

BC-11/1: Follow-up to the Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention

The Conference of the Parties,

Recalling its decision BC-10/3 on the Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention,

Expressing its appreciation for the steps taken by parties and others to further the objectives of decision BC-10/3,

Noting that the meeting adopted separate decisions pertaining to matters set out in sections D, E, F and G of decision BC-10/3¹ and that, as a consequence, the present decision pertains only to matters set out in sections A, B and C of decision BC-10/3,

I

Addressing the entry into force of the Ban Amendment

1. *Takes note* of the communication from the United Nations Office of Legal Affairs on the number of parties to the Basel Convention at the time of adoption of the Ban Amendment;

2. *Acknowledges* the ratification or acceptance by further parties of the amendment contained in decision III/1;

3. *Invites* parties to continue to take actions towards encouraging and assisting parties to ratify the Amendment;

4. *Requests* the Secretariat, within available resources, to continue to assist parties, upon request, which are having difficulties in ratifying the Ban Amendment;

II

Developing guidelines for environmentally sound management

5. *Adopts* the framework for the environmentally sound management of hazardous wastes and other wastes;²

6. *Recommends* the list of actions for parties, regional centres and other stakeholders set out in annex I to the present decision;

7. *Decides* to mandate an expert working group to further elaborate and implement actions on initial short-term work items as listed in annex II to the present decision, within available resources, and to develop a work programme for additional priorities and key work items and actions for the implementation of environmentally sound management;

8. *Decides* that the abovementioned expert working group shall operate by electronic means and shall hold physical meetings, subject to available funding;

9. *Decides* that the abovementioned expert working group shall consist of members nominated by parties based on equitable geographical representation of the five regional groups of the United Nations, and will be open to observers;

10. *Requests* each regional group to nominate through its Bureau representative, by 30 June 2013, five members with specific knowledge and expertise in the field. The expert working group shall call upon additional experts as needed;

11. *Requests* the expert working group to elect its own co-chairs and organize its working modalities according to the rules of procedure of the Basel Convention;

12. *Requests* the expert working group to report on its activities and to submit its work programme to the Open-ended Working Group for consideration at its ninth meeting and

¹ For section D, decision BC-11/12 on Basel Convention regional and coordinating centres; for sections E and F, decision BC-11/10 on national legislation, notifications, enforcement of the Convention and efforts to combat illegal traffic; and for section G, decision BC-11/11 on technical assistance.

² UNEP/CHW.11/3/Add.1/Rev.1.

subsequently to the Conference of the Parties for consideration and possible adoption at its twelfth meeting;

13. *Invites* parties and other stakeholders to provide to the Secretariat information on activities undertaken to implement the framework for the environmentally sound management of hazardous wastes and other wastes, including any examples of national waste prevention programmes;

14. *Requests* the Secretariat to make the information referred to in paragraph 13 above available on the Basel Convention website;

III

Providing further legal clarity

15. *Takes note* of the report on the interpretation of certain terms³ and of the study on used and end-of-life goods;⁴

16. *Decides* to establish, within available resources, a small intersessional working group to:

(a) Complete the glossary of terms, taking into account comments received from parties to date, by:

- (i) Considering whether all of the terms in the annex to document UNEP/CHW.11/3/Add.2 are useful for the interpretation of the Convention and whether any other useful terms can be included;
- (ii) Examining the glossaries and/or definitions in the PACE guidance document on the environmentally sound management of used and end-of-life computing equipment, the draft technical guidelines on transboundary movements of electronic and electrical waste (e-waste), in particular regarding the distinction between waste and non-waste, and the framework for the environmentally sound management of hazardous wastes and other wastes, along with previously adopted technical guidelines, to consider whether any other terms could be usefully included in the glossary;
- (iii) Ensuring that relevant Convention definitions are retained as defined in the Convention;
- (iv) Finalizing the glossary for consideration by the Open-ended Working Group at its ninth meeting;
- (v) Recommending to the Open-ended Working Group at its ninth meeting whether any terms defined in previously adopted technical guidelines and guidance documents as well as the framework for the environmentally sound management of hazardous wastes and other wastes need to be updated as a result;

(b) Identify terms for which it would be useful to have further explanations and provide such explanations in the glossary;

(c) Recommend to the Open-ended Working Group at its ninth meeting where further guidance would be useful;

17. *Also decides* to mandate the small intersessional working group to consider options for further steps towards the consistent interpretation of terminology, including possible voluntary and legally binding options, and to report thereon to the Open-ended Working Group at its ninth meeting;

18. *Requests* the Secretariat, within available resources, to support the work of the small intersessional working group;

19. *Invites* parties to nominate experts to participate in the small intersessional working group and inform the Secretariat of their nominations by 30 June 2013;

³ UNEP/CHW.11/INF/2.

⁴ UNEP/CHW.11/INF/3.

20. *Also invites* a party to consider serving as lead country for the small intersessional working group and to inform the Secretariat accordingly by 30 June 2013;

21. *Requests* the small intersessional working group to prepare a first draft of the revised glossary and related explanations to be made available on the Basel Convention website by 15 February 2014 with an invitation for parties and others to comment thereon by 15 April 2014, for the consideration of the small intersessional working group;

22. *Requests* the small intersessional working group to prepare a revised draft of the revised glossary and related explanations, taking into account comments received by Parties and others, to be made available on the Basel Convention website by 15 June 2014;

23. *Decides* that the small intersessional working group will submit, for the consideration of the Open-ended Working Group at its ninth meeting, the revised glossary and related explanations;

24. *Invites* the Open-ended Working Group at its ninth meeting to finalize the glossary and related explanations and to prepare a draft decision, including on paragraph 16 (c) and 17 above, for consideration and possible adoption by the Conference of the Parties at its twelfth meeting.

Annex I to decision BC-11/1

Non-exhaustive list of actions that may be considered for the implementation of the framework for the environmentally sound management of hazardous wastes and other wastes in the short and medium term by parties, regional centres and other stakeholders

This non-exhaustive list of actions is based on the recommendations contained in paragraphs 46–48 of the framework for the environmentally sound management of hazardous wastes and other wastes adopted through the present decision. The actions proposed in this list are also directly related to section VI of the framework on the role of key stakeholders.

International level

Parties

- Identify/analyse/assess existing tools to achieve environmentally sound management (ESM) through, for example, legislation, guidelines, guidance, standards, minimization and prevention programmes, codes of practice and certification systems;
- Identify and assess tools for developing waste inventories;
- Identify methods of identifying required infrastructure and capacity to manage waste in an ESM manner;
- Identify, and if needed develop, elements for ESM:
 - o At the facility level;
 - o For specific waste streams;
- Identify elements in guidelines for consideration in developing national legislation and guidance on licensing and permitting so as to achieve ESM;
- Explore the benefits of using existing voluntary certification schemes to promote ESM;
- Develop and/or update existing guidelines for specific waste streams, taking into account best available techniques (BAT) and best environmental practices (BEP);
- Develop guidance on national waste management plans for achieving ESM;

- Develop tools to be used at the national or regional level for monitoring and enforcement with regard to ESM;
- Identify and initiate pilot projects at selected levels (regional, national, facility, specific waste stream) to demonstrate ESM.

Regional level

Parties, in coordination with Basel Convention regional and coordinating centres (BCRCs)

- Initiate/strengthen regional networks and regional cooperation activities to improve compliance through knowledge and information exchange on ESM and its linkage to transboundary movements.

BCRCs

- In cooperation with parties:
 - o Enhance information exchange, including development of a database on wastes;
 - o Promote the use of existing guidelines for specific waste streams issued by the Basel Convention for relevant stakeholders;
 - o Undertake training programmes on ESM.

National level

Parties – Governments

- Facilitate the involvement of the private sector and other stakeholders in the implementation of the ESM framework;
- Develop national legislation including identified elements of ESM using relevant guidelines;
- Provide incentives, including development of measures, for facilities to achieve ESM;
- Implement applicable national and international instruments and codes of practice, including from the International Labour Organization, in relation to occupational safety and health;
- Promote the improvement and/or development of necessary infrastructure for the ESM of wastes generated in-country;
- Implement corrective actions, as they relate to the recommendation in subparagraph 46 (b)⁵ of the ESM framework, so as to meet goals relating to implementation of strategies within the context of the framework;
- Compile information on waste generation and management and develop information systems with the assistance of the private sector.

Facility level

Waste management facilities

- Ensure that all applicable national legislation is complied with and that all relevant licences/permits/authorizations are in place;
- Have an applicable environmental management system in place;
- Consider adhering to applicable voluntary third-party verified certification schemes;
- Take sufficient measures to safeguard occupational safety and health and the environment;

⁵ Subparagraph 46 (b): “review implementation of strategies referred to in subparagraph (a) above on a periodic basis. In the event that goals are not being met or desirable results are not being achieved, the problem and its root cause should be identified, corrective action should be implemented, and the implementation plan and/or strategy should be updated where necessary”.

- Comply with applicable national instruments and codes of practice in relation to occupational safety and health;
- Have an adequate monitoring, recording and reporting programme;
- Have an appropriate and adequate training programme for personnel;
- Have an adequate emergency plan;
- Have an adequate plan for closure and after-care;
- Implement corrective actions, as they relate to the recommendation in subparagraph 46 (b) of the ESM framework, to meet goals established in the implementation of strategies within the context of the framework.

Annex II to decision BC-11/1

Terms of reference for the expert working group on the framework for the environmentally sound management of hazardous wastes and other wastes

1. Develop and implement actions on initial short-term work items identified below:
 - Collection of available information on national and other ESM standards and practices;
 - Identify ESM elements and develop practical guidance in the context of relevant national systems and structures, on certain waste streams (to be decided by the expert working group);
 - Develop generic guidance on how to establish ESM;
 - Assess existing useful training and information material on policies, legislation and best practises on ESM;
 - Assess possible incentives to encourage the private sector to invest in ESM.
2. Develop a work programme for additional priorities and key work items for implementation of ESM and report on this to the Open-ended Working Group at its ninth meeting and to the Conference of the Parties at its twelfth meeting.

Priority areas to include:

- How to ensure consistent interpretation of ESM;
- Encouraging parties to develop and implement comprehensive strategies and legislation;
- Encouraging the private sector to implement and invest in ESM;
- Ensuring that hazardous waste and other waste that is subject to transboundary movement is managed in an environmentally sound manner.