and B as guidelines at the current meeting of the Conference of the Parties. He also emphasized the need for strengthened capacity building in developing countries and expressed his country's readiness to provide support for the regional centres in Asia.

27. Several delegations expressed the view that, while supporting the adoption of lists A and B as annexes, they did not support the opening of Annex VII for the inclusion into it of other countries.

28. The representative of the United Kingdom of Great Britain and Northern Ireland, speaking on behalf of the European Community, stated that the common proposal of the European Community and Chile was simply a merging of the respective proposals for amendment of annexes presented to the Contracting Parties in full accordance with the provisions of Article 18 of the Convention.

IV. CONSIDERATION OF DRAFT DECISIONS

29. At its plenary session on 24 February 1998, the Conference took up consideration of the draft decisions as contained in documents UNEP/CHW.4/32 and UNEP/CHW.4/32/Add.1. While considering the draft decisions, the

meeting agreed to the proposal of the President that the plenary would not review the draft decisions referred to the Contact Group and the Financial Working Group, or, if so requested, the decisions to be referred to the Legal or Technical Working Groups. The working groups should review the decisions and report on the outcome of their work to the plenary.

30. The Conference elected the following representatives as chairs or co-chairs of the working groups:

(a) Financial Working Group:

Co-chairs: Mr. John Ashe (Antigua and Barbuda);
Mr. Dick de Bruijn (Netherlands);

(b) Contact Group:

Co-chairs: Mr. Ibrahima Sow (Senegal);
Mr. Marco Buletti (Switzerland);

(c) Legal Working Group:

Chair: Mr. Sergio Vives (Chile);

(d) Technical Working Group:

Co-chairs: Ms. Indrani Chandrasekharan (India);
Mr. Andreas Jaron (Germany).

31. Draft decisions together with their respective supportive or background documents were presented to the plenary by the Secretariat. The decisions as adopted are attached as the annex to the present report.

32. Specific comments, observations and statements made by representatives at the time of the consideration of the decisions are to be found below, under the respective decision title.

33. The working groups reported on the outcome of their work to the plenary on 27 February 1998.

A. Transmission of information (decision IV/3)

34. One representative drew the attention of the meeting to an error in the Secretariat's report on information under Articles 13 and 16 (UNEP/CHW.4/Inf.7). The figures provided as kilograms had been incorporated into the report as tonnes. The meeting took note of the correction.

B. Establishment of regional or subregional centres for training and technology transfer regarding the management of hazardous wastes and other wastes and the minimization of their generation
(decision IV/4)

35. Representatives of several countries reported on progress in the establishment and operation of regional and subregional centres in their respective regions.

36. With regard to the Latin America and Caribbean region, the representative of Argentina stated that his Government was ready to provide start-up financing for the subregional Centre for South America and urged other countries to provide support. Another representative from the region expressed the readiness of his Government to support the establishment and operation of the centre in Argentina.

37. With regard to the African region, the representative from South Africa informed the meeting that his Government was in the process of identifying a host institution for the subregional centre for English-speaking countries in Africa. The representative of Senegal informed the meeting about progress in the establishment of the centre for training and technology transfer for French-speaking countries of the African region, in Dakar. He thanked the Secretariat of the Basel Convention for its support and urged other countries and industries to provide support to the work of the centre.

38. The representative of Egypt informed the meeting that his Government was ready to establish an African subregional centre for Arabic-speaking countries in cooperation with the Secretariat of the Basel Convention, and was ready to organize a regional seminar for the countries in the region in the spring of 1998. The representative of Saudi Arabia suggested that the Secretariat of the Basel Convention could collaborate with the Regional Organization for Protection of the Marine Environment (ROPME) for the organization of training activities for the countries in their region. Those activities could also include training in relation to the protocol on transboundary movements of hazardous wastes. Other participants supported the idea of locating a training centre in the ROPME region.

39. The representative of Israel informed the meeting about the meeting on hazardous waste treatment which had been held by her Ministry in collaboration with professional personnel from the Palestine Authority, including a visit to the hazardous waste disposal site at Ramat Hovav. She informed the meeting that her country was ready to extend such training activities to neighbouring countries and to share experiences with them on hazardous waste-related issues.

40. She further indicated that her delegation did not consider it proper to use the platform and to take the time of the meeting to discuss mutual accusations, and she reiterated her country's invitation to benefit from its know-how and expertise in relevant matters.

41. Several countries expressed their concern about the statement by the representative of Israel and stated that Israel had been disposing of hazardous wastes in a non-environmentally sound way in the Palestine territories and other occupied Arab territories, waters of the Mediterranean and in the neighbouring rivers.

42. The representative of Monaco noted that the Final Act of the Izmir Protocol on the Transboundary Movements of Hazardous Wastes in the Mediterranean Region provided for the establishment of a regional centre. She therefore encouraged close cooperation in training activities between the Secretariat of the Basel Convention and the Protocol on the Prevention of Pollution of the Mediterranean Sea resulting from the Transboundary Movements of Hazardous Wastes and their Disposal, adopted at Izmir in September 1996, and, in that connection, mentioned that a centre for cleaner production had been established in Barcelona.

43. Regarding the Asia and Pacific region, the representative of China informed the meeting that the Centre in Beijing had been operating and thanked the Government of Australia for its support. He also expressed satisfaction that the Government of Japan was going to support the operation of regional centres in the region. The representative of Indonesia briefed participants on progress in the establishment of the Regional Centre in Indonesia and expressed her gratitude to the Governments of Australia and Japan for their interest in supporting the Centre. The representative of India indicated that her Government was now ready to start activities for the establishment of the subregional Centre in New Delhi and said that a project proposal had been prepared for that purpose.

44. With regard to the Central and Eastern European region, the representative of Slovakia reviewed the activities of the Centre in Bratislava. The representative of the Russian Federation noted that the Centre in Moscow had already been established to meet the training and technology transfer needs of the Commonwealth of Independent States and Eastern European region. He hoped that support for that Centre would be forthcoming also from other countries, as well as from the Secretariat of the Basel Convention.

C. Decision regarding Annex VII (decision IV/8)

45. At the time of adoption of the decision several representatives made statements and requested that those statements should be reflected in the report.

46. The representative of New Zealand reminded the meeting that New Zealand had no vested interest in the decision regarding Annex VII and that its concerns arose as a matter of environmental policy and the need for sound decisions in global environmental matters. New Zealand acknowledged the consensus of the meeting on the matter but put on record that New Zealand could not be taken to have endorsed the wording of paragraph 1 and the concerns which its delegation had expressed earlier on the issue remained. New Zealand considered the current text of paragraph 1 of the decision to be legally questionable.

47. The representative of Australia emphasized that, in the spirit of consensus, the Australian delegation had raised no objection to adoption of the decision. Australia believed, however, that operative paragraph 1 of the decision created a legal contradiction. Australia noted that operative paragraph 4 of the decision confirmed that the work to be undertaken on issues relating to Annex VII was without prejudice to any further decisions concerning that

Annex. It further noted the obligation on the Conference of the Parties, under Article 15, paragraph 5, of the Convention, to keep under continuous review and evaluation the effective implementation of the Convention. In that regard, Australia noted that a decision of one meeting of the Conference of the Parties could not constrain decisions by future meetings of the Conference of the Parties.

48. The representative of Israel stated that, since the signature of the Basel Convention in 1989 and following its ratification in 1994, Israel had been fully committed to the obligations and spirit of the Convention - adapting itself to it in its policies and administrative and legal systems. It was on that basis that Israel had presented its proposal to be included in Annex VII, being confident that it could meet and fulfil any technical, professional and legal standard - not less than any other Party currently included in Annex VII. Nevertheless, Israel was aware that the time for acceptance of its proposal had not yet ripened, so the proposal remained on the table of the Basel Convention. Israel was confident that in due time there would be a change of atmosphere and that further experience gained from the implementation of the Basel Convention would demonstrate the real need for objective and professional criteria to be included in Annex VII. Until such time, Israel wished to assure the Conference that it would continue to respect and follow the decisions adopted by the Conference of Parties, as it had been doing in the past and present.

49. The delegate of Monaco clarified that it had never had any other intentions regarding Annex VII than merely to simplify its juridical situation, in particular its belonging to the customs territory of the European Union without having any separate national customs legislation of its own. In full respect for the objectives of the Basel Convention, Monaco would continue its search for an adequate solution to that situation, in accordance with its position vis-à-vis the dispositions adopted in the frame of the Izmir Protocol to the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution from the transboundary movement of hazardous wastes and their disposal. The decision regarding Annex VII adopted by consensus at the current meeting of the Conference of the Parties had not followed the requests put to the meeting by Monaco and the delegation of Monaco therefore expressed its hope that future consideration of Annex VII might perhaps be more favourable to its request.

50. The representative of France emphasized that in 1963 Monaco had concluded with France a treaty on customs union. On 25 March 1957, France had also signed the Treaty of Rome, which established the European Community and provided for customs union with effect from 1 July 1968. Since that date there had been no customs frontier between the European Union and Monaco, which applied the European customs regulations. Taking into account that situation, the French delegation wished to call the attention of the Parties to difficulties, in practical terms, with reconciling the regulations of the customs union with the exclusion of Monaco from the assembly created by the European Union for transboundary movements.

51. Also in relation to the draft decision, the representative of Denmark informed the meeting that his country feared that the mandate thereby given to the Working Group might be misused by certain delegations to serve as a means of undermining the adopted ban on exports of hazardous wastes from Annex VII to non-Annex VII countries, which meant, practically speaking, from OECD to non-OECD countries.

52. Taking into consideration that - as his country saw it - the majority of the Group of 77 countries at the afternoon meeting in the Contact Group on Tuesday, 26 February 1998, had not spoken out against the proposed draft decision on Annex VII, Denmark had decided not to oppose adoption of the draft proposal. At the same time, it was Denmark's intention, should the decision be adopted by the Conference, to make every effort to ensure that the mandate thus conferred would not be misused to undermine the adopted ban and environmental aims of the Convention.

D. Amendment and adoption of annexes to the Convention (decision IV/9)

53. In the discussion relating to the draft decision, the representative of Japan stated that it was his delegation's understanding that the reference to "Article 4A", which was not yet part of the Basel Convention, meant that Lists A and B would also be applied to Article 4A after the amendment to the Convention contained in decision III/1 had come into force.

E. Illegal traffic in hazardous wastes and other wastes (decision IV/10)

54. During consideration of the draft decision, several representatives expressed appreciation for the efforts of the Secretariat in assisting Parties in preventing illegal traffic in hazardous wastes and in solving the problems regarding illegal traffic which had been discovered. They requested the Consultative Sub-group of Legal and Technical Experts to include this important issue in its future programme of work.

55. A number of representatives reported on instances of illegal traffic occurring in their territory and expressed satisfaction with the approach taken by other Contracting Parties to solve those problems.

56. Several representatives expressed deep concern about illegal traffic and emphasized the need to give that issue higher priority, while a number of representatives noted the need to develop guidance and procedures to deal with alleged cases of illegal traffic.

F. Cooperation with United Nations bodies, specialized agencies and regional systems and organizations (decision IV/14)

57. The representative of the Secretariat of the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution noted the active cooperation with the Secretariat of the Basel Convention in such areas as legal aspects, information exchange, training and capacity building. That cooperation had been particularly valuable in the preparation and negotiation of the Izmir Protocol, which would enter into force upon ratification by six countries. While compatible with the Basel Convention, the Izmir Protocol differed in its categorization of wastes and the obligations placed on exporting States vis-à-vis States of transit and incorporated an innovative notification system.

58. The representative of the International Maritime Organization (IMO) drew attention to the adoption in 1996 of the Convention on Liability and Compensation in connection with the Carriage of Noxious and Hazardous Substances by Sea (HNS Convention) and pointed out that his organization was also actively participating in the work of the Ad Hoc Working Group of Legal and Technical Experts to Consider and Develop a Draft Protocol on Liability and Compensation for Damage resulting from Transboundary Movements of Hazardous Waste and their Disposal.

59. He noted that, as a result of decisions taken by the Contracting Parties to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (London Convention, 1972), the dumping at sea of any hazardous and noxious substance had become illegal. That feature had been strengthened by the adoption of the 1996 Protocol to the London Convention. He called on States to ratify the HNS Convention and the 1996 Protocol to the London Convention so as to ensure their prompt entry into force. He also referred to the cooperation between IMO and countries of South-East Asia in the implementation of the 1973 International Convention for the Prevention of Pollution from Ships, as modified by its Protocol of 1978 (MARPOL 73/78), to prevent, inter alia, the discharge of oil sludges by ships.

60. The representative of the International Atomic Energy Agency (IAEA) described the main features of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management and informed the Conference that the Convention had been adopted on 5 September 1997 at a diplomatic conference. To date, 29 States had signed and one ratified the Convention. The text was contained in Agency document INFCIRC/546 and was also available on the Internet. He recalled that radioactive waste was excluded from the scope of the Basel Convention.

61. In his statement, the representative of the Organisation for Economic Cooperation and Development (OECD) emphasized the good cooperation that had been going on between the Secretariat of the Basel Convention and the Waste Management Group of OECD and expressed the wish of OECD for that fruitful cooperation to continue. He added that the Secretariat of the Basel Convention and OECD were about to sign an updated memorandum of understanding.

V. HIGH-LEVEL SEGMENT OF THE MEETING

62. The ministerial part of the fourth meeting of the Conference of the Parties was opened by the Executive Director of UNEP, Professor Klaus Töpfer in the morning of 26 February 1998. In his statement, the Executive Director emphasized the extent to which the environmentally unsound management of hazardous waste could have adverse effects on human health and the environment. The effective control of the transboundary movement of hazardous wastes could only be achieved through effective international cooperation. That was being done through the Basel Convention, which had proved to now to be a real success and demonstrated the very positive view taken by the international community of its implementation and effectiveness. That achievement was all the more impressive if account was taken of the complex technical issues with which the Convention dealt, as well as its complex political implications.

63. The Executive Director emphasized the growing number of Contracting Parties to the Basel Convention and expressed the expectation that soon the United States of America would become a Contracting Party. He encouraged countries to ratify the ban amendment adopted in 1995.
64. He congratulated the President and members of the Bureau of the third meeting of the Conference of the Parties and congratulated the new President on her election. He also referred to the outstanding outcome of work of the Technical Working Group and progress in the field of the establishment of regional and subregional centres for training and technology transfer on the management of hazardous wastes and the minimization of their generation. He encouraged speeding up the work of the Ad Hoc Working Group on the development of a protocol on liability and compensation for damages caused by the transboundary movement of hazardous wastes and their disposal.
65. He further outlined the tasks lying before the current meeting of the Conference of the Parties and expressed the need for full implementation of the Convention by all countries with the positive and constructive alliances with industry, non-governmental organizations and organizations within and outside the United Nations system.
66. At its ministerial segment, the Conference heard 40 statements by representatives of the Parties.
3. The representatives who took the floor expressed their gratitude to the host country, Malaysia, for organization of the meeting in Kuching, Sarawak, and for the hospitality extended to them. They also congratulated the Executive Director of UNEP on his election and thanked the Secretariat for the preparation of the documentation for the meeting. A number of representatives reported on progress in their countries towards implementation of the Convention.
67. Many representatives referred to their countries' efforts to prevent the illegal traffic in hazardous wastes. Several representatives stressed the need for international technical assistance and capacity building. They supported the establishment of regional centres for training and technology transfer regarding the environmentally sound management of hazardous wastes and the minimization of their generation, expressed their satisfaction with ongoing efforts in that direction and appealed to the international community for generous support for the establishment and functioning of the centres.
68. Many representatives recommended the faster development of a protocol for liability and compensation for damage resulting from transboundary movement of hazardous wastes and their disposal. They emphasized that the main goal of the Basel Convention was the environmentally sound management of hazardous wastes, limitation of their transboundary movements and minimization of their generation, including the promotion of cleaner technologies.
69. Several representatives emphasized the need for enforcement of the ban on the transboundary movement of hazardous wastes from developed to developing countries and appealed for the prompt ratification of the Amendment to the Convention adopted by the third meeting of the Conference of the Parties in 1995. They commended the work completed by the Technical Working Group in the development of Lists A and B, which would facilitate the implementation of the Amendment, and called for the inclusion of those lists in the Convention as annexes with the understanding that the reviewing system of the lists would also be adopted.
70. Many representatives called for the maintaining of Annex VII in its current structure. Others, however, proposed undertaking of the work within the Technical Working Group for reviewing the composition of Annex VII.
71. Many representatives emphasized that the Basel Convention could serve as an excellent example of close cooperation between the developed and developing countries and brought the attention of the meeting to the role of the industry and non-governmental organizations in the implementation of the Convention. They considered the Basel Convention as a major international global instrument in the field of the environment.
72. In his statement, the delegate of Senegal proposed to organize, in Dakar in the last quarter of 1998, an international meeting, with a view to enabling Parties to the Basel Convention, industry and non-governmental organizations to agree on cooperative and partnership actions to meet the common objectives in the field of protection of environment and sustainable development. The outcome of that meeting would be reported to the fifth meeting of the Conference of the Parties. He invited Parties, and representatives of industry and non-governmental organizations to Dakar for that meeting.

73. In his statement, the representative of Switzerland extended his Government's invitation to host the fifth meeting of the Conference of the Parties in Basel, also to celebrate the tenth anniversary of the signature of the Basel Convention. This invitation was met with recognition by all delegates.

VII. OTHER MATTERS

74. The President reported to the plenary that the Bureau of the Conference of the Parties, acting in its capacity as Credentials Committee, had checked the delegations' credentials and found them in order. The report of the Credentials Committee had been presented accordingly.

75. On 27 February, at its plenary session, the President informed the meeting about the outcome of the consultations within and among the five geopolitical groups regarding the chairmanships of the four subsidiary bodies established to act between the fourth and the fifth meetings of the Conference of the Parties to the Basel Convention.

76. The following nominations proposed by the President of the fourth meeting of the Conference of the Parties, after consultation with the five regional groups, were adopted by the plenary by acclamation:

(a) Ad Hoc Working Group of Legal and Technical Experts to Consider and Develop a Draft Protocol on Liability and Compensation:

Chair: Chile;

(b) Informal Legal Group:

Chair: India;

(c) Open-ended Ad Hoc Committee for the Implementation of the Basel Convention:

Chair: Germany;

Vice-chair: Russian Federation;

(d) Technical Working Group:

Chair: South Africa.

VII. ADOPTION OF THE DECISIONS AND OF THE REPORT OF THE MEETING

77. The Conference adopted, in all, 25 decisions, which are attached in the annex to this report. The Conference also adopted the report of the meeting.

VIII. CLOSURE OF THE MEETING

78. After the customary exchange of courtesies the President of the fourth meeting of the Conference of the Parties declared the meeting closed at 5.50 p.m. on 27 February 1998.

Annex

DECISIONS ADOPTED BY THE FOURTH MEETING OF THE CONFERENCE
OF THE PARTIES TO THE BASEL CONVENTION

List of decisions

- IV/1. Bilateral, multilateral and regional agreements or arrangements
- IV/2. Guidance elements for bilateral, multilateral and regional agreements or arrangements
- IV/3. Transmission of information
- IV/4. Establishment of regional or subregional centres for training and technology transfer regarding the management of hazardous wastes and other wastes and the minimization of their generation
- IV/5. Report of the Contracting Parties and signatories on the implementation of decision II/12
- IV/6. Outcome of the work of the Technical Working Group on lists of wastes and the applicable procedure for their review or adjustment
- IV/7. Implementation of decision III/1
- IV/8. Decision regarding Annex VII
- IV/9. Amendment and adoption of annexes to the Convention
- IV/10. Training and seminars related to the Basel Convention
- IV/11. Current and planned technical assistance activities including for the implementation of Agenda 21
- IV/12. Illegal traffic in hazardous wastes and other wastes
- IV/13. Competent authorities and focal points
- IV/14. Instruction Manual
- IV/15. Establishment of an Information Management System on Wastes (IMSW) of the Basel Convention
- IV/16. Cooperation with United Nations bodies, specialized agencies and regional systems and organizations and others
- IV/17. Cooperation between the Basel Convention and the activities undertaken at the global level leading to the development of the legally binding instruments for the application of the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade and on persistent organic pollutants
- IV/18. Hazardous waste minimization
- IV/19. Ad Hoc Committee of Legal and Technical Experts to Consider and Develop a Draft Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and Their Disposal
- IV/20. Emergency fund
- IV/21. Monitoring the implementation of and compliance with the obligations set out by the Basel Convention
- IV/22. Institutional, financial and procedural arrangements
- IV/23. Draft Technical Guidelines on Hazardous Waste: Physico-chemical Treatment (D9) and Biological Treatment (D8)

IV/24. Proposed work programme of the Technical Working Group for 1998 and 1999-2000

IV/25. Tribute to the host country and dates and venue for the next meeting of the Conference of the Parties

Decisions adopted by the fourth meeting of the Conference
of the Parties to the Basel Convention

IV/1. Bilateral, multilateral and regional agreements or arrangements

The Conference

1. Takes note of the information provided by the Parties on the conformity of their bilateral, multilateral and regional agreements or arrangements with Article 11 of the Basel Convention, taking into account the list of questions annexed to decision II/10 of the second meeting of the Conference of the Parties;
2. Requests the Parties that have entered, in accordance with Article 11, into bilateral, multilateral and regional agreements or arrangements and that have not yet reported on the conformity of such agreements or arrangements with the said Article, to report through the Secretariat to the next session of the Open-ended Ad Hoc Committee, taking into account the list of questions annexed to decision II/10;
3. Requests the Secretariat of the Basel Convention to establish and update a list of bilateral, multilateral and regional agreements or arrangements in effect, reported to the Secretariat, and to distribute this list on a regular basis to Parties and non-Parties.

IV/2. Guidance elements for bilateral, multilateral and regional
agreements or arrangements

The Conference

1. Takes note of the draft guidance elements developed by the Technical Working Group;
2. Extends the mandate of its Technical Working Group and gives a mandate to the Consultative Sub-group of Legal and Technical Experts and requests these two groups to cooperate closely on this subject with a view:
 - (a) To further elaborating on the text of the draft guidance elements;
 - (b) To presenting to the next meeting of the Open-ended Ad Hoc Committee the revised draft elements for adoption by the fifth meeting of the Conference of the Parties;
3. Encourages Parties and States non-parties to refer to the draft guidance elements when considering bilateral, multilateral or regional agreements or arrangements.

IV/3. Transmission of information

The Conference

1. Takes note of the report prepared by the Secretariat on the implementation of Articles 13 and 16;
2. Acknowledges the efforts made by Parties to provide information to the Secretariat of the Basel Convention for the calendar years 1994 and 1995;
3. Invites those Parties that have not yet done so to report on Articles 13 and 16 for the calendar year 1996 as soon as possible, using the questionnaire prepared for this purpose by the Secretariat and bearing in mind that, according to the provisions of Article 13, Parties are requested to transmit, before the end of each calendar year, a report on information for the previous calendar year;
4. Requests the Parties to provide such information to the Secretariat for the calendar year 1997, before the end of calendar year 1998;
5. Requests Parties to comment upon and propose improvements to the existing format of the questionnaire in order to enable the Secretariat to revise it in time for reporting by Parties on 1996 activities;
6. Requests the Secretariat to continue its efforts in promoting the harmonizing of the reporting system of other organizations and to initiate action on this matter with relevant agencies.

IV/4. Establishment of regional or subregional centres for training and technology transfer regarding the management of hazardous wastes and other wastes and the minimization of their generation

The Conference

1. Takes note of the progress in the establishment of regional and subregional centres for training and technology transfer and of the existing and proposed organizational arrangements, as well as of the funding situation of the respective centres;
2. Welcomes the financial support provided by the Government of Switzerland for the establishment and initiation of activities at the Regional Centre in Bratislava for Central and Eastern Europe for a two-year period and the contribution in kind (staff, logistics, utilities, administrative and organizational arrangements) provided by the Government of Slovakia;
3. Welcomes the financial support provided by:
 - (a) The Government of Canada, for the initiation of the activities at the Coordinating Centre in Uruguay;
 - (b) The Government of Germany (GTZ) for the undertaking of a feasibility study for the establishment of a subregional centre for English-speaking countries in Africa;
 - (c) The United Nations Environment Programme, through its Swedish Technical Cooperation Trust Fund, for the undertaking of feasibility studies for the establishment of subregional centres for Arabic-speaking and French-speaking African countries;
 - (d) The Government of Australia, for the holding of a regional meeting in China to discuss the outcome of the feasibility study for the establishment of centres in the Asia and Pacific region and for support to a second meeting in this region to be held in Indonesia to agree on arrangements and activities in the Indonesian Regional Centre as well as its interaction and relation with other centres in the region;
4. Takes note of the fact that the contribution in kind for core activities of the Centre by the host Government (Slovakia), in addition to the contribution by the Government of Switzerland, facilitated and speeded up the initiation of activities at the Centre for Central and Eastern Europe;
5. Further takes note of the efforts made by other host countries to provide in-kind contributions for the establishment and activities of the centres;
6. Recommends that, as far as possible, the same approach be adopted by host Governments in all regions for the regional and subregional centres, by providing for the core staff and activities of the centres as a contribution in kind;
7. Requests the Secretariat of the Basel Convention to continue to explore areas of cooperation with other international conventions and agencies of the United Nations system on sustainable development in the question of the establishment of regional technology centres and encourages networking to maximize interlinkages, and to avoid duplication of efforts;
8. Also requests the Secretariat to collaborate with the Regional Organization for Protection of the Marine Environment (ROPME) for the Gulf region, located in Kuwait, as well as with the Regional Office for West Asia of the United Nations Environment Programme, in relation to the provision of training and technology transfer in the environmentally sound management of hazardous wastes and the transboundary movement of such wastes for the countries in the ROPME sea region;
9. Urges all Parties and non-Parties in a position to do so, as well as international organizations, including development banks, non-governmental organizations and the private sector, including industry, to make financial or in-kind contributions to allow all centres to become operational as soon as possible and to support their activities;

10. Urges the Parties to have as a goal the long-term sustainability of the centres and to ensure that various options are being thoroughly considered in order to achieve this goal;

11. Urges all designated host Governments, as soon as regional and subregional meetings have been held to discuss the outcome of the feasibility studies, to prepare concrete project proposals for the establishment of their respective centres, with detailed budgets to be sent to donors for funding and with feasible action plans for the centres to become financially self-sufficient within a specific time-frame;

12. Requests the Secretariat to convene regional and subregional meetings to discuss the outcome of the feasibility studies not yet addressed by such meetings, in order to accelerate the establishment of centres in those regions;

13. Further urges Parties, especially those which are future hosts of regional and subregional centres, to include the above project proposals as priority activities in their development plans, in order to enable donor agencies to consider providing financial support in connection with the regularly organized United Nations Development Programme round-table donors' meetings;

14. Requests the Secretariat to continue to report to future sessions of the Open-ended Ad Hoc Committee on progress made in the establishment of regional centres on training and technology transfer.

IV/5. Report of the Contracting Parties and signatories on the
implementation of decision II/12

The Conference

1. Takes note of the report prepared by the Secretariat of the Basel Convention on the implementation of decision II/12;

2. Requests the Parties which have not yet reported to the Secretariat on the implementation of decision II/12 to do so as soon as possible, to allow for the presentation of a comprehensive report to the next meeting of the Conference of the Parties;

3. Requests the Secretariat to consolidate the report, including the information received on the implementation of this decision in previous years;

4. Requests the Open-ended Ad Hoc Committee to present a further consolidated report to the fifth meeting of the Conference of the Parties.

IV/6. Outcome of the work of the Technical Working Group on lists of
wastes and the applicable procedure for their
review or adjustment

The Conference

1. Notes with appreciation the efforts of the Technical Working Group in preparing the List A and List B of wastes;

2. Considers the draft Position Paper together with the consolidated Lists A and B of wastes, and the applicable procedure for reviewing or adjusting List A and List B;

3. Agrees to approve the draft Position Paper on Hazard Characterization and Classification of Wastes within the Framework of the Basel Convention as contained in document UNEP/CHW.4/2;

4. Approves the List A and List B of wastes as submitted by the Technical Working Group;

5. Approves the Application Form for the Placement or Removal of Wastes on List A or List B developed by the Technical Working Group;

6. Extends the mandate of the Technical Working Group and instructs the Technical Working Group to keep the List A and List B of wastes under review using the Application Form for placement or removal of wastes on these Lists for this purpose;
7. Requests the Technical Working Group to provide the Conference of the Parties with recommendations on the revision or adjustment of List A and List B of wastes;
8. Notes the wastes placed on List C;
9. Instructs the Technical Working Group to review wastes on List C with a view to their placement on List A or List B;
10. Also instructs the Technical Working Group to initiate work on wastes about which particular concerns are or have been expressed;
11. Instructs the Technical Working Group to develop the procedure for reviewing or adjusting the lists of wastes and to submit a proposal for approval at the fifth meeting of the Conference of the Parties;
12. Requests the Technical Working Group to continue its work on the hazard characterization of wastes, in particular, for the hazard characteristics H6.2, H10, H11, H12 and H13 of Annex III to the Convention;
13. Requests the Secretariat to publish the draft position paper, in the official languages of the United Nations, and to disseminate it to Parties, signatories of the Convention, other States, intergovernmental organizations, industry and business, as well as to environmental non-governmental organizations;
14. Requests the Secretariat of the Basel Convention to ensure that the outcome of the work of the Technical Working Group be made available to Parties on a regular basis.

IV/7. Implementation of decision III/1

The Conference

1. Takes note of the progress made by Parties in effectively implementing decision III/1;
2. Welcomes the ratification by several countries of the Amendment adopted by decision III/1;
3. Strongly appeals to Parties to ratify the Amendment adopted by decision III/1 as soon as possible to enable the early entry into force of the Amendment.

IV/8. Decision regarding Annex VII

The Conference,

Affirming the objectives set out in decision III/1,

Noting that the amendment contained in decision III/1 has not yet come into force, and therefore also noting decision IV/7 of this Conference, which urges Parties to ratify this Amendment as a matter of priority,

Further noting the deep concern of Arab and other countries of making any changes to Annex VII,

Reaffirming the importance of the broad ratification and entry into force of the amendment contained in decision III/1 and recognizing the difficulties of modifying Annex VII prior to the entry into force of that amendment;

Further noting the proposals formulated by Parties for inclusion into Annex VII,

1. Decides to leave Annex VII unchanged until the amendment contained in decision III/1 enters into force;

2. Further decides to explore issues relating to Annex VII and requests the Technical Working Group in cooperation with the Sub-group of Legal and Technical Experts to provide Parties with a detailed and documented analysis that would highlight issues related to Annex VII;

3. Requests those two Groups to report to the fifth meeting of the Conference of the Parties;

4. Confirms that the work to be undertaken is without prejudice to any future decisions concerning Annex VII.

IV/9. Amendment and adoption of annexes to the Convention

The Conference,

Recalling decision III/1 of the Conference of the Parties, which instructed the Technical Working Group, among other things, to give full priority to completing the work on hazard characterization and the development of lists, in order to submit them for approval to the fourth meeting of the Conference of the Parties,

Recalling decision III/12 of the Conference of the Parties, which instructed the Technical Working Group, among other things, to consider ways of taking forward the development of lists of hazardous wastes and the applicable procedure for their review based on the outcome of the work of the Technical Working Group, as well as further developing lists of wastes not covered by this Convention,

Taking note of the work carried out by the Technical Working Group and in particular the development of a list of wastes that are characterized as hazardous pursuant to Article 1, paragraph 1 (a), (list A contained in the note on consolidated lists of wastes and the applicable procedures for their review and adjustment (UNEP/CHW.4/3)) and a list of wastes that are not covered by article 1, paragraph 1 (a), of this Convention (list B contained in the note on consolidated lists of wastes and the applicable procedures for their review and adjustment), as well as the progress made in the development of a procedure for reviewing or adjusting these lists and of an application form required for the placement or removal of wastes on these lists,

Considering that Annex I and Annex III shall remain the factors to characterize wastes as hazardous for the purpose of this Convention, that lists A and B developed by the Technical Working Group provide an expeditious way to facilitate the implementation of this Convention, including Article 4A, by establishing wastes that are and wastes that are not covered by Article 1, paragraph 1 (a), of this Convention, and that these lists should have equal status,

Noting that wastes listed in lists A and B are an elaboration and clarification of the provisions of Article 1, paragraph 1 (a), of this Convention by reference to Annexes I and III,

Recognizing that List A and List B are not intended to be exhaustive,

Taking note that the Open-ended Ad Hoc Committee decided at its third meeting to propose that the Conference of the Parties extend the mandate of the Technical Working Group to take charge of the procedure for reviewing or adjusting the lists of wastes and that the Conference of the Parties adopt the application form for this purpose, as set out in the note on consolidated lists of wastes and the applicable procedures for their review and adjustment,

Taking note that, pursuant to decision IV/6, the Technical Working Group is instructed to keep the lists of wastes under review and to make recommendations to the Conference of the Parties for revisions or adjustments,

Further taking note that, pursuant to decision IV/6, the Technical Working Group is instructed to review the procedure for reviewing or adjusting the lists of wastes, including the Application Form as set out in the note on consolidated lists of wastes and the applicable procedures for their review and adjustment and to submit a proposal for approval at the fifth meeting of the Conference of the Parties,

Decides to adopt the following amendment and adoption of annexes to this Convention:

1. Add the following paragraphs at the end of Annex I:

(a) To facilitate the application of this Convention, and subject to paragraphs (b), (c) and (d), wastes listed in Annex VIII are characterized as hazardous pursuant to Article 1, paragraph 1 (a), of this Convention, and wastes listed in Annex IX are not covered by Article 1, paragraph 1 (a), of this Convention.

(b) Designation of a waste on Annex VIII does not preclude, in a particular case, the use of Annex III to demonstrate that a waste is not hazardous pursuant to Article 1, paragraph 1 (a), of this Convention.

(c) Designation of a waste on Annex IX does not preclude, in a particular case, characterization of such a waste as hazardous pursuant to Article 1, paragraph 1 (a), of this Convention if it contains Annex I material to an extent causing it to exhibit an Annex III characteristic.

(d) Annexes VIII and IX do not affect the application of Article 1, paragraph 1 (a), of this Convention for the purpose of characterization of wastes.

2. Add the following two new annexes to the Convention as its Annexes VIII and IX.

Annex VIII

LIST A

Wastes contained in this Annex are characterized as hazardous under Article 1, paragraph 1 (a), of this Convention, and their designation on this Annex does not preclude the use of Annex III to demonstrate that a waste is not hazardous.

A1 Metal and metal-bearing wastes

- A1010 Metal wastes and waste consisting of alloys of any of the following:
- " Antimony
 - " Arsenic
 - " Beryllium
 - " Cadmium
 - " Lead
 - " Mercury
 - " Selenium
 - " Tellurium
 - " Thallium
- but excluding such wastes specifically listed on list B.
- A1020 Waste having as constituents or contaminants, excluding metal waste in massive form, any of the following:
- " Antimony; antimony compounds
 - " Beryllium; beryllium compounds
 - " Cadmium; cadmium compounds
 - " Lead; lead compounds
 - " Selenium; selenium compounds
 - " Tellurium; tellurium compounds
- A1030 Wastes having as constituents or contaminants any of the following:
- " Arsenic; arsenic compounds
 - " Mercury; mercury compounds.
 - " Thallium; thallium compounds
- A1040 Wastes having as constituents any of the following:
- " Metal carbonyls
 - " Hexavalent chromium compounds
- A1050 Galvanic sludges
- A1060 Waste liquors from the pickling of metals
- A1070 Leaching residues from zinc processing, dust and sludges such as jarosite, hematite, etc.
- A1080 Waste zinc residues not included on list B, containing lead and cadmium in concentrations sufficient to exhibit Annex III characteristics
- A1090 Ashes from the incineration of insulated copper wire
- A1100 Dusts and residues from gas cleaning systems of copper smelters
- A1110 Spent electrolytic solutions from copper electrorefining and electrowinning operations

- A1120 Waste sludges, excluding anode slimes, from electrolyte purification systems in copper electrorefining and electrowinning operations
- A1130 Spent etching solutions containing dissolved copper
- A1140 Waste cupric chloride and copper cyanide catalysts
- A1150 Precious metal ash from incineration of printed circuit boards not included on list B 1/
- A1160 Waste lead-acid batteries, whole or crushed
- A1170 Unsorted waste batteries excluding mixtures of only list B batteries. Waste batteries not specified on list B containing Annex I constituents to an extent to render them hazardous.
- A1180 Waste electrical and electronic assemblies or scrap 2/ containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or contaminated with Annex I constituents (e.g., cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they possess any of the characteristics contained in Annex III (note the related entry on list B B1110) 3/

A2 Wastes containing principally inorganic constituents,
which may contain metals and organic materials

- A2010 Glass waste from cathode-ray tubes and other activated glasses
- A2020 Waste inorganic fluorine compounds in the form of liquids or sludges but excluding such wastes specified on list B
- A2030 Waste catalysts but excluding such wastes specified on list B
- A2040 Waste gypsum arising from chemical industry processes, when containing Annex I constituents to the extent that it exhibits an Annex III hazardous characteristic (note the related entry on list B B2080)
- A2050 Waste asbestos (dusts and fibres)
- A2060 Coal-fired power plant fly-ash containing Annex I substances in concentrations sufficient to exhibit Annex III characteristics (note the related entry on list B B2050)

A3 Wastes containing principally organic constituents,
which may contain metals and inorganic materials

- A3010 Waste from the production or processing of petroleum coke and bitumen
- A3020 Waste mineral oils unfit for their originally intended use
- A3030 Wastes that contain, consist of or are contaminated with leaded anti-knock compound sludges
- A3040 Waste thermal (heat transfer) fluids

1/ Note that mirror entry on list B (B1160) does not specify exceptions.

2/ This entry does not include scrap assemblies from electric power generation.

3/ PCBs are at a concentration level of 50 mg/kg or more.

- A3050 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives excluding such wastes specified on list B (note the related entry on list B B4020)
- A3060 Waste nitrocellulose
- A3070 Waste phenols, phenol compounds including chlorophenol in the form of liquids or sludges
- A3080 Waste ethers not including those specified on list B
- A3090 Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides (note the related entry on list B B3100)
- A3100 Waste paring and other waste of leather or of composition leather not suitable for the manufacture of leather articles containing hexavalent chromium compounds or biocides (note the related entry on list B B3090)
- A3110 Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on list B B3110)
- A3120 Fluff - light fraction from shredding
- A3130 Waste organic phosphorous compounds
- A3140 Waste non-halogenated organic solvents but excluding such wastes specified on list B
- A3150 Waste halogenated organic solvents
- A3160 Waste halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations
- A3170 Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethane, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)
- A3180 Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT), polychlorinated naphthalene (PCN) or polybrominated biphenyl (PBB), or any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more ^{4/}
- A3190 Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment of organic materials

A4 Wastes which may contain either inorganic
or organic constituents

- A4010 Wastes from the production, preparation and use of pharmaceutical products but excluding such wastes specified on list B
- A4020 Clinical and related wastes; that is wastes arising from medical, nursing, dental, veterinary, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects

^{4/} The 50 mg/kg level is considered to be an internationally practical level for all wastes. However, many individual countries have established lower regulatory levels (e.g., 20 mg/kg) for specific wastes.

- A4030 Wastes from the production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides and herbicides which are off-specification, outdated, 5/ or unfit for their originally intended use
- A4040 Wastes from the manufacture, formulation and use of wood-preserving chemicals 6/
- A4050 Wastes that contain, consist of or are contaminated with any of the following:
- " Inorganic cyanides, excepting precious-metal-bearing residues in solid form containing traces of inorganic cyanides
 - " Organic cyanides
- A4060 Waste oils/water, hydrocarbons/water mixtures, emulsions
- A4070 Wastes from the production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish excluding any such waste specified on list B (note the related entry on list B B4010)
- A4080 Wastes of an explosive nature (but excluding such wastes specified on list B)
- A4090 Waste acidic or basic solutions, other than those specified in the corresponding entry on list B (note the related entry on list B B2120)
- A4100 Wastes from industrial pollution control devices for cleaning of industrial off-gases but excluding such wastes specified on list B
- A4110 Wastes that contain, consist of or are contaminated with any of the following:
- " Any congener of polychlorinated dibenzo-furan
 - " Any congener of polychlorinated dibenzo-dioxin
- A4120 Wastes that contain, consist of or are contaminated with peroxides
- A4130 Waste packages and containers containing Annex I substances in concentrations sufficient to exhibit Annex III hazard characteristics
- A4140 Waste consisting of or containing off specification or outdated 7/ chemicals corresponding to Annex I categories and exhibiting Annex III hazard characteristics
- A4150 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known
- A4160 Spent activated carbon not included on list B (note the related entry on list B B2060)

5/ "Outdated" means unused within the period recommended by the manufacturer.

6/ This entry does not include wood treated with wood preserving chemicals.

7/ "Outdated" means unused within the period recommended by the manufacturer.

Annex IX

LIST B

Wastes contained in the Annex will not be wastes covered by Article 1, paragraph 1 (a), of this Convention unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic.

B1 Metal and metal-bearing wastes

- B1010 Metal and metal-alloy wastes in metallic, non-dispersible form:
- " Precious metals (gold, silver, the platinum group, but not mercury)
 - " Iron and steel scrap
 - " Copper scrap
 - " Nickel scrap
 - " Aluminium scrap
 - " Zinc scrap
 - " Tin scrap
 - " Tungsten scrap
 - " Molybdenum scrap
 - " Tantalum scrap
 - " Magnesium scrap
 - " Cobalt scrap
 - " Bismuth scrap
 - " Titanium scrap
 - " Zirconium scrap
 - " Manganese scrap
 - " Germanium scrap
 - " Vanadium scrap
 - " Scrap of hafnium, indium, niobium, rhenium and gallium
 - " Thorium scrap
 - " Rare earths scrap
- B1020 Clean, uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plate, beams, rods, etc), of:
- " Antimony scrap
 - " Beryllium scrap
 - " Cadmium scrap
 - " Lead scrap (but excluding lead-acid batteries)
 - " Selenium scrap
 - " Tellurium scrap
- B1030 Refractory metals containing residues
- B1040 Scrap assemblies from electrical power generation not contaminated with lubricating oil, PCB or PCT to an extent to render them hazardous
- B1050 Mixed non-ferrous metal, heavy fraction scrap, not containing Annex I materials in concentrations sufficient to exhibit Annex III characteristics 8/
- B1060 Waste selenium and tellurium in metallic elemental form including powder

8/ Note that even where low level contamination with Annex I materials initially exists, subsequent processes, including recycling processes, may result in separated fractions containing significantly enhanced concentrations of those Annex I materials.

- B1070 Waste of copper and copper alloys in dispersible form, unless they contain Annex I constituents to an extent that they exhibit Annex III characteristics
- B1080 Zinc ash and residues including zinc alloys residues in dispersible form unless containing Annex I constituents in concentration such as to exhibit Annex III characteristics or exhibiting hazard characteristic H4.3 9/
- B1090 Waste batteries conforming to a specification, excluding those made with lead, cadmium or mercury
- B1100 Metal-bearing wastes arising from melting, smelting and refining of metals:
- " Hard zinc spelter
 - " Zinc-containing drosses:
 - Galvanizing slab zinc top dross (>90% Zn)
 - Galvanizing slab zinc bottom dross (>92% Zn)
 - Zinc die casting dross (>85% Zn)
 - Hot dip galvanizers slab zinc dross (batch)(>92% Zn)
 - Zinc skimmings
 - " Aluminium skimmings (or skims) excluding salt slag
 - " Slags from copper processing for further processing or refining not containing arsenic, lead or cadmium to an extent that they exhibit Annex III hazard characteristics
 - " Wastes of refractory linings, including crucibles, originating from copper smelting
 - " Slags from precious metals processing for further refining
 - " Tantalum-bearing tin slags with less than 0.5% tin
- B1110 Electrical and electronic assemblies:
- " Electronic assemblies consisting only of metals or alloys
 - " Waste electrical and electronic assemblies or scrap 10/ (including printed circuit boards) not containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or not contaminated with Annex I constituents (e.g., cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the characteristics contained in Annex III (note the related entry on list A A1180)
 - " Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct reuse, 11/ and not for recycling or final disposal 12/
- B1120 Spent catalysts excluding liquids used as catalysts, containing any of:

9/ The status of zinc ash is currently under review and there is a recommendation with the United Nations Conference on Trade and Development (UNCTAD) that zinc ashes should not be dangerous goods.

10/ This entry does not include scrap from electrical power generation.

11/ Reuse can include repair, refurbishment or upgrading, but not major reassembly.

12/ In some countries these materials destined for direct re-use are not considered wastes.

Transition metals, excluding waste catalysts (spent catalysts, liquid used catalysts or other catalysts) on list A:

Scandium
Vanadium
Manganese
Cobalt
Copper
Yttrium
Niobium
Hafnium
Tungsten

Titanium
Chromium
Iron
Nickel
Zinc
Zirconium
Molybdenum
Tantalum
Rhenium

Lanthanides (rare earth metals):

Lanthanum
Praseodymium
Samarium
Gadolinium
Dysprosium
Erbium
Ytterbium

Cerium
Neodymium
Europium
Terbium
Holmium
Thulium
Lutetium

- B1130 Cleaned spent precious-metal-bearing catalysts
- B1140 Precious-metal-bearing residues in solid form which contain traces of inorganic cyanides
- B1150 Precious metals and alloy wastes (gold, silver, the platinum group, but not mercury) in a dispersible, non-liquid form with appropriate packaging and labelling
- B1160 Precious-metal ash from the incineration of printed circuit boards (note the related entry on list A A1150)
- B1170 Precious-metal ash from the incineration of photographic film
- B1180 Waste photographic film containing silver halides and metallic silver
- B1190 Waste photographic paper containing silver halides and metallic silver
- B1200 Granulated slag arising from the manufacture of iron and steel
- B1210 Slag arising from the manufacture of iron and steel including slags as a source of TiO_2 and vanadium
- B1220 Slag from zinc production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g., DIN 4301) mainly for construction
- B1230 Mill scaling arising from the manufacture of iron and steel
- B1240 Copper oxide mill-scale

B2 Wastes containing principally inorganic constituents,
which may contain metals and organic materials

- B2010 Wastes from mining operations in non-dispersible form:
- " Natural graphite waste
 - " Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise
 - " Mica waste
 - " Leucite, nepheline and nepheline syenite waste
 - " Feldspar waste
 - " Fluorspar waste
 - " Silica wastes in solid form excluding those used in foundry operations

- B2020 Glass waste in non-dispersible form:
- " Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses
- B2030 Ceramic wastes in non-dispersible form:
- " Cermet wastes and scrap (metal ceramic composites)
 - " Ceramic based fibres not elsewhere specified or included
- B2040 Other wastes containing principally inorganic constituents:
- " Partially refined calcium sulphate produced from flue-gas desulphurization (FGD)
 - " Waste gypsum wallboard or plasterboard arising from the demolition of buildings
 - " Slag from copper production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g., DIN 4301 and DIN 8201) mainly for construction and abrasive applications
 - " Sulphur in solid form
 - " Limestone from the production of calcium cyanamide (having a pH less than 9)
 - " Sodium, potassium, calcium chlorides
 - " Carborundum (silicon carbide)
 - " Broken concrete
 - " Lithium-tantalum and lithium-niobium containing glass scraps
- B2050 Coal-fired power plant fly-ash, not included on list A (note the related entry on list A A2060)
- B2060 Spent activated carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (note the related entry on list A A4160)
- B2070 Calcium fluoride sludge
- B2080 Waste gypsum arising from chemical industry processes not included on list A (note the related entry on list A A2040)
- B2090 Waste anode butts from steel or aluminium production made of petroleum coke or bitumen and cleaned to normal industry specifications (excluding anode butts from chlor alkali electrolyses and from metallurgical industry)
- B2100 Waste hydrates of aluminium and waste alumina and residues from alumina production excluding such materials used for gas cleaning, flocculation or filtration processes
- B2110 Bauxite residue ("red mud") (pH moderated to less than 11.5)
- B2120 Waste acidic or basic solutions with a pH greater than 2 and less than 11.5, which are not corrosive or otherwise hazardous (note the related entry on list A A4090)

B3 Wastes containing principally organic constituents,
which may contain metals and inorganic materials

- B3010 Solid plastic waste:
- The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification:
- " Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following 13/:

13/ It is understood that such scraps are completely polymerized.

- ethylene
- styrene
- polypropylene
- polyethylene terephthalate
- acrylonitrile
- butadiene
- polyacetals
- polyamides
- polybutylene terephthalate
- polycarbonates
- polyethers
- polyphenylene sulphides
- acrylic polymers
- alkanes C10-C13 (plasticiser)
- polyurethane (not containing CFCs)
- polysiloxanes
- polymethyl methacrylate
- polyvinyl alcohol
- polyvinyl butyral
- polyvinyl acetate

" Cured waste resins or condensation products including the following:

- urea formaldehyde resins
- phenol formaldehyde resins
- melamine formaldehyde resins
- epoxy resins
- alkyd resins
- polyamides

" The following fluorinated polymer wastes 14/

- perfluoroethylene/propylene (FEP)
- perfluoroalkoxy alkane (PFA)
- perfluoroalkoxy alkane (MFA)
- polyvinyl fluoride (PVF)
- polyvinylidene fluoride (PVDF)

B3020 Paper, paperboard and paper product wastes

The following materials, provided they are not mixed with hazardous wastes:

Waste and scrap of paper or paperboard of:

- " unbleached paper or paperboard or of corrugated paper or paperboard
- " other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass
- " paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter)
- " other, including but not limited to 1) laminated paperboard 2) unsorted scrap.

B3030 Textile wastes

The following materials, provided they are not mixed with other wastes and are prepared to a specification:

- " Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)

14/ - Post-consumer wastes are excluded from this entry
 - Wastes shall not be mixed
 - Problems arising from open-burning practices to be considered

- not carded or combed
 - other
- " Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock
- noils of wool or of fine animal hair
 - other waste of wool or of fine animal hair
 - waste of coarse animal hair
- " Cotton waste (including yarn waste and garnetted stock)
- yarn waste (including thread waste)
 - garnetted stock
 - other
- " Flax tow and waste
- " Tow and waste (including yarn waste and garnetted stock) of true hemp (Cannabis sativa L.)
- " Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
- " Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus Agave
- " Tow, noils and waste (including yarn waste and garnetted stock) of coconut
- " Tow, noils and waste (including yarn waste and garnetted stock) of abaca (Manila hemp or Musa textilis Nee)
- " Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included
- " Waste (including noils, yam waste and garnetted stock) of man-made fibres
- of synthetic fibres
 - of artificial fibres
- " Worn clothing and other worn textile articles
- " Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials
- sorted
 - other
- B3040 Rubber wastes
- The following materials, provided they are not mixed with other wastes:
- " Waste and scrap of hard rubber (e.g., ebonite)
- " Other rubber wastes (excluding such wastes specified elsewhere)
- B3050 Untreated cork and wood waste:
- " Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
- " Cork waste: crushed, granulated or ground cork
- B3060 Wastes arising from agro-food industries provided it is not infectious:
- " Wine lees
- " Dried and sterilized vegetable waste, residues and byproducts, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included
- " Degras: residues resulting from the treatment of fatty substances or animal or vegetable waxes
- " Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised
- " Fish waste
- " Cocoa shells, husks, skins and other cocoa waste

- " Other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption
- B3070 The following wastes:
 - " Waste of human hair
 - " Waste straw
 - " Deactivated fungus mycelium from penicillin production to be used as animal feed
- B3080 Waste parings and scrap of rubber
- B3090 Paring and other wastes of leather or of composition leather not suitable for the manufacture of leather articles, excluding leather sludges, not containing hexavalent chromium compounds and biocides (note the related entry on list A A3100)
- B3100 Leather dust, ash, sludges or flours not containing hexavalent chromium compounds or biocides (note the related entry on list A A3090)
- B3110 Fellmongery wastes not containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on list A A3110)
- B3120 Wastes consisting of food dyes
- B3130 Waste polymer ethers and waste non-hazardous monomer ethers incapable of forming peroxides
- B3140 Waste pneumatic tyres, excluding those destined for Annex IVA operations

B4 Wastes which may contain either inorganic
or organic constituents

- B4010 Wastes consisting mainly of water-based/latex paints, inks and hardened varnishes not containing organic solvents, heavy metals or biocides to an extent to render them hazardous (note the related entry on list A A4070)
- B4020 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives, not listed on list A, free of solvents and other contaminants to an extent that they do not exhibit Annex III characteristics, e.g., water-based, or glues based on casein starch, dextrin, cellulose ethers, polyvinyl alcohols (note the related entry on list A A3050)
- B4030 Used single-use cameras, with batteries not included on list A

IV/10. Training and seminars related to the Basel Convention

The Conference

1. Requests the Secretariat of the Basel Convention to continue developing training programmes, including curricula at national level, in cooperation with national authorities and organizing national and regional training activities on the implementation of the Basel Convention in collaboration with the United Nations Environment Programme and other international organizations as well as the private sector and environmental non-governmental organizations;
2. Further requests the Secretariat, in collaboration with the United Nations Environment Programme and other international organizations as well as the private sector and environmental non-governmental organizations, actively to contribute to the implementation of the programme of activities of the regional centres by developing training materials, publications and other supporting materials, by facilitating the development of local and regional activities and case studies and by providing resource persons for training courses;
3. Also requests the Secretariat of the Basel Convention to continue promoting public awareness on the aims of the Basel Convention through participation in related international conferences, symposia and seminars, through the preparation and publication of brochures, newsletters, leaflets, press releases, case studies and other publications and material in this field, and through the consolidation of the websites of the Basel Convention on the Internet;
4. Urges Parties to contribute to the voluntary Technical Cooperation Trust Fund established under the Basel Convention with the aim to support the activities of developing countries and the Secretariat of the Basel Convention in developing training and capacity-building activities as well as awareness-raising activities;
5. Invites all Parties which are in a position to do so to contribute to the trust funds to cover the costs of participation of developing country representatives at meetings and seminars organized by the Secretariat, or in kind, through, inter alia, the provision of resource persons for the organization of seminars, workshops and training programmes.

IV/11. Current and planned technical assistance activities including for the implementation of Agenda 21

The Conference

1. Takes note of the report prepared by the Secretariat of the Basel Convention;
2. Requests the Secretariat to continue to provide assistance within the limits of its existing financial resources;
3. Urges Parties and other countries to provide assistance on a bilateral or regional basis or through the Secretariat;
4. Urges Parties to cooperate actively on a regional basis, in particular for those Parties that have the capacity to provide technical support to other countries of the region in need of such assistance;
5. Requests the Secretariat to make available to Parties the updated list of technical assistance needed on a regular basis.

IV/12. Illegal traffic in hazardous wastes and other wastes

The Conference

1. Welcomes the work of the Technical Working Group on confirmed cases of illegal traffic and recognizes that the issue of illegal traffic remains a high priority with particular emphasis on cases involving alleged illegal traffic,

(a) Appeals to Parties to bring any case or, if appropriate, alleged case of illegal traffic to the attention of the Secretariat and to provide the Secretariat with all necessary information to enable it to take any appropriate action, including preventive measures through initial dissemination of information to Parties concerned,

(b) Welcomes steps taken by Parties to submit information on how Parties may have dealt with illegal traffic, including alleged cases of illegal traffic, with regard to difficulties they could be facing when seeking compliance with the provisions of the Basel Convention,

(c) Recognizes that illegal traffic can take many different forms and be of different magnitudes ranging from, for example, falsification of documents to large-scale organized activities,

(d) Requests Parties to cooperate with each other and the Secretariat on alleged cases of illegal traffic;

(e) Assigns the Consultative Sub-group of Legal and Technical Experts the task of developing procedures to address alleged cases of illegal traffic;

(f) Adopts the draft Form for Confirmed Cases of Illegal Traffic for use by Parties in confirmed cases of illegal traffic;

(g) Invites Parties to use this form in their reports related to confirmed cases of illegal traffic to the Secretariat;

(h) Requests the Secretariat to report to the fifth meeting of the Conference of the Parties, through the Open-ended Ad Hoc Committee for the Implementation of the Basel Convention, as appropriate, on information received by Parties on cases of illegal traffic;

2. Welcomes the convening of meetings and conferences on the prevention of illegal traffic approved by decision III/28 and urges Parties to promote the effective participation of developing countries in these meetings;

3. Urges Parties to fulfil their obligations under Article 9, paragraph 5 of the Basel Convention, in particular:

(a) To promulgate, update and/or develop stringent legislation on the control of transboundary movements of hazardous wastes; and

(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;

4. (a) Notes that the classification and characterization of wastes represent essential tools to assist in the identification and prevention of illegal traffic;

(b) Requests the Secretariat of the Basel Convention, bearing in mind decisions I/18 and II/23, to work closely with the United Nations Committee of Experts on the Transport of Dangerous Goods towards the development of an appropriate classification and labelling system;

(c) Requests the Secretariat to continue its cooperation with various regional commissions and secretariats of regional conventions and protocols, non-governmental organizations, industry and the private sector, as well as the World Customs Organization and Interpol, in order to achieve better control and monitoring of cases or alleged cases of illegal traffic in hazardous wastes and other wastes;

(d) Requests the Secretariat to organize training courses for customs officers and police forces in cooperation with the World Customs Organization, Interpol and other appropriate bodies, including United Nations regional commissions and secretariats of regional agreements dealing with similar aspects;

(e) Requests the Secretariat to assist Parties in capacity building, including the development of an appropriate infrastructure, with a view to preventing and penalizing cases of illegal traffic in hazardous wastes and other wastes and to ensuring the involvement of national authorities and focal points for the Basel Convention in the prevention and monitoring of illegal traffic in hazardous wastes and other wastes;

(f) Encourages Parties to build up their enforcement capacities, inter alia, through cooperation with international bodies such as Interpol and the International Network for Environmental Complaints, in the development of training and networking for enforcement personnel involved in the prevention of illegal traffic;

(g) Invites Parties to promote consistency when addressing the issue of illegal traffic in the relevant United Nations bodies, while avoiding duplication;

5. Requests the Technical Working Group and the Consultative Sub-group of Legal and Technical Experts, at their joint meeting, keeping in mind the discussions within the Ad Hoc Working Group of Legal and Technical Experts to Consider and Develop a Draft Protocol on Liability and Compensation, to develop recommended procedures to assist Parties in preventing, identifying and managing illegal traffic.

IV/13. Competent authorities and focal points

The Conference

1. Takes note of the updated list of competent authorities and focal points prepared by the Secretariat of the Basel Convention;

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

IV/14. Instruction Manual

The Conference

1. Takes note of the revised Instruction Manual on the control system for transboundary movements of hazardous wastes and other wastes;

2. Welcomes the technical assistance provided by Finland in the preparation of the Instruction Manual;

3. Approves the Instruction Manual and its accompanying Notification and Movement Document;

4. Requests the Secretariat of the Basel Convention to publish the Instruction Manual in all United Nations languages and to disseminate it widely;

5. Invites Parties to use the Instruction Manual and the forms contained therein and report to the Secretariat on their experience in the use of the Instruction Manual and the forms, in particular in cases where difficulties occur in their use.

IV/15. Establishment of an Information Management System on Wastes (IMSW) of the Basel Convention

The Conference

1. Takes note of progress reported on the establishment and development of an Information Management System on Wastes (IMSW) under the Basel Convention;

2. Welcomes the support from the Government of Japan for the establishment of the IMSW;

3. Also urges the Secretariat of the Basel Convention to develop further and promote access to the IMSW through the Internet, including information and documentation on information received in relation to Articles 13 and 16, as well as documentation on and reports of Basel Convention meetings, newsletters and publications, etc.;

4. Requests the Secretariat to work closely with other United Nations bodies, in particular the United Nations Environment Programme, that are developing or operating databases or information management systems of relevance to the Basel Convention.

IV/16. Cooperation with United Nations bodies, specialized agencies and regional systems and organizations and others

The Conference

- I. 1. Takes note of the activities undertaken by the Secretariat of the Basel Convention to cooperate with key organizations of the United Nations system, regional conventions and commissions, other conventions and intergovernmental bodies, as well as with non-governmental organizations and the private sector, including industry;
2. Requests the Secretariat further to consolidate its cooperation on critical areas for the implementation of the Basel Convention with relevant United Nations bodies and specialized agencies, including the International Atomic Energy Agency and the United Nations Environment Programme Industry and Environment Centre, other intergovernmental organizations, regional conventions and commissions, as well as with non-governmental organizations and the private sector, including industry;

II. World Customs Organization

1. Takes note of the activities undertaken by the Secretariat of the Basel Convention, under the guidance of the Technical Working Group, to cooperate with the World Customs Organization in identifying hazardous wastes separately in the Harmonized Commodity Description and Coding System;
2. Further takes note that the Harmonized System Committee at its seventeenth session (May 1996) provisionally adopted a number of amendments to the Harmonized System nomenclature concerning separate identification of certain categories of wastes based on proposals of the Secretariat of the Basel Convention, the Organisation for Economic Cooperation and Development and the European Commission. These amendments are expected to come into force on 1 January 2002;
3. Urges the World Customs Organization to accord priority to evolving the Harmonized Commodity Description and Coding System;
4. Also takes note that the deadline established by the Harmonized System Committee for the submission of new proposals for the separate identification of wastes covered by the Basel Convention in the Harmonized System nomenclature for the next Harmonized System amendments, to be implemented as from 1 January 2002, is the end of 1997;
5. Requests the Secretariat under the guidance of the Technical Working Group, and in cooperation with the Organisation for Economic Cooperation and Development as well as with interested Parties, to pursue its cooperation with the World Customs Organization concerning the separate identification of certain categories of hazardous wastes in the Harmonized System nomenclature, in particular to cooperate with the World Customs Organization and the Harmonized System Committee in their eventual examination of the classification of the wastes placed on lists A and B prepared by the Technical Working Group in the Harmonized System nomenclature;

III. Organisation for Economic Cooperation and Development (OECD)

1. Takes note of the cooperation between the Secretariat of the Basel Convention and the OECD Environment Directorate on matters pertaining to the implementation of the Basel Convention;
2. Requests the Secretariat further to cooperate with the OECD Environment Directorate on matters concerning the implementation of the Basel Convention and propose, as appropriate, any arrangement best suited to fulfil this task;
3. Further requests the Secretariat, in close consultation with the Chairperson of the Technical Working Group, to work out implications and the modalities required to aim at achieving compatibility among the different systems dealing with the control of transboundary movements of wastes and hazardous wastes;
4. Also requests its Technical Working Group to ensure close liaison with the OECD Waste Management Policy Group on the matter of harmonization of the OECD and the Basel Convention systems concerning the control of transboundary movements of hazardous wastes, and report on progress to the fifth meeting of the Conference of the Parties.

IV/17. Cooperation between the Basel Convention and the activities undertaken at the global level leading to the development of the legally binding instruments for the application of the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade and on persistent organic pollutants

The Conference

1. Takes note of the activities of the Technical Working Group regarding efforts to ensure that the international legally binding instruments being prepared concerning the implementation of the prior informed consent procedure and on persistent organic pollutants do not overlap with the Basel Convention;
2. Emphasizes that the sets of technical guidelines on wastes comprising or containing PCBs, PCTs, and PBBs and on hazardous waste from the production and use of organic solvents prepared by the Technical Working Group and adopted by the second meeting of the Conference of the Parties are of relevance to the issue of a number of persistent organic pollutants;
3. Requests the Secretariat of the Basel Convention, under the guidance of the Technical Working Group, to continue its cooperation with the United Nations Environment Programme and other relevant intergovernmental organizations, in particular with the Food and Agriculture Organization of the United Nations, the International Maritime Organization, the United Nations Economic Commission for Europe and the World Health Organization, on matters pertaining to coordination among these bodies, with a view to developing legally binding instruments which would not overlap with the Basel Convention;
4. Invites Parties to initiate, as appropriate and if not yet done, consultations with their respective national authorities responsible for chemical management to ensure consistency in regard to the scope of the Basel Convention and the newly developed legally binding instruments on hazardous chemicals;
5. Requests the Technical Working Group to consider the further elaboration of technical guidelines for the environmentally sound management of persistent organic pollutants;
6. Further invites Parties, as appropriate, to consider the particular difficulties posed by persistent organic pollutant wastes when providing technical assistance.

IV/18. Hazardous waste minimization

The Conference

1. (a) Invites Parties to cooperate in the minimization of the generation of hazardous wastes, in particular through the use of cleaner production methods or technologies;
- (b) Further invites Parties that are currently using cleaner production methods or technologies in their industrial processes and product design, to facilitate and cooperate in the transfer of these methods or technologies to other Parties;
- (c) Also invites Parties to promote and support such activities within the framework of the establishment and operation of the regional or subregional centres for training and technology transfer regarding the management of hazardous wastes and other wastes and the minimization of their generation;
2. Encourages Parties to work closely with industries in achieving minimization of hazardous wastes;
3. Extends the mandate of the Technical Working Group to pursue its work on the selection of hazardous waste streams susceptible to cleaner production approaches;
4. Requests the Secretariat of the Basel Convention to cooperate with the United Nations Environment Programme Industry and Environment Centre as well as with the Organisation for Economic Cooperation and Development on this matter;

5. Further requests the Secretariat to report on progress to the Conference of the Parties at its fifth meeting, through the Open-ended Ad Hoc Committee as appropriate.

IV/19. Ad Hoc Working Group of Legal and Technical Experts to
Consider and Develop a Draft Protocol on Liability and
Compensation for Damage Resulting from Transboundary
Movements of Hazardous Wastes and their Disposal

The Conference

1. Acknowledges the substantive progress made by the Ad Hoc Working Group of Legal and Technical Experts to Consider and Develop a Draft Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal at its fifth session in May 1997;
2. Takes note of its report presented to the Conference of the Parties at its fourth meeting;
3. Acknowledges also the potential implications for the draft Protocol for Liability and Compensation of the development of the Basel Convention, inter alia, its decision III/1, as well as other relevant international conventions;
4. Extends the mandate of the Ad Hoc Working Group;
5. Requests the Ad Hoc Working Group to make all efforts possible to finalize the draft Articles of the Protocol, making use of informal meetings where possible, in order to present it for consideration and adoption by the fifth meeting of the Conference of the Parties.

IV/20. Emergency fund

The Conference,

Recalling its decision III/3,,

Taking note of the report presented by the Consultative Sub-group of Legal and Technical Experts on the issues related to establishing an emergency fund, including the elements required for its establishment, at its second session in May 1997,

Requests the Consultative Sub-group to keep these issues on its agenda.

IV/21. Monitoring the implementation of and compliance with the
obligations set out by the Basel Convention

The Conference,

Recalling its decision III/11,

Taking note of the report presented by the Consultative Sub-group of Legal and Technical Experts at its second session in May 1997 on issues related to monitoring the implementation of and compliance with the obligations set out under the Basel Convention,

Welcoming the steps already taken by requesting information concerning aspects of implementation of the Basel Convention,

1. Requests the Consultative Sub-group to continue its step-by-step approach to examining the relevant issues related to the establishment of a mechanism or procedure for monitoring implementation of and compliance with the Basel Convention with a view to recommending, as soon as practicable, the best way to promote full implementation of the provisions of the Basel Convention, including whether or not such a mechanism or procedure would be required and, to the extent appropriate, what its design might be;

2. Further requests that the Consultative Sub-group examine the dispute settlement mechanism that exists under Article 20 of the Basel Convention, and consider whether it continues to meet the needs of the Parties to the Convention;

3. Requests that the Consultative Sub-group report its findings and recommendations to the fifth meeting of the Conference of the Parties.

IV/22. Institutional, financial and procedural arrangements

The Conference,

Referring to decision III/28 of the third meeting of the Conference of the Parties,

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

1. Expresses its concern over the delays in payment of the agreed contributions by Parties as well as the voluntary contributions by Parties and non-Parties according to the agreements reached at the first meeting of the Conference of the Parties in accordance with which: "all contributions are due to be paid in the year immediately preceding the year to which the contributions relate";

2. Approves the budget for the Trust Fund for the Implementation of the Basel Convention in the amount of US\$ 3,001,854 for 1999 and US\$ 3,001,854 for 2000 to be met from the allocated scale of assessments (attached as Annex I to this decision);

3. Recognizes that voluntary contributions are essential to the effective implementation of the Convention and expects to receive additional voluntary contributions from the signatory(ies) as well as other countries;

4. Notes that, in accordance with the Annex I to this decision, the budget projects significant drawdown on a surplus and requests the Extended Bureau of the Parties to ensure that the surplus in the Trust Fund for the Implementation of the Convention be kept under review of the Extended Bureau;

5. Takes note of the budget for the Technical Cooperation Trust Fund to the amount of US\$ 2,647,900 for 1999 and US\$ 1,937,900 for 2000 (attached as Annex II to this decision);

6. Invites Parties to notify the Secretariat of the Basel Convention of all contributions made to the Basel Convention Trust Funds at the time such payments are made;

7. Requests the Executive Director of the United Nations Environment Programme to extend the two Trust Funds to the Basel Convention for 2003-2004 and mutatis mutandis the Terms of Reference for their administration as adopted by the first meeting of the Conference of the Parties;

8. Requests the Secretariat of the Basel Convention to ensure the implementation of all decisions adopted by the fourth meeting of the Conference of the Parties within the approved budgets for 1999 and 2000, ensuring that the only limiting factors in the implementation of the decisions would be the availability of financial resources in the Trust Funds;

9. Also requests the Secretariat of the Basel Convention to secure the lowest possible costs for translation, reproduction and dispatch of the documents for the meetings of the Conference of the Parties and its subsidiary bodies;

10. Notes the monies owned by the Trust Fund for the Implementation of the Basel Convention to the United Nations Environment Programme and requests the Executive Director of the United Nations Environment Programme to take into account the budgetary constraints of this Trust Fund in deciding whether and when to recover those monies, after consultation with the Executive Secretary of the Basel Convention;

11. Requests the Executive Secretary of the Basel Convention to report every six months to the Extended Bureau on all sources of income received, including carry-over, plus actual provisional expenditures and commitments; further requests the Executive Secretary to report all expenditures against the agreed budget lines;

12. Requests the Executive Director of the United Nations Environment Programme, in addition to requirements referred to in paragraph 17 of the Terms of Reference for the Administration of the Trust Funds of the Basel Convention (UNEP/CHW.1/24, Annex II, page 25-26), to provide every six months to the Extended Bureau through the Executive Secretary information on all sources of income received on the Trust Funds of the Basel Convention, including carry-over, plus actual provisional expenditures and commitments related to these Trust Funds;

13. Requests the Extended Bureau to keep under review the information provided under paragraphs 11 and 12 above;

14. Decides that the fifth meeting of the Conference of the Parties will be held in December 1999 in Basel, Switzerland, at the kind invitation of the Government of Switzerland, also to celebrate the tenth anniversary of the signature of the Basel Convention.

IV/23. Draft technical guidelines on hazardous waste: physico-chemical treatment (D9) and biological treatment (D8)

The Conference,

Having considered the draft text of the technical guidelines on physico-chemical treatment and biological treatment,

Takes note of these technical guidelines, which will be subject to additional comments and revision to be made by the Technical Working Group at its next session, and requests the Secretariat, once the draft guidelines have been finalized by the Technical Working Group, to publish and disseminate them to Parties, other States, intergovernmental organizations, business and industry, and environmental non-governmental organizations.

IV/24. Proposed work programme of the Technical Working Group for 1998 and 1999-2000

The Conference

1. Takes note of the proposed activities to be carried out by the Technical Working Group over the period 1998-2000, as shown in the attached tables, and of the priorities identified by the Conference, namely, items I, II.1, II.3 (first bullet), IV and V;
2. Extends the mandate of the Technical Working Group to enable it to carry out these proposed activities and invites Parties and other States as well as relevant sectors of industry and business to provide financial resources or assistance in kind to support the work of the Technical Working Group and of the Secretariat of the Basel Convention in the fulfilment of these tasks;
3. Requests the Technical Working Group, at its next session, to arrange its work programme taking into account the priorities identified by the Conference;
4. Further requests the Technical Working Group to report to meetings of the extended Bureau, as appropriate, and, through the extended Bureau, to the fifth meeting of the Conference of the Parties on progress made in the implementation of its work programme for 1998-2000.

TABLE OF PROPOSED ACTIVITIES OF THE TECHNICAL WORKING GROUP FOR
1998, 1999 AND 2000

TASKS	ACTIVITIES	YEAR (tentative)
I. Hazard characterization and classification of wastes	<ol style="list-style-type: none"> 1. Carry forward responsibility for assessing wastes placed on list C, and for taking charge of review or adjustment procedure for lists of wastes (A and B), including initiation of work on waste about which particular concerns were expressed <u>1/</u> 2. Prepare a work programme for advancing with work on hazard characteristics, in particular concerning the hazard classes H6.2, H10, H11, H12 and H13 3. Implement work programme on hazard characteristics, including work on dioxins and dibenzofurans 4. Elaborate guidance materials or technical guidelines to assist Parties and other States regarding the conclusion of bilateral, multilateral or regional agreements or arrangements 5. Consider the classification of waste pesticides destined for reformulation together with details of recovery operations of concern 	<p>1998-2000</p> <p>1998</p> <p>1998-2000</p> <p>1998</p> <p>1999</p>
II. Technical Guidelines	<ol style="list-style-type: none"> 1. Agree on final text for the technical guidelines on physico-chemical treatment (D9) and biological treatment (D8) 2. Prepare technical guidelines on: <ul style="list-style-type: none"> " clinical waste (Y1) " disposal of waste tyres " waste batteries 3. Prepare technical guidelines on: <ul style="list-style-type: none"> " recycling/reclamation of metals and metal compounds (R4) " wastes resulting from surface treatment of metals and plastics (Y17) 	<p>1998</p> <p>1998</p> <p>1999-2000</p>
III. Recovery, hazardous waste minimization and cleaner production	<ol style="list-style-type: none"> 1. Continue with the work of selecting hazardous wastes susceptible to cleaner production approaches within the framework of the Basel Convention 2. Further initiate new case studies on recovery of hazardous wastes and assessment of recovery facilities 	

1. These wastes include wastes that are not easily identifiable in Annex I to the Basel Convention although the Technical Working Group expressed concerns as possibly presenting important hazard characteristics

TASKS	ACTIVITIES	YEAR (tentative)
IV. Regional centres	1. Provide technical input or guidance to assist in the establishment and operation of regional centres for training and technology transfer regarding the management of hazardous wastes and the minimization of their generation	1998-2000
V. Harmonized Commodity Description and Coding System (HS)	1. Together with the World Customs Organization (WCO) and its Harmonize System Committee review the relationship between the lists of wastes (A and B) prepared by the Technical Working Group and the HS codes 2. Provide guidance to the Secretariat of the Basel Convention on eventuality of making new proposals to WCO after December 1997 3. Elaborate a work plan concerning cooperation with WCO, in particular in (i) providing technical guidance to WCO on hazardous wastes; (ii) recommending ways for Parties to use HS codes for wastes before formal entry into force of the amended HS; and (iii) any other matter of importance	1998 1998 1998
VI. Application of prior informed consent (PIC) for hazardous chemicals and persistent organic chemicals (POPs)	1. Provide technical guidance to the Secretariat of the Basel Convention on matters pertaining to coordination among inter-governmental bodies responsible or involved in developing legally binding instruments for hazardous chemicals to ensure there is no overlap with or gaps between these instruments and the Basel Convention 2. Issue guidance notes or materials as necessary to the organizations involved in PIC and POPs on the classification and hazard characterization of wastes within the framework of the Basel Convention	1998-2000
VII. Harmonization of lists of wastes and related procedures concerning their transboundary movements at the world level	1. Provide guidance to the Secretariat of the Basel Convention on the technical implications and modalities required to aim at achieving compatibility among the different international/regional systems dealing with the control of transboundary movements of wastes and hazardous wastes 2. Cooperate with OECD Pollution and Prevention Control Group and its Waste Management Policy Group on the matter of harmonization of the OECD and the Basel Convention control systems for wastes	1998-2000
VIII. Annex II of the Basel Convention	1. Initiate work on the scope of Annex II (re: to facilitate classification of post-consumer materials such as plastics and other similar wastes)	1998-1999
IX. Other		

IV/25. Tribute to the host country and dates and venue for the next meeting of the Conference of the Parties

The Conference

1. Extends its thanks and gratitude to the Government of Malaysia and the State of Sarawak for the organization of the fourth meeting of the Conference of the Parties in Kuching and for the hospitality extended to all delegates;

2. Decides that the fifth meeting of the Conference of the Parties will take place in December 1999 in Basel, Switzerland;

3. Extends its gratitude to the Government of Switzerland for inviting the Contracting Parties to hold the fifth meeting of the Conference of the Parties in Basel, also to celebrate the tenth anniversary of the signature of the Basel Convention.
