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**Open-ended Working Group of the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Seventh session
Geneva, 10–14 May 2010**

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

I. Opening of the session

1. The seventh session of the Open-ended Working Group was opened at 10.15 a.m. on Monday, 10 May 2010, by Mr. Damien Hall (Australia), Co-Chair (legal) of the Working Group. Following the opening of the session, Ms. Katharina Kummer Peiry, Executive Secretary of the Convention Secretariat, welcomed participants, saying that the Convention was in an exciting and transitional phase. The decision on synergies between the Basel, Rotterdam and Stockholm conventions adopted in February 2010 at the simultaneous extraordinary meetings of the conferences of the parties to the three conventions in Bali, Indonesia, had ushered in a series of new developments for which the groundwork had been laid some time previously. Those developments, along with the celebration in 2009 of the twentieth anniversary of the adoption of the Basel Convention, made it an apt time to reflect on the achievements of the Convention to date, the challenges that it faced and how it could meet those challenges.

2. The focus of recent months on the synergies process had somewhat delayed work in other areas, including the issuance of some documents for the current session. All the pre-session working documents were now available in all six official languages of the United Nations, but for budgetary reasons the information documents had been issued only in English and on CD-ROM rather than in hard-copy format. The meeting itself was operating under financial constraints, and it had been difficult to secure funding for eligible participants. Nevertheless, 70 participants from countries eligible for support had received such support. She thanked the countries that had made direct contributions for that purpose or allowed the Secretariat to spend non-earmarked or other previously made contributions to fund participation: Austria, China, Germany, Liechtenstein, Norway, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland.

3. She went on to outline some main issues on the agenda of the session. Regarding the new strategic framework, she expressed the hope that participants would use the opportunity to take a visionary approach to considering where the Convention should stand in 10 years and how to get there. She also highlighted the importance of the country-led initiative by Indonesia and Switzerland to follow up on the statement by the President of the ninth meeting of the Conference of the Parties on achieving the objectives of the Ban Amendment. The work programme of the Open-ended Working Group continued to expand, and in contemplating new approaches and ideas the Parties might also wish to examine options for streamlining it. She concluded by wishing participants a fruitful meeting.

4. Following her remarks, one representative, speaking on behalf of a group of Parties, said that his group had noted with concern the slow pace of implementation of the Strategic Plan and hoped that the new strategic framework would overcome the current obstacles. He highlighted the importance to his group of reviewing and strengthening the operation of the Basel Convention regional and coordinating centres and of providing financial support for them. Regarding the current session, some documents had not been provided in Spanish in a timely manner, which had impeded national-level coordination prior to the session.

5. Another representative, also speaking on behalf of a group of Parties, said that his country had been the victim of illegal dumping of hazardous wastes in 2006 and took a keen interest in the issue of appropriate disposal of such wastes. The countries of his group hoped that at the current meeting sustainable solutions to their concerns would be found.

II. Adoption of the agenda

6. The Working Group adopted the following agenda, on the basis of the provisional agenda (UNEP/CHW/OEWG/7/1):

1. Opening of the session.
2. Adoption of the agenda.
3. Organization of the session.
4. Cooperation and coordination among the Basel, Rotterdam and Stockholm conventions.
5. Strategic issues:
 - (a) Strategic Plan and new strategic framework;
 - (b) Basel Convention regional and coordinating centres;
 - (c) Basel Convention Partnership Programme;
 - (d) Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention.
6. Scientific and technical matters:
 - (a) Technical guidelines;
 - (b) Classification and hazard characterization of wastes;
 - (c) Review of issues raised under the Mobile Phone Partnership Initiative.
7. Legal and compliance matters:
 - (a) Environmentally sound dismantling of ships;
 - (b) Cooperation between the Convention and the International Maritime Organization;
 - (c) Implementation of decision V/32 on enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention;
 - (d) Enforcement of the Convention and efforts to combat illegal traffic;
 - (e) Legal guidance;
 - (f) Addressing the interpretation of paragraph 5 of Article 17 of the Convention.
8. Resource mobilization and sustainable financing: review of the implementation of decision VIII/34.
9. International cooperation and coordination: review of the implementation of decision IX/11.
10. Financial matters.
11. Work programme of the Open-ended Working Group for 2012–2013.

12. Preparation of draft decisions for consideration by the Conference of the Parties at its tenth meeting.
13. Organization of the tenth meeting of the Conference of the Parties.
14. Other matters.
15. Adoption of the draft decisions and the report of the session.
16. Closure of the session.

III. Organization of the session

7. The session was attended by representatives of the following Parties to the Convention: Algeria, Andorra, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, European Union, Finland, France, Gabon, Georgia, Germany, Ghana, Guatemala, Honduras, Hungary, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Jordan, Kenya, Kiribati, Kuwait, Liberia, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Montenegro, Morocco, Mozambique, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of), Yemen, Zambia.

8. The following States not party to the Convention were represented: Afghanistan, Angola, Iraq, Suriname, United States of America.

9. Observers from the following United Nations bodies and specialized agencies were also present: International Labour Organization, International Maritime Organization, Office of the United Nations High Commissioner for Human Rights, United Nations Environment Programme, World Trade Organization.

10. The following intergovernmental organizations were represented: Institute of Developing Economies – Japan External Trade Organization, League of Arab States, Presidency of Meteorology and Environment, South Asia Cooperative Environment Programme.

11. The following non-governmental organizations, private-sector organizations and others were represented: Arnika Association, Auto Recycling Nederland, Basel Action Network, Bureau of International Recycling, Egypt Suez Canal Authority, European Tyre and Rubber Manufacturers' Association, EX Corporation, Genan Business and Development, Institute for Governance and Sustainable Development, Institute of Environment and Resources, International Chamber of Shipping, International Lead Management Centre, International Precious Metals Institute, Japan Ship Centre – Japan External Trade Organization, NGO Platform on Shipbreaking, Tosoh Corporation, World Chlorine Council.

12. Representatives of the Basel Convention regional centres located in the following countries also attended: China, Egypt, El Salvador, Indonesia, Nigeria, Senegal, Slovakia, South Africa.

13. The Bureau, as appointed at the ninth meeting of the Conference of the Parties, was constituted as follows:

Co-Chairs: Mr. Oludayo Olusegun Dada (Nigeria) (technical)
Mr. Damien Hall (Australia) (legal)

Vice-Chairs: Ms. Gillian Guthrie (Jamaica) (legal)
Mr. Mohammed Khashashneh (Jordan) (technical)

Rapporteur: Ms. Sanja Radović (Croatia)

14. Owing to the inability of Ms. Guthrie to attend the session, the group of Latin American and Caribbean countries nominated Mr. Osvaldo Álvarez-Pérez (Chile) to act as Vice-Chair in her stead.

15. The Working Group decided to meet in plenary from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. on Monday and Tuesday, 10 and 11 May 2010, and Thursday and Friday, 13 and 14 May 2010, and to establish such drafting and other subsidiary groups as it deemed necessary. In the light of the heavy workload at the session, the Working Group agreed to establish contact groups on the following themes:

- (a) New strategic framework (co-chaired by Ms. Carolyn Blain (Canada) and Mr. Prakash Kowlessar (Mauritius));
- (b) Technical matters (chaired by Mr. Khashashneh);
- (c) Ships (chaired by Ms. Claude Wohrer (France));
- (d) Financial matters (chaired by Mr. Álvarez-Pérez).

16. The Working Group also agreed that it would not meet in plenary on Wednesday, 12 May, to give the contact groups sufficient time to achieve their objectives.

IV. Cooperation and coordination among the Basel, Rotterdam and Stockholm conventions

17. The Working Group took up the item at its 2nd plenary meeting, on the afternoon of Monday, 10 May 2010. It had before it a note by the Secretariat on cooperation and coordination among the Basel, Rotterdam and Stockholm conventions (UNEP/CHW/OEWG/7/2); the report of the simultaneous extraordinary meetings of the conferences of the parties to the three conventions (UNEP/CHW/OEWG/7/INF/1); and a note by the Secretariat reporting on joint activities (UNEP/CHW/OEWG/7/INF/2). At their simultaneous extraordinary meetings, the conferences of the parties had adopted substantially identical omnibus decisions containing sections on joint activities, joint managerial functions, joint services, the synchronization of budget cycles, joint audits and review arrangements. At the Secretariat's invitation, a progress report on the implementation of those omnibus decisions was presented by the representative of the United Nations Environment Programme (UNEP) Regional Office for Europe on behalf of the Executive Director of UNEP.

18. He said that, given the importance currently attached to enhanced cooperation, it was important to move from a theoretical approach to synergies to their practical implementation, with the ultimate aim of strengthening cooperation at the national, regional and global levels. In that connection, he noted that the synergies oversight team established by the Executive Director of UNEP would continue its work until the appointment of a joint head of the Basel, Rotterdam and Stockholm convention secretariats.

19. Turning to the implementation of the decisions in the area of joint managerial functions, he said that a job description for the joint head had been drafted and circulated to the three bureaux for their comments. The recruitment process would be handled by United Nations Headquarters in New York and the final appointment made by the United Nations Secretary-General.

20. Where joint services were concerned, he reported that joint financial, administrative, legal, information technology and outreach services had been established. The secretariats would be reorganized in line with the requirements agreed on by the conferences of the parties at their simultaneous extraordinary meetings, and, following the appointment of a joint head, the objective would be to submit a restructuring proposal by 2011 for consideration at the ordinary meetings of the conferences of the parties to be held that year.

21. Where budget matters and joint audits were concerned, he said that a progress report would be presented at the tenth meeting of the Conference of the Parties.

22. In the ensuing discussion, several representatives expressed their appreciation of and support for the progress made with regard to the achievement of synergies. It was felt, however, that further decisions on the matter would be premature as too little time had elapsed since the adoption of the decisions by the three conferences of the parties at their simultaneous extraordinary meetings. Instead the Working Group agreed to confine itself to commending the Executive Secretary and UNEP on their work and expressing appreciation of the progress made.

V. Strategic issues

A. Strategic Plan and new strategic framework

23. The Working Group took up the sub-item at its 1st plenary meeting, on the morning of Monday, 10 May 2010. It had before it a note by the Secretariat on the issue (UNEP/CHW/OEWG/7/3) and a revised draft of the proposed new strategic framework (UNEP/CHW/OEWG/7/INF/3). The representative of the Secretariat introduced the sub-item, summarizing the information set out in the two documents, following which the representative of Canada reported on the 9 May 2010 meeting of the open-ended coordination group set up pursuant to decision IX/3 and entrusted with advising on and preparing elements for a new strategic framework, which she had chaired. The meeting had focused on four key elements of the proposed framework – vision, guiding principles, goals and objectives – which would be reviewed again by the contact group on the new strategic framework.

24. Following the introduction of the item, two representatives expressed support for the endeavour to create a new strategic framework. One, representing a group of Parties, said that the main responsibility for implementing the framework lay with the Parties. She added that in her group's view a detailed list of indicators for monitoring implementation would not be useful, given the limited resources available. The other representative agreed that monitoring mechanisms should be as simple as possible.

25. A third representative said that, while the Parties would be responsible for implementing the Strategic Plan, the role of the regional centres should not be overlooked. Those centres had been established specifically to help the Parties to implement the Convention, the current Strategic Plan and the new strategic framework.

26. Following the initial discussion, the Working Group agreed to establish a contact group on the new strategic framework, co-chaired by Ms. Blain and Mr. Kowlessor, and to refer the issues under the sub-item to the contact group for further consideration.

27. The co-chair of the contact group reported back to the Working Group at its 7th plenary meeting, on the morning of Friday, 14 May 2010, on behalf of herself and her co-chair. She said that the contact group had reviewed the implementation of the current Strategic Plan and had agreed on the core elements of the new strategic framework, namely, the vision, the guiding principles and the strategic goals and objectives. It had recognized, however, that much remained to be done in building on those elements, including identification of the means of implementation.

28. Following the report by the co-chair of the contact group, the Working Group adopted the draft decision contained in a conference room paper circulated at the session, as orally amended. Decision OEWG-VII/1, as adopted, is set out in the annex to the present report.

B. Basel Convention regional and coordinating centres

1. Review and strengthening of the operation of the Basel Convention regional and coordinating centres

29. The Working Group took up the sub-item at its 2nd plenary meeting, on the afternoon of Monday, 10 May 2010. It had before it a note by the Secretariat on the issue (UNEP/CHW/OEWG/7/4); a document containing a draft workplan for the strengthening of the Basel Convention regional and coordinating centres, a detailed list of elements required for performance of the core functions, a draft strategic framework for financial sustainability, and a set of performance and impediment measurement indicators (UNEP/CHW/OEWG/7/INF/4); and a compilation of comments by Parties on those documents (UNEP/CHW/OEWG/7/INF/4/Add.1). The representative of the Secretariat introduced the sub-item, drawing attention to the information set out in document UNEP/CHW/OEWG/7/4.

30. In the ensuing discussion there was general agreement that the principal issue impeding the operation of the regional and coordinating centres was a lack of funding. Although by decision IX/4 all Parties and signatories were mandated, and other constituents invited, to provide financial support for the strengthening of the regional and coordinating centres, most financial support was provided by the host countries. More funding from other Parties was required for the centres to fulfil their mandate.

31. With regard to the documentation provided by the Secretariat, as the deadline for comments had been so close to the date of the session, one representative, speaking on behalf of a group of Parties, requested that the discussion should be postponed to later in the week to allow time for further review of the comments contained in document UNEP/CHW/OEWG/7/INF/4/Add.1. He also expressed concern that the document was more descriptive than operational and that it was difficult to see which activities

were the main priorities. Another representative highlighted the need for specific solutions to issues such as strengthening the capacity of the regional and coordinating centres and increasing cooperation with them.

32. The Co-Chair invited Canada and the European Union to consult interested delegations on the matter and to report back. It was agreed that the Secretariat would continue its work on the documents, taking into account the comments provided and in informal consultation with those who had provided comments. The final documents would be presented to the Conference of the Parties at its tenth meeting.

33. The Working Group adopted the draft decision contained in document UNEP/CHW/OEWG/7/4, as orally amended. Decision OEWG-VII/2, as adopted, is set out in the annex to the present report.

2. Proposal for the establishment of a regional centre for South Asia at the South Asia Cooperative Environment Programme

34. The Working Group took up the sub-item at its 5th plenary meeting, on the morning of Thursday, 13 May 2010. It had before it notes by the Secretariat on a proposal for the establishment of a regional centre for South Asia under the South Asia Cooperative Environment Programme (UNEP/CHW/OEWG/7/5 and UNEP/CHW/OEWG/7/INF/5). The representative of the Secretariat introduced the sub-item, recalling that by decision IX/5 the Programme had been requested to submit to the Working Group an updated proposal for the establishment of a regional centre for South Asia in Colombo in the light of consultations, as mentioned in the decision, and of new information on outstanding issues identified by the Secretariat after the review of the original proposal. Consultations with the host countries of regional and coordinating centres in China, Indonesia, the Islamic Republic of Iran and the Russian Federation, and with other interested entities served by the centres, were expected to define the relationships of the proposed centre with other regional centres and its comparative advantage. The resubmitted proposal set out in UNEP/CHW/OEWG/7/INF/5, however, made no mention of any such consultations.

35. One representative, speaking on behalf of a group of Parties, said that care should be exercised to avoid establishing a regional centre whose geographical sphere of action would overlap with that of other regional centres. As no consultations had been held with other centres, she could not support the establishment of a regional centre for South Asia.

36. Another representative said that it would not be appropriate to establish a new regional centre while the process of reviewing the operation of the regional and coordinating centres was under way. He said that the consultations requested by decision IX/5 should have been undertaken and that any such consultations should have been reflected in the proposal to establish a regional centre for South Asia.

37. One observer strongly supported the establishment of a regional centre in South Asia, which, he said, would strengthen the Convention and improve the implementation of its obligations.

38. The representative of the South Asia Cooperative Environment Programme said that several member countries had been consulted, and that two had expressed their willingness to be part of a regional centre for South Asia. The proposed centre would be in frequent contact with other regional centres in the area and would avoid duplicating work being undertaken by those centres. The Programme was continuing consultations with other countries and would submit a full report on those consultations to the Conference of the Parties at its tenth meeting.

39. The Working Group took note of the information provided by the Secretariat but was unable to support the proposal for the establishment of a regional centre for South Asia under the South Asia Cooperative Environment Programme at the current time.

C. Basel Convention Partnership Programme

40. The Working Group took up the sub-item at its 2nd plenary meeting, on the afternoon of Monday, 10 May 2010. It had before it notes by the Secretariat on the Basel Convention Partnership Programme and the Partnership for Action on Computing Equipment (PACE) (UNEP/CHW/OEWG/7/6 and Add.1) and a note by the Secretariat setting out a progress report on PACE (UNEP/CHW/OEWG/7/INF/6). The representative of the Secretariat invited the co-chair of PACE to give more details of recent progress in the partnership.

41. The co-chair of PACE drew attention to the objectives of the partnership, to the activities to assist countries in the management of used and end-of-life computing equipment and to the

development of close cooperation with the Solving the E-Waste Problem (StEP) initiative. He explained that, since January 2009, the PACE working group had finalized its terms of reference, financial mechanism and organizational structure and had established subsidiary project groups to work on various activities. Pointing out that considerable work under the partnership had been carried out in little time, he said that it enjoyed wide support from the industrial sector in developed countries, other organizations, universities and civil society and that good progress was being made in a commendable spirit of compromise among the parties concerned. Countries and organizations had been invited to make financial contributions to support the activities.

42. Several representatives expressed support for the work of the Partnership Programme and emphasized its importance. Particular attention was drawn to the indispensable contribution from the private sector. The representative of Japan said that his Government had offered to provide financial support for the third meeting of the PACE working group, to be held in Beijing in December 2010. That meeting would be held back-to-back with the waste management conference to be arranged by the Basel Convention Regional Centre in China.

43. In response to a question from one representative regarding the omission of the workshop on e-products agreed on during the second session of the International Conference on Chemicals Management, the representative of the Secretariat said that, while an effort had been made to arrange the workshop, no financing had been available and it had therefore been postponed until 2011, when it would be held in Nairobi back-to-back with the twenty-sixth session of the Governing Council. The Secretariat would, together with the secretariat of the Stockholm Convention and the Inter-Organization Programme for the Sound Management of Chemicals, take steps to ensure that the workshop took place as announced.

44. The Working Group took note of the progress made under the Partnership Programme and welcomed the progress made in developing and strengthening partnerships and programmes of activities relating to the environmentally sound management of wastes. It requested the Secretariat to continue, subject to the availability of financial resources, to implement the Partnership Programme actively as a key instrument in supporting the implementation of the Strategic Plan.

45. The Working Group adopted the draft decision contained in a conference room paper circulated at the session. Decision OEWG-VII/3, as adopted, is set out in the annex to the present report.

D. Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention

46. The Working Group took up the sub-item at its 4th plenary meeting, on the afternoon of Tuesday, 11 May 2010. It had before it notes by the Secretariat on the Indonesian-Swiss initiative (UNEP/CHW/OEWG/7/7) and on a possible way forward on the Ban Amendment (UNEP/CHW/OEWG/7/INF/8).

47. The representatives of Indonesia and Switzerland introduced the item, summarizing the information contained in the background documents about previous meetings on the initiative and possible reasons why transboundary movement of hazardous wastes might occur where environmentally sound management could not be assured. The next meeting would be held from 20 to 24 September 2010 to draft a set of recommendations for consideration by the Conference of the Parties at its tenth meeting. A proposed amendment to the draft decision contained in document UNEP/CHW/OEWG/7/7 was prepared by Indonesia and Switzerland and circulated informally at the meeting in English only.

48. Several representatives, some speaking on behalf of groups of Parties, affirmed their support for the circulated amendment to the draft decision and expressed the hope that the initiative would receive the Working Group's support. It was also hoped that, at the tenth meeting of the Conference of the Parties, solutions would be found to issues related to the Ban Amendment.

49. The representative of a non-governmental organization, speaking on behalf of a group of such organizations, enumerated a number of concerns that his group had about the initiative and conveyed its concern that, rather than promoting the rapid entry into force of the Ban Amendment, the initiative appeared to be seeking alternatives to the ban.

50. The Working Group adopted the draft decision contained in document UNEP/CHW/OEWG/7/7 with the amendments circulated informally at the session. Decision OEWG-VII/4, as adopted, is set out in the annex to the present report.

VI. Scientific and technical matters

A. Technical guidelines

1. Nairobi Declaration on the Environmentally Sound Management of Electrical and Electronic Waste

51. The Working Group took up the sub-item at its 1st plenary meeting, on the morning of Monday, 10 May 2010. It had before it a note by the Secretariat on technical guidelines (UNEP/CHW/OEWG/7/8).

52. The representative of the Secretariat said that the annex to decision IX/6, on the Nairobi Declaration on the Environmentally Sound Management of Electrical and Electronic Waste, set out a workplan on the environmentally sound management of e-waste, which listed the tasks to be undertaken in the development of the technical guidelines on transboundary movements of e-waste, in particular regarding the distinction between waste and non-waste. Owing to delays in the recruitment of the consultant company, the draft guidelines had not been prepared in time to be submitted to the Working Group at the current session. The Secretariat proposed that an intersessional working group should be established to assist the Secretariat with that task.

53. Several representatives indicated that the transboundary movement of e-waste was an urgent issue and that it was important to develop technical guidelines on the subject in the near future. One representative added that research had been carried out on the subject in Asia and the Pacific and it was recognized that such guidelines were needed for application in the region.

54. The Working Group agreed to establish a contact group on technical matters, chaired by Mr. Khashashneh, and to refer the issues arising under the sub-item to the contact group for further consideration.

55. Following the conclusion of the work of the contact group, the Working Group adopted the draft decision contained in a conference room paper circulated at the session, as orally amended. Decision OEWG-VII/5, as adopted, is set out in the annex to the present report.

2. Revised technical guidelines on the environmentally sound management of used tyres pursuant to decision IX/14

56. The Working Group took up the sub-item at its 1st plenary meeting, on the morning of Monday, 10 May 2010. It had before it notes by the Secretariat on technical guidelines (UNEP/CHW/OEWG/7/8) and on the revised technical guidelines on the environmentally sound management of used tyres (UNEP/CHW/OEWG/7/INF/9).

57. The representative of the Secretariat said that by decision IX/14 the mandate of the small intersessional working group on used tyres had been extended and Brazil had been requested, as lead country, to prepare a revised version of the guidelines for consideration at the current session. On the basis of comments received, Brazil had prepared two versions of the revised guidelines, the first of which had been made available in November 2008, while the second, made available in February 2010, was set out in document UNEP/CHW/OEWG/7/INF/9 and was submitted to the Working Group for consideration. The representative of Brazil also gave a brief introduction to the draft revised guidelines.

58. Several representatives thanked Brazil for its work in revising the draft guidelines and called for their finalization and submission to the Conference of the Parties. One, speaking on behalf of a group of Parties, noted that some, but not all, of the comments that those Parties had forwarded on the draft guidelines had been taken into account. He stressed the importance of reaching agreement on the text in the contact group on technical matters so that the process could be expedited with a view to the adoption of the guidelines by the Conference of the Parties.

59. The Working Group agreed to refer the issues arising under the present sub-item to the contact group on technical matters for further consideration.

60. Following the conclusion of the work of the contact group, the Working Group adopted the draft decision contained in a conference room paper circulated at the session. Decision OEWG-VII/6, as adopted, is set out in the annex to the present report.

3. Technical guidelines on the environmentally sound management of mercury wastes pursuant to decision IX/15

61. The Working Group took up the sub-item at its 1st plenary meeting, on the morning of Monday, 10 May 2010. It had before it notes by the Secretariat on technical guidelines (UNEP/CHW/OEWG/7/8), on the technical guidelines on the environmentally sound management of mercury wastes (UNEP/CHW/OEWG/7/INF/10) and on progress in the mercury waste management partnership area (UNEP/CHW/OEWG/7/INF/13).

62. The representative of the Secretariat said that by decision IX/15 the Conference of the Parties had, among other things, agreed that the further development of the technical guidelines on the environmentally sound management of mercury wastes should be included in the Working Group's work programme. As the lead country on the subject, Japan had submitted two draft versions of the technical guidelines, the most recent of which had been made available in February 2010 and was set out in document UNEP/CHW/OEWG/7/INF/10 for consideration by the Working Group. The representative of Japan also gave a brief introduction to the draft technical guidelines.

63. The representative of the Chemicals Branch of the UNEP Division of Technology, Industry and Economics said that a number of UNEP offices were providing support to the Secretariat of the Basel Convention on the environmentally sound management of mercury wastes. Work in various areas on mercury wastes was being implemented primarily by the UNEP Global Mercury Partnership, as outlined in document UNEP/CHW/OEWG/7/INF/20. He recalled that one of the main activities of the mercury waste management partnership area was to develop technical guidelines, focusing not just on the management of mercury wastes from products at the end of their life but in particular on minimizing and eliminating mercury releases through the adoption of a product life-cycle management approach. Analytical work was being carried out on the management of mercury wastes, alongside practical demonstration activities to test the Basel Convention guidelines on the environmentally sound management of mercury wastes.

64. Several representatives thanked Japan for the fifth version of the draft guidelines, which, once adopted, should help to ensure the more effective management of mercury wastes. It was emphasized that during the discussion of the draft guidelines it would be very important to take into account the negotiations that were to begin in June 2010 to prepare a legally binding instrument on mercury, which was due to be finalized in 2013. It would therefore be desirable to adopt a specific decision on the procedure to be followed in the present circumstances. One representative added that the draft of the technical guidelines should be shortened to make it more readable and useful.

65. The representative of a non-governmental organization said that, in view of the forthcoming mercury negotiations, it would be wise not to pre-empt the discussions in that forum so as to avoid any confusion on the issue. The technical guidelines should therefore be confined to addressing the management of mercury wastes, and should leave aside the question of elemental mercury for the time being.

66. The Working Group agreed to refer the issues arising under the present sub-item to the contact group on technical matters for further consideration.

67. Following the conclusion of the work of the contact group, the Working Group adopted the draft decision contained in a conference room paper circulated at the session. Decision OEWG-VII/7, as adopted, is set out in the annex to the present report.

4. Technical guidelines on the environmentally sound management of persistent organic pollutants pursuant to decision IX/16

68. The Working Group took up the sub-item at its 1st plenary meeting, on the morning of Monday, 10 May 2010. It had before it the note by the Secretariat on technical guidelines (UNEP/CHW/OEWG/7/8).

69. The representative of the Secretariat recalled that by decision IX/16 Parties and others had been invited to submit comments on the issues referred to in paragraphs 2 (a) and (c) of the decision. Paragraph 2 (a) related to the consideration of further guidance on other disposal methods when persistent organic pollutant content was less than low persistent organic pollutant content in areas where there might be a high risk for human health and the environment through, among other means, the food chain and the soil. Paragraph 2 (c) referred to consideration of the amendment to entry A4110 in Annex VIII to the Basel Convention relating to polychlorinated dibenzo-furan and polychlorinated dibenzo-dioxin and other relevant entries relating to pesticide persistent organic pollutants and DDT in

order to include a concentration level for those persistent organic pollutants. He noted that no comments had been received in response to the invitation.

70. The representative of the Secretariat of the Stockholm Convention expressed appreciation of the work carried out by the Secretariat of the Basel Convention in obtaining information from Parties on their experience of applying the guidelines on persistent organic pollutants. Recalling that, at its fourth meeting, the Conference of the Parties to the Stockholm Convention had added nine new persistent organic pollutants to the annexes to the Convention, she called upon the Working Group to consider how the new persistent organic pollutants might be addressed in the context of the Basel Convention with a view to providing guidance on how they were to be eliminated from stockpiles and wastes. She noted that consideration of the definition of low persistent organic pollutant content was becoming more important, particularly for certain new persistent organic pollutants, such as perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF).

71. The Working Group agreed to refer the issues arising under the present sub-item to the contact group on technical matters for further consideration.

72. Following the conclusion of the work of the contact group, the Working Group adopted the draft decision contained in a conference room paper circulated at the session. Decision OEWG-VII/8, as adopted, is set out in the annex to the present report.

5. Review of other selected technical guidelines pursuant to decision VIII/17, for example, on incineration on land (D10), specially engineered landfill (D5) and wastes collected from households (Y46) pursuant to decision IX/17

73. The Working Group took up the sub-item at its 1st plenary meeting, on the morning of Monday, 10 May 2010. It had before it notes by the Secretariat on technical guidelines (UNEP/CHW/OEWG/7/8) and on draft technical guidelines on the co-processing of hazardous waste in cement kilns (UNEP/CHW/OEWG/7/INF/14).

74. The representative of the Secretariat said that, pursuant to decisions VIII/17 and IX/17, in November 2008 the Government of Chile had informed the Secretariat of its plan to develop draft technical guidelines on the co-processing of hazardous wastes in cement kilns, based on the technical guidelines on incineration on land (D10). In November 2009, the first draft of the technical guidelines had been received from Chile and posted on the Basel Convention website, with comments being invited from Parties and other interested stakeholders. Based on the comments made, Chile had presented a second draft, which was contained in document UNEP/CHW/OEWG/7/INF/14. The representative of Chile added that the main purpose of the proposed guidelines was to help countries, particularly developing countries, benefit from the co-processing of waste as alternative fuels and raw materials in cement production, in accordance with the Convention, taking fully into account the relevant health and environmental considerations.

75. One representative, speaking on behalf of a group of Parties, while recognizing the efforts made by Chile, indicated that the Working Group's work programme for 2009–2011 did not include the development of the present guidelines. The Working Group should therefore assess whether countries, and particularly developing countries, were interested in the development of such guidelines. In response, the representative of Chile said that the guidelines had been prepared pursuant to decisions VIII/17, IX/17 and IX/32.

76. The Working Group agreed to refer the issues arising under the present sub-item to the contact group on technical matters for further consideration.

77. Following the conclusion of the work of the contact group, the Working Group adopted the draft decision contained in a conference room paper circulated at the session. Decision OEWG-VII/9, as adopted, is set out in the annex to the present report.

6. Report by the chair of the contact group on technical matters

78. The chair of the contact group on technical matters reported back to the Working Group at its 6th plenary meeting, on the afternoon of Thursday, 13 May 2010. He said that there had been lengthy discussion of the issues related to the creation of draft technical guidelines and that two draft decisions on the co-processing of hazardous wastes in cement kilns and on the environmentally sound management of mercury wastes had been finalized and distributed to the Working Group in the form of conference room papers. In addition, two further decisions on e-waste and persistent organic pollutant wastes had been finalized. While no decision had been drafted regarding hazard characteristics H10 and H11, the contact group had agreed to keep the task of the separate identification of certain wastes in

Annexes VIII and IX to the Basel Convention in the World Customs Organization (WCO) Harmonized Commodity Description and Coding System in the work programme of the Working Group.

79. With regard to the proposal from one Party on reviewing the list of wastes contained in Annexes VIII and IX (decision VIII/15), the contact group had agreed that the Party should follow the procedure set out in decision VIII/15 for the submission of amendments or corrections to the texts of the Convention.

80. One representative had questioned whether the Working Group was able to develop technical guidelines on wastes and residues generated on board ships, and it had been agreed to bring the matter to the Working Group's attention. The representative was invited to address the Working Group on the issue. He explained that, during an oil spill in his country's territorial waters in 2006, it had been unclear whether the Basel Convention or the 1978 Protocol to the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) applied to the situation. He suggested some wording regarding the establishment of technical guidance on the relationship between MARPOL 73/78 and the Basel Convention.

81. Several representatives expressed support for the proposal, with some recommending that the issue should be studied further before taking a decision. Confusion already existed regarding the scope of MARPOL 73/78 in comparison with that of the Basel Convention, so clarification of that was a necessary component of any discussion.

82. One representative pointed out that the Working Group could only discuss issues that had been defined by the Conference of the Parties. That statement was supported by the representative of the Secretariat, who explained that informal discussions among interested Parties could occur, but that a final decision would lie with the Conference of the Parties. Several representatives suggested that an interested Party could assume responsibility for heading such informal discussions on issues for possible inclusion in the work programme of the Working Group for 2012–2013.

83. The decisions as adopted by the Working Group following the conclusion of the work of the contact group are reflected under the respective items.

B. Classification and hazard characterization of wastes

84. The Working Group took up the sub-item at its 1st plenary meeting, on the morning of Monday, 10 May 2010. It had before it notes by the Secretariat on the classification and hazard characterization of wastes (UNEP/CHW/OEWG/7/9 and Add.1).

85. The representative of the Secretariat said that, with regard to decision VIII/15, in October 2008 the Secretariat had received comments from the Government of Mexico concerning the communication by the Depository of 27 May 2008 regarding the proposal of corrections to Annexes VIII and IX to the Basel Convention. The comments were set out in the annex to document UNEP/CHW/OEWG/7/9. He added that, by paragraph 2 of decision IX/18, Parties and other stakeholders had been invited to provide comments by 31 January 2009 to the Secretariat on the guidance paper on hazard characteristic H11 and, in particular, the proposal by the United States of America for a framework for developing de minimis values for hazard characteristic H11. The Secretariat had received no comments from Parties. He added that, by paragraphs 1 and 2 of decision IX/20, the Joint Correspondence Group established pursuant to decision OEWG-IV/13 had been invited to fulfil its mandate as soon as possible and, as a first step in that regard, interested Parties and the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals had been invited to nominate individuals to chair the Joint Correspondence Group. The Secretariat had not yet received any such nominations. In view of that lack of progress, he suggested that the Working Group might wish to reconsider the future role of the Joint Correspondence Group. Lastly, he said that, pursuant to decision VIII/20, the Working Group had before it document UNEP/CHW/OEWG/7/9/Add.1, containing a report on the review of work on separate identification in the WCO Harmonized Commodity Description and Coding System of certain wastes in Annexes VIII and IX to the Basel Convention. The Working Group was invited to take note of the report.

86. The Working Group agreed to refer the issues arising under the present sub-item to the contact group on technical matters for further consideration.

87. The chair of the contact group reported back to the Working Group at its 6th plenary meeting, on the afternoon of Thursday, 13 May 2010. His report is summarized in paragraphs 78–83 above.

88. Following the conclusion of the work of the contact group, the Working Group adopted the draft decision on the item contained in a conference room paper circulated at the session. Decision OEWG-VII/10, as adopted, is set out in the annex to the present report.

C. Review of issues raised under the Mobile Phone Partnership Initiative

89. The Working Group took up the sub-item at its 5th plenary meeting, on the morning of Thursday, 13 May 2010. In considering the sub-item, it had before it notes by the Secretariat on the Mobile Phone Partnership Initiative (UNEP/CHW/OEWG/7/10) and the guidance document on the environmentally sound management of used and end-of-life mobile phones (UNEP/CHW/OEWG/7/INF/7).

90. Introducing the sub-item, the representative of the Secretariat recalled that by decision IX/8 the Conference of the Parties had adopted selected sections of a guidance document on the environmentally sound management of used and end-of-life mobile phones as a voluntary document and had disbanded the Mobile Phone Working Group that had previously been in operation. It had encouraged an ad hoc follow-up group to complete any outstanding tasks and revise the guidance document in accordance with the results of evaluation studies and any additional information provided and had requested the Working Group to review the guidance document further, in the light of the Parties' experience and needs. Following the ninth meeting of the Conference of the Parties, the five technical guidelines adopted under the Mobile Phone Partnership Initiative had been tested in a facility-type environment, revised in line with the recommendations of the evaluation studies, agreed upon by the ad hoc follow-up group and placed on the Convention website in March 2009. The overall guidance document had been revised to reflect the discussions at the ninth meeting of the Conference of the Parties and had been posted on the website in April 2009 for comments. No comments had been received.

91. A progress report on the work of the ad hoc follow-up group was provided by Mr. Marco Buletti (Switzerland), who had chaired the Mobile Phone Working Group. Following the review of the five technical guidelines, it was now proposed to request the Secretariat to revise the guidance document further to incorporate the changes made to the technical guidelines. One representative, speaking on behalf of a group of Parties, welcomed the work carried out and proposed amendments to the guidance document, based on the review of the technical guidelines.

92. One representative recalled that his country had made a number of important comments at the ninth meeting of the Conference of the Parties in relation to section 4 of the guidance document, especially concerning the voluntary notification procedure proposed in the case of defective mobile phones. He considered that a guidance document on environmentally sound management should not interpret alleged gaps or ambiguities in the text of the Convention, nor determine the procedure for the transboundary movement of wastes or used products. Moreover, the present guidance document had been formulated by a public-private association with a very low level of representation of developing countries. Irrespective of the action recommended by the Working Group, his country would continue its internal consultations and reserved the right to make further comments until the tenth meeting of the Conference of the Parties.

93. The Working Group adopted the draft decision on the item contained in a conference room paper circulated at the meeting. Decision OEWG-VII/11, as adopted, is set out in the annex to the present report.

VII. Legal and compliance matters

A. Environmentally sound dismantling of ships

94. The Working Group took up the sub-item at its 1st plenary meeting, on the morning of Monday, 10 May 2010. It had before it a note by the Secretariat on the implementation of decision IX/30 on the dismantling of ships (UNEP/CHW/OEWG/7/11); comments received pursuant to decision IX/30 (UNEP/CHW/OEWG/7/INF/15); the text of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships (2009) (UNEP/CHW/OEWG/7/INF/16); the report of the third session of the Joint Working Group on Ship Scrapping of the International Labour Organization (ILO), the International Maritime Organization (IMO) and the Basel Convention (UNEP/CHW/OEWG/7/INF/17); and a report of the work of the Marine Environment Protection Committee of IMO at its sixtieth session on ship recycling (UNEP/CHW/OEWG/7/INF/18). The representative of the Secretariat introduced the sub-item, noting, among other things, the request to the Working Group to carry out a preliminary assessment of whether the Hong Kong Convention established a level of control and enforcement equivalent to that established under the Basel Convention

and the need for the Working Group first to develop criteria to perform the assessment. The representative also thanked the Governments of Norway, the Netherlands and the United Kingdom for their contributions to further technical capacity assistance under the global programme for sustainable ship recycling.

95. In the ensuing discussion, several representatives welcomed the adoption of the Hong Kong Convention. Although not perfect, the system introduced could be improved over time, and all States should be encouraged to ratify it. Some representatives recognized assessing the equivalence between the two conventions as a difficult task, not least because the Basel Convention had entered into force nearly 20 years previously, while the Hong Kong Convention had yet to be ratified. One representative noted that the objective of the Hong Kong Convention was to cover the whole life of a ship, from design, operation and maintenance up to its dismantling in a safe and environmentally sound manner. In contrast, the Basel Convention was mainly focused on the end of life of a ship. Another representative highlighted the responsibility that the Hong Kong Convention placed on ship recycling States, which was cause for concern as the ship recycling industry was concentrated in developing countries. The representative of a non-governmental organization, speaking on behalf of a group of such organizations, commented that, if the Hong Kong Convention had been signed by only one country, it might be because it would not serve the needs of most stakeholders and did not provide a level of control equivalent to that of the Basel Convention. Several representatives looked forward to further investigation at the session into the equivalence of levels of control and enforcement of the two conventions.

96. The need for cooperation and collaboration, in particular between IMO, ILO and the Basel Convention, was recognized by some representatives as of particular importance. They therefore called upon the Secretariat of the Basel Convention to cooperate with IMO and ILO on the issue and to consider the formulation or further development of guidelines on ship recycling to strengthen the implementation of the two conventions.

97. Following the discussion, the Working Group agreed to establish a contact group on ships, chaired by Ms. Wohrer, and to refer the issues under the sub-item to the contact group for further consideration.

98. The chair of the contact group reported back to the Working Group at its 7th plenary meeting, on the morning of Friday, 14 May 2010. In her report, she said that, while regional representation in the contact group had been high, few recycling States had attended. The group had developed the criteria necessary to carry out the preliminary assessment referred to in decision IX/30. Based on one criterion, the group had compiled comments to facilitate a preliminary assessment. The group also agreed on a methodology for its future work, as set out in the conference room paper to be circulated.

99. Following the conclusion of the work of the contact group, the Working Group adopted the draft decision contained in a conference room paper circulated at the session, as orally amended. Decision OEWG-VII/12, as adopted, is set out in the annex to the present report.

B. Cooperation between the Convention and the International Maritime Organization

100. The Working Group took up the sub-item at its 3rd plenary meeting, on the morning of Tuesday, 11 May 2010. It had before it a note by the Secretariat on cooperation between the Basel Convention and IMO (UNEP/CHW/OEWG/7/12).

101. Introducing the sub-item, the representative of the Secretariat recalled that by decision IX/12 the Conference of the Parties had, among other things, reiterated its invitation to the Parties to the Basel Convention and others to provide information and views to the Secretariat on the respective competencies of the Basel Convention and MARPOL 73/78, in respect of hazardous wastes and other wastes and harmful substances; any gaps between those instruments; any options for addressing those gaps; and any other relevant information. The decision requested the Working Group to consider the information compiled by the Secretariat in order to develop specific recommendations on options that might exist for addressing any gaps between the Basel Convention and MARPOL 73/78. The Secretariat had not received any information or views from Parties or others on the subject. It had, however, strengthened its cooperation with the secretariat of IMO in relation to MARPOL 73/78 and other relevant IMO instruments and activities. In particular, the UNEP Post-Conflict and Disaster Management Branch, the Secretariat and IMO were collaborating closely for the implementation of a capacity-building programme in Côte d'Ivoire to manage hazardous wastes in the district of Abidjan, and also to monitor and control transboundary movements of hazardous chemicals and wastes in

Côte d'Ivoire and in other French-speaking countries in Africa. A first replication of the Côte d'Ivoire project had been initiated in the United Republic of Tanzania, and further cooperation was envisaged for the replication of the pilot project in Djibouti and Kenya.

102. In the ensuing discussion, several representatives noted that no provision had been made in the budget for an intersessional open-ended working group to develop specific recommendations on options that might exist for addressing any gaps between the Basel Convention and MARPOL 73/78, as proposed in paragraph 2 of the draft decision set out in document UNEP/CHW/OEWG/7/12. It was suggested that a correspondence group might be a more appropriate means of addressing the matter. Another representative said that his delegation had concluded that there was a gap between the two conventions and that the Secretariat should be requested to provide a legal analysis of the issue. Another representative said that technical guidelines on the environmentally sound management of wastes as defined under MARPOL 73/78 and wastes under the Basel Convention, indicating the scope of the various applicable conventions, would be of great value.

103. The representative of IMO said that the joint activities carried out with the Secretariat of the Basel Convention illustrated some gaps and overlaps between the two instruments. For example, the requirement set out in MARPOL 73/78 for port reception facilities was confined to port areas, and the requirement to treat wastes in an environmentally sound manner – a key pillar of the Basel Convention – was implied but not explicitly required by MARPOL 73/78. It would therefore be valuable to collaborate on the development of guidelines on the treatment of ship residues, and particularly the oily residues covered by annex I to MARPOL 73/78.

104. Following the suggestion of one representative, speaking on behalf of a group of Parties, the Working Group agreed to refer the issues arising under the present sub-item to the group of friends of the Co-Chairs set up to consider the work programme of the Working Group for the period 2012–2013 (see chapter XI below).

105. Following the conclusion of the work of the group of friends of the Co-Chairs, the Working Group adopted the draft decision contained in a conference room paper circulated and revised at the session. Decision OEWG-VII/13, as adopted, is set out in the annex to the present report.

C. Implementation of decision V/32 on enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention

106. The Working Group took up the sub-item at its 3rd plenary meeting, on the morning of Tuesday, 11 May 2010. It had before it a note by the Secretariat on the implementation of decision V/32 on the enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Assistance in the Implementation of the Basel Convention (UNEP/CHW/OEWG/7/13).

107. Introducing the sub-item, the representative of the Secretariat recalled that, by decision IX/22, the Conference of the Parties had, among other things, requested the Working Group to review the implementation of decision V/32 and to develop recommendations addressing the expediency of the procedures under the mechanism, the adequacy of resources available for use under the mechanism, and cooperation with other international organizations and agencies in responding to an emergency situation, and to transmit those recommendations to the Conference of the Parties for consideration at its tenth meeting. Since its establishment, the emergency mechanism had been triggered once, to provide assistance to Côte d'Ivoire following an incident involving the dumping of hazardous wastes in September 2006. A rapid assessment mission under the emergency mechanism had been carried out from 20 November to 1 December 2006. As at 31 December 2009, an amount of \$312,846, contributed by eight countries, was available to support the activities referred to in part 1 of the interim guidelines for the implementation of decision V/32.

108. In the ensuing discussion, one representative, speaking on behalf of a group of Parties, said that it was not realistic in the current financial context to set up an intersessional open-ended working group to review the implementation of decision V/32, as proposed in document UNEP/CHW/OEWG/7/12. Nor did there appear to be any pressing reason to review the operation of the emergency mechanism, which had been called into action on only one occasion, when it had operated in a satisfactory manner. No Party had responded to the call for comments. Moreover, in view of the current level of resources available to support the activities under the emergency mechanism, there appeared to be no need for replenishment. Other representatives, however, emphasized the importance of the mechanism in helping developing and other countries needing emergency assistance. Although the mechanism had been used

on only one occasion, it nonetheless needed to be evaluated, as indicated in decision IX/22, including the level of its available resources.

109. The Working Group agreed to refer the issues arising under the present sub-item to the group of friends of the Co-Chairs.

110. The Working Group resumed consideration of the sub-item at its 8th plenary meeting, on the afternoon of Friday, 14 May 2010. One of the co-chairs of the group of friends of the Co-Chairs reported that the group had agreed that the item would be referred back to the Working Group in plenary meeting, at which time any Party that wished the Working Group to adopt a decision on it would be able to invite the Working Group to do so. One representative raised concerns that insufficient time had been allowed for discussion of the issue. He wished to propose amendments to the draft decision on the implementation of decision V/32 contained in document UNEP/CHW/OEWG/7/13 and regretted that his proposed amendments could not be accommodated during the current session.

111. Following further consultation among the group of Latin American and Caribbean countries, the representative of that group suggested that the proposed amendments should be used as a basis for further discussion at the tenth meeting of the Conference of the Parties. It was agreed that the proposed text would be translated and circulated to all Parties prior to that meeting. One representative requested a note from the Secretariat also to be included in the documentation for that meeting to explain why no decision had been reached on the issue at the current session.

112. The representative of the Secretariat confirmed that the proposed text would be circulated in the six official languages of the United Nations in time for consideration at the tenth meeting of the Conference of the Parties and agreed to circulate an explanatory note as requested. The Working Group agreed to defer the issue to the tenth meeting of the Conference of the Parties.

D. Enforcement of the Convention and efforts to combat illegal traffic

113. The Working Group took up the sub-item at its 3rd plenary meeting, on the morning of Tuesday, 11 May 2010. It had before it notes by the Secretariat on enforcement of the Convention and efforts to combat illegal traffic (UNEP/CHW/OEWG/7/14), on comments received pursuant to decision IX/23 (UNEP/CHW/OEWG/7/INF/19) and on the Implementation and Compliance Committee (UNEP/CHW/OEWG/7/INF/11). The representative of the Secretariat introduced the item, recalling that by decision IX/23 the Secretariat had been requested to undertake a variety of activities relating to developing national legislation and enforcing the Convention. Accordingly, a document had been prepared providing information on the development of tools and the organization of training activities to assist Parties in implementing and enforcing the Convention. The document also contained updated information on national legislation and other measures adopted by Parties and addressed the preparation of a draft instruction manual for the legal profession on prosecution of illegal traffic. Four Parties had submitted comments pursuant to decision IX/23.

114. The Executive Secretary delivered a statement from the secretariat of WCO outlining its efforts to combat illegal trade in environmentally sensitive goods, including hazardous and other wastes covered by the Basel Convention. The statement included a detailed description of Operation Demeter, a 50-day, 65-country-wide operation targeting the illicit transboundary movement of hazardous and other wastes from Europe to countries in Africa and Asia and the Pacific. The results of the operation had provided a stark overview of the threat posed to the environment by the illegal trade in hazardous and other wastes; had served to highlight the need to incorporate Basel Convention measures into national legislation to enable the proper control and management of shipments of transboundary wastes; and had confirmed the critical role of Customs authorities, information-sharing and international cooperation to combat illegal traffic.

115. Speaking on behalf of the Chair of the Implementation and Compliance Committee, one Committee member outlined the information contained in document UNEP/CHW/OEWG/7/INF/11. She encouraged all Parties to complete the questionnaire on the use of the movement and notification documents so that the Committee could perform its work.

116. One representative, speaking on behalf of a group of Parties, proposed that further development of the draft instruction manual for the legal profession on the prosecution of illegal traffic should be subject to the receipt of voluntary contributions. She suggested that, in lieu of an open-ended working group, the task of further developing the draft document could be assigned to a small expert group working by electronic means. She acknowledged the work of the Implementation and Compliance Committee and welcomed the first specific submission regarding implementation of and compliance with the Convention by Parties.

117. One representative expressed concern about the term “instruction manual”, which, he said, when translated into his language suggested that taking action was mandatory. It was clarified, however, that only the Conference of the Parties had the authority to change the name of the instruction manual. The same representative supported the development of the manual by a small expert group provided that all Parties were able to participate fully in finalizing the text.

118. The Working Group agreed to establish a small expert group to work by electronic means to develop the draft instruction manual further.

119. The Working Group adopted the draft decision contained in document UNEP/CHW/OEWG/7/14, as orally amended. Decision OEWG-VII/14, as adopted, is set out in the annex to the present report.

E. Legal guidance

120. The Working Group took up the sub-item at its 5th plenary meeting, on the morning of Thursday, 13 May 2010. The representative of the Secretariat said that, although the Conference of the Parties had not requested specific legal guidance from the Working Group and the Secretariat had not therefore prepared a note on the sub-item, the Working Group might wish to consider whether there was a need to provide legal guidance to the Conference of the Parties in relation to any item under discussion.

121. No requests were made for such legal guidance.

F. Addressing the interpretation of paragraph 5 of Article 17 of the Convention

122. The Working Group took up the sub-item at its 5th plenary meeting, on the morning of Thursday, 13 May 2010. In considering the sub-item, it had before it a note by the Secretariat on addressing the interpretation of paragraph 5 of Article 17 of the Convention (UNEP/CHW/OEWG/7/15).

123. The representative of the Secretariat recalled that by decision IX/25 the Conference of the Parties had requested the Working Group to continue the development of a draft decision to reach an agreed interpretation of paragraph 5 of Article 17 of the Convention in accordance with international law, taking into account the work of the Conference of the Parties on the matter at its ninth meeting and the non-exhaustive list of possible elements for a draft decision set out in the annex to decision IX/25.

124. In the ensuing discussion, many representatives emphasized the importance of reaching an agreed solution to the question of the interpretation of paragraph 5 of Article 17 of the Convention in the near future so that the matter could be finalized by the tenth meeting of the Conference of the Parties. They recalled that, although the question was linked to other issues, much effort had been made at previous meetings and the solution proposed in document UNEP/CHW/OEWG/7/15 was to be welcomed. Several representatives supported the interpretation of paragraph 5 of Article 7 that would lead to the most rapid process for the entry into force of amendments to the Convention. The representative of a non-governmental organization said that if consensus could not be achieved on the issue owing to the opposition of a small number of Parties, it should be resolved by a vote.

125. The Working Group adopted the draft decision set out in document UNEP/CHW/OEWG/7/15, as orally amended. Decision OEWG-VII/15, as adopted, is set out in the annex to the present report.

VIII. Resource mobilization and sustainable financing: review of the implementation of decision VIII/34

126. The Working Group took up the item at its 6th plenary meeting, on the afternoon of Thursday, 13 May 2010. It had before it a note by the Secretariat on the implementation of the relevant decisions of the Conference of the Parties on resource mobilization and sustainable financing (UNEP/CHW/OEWG/7/16).

127. While one representative expressed concern over the availability of funds, particularly as additional resources would be needed to fund the new strategic framework and the regional centres, he also expressed the hope that the new joint head of the Basel, Rotterdam and Stockholm conventions would be committed to ensuring the availability of resources for the implementation of the Basel Convention.

128. The Working Group adopted the draft decision set out in document UNEP/CHW/OEWG/7/16, as orally amended. Decision OEWG-VII/16, as adopted, is set out in the annex to the present report.

IX. International cooperation and coordination: review of the implementation of decision IX/11

129. The Working Group took up the item at its 5th plenary meeting, on the morning of Thursday, 13 May 2010. It had before it a note by the Secretariat on international cooperation and coordination: review of the implementation of decision IX/11 (UNEP/CHW/OEWG/7/17). The representative of the Secretariat introduced the item, recalling that by decision IX/11 the Conference of the Parties had requested the Secretariat further to strengthen cooperation and coordination with international and regional organizations and multilateral environmental agreements in areas of relevance to the Convention, and to continue efforts to seek observer status with the Committee on Trade and Environment of the World Trade Organization (WTO). The Secretariat had also been requested to inform the Parties to the Convention when such observer status was granted.

130. One representative, speaking on behalf of a group of Parties, voiced her appreciation to the Secretariat for its continued efforts to obtain permanent observer status with the WTO Committee on Trade and Environment and for the information provided on all cooperation and coordination actions. She regretted that observer status had not yet been granted and stressed the importance of cooperation between WTO and the secretariats of multilateral environmental agreements. She noted that, as the requirements of decision IX/11 remained in place, there was no need for a new decision by the Working Group.

131. The Working Group took note of the information provided by the Secretariat.

X. Financial matters

132. The Working Group took up the item at its 3rd plenary meeting, on the morning of Tuesday, 11 May 2010. It had before it a note by the Secretariat on a proposal for using an increase in the reserve and fund balance of the Basel Convention Trust Fund to increase the operational budget for 2011 and programme activities for the Technical Cooperation Trust Fund, including a proposal for measurable indicators of achievement and performance (UNEP/CHW/OEWG/7/18) and a note by the Secretariat on information on financial matters, including the report on the implementation of the programme budget for 2009 (UNEP/CHW/OEWG/7/INF/12). The representative of the Secretariat introduced the item, recalling that decision IX/31 on financial matters requested the Executive Secretary to prepare, for consideration by the Working Group, a proposal for using any increase in the reserve and fund balance of the Basel Convention Trust Fund which might arise due to payments by 1 October 2008 of arrears of contributions up to 1 January 2008 to increase the operational budget for 2011. By the same decision the Working Group was mandated to finalize the programme activities for 2011 and, if appropriate, take note of any changes in the funding required from the Technical Cooperation Trust Fund. The Conference of the Parties had also requested the Secretariat to propose measurable indicators of achievement and performance for consideration by the Working Group at the current session and to report on those indicators in the proposed budget for the biennium 2012–2013 for consideration by the Conference at its tenth meeting.

133. The Executive Secretary made a presentation on the status of the budget, referring in particular to the settlement of unpaid contributions for 2007 amounting to approximately \$1 million. She also submitted for the Working Group's consideration revised indicators of achievement for the programme of work for 2011.

134. One representative, speaking on behalf of a number of Parties, congratulated those Parties that had made substantial efforts to clear their arrears. Referring to the request of the Conference of the Parties that the Working Group should decide whether it would be appropriate to use the resultant additional money to increase the operational budget for 2011, he noted that there would be no additional contributions from Parties in 2011. If the Secretariat's budget were to increase for one year there would be pressure to maintain that increase in future years, which might affect Party contributions. The Conference of the Parties had, at its ninth meeting, recognized that little time had been available to consider all the implications of the temporary shift to a three-year budget for the voluntary Technical Cooperation Trust Fund and had requested the Working Group to determine the appropriateness of amending the programme of activities for 2011. He strongly suggested that the increase in resources from paid arrears should be placed in the reserve fund to cover costs that might arise, including as a result of the global economic crisis or the temporary three-year cycle between meetings of the Conference of the Parties. He mentioned several issues which he said could be further debated in a contact group, in particular proposals to increase the apportionment of resources to the reserve fund, to pay for participants' travel from the core budget and to increase the 2011 figures of the voluntary fund.

135. Two other representatives welcomed the increase in resources generated from the settlement of arrears. One representative cautioned against proposing a large increase in the budget based on those reserves and suggested that there was a more pressing need to build up the reserve fund in case of unexpected changes in the financial outlook. He proposed that the secretariat should prioritize new activities and examine the need for each activity mentioned in the revised budget. Another representative suggested that the work priorities should be discussed in a contact group and the work programme examined to determine which areas could benefit most from increased resources.

136. The Working Group agreed to establish a contact group on financial matters, chaired by Mr. Álvarez-Pérez, and to refer the issues under the sub-item to the contact group for further consideration.

137. The chair of the contact group reported back to the Working Group at its 6th plenary meeting, on the afternoon of Thursday, 13 May 2010. He said that the discussions in the contact group had first focused on the three budget scenarios to be presented at the tenth meeting of the Conference of the Parties. The second part of the discussions had dealt with indicators of achievement and performance; six categories had been defined.

138. One representative expressed concern about the budget increase, stressing that it should not set a precedent. He emphasized the need to prioritize new activities and requested that the budget approved in 2010 should not be taken as a basis for the consideration of the 2012–2013 budget at the tenth meeting of the Conference of the Parties.

139. Following the conclusion of the work of the contact group, the Working Group adopted the draft decision contained in a conference room paper circulated at the session, as orally amended. Decision OEWG-VII/17, as adopted, is set out in the annex to the present report.

XI. Work programme of the Open-ended Working Group for 2012–2013

140. The Working Group took up the item at its 2nd plenary meeting, on the afternoon of Monday, 10 May 2010. It had before it a note by the Secretariat on the work programme (UNEP/CHW/OEWG/7/19). Following the introduction of the item by the representative of the Secretariat, a number of representatives expressed the view that its discussion was premature and that it should be postponed until the views of the various contact groups had been obtained. The draft decision would then need to be brought into line with the outcome of discussions in those groups.

141. The Working Group agreed to refer the issue for further consideration to a group of friends of the Co-Chairs, to comprise representatives of regional groups. Each regional group was invited to nominate two representatives to the group.

142. One of the co-chairs of the group of friends of the Co-Chairs reported back to the Working Group at its 7th plenary meeting, on the morning of Friday, 14 May 2010. He said that the group had met twice and had worked on the basis of the draft work programme of the Working Group of 2012–2013, set out in the annex to document UNEP/CHW/OEWG/7/19. In its deliberations the group had been guided by a list, prepared by the co-chairs, of possible criteria to be used in the development of a streamlined work programme. The co-chair pointed out that the draft decision set out in the conference room paper circulated at the session emphasized the need for the work programme to build on the strategic framework and the programme budget to be adopted by the Conference of the Parties at its tenth meeting.

143. Following that report, the Working Group adopted the draft decision contained in the conference room paper, as orally amended. Decision OEWG-VII/18, as adopted, is set out in the annex to the present report.

XII. Preparation of draft decisions for consideration by the Conference of the Parties at its tenth meeting

144. The Working Group took up the item at its 6th plenary meeting, on the afternoon of Thursday, 13 May 2010. The Co-Chair invited the representative of the Secretariat to give an update on progress made with the agenda items.

145. Referring to the draft decision to be adopted under item 6 (c), one representative said that, while no decision might be required, he welcomed the development of partnerships and hoped that that approach would continue.

146. With regard to agenda items 7 (b) and (c), another representative said that his country wished to be actively involved in the preparation of the draft decisions and asked for assurance that sufficient time would be allowed for discussion in plenary meeting on the decisions in question.

XIII. Organization of the tenth meeting of the Conference of the Parties

147. The Working Group took up the item at its 7th plenary meeting, on the morning of Friday, 14 May 2010. The representative of the Secretariat explained that by decision IX/33 the Conference of the Parties had decided that its tenth meeting would be convened in 2011, at dates to be determined by the Secretariat in consultation with the Expanded Bureau, and had mandated the Executive Secretary, subject to the Expanded Bureau's approval, to enter into consultations with a Party that expressed interest in holding the meeting. The Government of Colombia had expressed its interest in hosting the meeting in Cartagena de Indias. Following consultations with the Expanded Bureau, the Secretariat had determined that the dates of the tenth meeting would be from 17 to 21 October 2011. The Secretariat was currently engaged in consultations with the Government of Colombia with a view to finalizing the host country agreement.

148. The representative of Colombia gave a presentation his country's geography and culture and the major current issues and challenges relating to the Convention.

XIV. Other matters

A. Twentieth anniversary celebrations and the Basel Waste Solutions Circle

149. The Working Group took up the item at its 7th plenary meeting, on the morning of Friday, 14 May 2010. In considering the item, it had before it a note by the Secretariat on the twentieth anniversary celebrations and the Basel Waste Solutions Circle (UNEP/CHW/OEWG/7/20).

150. Introducing the item, the Executive Secretary referred to the Bali Declaration on Waste Management for Human Health and Livelihood, adopted by the Conference of the Parties at its ninth meeting, the information note on the twentieth anniversary celebrations (UNEP/SBC/BUREAU/9/1/INF/2) submitted to the Expanded Bureau and the launch of the Basel Waste Solution Circle. She said that a highlight of the celebrations of the twentieth anniversary of the adoption of the Basel Convention had been the launch of the Basel Waste Solutions Circle, a global initiative to promote the protection of human health and livelihood through the environmentally sound management of hazardous wastes worldwide. The representatives of Colombia, Indonesia, Kenya and Switzerland had launched the Circle by each presenting one important project undertaken in their country that had contributed to the implementation of the Bali Declaration.

151. The Working Group adopted the draft decision set out in document UNEP/CHW/OEWG/7/20. Decision OEWG-VII/19, as adopted, is set out in the annex to the present report.

B. Global Platform on Waste Management

152. The Working Group took up the sub-item at its 7th plenary meeting, on the morning of Friday, 14 May 2010. A brief presentation was delivered on behalf of the UNEP International Environmental Technology Centre, outlining the objectives of the Global Platform on Waste Management, which had been launched at the extraordinary meetings of the conferences of the parties to the Basel, Rotterdam and Stockholm conventions. The Platform was intended to bring together a broad range of actors, including international agencies, Governments, the private sector, non-governmental organizations and other stakeholders with a view to developing and promoting an integrated approach to the environmentally sound management of wastes. UNEP, in collaboration with the Secretariat of the Basel Convention, was currently developing the Platform, and a second consultative meeting was planned for later in the year.

C. European Waste Framework Directive

153. The representative of the European Union drew attention to the Union's recent directive 2008/98/EC on waste – the new European Waste Framework Directive – which would become applicable in December 2010. The Directive contained additional provisions relating to certain disposal operations covered by annex IV to the Basel Convention. Moreover, the definitions of certain

significant terms, including “recovery” and “disposal”, had been reviewed. Further information on the directive was available on the European Union’s website at: <http://ec.europa.eu/environment/waste/framework/index.htm>.

D. Workshop on hazardous substances within the life cycle of electrical and electronic products

154. Mr. Oladele Osibanjo, chair of the steering group for the workshop on hazardous substances within the life cycle of electrical and electronic products, explained that, while resolution II/4 on e-waste of the International Conference on Chemicals Management included a request for an international workshop on the life cycle of electrical and electronic products to be held back-to-back with the Working Group’s seventh session, insufficient funds had rendered that impossible. It had been proposed that the workshop should be held in Nairobi in February 2011, immediately after the twenty-sixth session of the UNEP Governing Council, although other venues were also being considered. He thanked those countries that had expressed interest in supporting the organization of the workshop and appealed to others to do likewise.

XV. Adoption of the draft decisions and the report of the session

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

156. The Working Group adopted the present report at its 8th plenary meeting, on the afternoon of Friday, 14 May 2010, on the basis of the draft report contained in documents UNEP/CHW/OEWG/7/L.1 and Add.1, as orally amended, on the understanding that the finalization of the report would be entrusted to the Secretariat, working in consultation with the Co-Chairs and the Rapporteur.

XVI. Closure of the session

157. Following the customary exchange of courtesies, the seventh session of the Open-ended Working Group of the Basel Convention for the Control of Transboundary Movements of Hazardous Wastes and Their Disposal was declared closed at 5.35 p.m. on Friday, 14 May 2010.

Annex

Decisions of the Open-ended Working Group at its seventh session

OEWG-VII/1: Strategic framework for 2012–2021

The Open-ended Working Group,

Welcoming the continuing work on the preparation of the strategic framework for 2012–2021,

Mindful of the importance of improving the effective and coherent implementation of the Basel Convention and the work related thereto,

Stressing the need to ensure that the work programme of the Open-ended Working Group for 2012–2013 builds on the strategic framework and is consistent with the programme budget,

Recognizing the crucial role of the Basel Convention regional and coordinating centres and other initiatives to improve the effectiveness of the Basel Convention,

1. *Agrees* in principle to the vision, guiding principles and strategic goals and objectives, as set out in the draft strategic framework for 2012–2021 for the implementation of the Basel Convention, as contained in the annex to the present decision;

2. *Requests* the Secretariat:

(a) To publish on the website of the Basel Convention the agreed elements of the draft strategic framework referred to in paragraph 1 above by 31 May 2010;

(b) To develop the means of implementation and a set of indicators and to publish these on the website of the Basel Convention by 31 July 2010 for comments by Parties and other stakeholders;

3. *Invites* Parties and other stakeholders to submit comments on the documents referred to in paragraph 2 above by 31 October 2010;

4. *Requests* the Secretariat to organize another consultative meeting, subject to the availability of funding and ensuring representation from all United Nations regions, to provide further guidance for integrating the means of implementation and indicators in the strategic framework, and to publish the outcome of this consultative meeting on the website of the Basel Convention by 28 February 2011;

5. *Invites* Parties and other stakeholders to submit comments on the outcome of the consultative meeting by 31 March 2011;

6. *Requests* the Secretariat to present the draft strategic framework for 2012–2021 to the Conference of the Parties at its tenth meeting for consideration and possible adoption.

Annex to decision OEWG-VII/1

Draft strategic framework 2012–2021 for the implementation of the Basel Convention¹

I. Vision

Protection of human health and the environment by controlling the transboundary movements of hazardous wastes and other wastes and by ensuring and strengthening the environmentally sound management of such wastes as a contribution to promoting sustainable livelihood and achieving the Millennium Development Goals.

¹ The text of the draft strategic framework is being reproduced as submitted, without formal editing.

II. Guiding principles

In the light of the vision, the following guiding principles will be applied:

Recognise the waste management hierarchy (prevention, minimization, reuse, recycling, other recovery including energy recovery, and final disposal.) In doing so, encourage treatment options that deliver the best overall environmental outcome, taking into account life-cycle thinking.

Utilise waste management policy tools, such as:

- (a) Sustainable use of resources;
- (b) Encouraging the recognition of wastes as a resource as appropriate;
- (c) Integrated wastes management;
- (d) Life-cycle approach;
- (e) Polluter pays principle;
- (f) Extended producer responsibility;
- (g) Precautionary principle;
- (h) Proximity principle;
- (i) Partnerships, cooperation and synergies;
- (j) Sustainable consumption and production.

Respect waste management legislative measures:

The principle of ensuring that every Party has national legislation and regulation in place, as well as enforcement mechanisms, to control transboundary movements of hazardous wastes and other wastes, and prevent and combat illegal traffic;

Respect each Party's national legislation and regulation regarding the control of the transboundary movements of the hazardous wastes and other wastes.

These principles are not listed in any particular order of importance. They can also be applied in a proactive manner to respond to emerging issues under the condition that the provisions of the Basel Convention are complied with.

III. Strategic goals and objectives

The achievement of the goals and objectives within the framework of the Basel Convention is primarily the responsibility of the parties with the involvement of relevant stakeholders. However, The support of the Secretariat of the Basel Convention and the Basel Convention regional centres will be crucial in the achievement of these goals and objectives by developing countries and countries with economies in transition, considering their respective capacities and particular requirements. Furthermore, achieving these goals and objectives depends on the availability of means of implementation. In this regard, full consideration should be given to Article 10 of the Basel Convention.

A. Goal 1: Effective implementation of parties' obligations on transboundary movements of hazardous wastes and other wastes

Objective 1.1: To reach a common understanding amongst parties of the definition, interpretation and terminologies of wastes covered by the Basel Convention, including the distinction between wastes and non-wastes

Objective 1.2: To prevent and combat illegal traffic in hazardous wastes and other wastes

Objective 1.3: To improve performance on the notification on national definitions of hazardous wastes and other wastes and associated requirements, prohibitions and other control requirements.

Objective 1.4: To generate, provide, collect, transmit and use reliable, qualitative and quantitative information and data regarding export, import and generation as required by Article 13 of the Basel Convention

B. Goal 2: Strengthening the environmentally sound management of hazardous wastes and other wastes

Objective 2.1: to pursue the development of ESM of hazardous wastes and other wastes, especially through the preparation of technical guidelines, and to promote its implementation in national legislation

Objective 2.2: To support and promote capacity-building for parties, including technological capability, technology needs assessment and technology transfer, to reduce the generation and hazard potential of hazardous wastes and other wastes

Objective 2.3: To facilitate national, regional and international commitment with regards to the management of priority waste streams, as identified in the programme of work, taking into consideration the priorities of the developing countries and countries with economies in transition and in accordance with the requirements of the Basel Convention.

Objective 2.4: To enhance and promote the sustainable use of resources through improving management of hazardous wastes and other wastes and to encourage the recognition of wastes as a resource as appropriate

C. Goal 3: Promoting the implementation of ESM of hazardous wastes and other wastes as an essential contribution to the achievement of sustainable livelihood, the Millennium Development Goals and the protection of human health and the environment.

Objective 3.1: Develop national and regional capacity, particularly through the BCRCs, by integrating waste management issues in national sustainable development strategies and plans for sustainable livelihood

Objective 3.2: Promote cooperation with national, regional and international bodies, in particular cooperation and coordination among Basel, Rotterdam and Stockholm conventions, to improve environmental and working conditions through the ESM of hazardous wastes and other wastes.

IV. Means of implementation

(To be developed)

OEWG-VII/2: Review and strengthening of the operation of the Basel Convention regional and coordinating centres

The Open-ended Working Group

1. *Takes note* of the information provided by the Secretariat on the review and strengthening of the operation of the Basel Convention regional and coordinating centres;²
2. *Invites* Parties, signatories and Basel Convention regional and coordinating centres to provide further comments to the Secretariat on the subject by 15 November 2010;
3. *Requests* the Secretariat to finalize, taking into account discussions at the seventh session of the Open-ended Working Group and on the basis of comments received from Parties, signatories and Basel Convention regional and coordinating centres, the draft workplan for the strengthening of the centres for consideration and possible adoption by the Conference of the Parties at its tenth meeting.

2 UNEP/CHW/OEWG/7/4.

OEWG-VII/3: Partnership for Action on Computing Equipment

The Open-ended Working Group,

Recalling decision IX/9 of the Conference of the Parties to the Basel Convention,

Recalling also the Basel Declaration on Environmentally Sound Management³ and the Nairobi Declaration on the Environmentally Sound Management of Electrical and Electronic Waste,⁴

Welcoming initiatives of the working group of the Partnership for Action on Computing Equipment to coordinate and collaborate in, as appropriate, its activities with other bodies and undertakings, such as the Solving the E-Waste Problem initiative, coordinated by the United Nations University, to establish synergies and to prevent the duplication of activities in the environmentally sound management of used and end-of-life computing equipment,

Acknowledging that awareness-raising and information-sharing on the environmentally sound management and control of the transboundary movement of used and end-of-life computing equipment are of particular importance to Parties, in particular developing countries and countries with economies in transition,

1. *Notes with appreciation* the progress made in the implementation of the Partnership and welcomes the report submitted by the co-chairs of the Partnership;⁵

2. *Takes note* of the final terms of reference for the Partnership set out in annex B to that report;

3. *Also takes note* of the financial arrangements for the Partnership referred to in annex 3 to those final terms of reference;

4. *Further takes note* of the elements for a more detailed workplan contained in annex 1 to the report submitted by the co-chairs of the Partnership and requests the working group of the Partnership to finalize and publish a more detailed workplan for 2009–2011;

5. *Requests* the Partnership to develop a draft overall guidance document on the environmentally sound management of used and end-of-life computing equipment and requests the Secretariat to publish this document on the website of the Basel Convention;

6. *Invites* Parties and others to submit comments to the Secretariat by 31 May 2011 on that draft overall guidance document on the basis of their experiences and needs, to be submitted to the Conference of the Parties at its tenth meeting for its consideration;

7. *Requests* the Partnership to revise the draft overall guidance document taking into account the comments received;

8. *Invites* Parties, signatories, members of industry organizations, and international governmental and non-governmental organizations to make financial and in kind contributions to enable the Partnership:

(a) To initiate additional e-waste surveys and pilot projects on the collection and management of end-of-life computing equipment from the informal sector in developing countries and countries with economies in transition;

(b) To facilitate the participation of developing countries and countries with economies in transition;

(c) To facilitate the development and implementation of guidelines, tools and activities;

9. *Requests* the Secretariat:

(a) To submit the revised draft overall guidance document to the Conference of the Parties at its tenth meeting for its consideration;

(b) To report to the Conference of the Parties at its tenth meeting on progress in the activities undertaken by the Partnership;

3 UNEP/CHW.5/29, annex II.

4 Decision IX/6, annex.

5 UNEP/CHW/OEWG/7/INF/6.

- (c) To prepare a draft decision on the Partnership for consideration by the Conference of the Parties at its tenth meeting.

OEWG-VII/4: Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention

The Open-ended Working Group

1. *Welcomes* the initiative taken by the Governments of Indonesia and Switzerland to follow up on the statement by the President of the ninth meeting of the Conference of the Parties on the possible way forward on the Ban Amendment by convening the country-led initiative to improve the effectiveness of the Basel Convention;
2. *Acknowledges* the progress made under this initiative to date on analysing why transboundary movements of hazardous wastes occur, especially to developing countries and countries with economies in transition, where environmentally sound management cannot be assured;
3. *Takes note* of the list of elements for inclusion in a possible way forward;⁶
4. *Calls* for work under the Indonesian-Swiss country-led initiative to continue with a view to developing options and devising recommendations for consideration and possible adoption by the Conference of the Parties at its tenth meeting.

OEWG-VII/5: Technical guidelines on the transboundary movements of e-waste

The Open-ended Working Group,

Recalling decision IX/6 of the Conference of the Parties to the Basel Convention,

1. *Requests* the Secretariat to develop a table of contents for the technical guidelines on transboundary movements of e-waste, in particular regarding the distinction between waste and non-waste, for publication on the website of the Basel Convention by 31 May 2010;
2. *Invites* Parties and others to submit comments on this table of contents by 30 June 2010 for publication on the website of the Basel Convention;
3. *Requests* the Secretariat to develop a first draft of the technical guidelines by 31 July 2010, taking into account the comments received on the table of contents, for publication on the website of the Basel Convention;
4. *Invites* Parties and others to submit comments on this first draft by 30 October 2010, for publication on the website of the Basel Convention;
5. *Requests* the Secretariat, subject to the availability of voluntary funding, to prepare revised draft technical guidelines, taking into account the comments received, for publication on the website of the Basel Convention by 31 January 2011;
6. *Invites* Parties and others to submit comments on this revised draft by 30 June 2011, for publication on the website of the Basel Convention;
7. *Requests* the Secretariat to submit the revised draft technical guidelines and the comments received on this draft to the Conference of the Parties at its tenth meeting for consideration and possible adoption.

6 UNEP/CHW/OEWG/7/INF/8.

OEWG-VII/6: Revised technical guidelines on the environmentally sound management of used tyres pursuant to decision IX/14

The Open-ended Working Group,

Noting with appreciation the contributions made by Brazil as lead country, by Parties and by other stakeholders in the process of revising the technical guidelines on the environmentally sound management of used tyres,

Taking into consideration the preliminary agreement reached during the discussions⁷ at the seventh session of the Open-ended Working Group,

1. *Invites* Parties and all stakeholders to provide comments to Brazil with copies to the Secretariat on the above revised technical guidelines by 31 October 2010 for publication on the website of the Basel Convention;

2. *Requests* Brazil, on the basis of the comments received pursuant to paragraph 1 above, to prepare the final revised version of the draft technical guidelines for publication on the website of the Basel Convention by 28 February 2011;

3. *Invites* Parties and all stakeholders to provide comments to Brazil with copies to the Secretariat on the draft technical guidelines as referred to in paragraph 2 above by 30 April 2011 for publication on the website of the Basel Convention;

4. *Requests* the Secretariat to submit the revised draft technical guidelines referred to in paragraph 2 above together with the comments received pursuant to paragraph 3 above for consideration and possible adoption by the Conference of the Parties at its tenth meeting.

OEWG-VII/7: Technical guidelines on the environmentally sound management of mercury wastes pursuant to decision IX/15

The Open-ended Working Group,

Recalling decision IX/15 of the Conference of the Parties to the Basel Convention,

1. *Welcomes* the contribution by Japan as lead country until January 2010 in the development of technical guidelines on the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury and takes note of the draft technical guidelines;⁸

2. *Invites* further nominations by Parties and others to participate in the work of the small intersessional working group established pursuant to decision IX/15, to be submitted to the Secretariat by 30 June 2010, if possible;

3. *Invites* Parties to consider serving as lead country for developing the technical guidelines;

4. *Requests* the lead country, should one be identified, or the Secretariat, subject to the availability of voluntary funding, in consultation with the small intersessional working group, to prepare a revised version of the technical guidelines, taking into account the discussions at the seventh session of the Open-ended Working Group, by 31 October 2010 for publication on the website of the Basel Convention;

5. *Invites* Parties and others to submit comments on the revised draft technical guidelines to the Secretariat and the lead country, should one be identified, by 28 February 2011 for publication on the website of the Basel Convention;

6. *Requests* the lead country, should one be identified, or the Secretariat, subject to the availability of voluntary funding, in consultation with the small intersessional working group, to prepare

7 On the title; on the definition of terms; on chapter I, section C.2: "Retreading tyres"; on chapter III, section E (f) (v).

8 UNEP/CHW/OEWG/7/INF/10.

a further revision of the draft technical guidelines, taking into account the comments received, by 31 July 2011 for publication on the website of the Basel Convention;

7. *Invites* Parties and others to submit comments on the revised draft technical guidelines to the Secretariat and the lead country, should one be identified, by 30 September 2011 for publication on the website of the Basel Convention;

8. *Mandates* the small intersessional working group to hold a meeting immediately before the tenth meeting of the Conference of the Parties to prepare a final draft of the technical guidelines, taking into account the comments received;

9. *Requests* the Secretariat to report on the outcome of the meeting of the small intersessional working group to the Conference of the Parties at its tenth meeting and to submit the draft technical guidelines to the Conference of the Parties at that meeting for consideration and possible adoption.

OEWG-VII/8: Technical guidelines on the environmentally sound management of persistent organic pollutants pursuant to decision IX/16

The Open-ended Working Group,

Recalling decision IX/16 of the Conference of the Parties to the Basel Convention,

1. *Invites* Parties and others to submit comments to the Secretariat by 31 March 2011 on:

(a) Further guidance, in the general technical guidelines on the environmentally sound management of persistent organic pollutant wastes, on other disposal methods when persistent organic pollutant content is less than low persistent organic pollutant content in areas where there may be a high risk for human health and the environment through, among other means, the food chain and the soil;

(b) Amendments to entry A4110 in Annex VIII to the Basel Convention relating to polychlorinated dibenzo-furan and polychlorinated dibenzo-dioxin and other relevant entries relating to pesticide persistent organic pollutants and DDT in order to include a concentration level for those persistent organic pollutants;

2. *Requests* the small intersessional working group established pursuant to paragraph 9 of decision OEWG-I/4 to consider the comments referred to in paragraph 1 above and to report on the results of its work, through the Secretariat, to the Conference of the Parties at its tenth meeting for its consideration.

OEWG-VII/9: Draft technical guidelines on the co-processing of hazardous waste in cement kilns

The Open-ended Working Group,

Noting with appreciation the contributions made by Chile as lead country and by other stakeholders in the development of the technical guidelines on the co-processing of hazardous waste in cement kilns,

1. *Invites* Parties and all stakeholders to provide comments to Chile with copies to the Secretariat on the draft technical guidelines by 31 August 2010 for publication on the website of the Basel Convention;

2. *Requests* Chile, on the basis of the comments received pursuant to paragraph 1 above, to prepare a revised version of the technical guidelines, to be made available on the website of the Basel Convention by 31 October 2010;

3. *Invites* Parties and all stakeholders to provide further comments on the draft referred to in paragraph 2 above by 31 January 2011 for publication on the website of the Basel Convention;

4. *Requests* Chile, on the basis of the comments received pursuant to paragraph 3 above, to prepare another revised version of the technical guidelines for publication on the website of the Basel Convention by 31 March 2011;

5. *Requests* the Secretariat to submit the revised draft technical guidelines referred to in paragraph 4 above for consideration and possible adoption by the Conference of the Parties at its tenth meeting.

OEWG-VII/10: Harmonization and coordination

The Open-ended Working Group

1. *Invites* further nominations for the Joint Correspondence Group established pursuant to decision OEWG-IV/13 and the updating, if necessary, of existing nominations by 30 June 2010, if possible;

2. *Invites* the members of the Joint Correspondence Group to exchange information or comments with a view to making progress in fulfilling the Group's mandate;

3. *Invites* the nomination by interested Parties and the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals of individuals to assume the chairship of the Joint Correspondence Group;

4. *Requests* the Secretariat to report on the outcome of the work of the Joint Correspondence Group to the Conference of the Parties at its tenth meeting.

OEWG-VII/11: Mobile Phone Partnership Initiative

The Open-ended Working Group,

Recalling decision IX/8 of the Conference of the Parties to the Basel Convention, by which the Conference of the Parties adopted sections 1–3 and 5 of the guidance document on the environmentally sound management of used and end-of-life mobile phones,⁹

Noting that the five technical guidelines developed under the Mobile Phone Partnership Initiative have been tested in a facility-type environment and revised accordingly,

Noting also that the overall guidance document has been revised to reflect the outcome of the ninth meeting of the Conference of the Parties,

Acknowledging the work undertaken by the ad hoc follow-up group to revise and agree upon the five technical guidelines and to revise the overall guidance document to incorporate changes to summaries and recommendations contained in the five technical guidelines,

1. *Expresses its appreciation* to the ad hoc follow-up group for its efforts in completing all outstanding tasks and revising the five technical guidelines;

2. *Requests* the Secretariat:

(a) To publish the revised overall guidance document containing the changes to summaries and recommendations contained in the five technical guidelines on the website of the Basel Convention;

(b) To revise the draft overall guidance document taking into account the comments received pursuant to paragraph 3 below;

(c) To submit the revised draft overall guidance document to the Conference of the Parties at its tenth meeting for its consideration;

3. *Invites* Parties, signatories and stakeholders to submit any comments on the revised overall guidance document to the Secretariat by 31 October 2010;

4. *Invites* Parties, signatories and other interested stakeholders to use the five revised technical guidelines;

5. *Encourages* the Basel Convention regional and coordinating centres to disseminate the revised guidance document and technical guidelines and to initiate training and outreach workshops, subject to availability of funding;

9 UNEP/CHW/OEWG/7/INF/7.

6. *Invites* Parties, signatories, members of industry bodies and international governmental and non-governmental organizations to make voluntary financial contributions to facilitate the implementation of the guidance document and technical guidelines by the Basel Convention regional and coordinating centres.

OEWG-VII/12: Environmentally sound dismantling of ships

The Open-ended Working Group,

Recalling decision IX/30 of the Conference of the Parties to the Basel Convention,

Recalling also decision VIII/11 of the Conference of the Parties, by which the Conference of the Parties “invites the International Maritime Organization to ensure that the draft ship recycling convention to be adopted by it establishes an equivalent level of control as that established under the Basel Convention, noting that the duplication of regulatory instruments that have the same objective should be avoided”,

Recalling further the request by the Conference of the Parties at its ninth meeting to the Open-ended Working Group at its seventh session to carry out a preliminary assessment of whether the ship recycling convention, as adopted, establishes an equivalent level of control and enforcement as that established under the Basel Convention, in their entirety,¹⁰ after having developed the criteria necessary for such assessment, and, in doing so, to take into account:

- (a) The special characteristics of ships and international shipping;
- (b) The principles of the Basel Convention and the relevant decisions of the Conference of the Parties;
- (c) The comments submitted by Parties and other relevant stakeholders, as appropriate,

Acknowledging that, in its decision IX/30, the Conference of the Parties requested that the results of the assessment should be transmitted to it at its tenth meeting for consideration and action, as appropriate,

Stressing the importance of implementation programmes relating to sustainable ship recycling in the light of the forecasts of tonnage to be dismantled in the near future, which indicate a need for appropriate action from the international community,

I

Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships

1. *Welcomes* the adoption of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships;
2. *Invites* the International Maritime Organization to continue to have due regard to the role, competence and expertise of the Basel Convention in matters related to ship dismantling and in particular with regard to the environmentally sound management and disposal of hazardous and other wastes;
3. *Considers* the criteria contained in the annex to the present decision to be an appropriate basis for further work, including discussion, to implement decision IX/30;
4. *Invites* Parties and other relevant stakeholders, based on these criteria:
 - (a) To review and complete the table set out in the annex to the present decision;
 - (b) On the basis of the table, to provide a preliminary assessment of whether the Hong Kong Convention establishes an equivalent level of control and enforcement as that established under the Basel Convention, in their entirety, and in doing so, to take into account:

¹⁰ *Editors' note:* This wording, as it appears here and elsewhere in the present draft decision, is taken verbatim from the text of decision IX/30 and has not been edited.

- (i) The special characteristics of ships and international shipping;
- (ii) The principles of the Basel Convention and the relevant decisions of the Conference of the Parties;
- (iii) The comments previously submitted by Parties and other relevant stakeholders, as appropriate;

5. *Also invites* Parties and other relevant stakeholders to submit their tables and preliminary assessments pursuant to paragraph 4 above to the Secretariat by 15 April 2011 and requests the Secretariat to publish these on the website of the Basel Convention;

6. *Requests* the Secretariat to compile and synthesize the completed tables and to publish these and the preliminary assessments by 15 June 2011 on the website of the Basel Convention;

7. *Also requests* the Secretariat to transmit the compilation and synthesis of the completed tables and the preliminary assessments referred to in paragraph 6 above to the Conference of the Parties at its tenth meeting for consideration and action, as appropriate;

8. *Further requests* the Secretariat to continue to follow developments in relation to the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, in particular the development of the guidelines in that regard, and to report thereon to the Conference of the Parties at its tenth meeting;

9. *Requests* the Secretariat to transmit the present decision to the International Maritime Organization for consideration by the Marine Environment Protection Committee at its sixty-first session;

II

International cooperation on the environmentally sound dismantling of ships

1. *Underlines* the importance of continued inter-agency cooperation between the International Labour Organization, the International Maritime Organization and the Basel Convention on issues related to ship dismantling, as appropriate;

2. *Welcomes* the development of implementation programmes relating to sustainable ship recycling and requests the Secretariat, subject to the availability of funding, to continue its work and to develop further the programmes for sustainable ship recycling in conjunction with other bodies, in particular the International Maritime Organization and the International Labour Organization, and to report thereon to the Conference of the Parties at its tenth meeting;

3. *Calls upon* all Parties and other stakeholders in a position to do so to make financial or in kind contributions to the implementation of activities under the relevant programmes relating to sustainable ship recycling;

4. *Requests* the Secretariat to report to the Conference of the Parties at its tenth meeting on the outcome of the third session of the Joint Working Group on Ship Scrapping of the International Labour Organization, the International Maritime Organization and the Basel Convention, and to provide further information, if available, on the scheduling of further sessions of the Joint Working Group;

5. *Encourages* Parties to be mindful of the recommendations, in particular those on interim measures, of the third session of the Joint Working Group on Ship Scrapping of the International Labour Organization, the International Maritime Organization and the Basel Convention.

Annex to decision OEWG-VII/12*

Overarching considerations to be taken into account:

- Special characteristics of ships and international shipping
- Principles of the Basel Convention, including environmentally sound management, and the relevant decisions of the Conference of the Parties

* The columns entitled “Basel Convention” and “Hong Kong Convention” list potentially relevant articles, regulations and decisions which are not exhaustive and subject to further verification.

Criteria		Basel Convention	Hong Kong Convention	Comments to facilitate a preliminary assessment of equivalent level of control and enforcement ¹¹
Scope and applicability				
What?	Coverage of ships / wastes	<p>Wastes:</p> <p>Articles 2.1 (definition of “wastes”), [1.1 (definition of “hazardous wastes”), [2.3 (definition of “transboundary movement”)]</p> <p>[Article 11 agreements]</p> <p>[Article 18]</p> <p>Ships:</p> <p>[Article 2.1]</p> <p>[Article 4.12]</p> <p>Decision VII/26: “a ship may become waste as defined in article 2 of the Basel Convention and that at the same time it may be defined as a ship under other international rules”</p>	<p>Ships:</p> <p>Article 2.7 (Definition of “ship”)</p> <p>Article 3 (Application)</p> <p>[Article 236 (UNCLOS)]</p> <p>Wastes:</p> <p>Article 2.9 (definition of “hazardous material”)</p> <p>[Regulation 4, Appendix 1 and 2]</p> <p>Regulations 5, [6 , 7] 8.2, 20 (20.3 and 20.4)</p> <p>Appendix 1 of Inventory Guidelines]</p>	<p>[The Basel Convention does not exempt military or other State-owned waste – including ships – from its scope.</p> <p>[With the exception of certain categories of ships, the scope of the HK Convention in respect of the recycling of ships and associated wastes is at least equivalent to the scope of coverage provided by the Basel Convention.]</p> <p>1. Some ships are not covered by the HK Convention:</p> <p>(a) Less than 500 GT or ships operating throughout their life only in waters subject to the sovereignty or jurisdiction of the State whose flag the ship is entitled to fly;</p> <p>(b) Warships, naval auxiliary, or other ships owned or operated by a Party and used, for the time being, only for government non-commercial service;</p> <p>(c) [Ships which fly the flag of a non-Party and which do not satisfy the technical requirements of the Convention.]</p>

11 An incomplete example is provided for the first criterion, “Scope and applicability”.

Criteria	Basel Convention	Hong Kong Convention	Comments to facilitate a preliminary assessment of equivalent level of control and enforcement ¹¹
			<p>However, each Party shall ensure, by the adoption of appropriate measures, that such ships act in a manner consistent with this Convention, so far as is reasonable and practicable.</p> <p>2. While a ship may become waste under the Basel Convention, ship recycling will not necessarily involve the transboundary movement of hazardous waste [and therefore may not be subject to the full requirements of the Basel Convention:</p> <ul style="list-style-type: none"> (a) The decision to recycle may occur while the ship is on the high seas; (b) The ship may be recycled domestically (noting that the HK Convention would apply unless the ship had never travelled internationally); (c) The transboundary movement of the ship may be complete before the ship becomes waste.] <p>Exclusions from HKC: Military and government ships / 500 GT / [national definitions are explicitly recognized in Basel but not IMO] / HKC does not define waste / HKC does not consider a ship to be waste</p> <p>Not yet completed.]</p>
	<p>Coverage and identification of hazardous materials</p>	<p>[Article 1 (excerpt): “1. The following wastes that are subject to transboundary movement shall be “hazardous wastes” for the purposes of this Convention:</p> <p>(a)Wastes that belong to any category contained in Annex I, unless they do not possess any of the characteristics contained in Annex III; and</p> <p>(b)Wastes that are not covered under paragraph (a) but are defined as, or are considered to be, hazardous wastes by the</p>	<p>[Article 2.9</p> <p>Regulation 4 on Control of ships’ Hazardous Materials.</p> <p>Regulation 5 on Inventory of Hazardous Materials.</p> <p>Regulation 6 on Procedure for proposing amendments to Appendices 1 and 2.</p> <p>Regulation 7 on Technical Groups.</p> <p>Regulation 8 on General Requirements</p>

Criteria		Basel Convention	Hong Kong Convention	Comments to facilitate a preliminary assessment of equivalent level of control and enforcement ¹¹
		<p>domestic legislation of the Party of export, import or transit.”</p> <p>Annex I: Categories of wastes to be controlled</p> <p>Annex III: List of hazardous characteristics</p> <p>Annex VIII (List A): Wastes which are characterized as hazardous under Article 1.1 (a) (conditions attached).</p> <p>Annex IX (List B): Wastes which are not covered by Article 1.1 (a) (conditions attached).]</p>	<p>(Preparation for Ship Recycling).</p> <p>Regulation 9 on the Ship Recycling Plan.</p> <p>Regulation 10 on Surveys.</p> <p>Regulations 20.2 and 20.3</p> <p>Appendix 1: Controls of Hazardous Materials.</p> <p>Appendix 2: Minimum list of items for the Inventory of Hazardous Materials.</p> <p>Appendix 5: Form for the Authorization of Ship Recycling Facilities.</p> <p>Appendix 1 of Inventory Guidelines]</p>	
When?	Management of life cycle of ship?	<p>Article 1.4</p> <p>Article 2.1</p> <p>Decision VII/26</p> <p>“a ship may become waste as defined in article 2 of the Basel Convention and that at the same time it may be defined as a ship under other international rules”</p> <p>Article 4.2 (a) [Article 4.2 (b), 4.2 (c)]</p> <p>[Article 4.8]</p>	<p>Articles 4.1,4.2</p> <p>Article 2.10</p> <p>Regulation 4</p> <p>Regulation 5 on Inventory of Hazardous Materials.</p> <p>Regulation 6 on Procedure for proposing amendments to Appendices 1 and 2.</p> <p>Regulation 7 on Technical Groups.</p> <p>Regulation 8 on General Requirements (Preparation for Ship Recycling).</p> <p>Regulation 9 on the Ship Recycling Plan.</p> <p>Regulation 10 on Surveys.</p> <p>Regulation 11 on Issuance and endorsement of certificates.</p> <p>Regulation 20 on Safe and environmentally sound management of Hazardous Materials.</p>	

Criteria		Basel Convention	Hong Kong Convention	Comments to facilitate a preliminary assessment of equivalent level of control and enforcement ¹¹
			Appendix 1: Controls of Hazardous Materials. Appendix 5: Form for the Authorization of Ship Recycling Facilities Appendix 6: Form of report of Planned start of ship recycling Appendix 7: Form of Statement of completion of ship recycling	
Who?	Relationship between Party and non-Party			
Where?	Jurisdiction			
Control				
	Authorizations and certifications			
	Surveying, auditing and inspection			
	Designation of competent authorities/focal points			
	Standards (mandatory or voluntary)			
	Ability to prohibit import/export			

Criteria		Basel Convention	Hong Kong Convention	Comments to facilitate a preliminary assessment of equivalent level of control and enforcement ¹¹
	Traceability and transparency of hazardous materials until final treatment / ultimate disposal			
	Prior notification and prior consent			
	Certification of disposal/statement of completion of ship recycling			
	[Other control mechanisms]			
Enforcement				
	Illegal shipments, violations and sanctioning, including criminalization, of illegal traffic			
	Dispute settlement			
	Duty to re-import			

Criteria		Basel Convention	Hong Kong Convention	Comments to facilitate a preliminary assessment of equivalent level of control and enforcement ¹¹
Exchange of information by Parties / cooperation and coordination				
	Access to and dissemination of information, e.g., administrative, enforcement, emergency matters			
	Reporting obligations			
	Transmission of information regarding import / export restrictions			
	Among Parties to advance environmentally sound management, through information exchange and technical assistance and capacity-building on best practices, technical guidelines, monitoring and public awareness			

OEWG-VII/13: Cooperation between the Basel Convention and the International Maritime Organization

The Open-ended Working Group

1. *Requests* the Secretariat, within available resources, to provide a legal analysis of the application of the Basel Convention to hazardous wastes and other wastes generated on board ships and to publish such analysis on the website of the Basel Convention by 31 March 2011 and invites Parties to submit comments on it by 30 June 2011;
2. *Invites* the Secretariat of the International Maritime Organization to submit to the Basel Convention Secretariat any further comments, views or information that it may have on:
 - (a) The respective competencies of the Basel Convention and the 1978 Protocol to the 1973 International Convention for the Prevention of Pollution from Ships in respect of hazardous wastes and other wastes and harmful substances;
 - (b) Any gaps between those instruments;
 - (c) Any options for addressing those gaps, if any, such as may exist under other legal instruments of the International Maritime Organization;
 - (d) Any other relevant information;
3. *Requests* the Secretariat to cooperate closely with the Secretariat of the International Maritime Organization on the issue referred to in paragraph 2 above and to publish any information received pursuant to paragraph 2 above on the website of the Basel Convention for possible further comments by Parties and others;
4. *Also requests* the Secretariat to report on the implementation of the present decision to the Conference of the Parties at its tenth meeting.

OEWG-VII/14: Enforcement of the Convention and efforts to combat illegal traffic

The Open-ended Working Group

1. *Expresses its appreciation* to those Parties and others that have submitted proposals and comments on the draft detailed outline of an instruction manual for the legal profession on the prosecution of illegal traffic prepared by the Secretariat;¹²
2. *Also expresses its appreciation* to those Parties that have provided funding for activities of the Secretariat aimed at assisting Parties in implementing and enforcing the Basel Convention;
3. *Agrees*, subject to the availability of resources from voluntary contributions, to convene, by electronic means, a small expert group to develop a draft instruction manual for the legal profession on the prosecution of illegal traffic based upon the draft detailed outline prepared by the Secretariat, in addition to any proposals and comments provided in accordance with decisions VIII/24 and IX/23;
4. *Requests* the small expert group, if convened, to report on the outcome of its work and to submit a draft decision, through the Secretariat, to the Conference of the Parties for consideration at its tenth meeting;
5. *Urges* Parties to continue to provide the Secretariat with the texts of national legislation and other measures adopted by them to implement and enforce the Convention;
6. *Requests* the Secretariat to continue to maintain a collection of national legislation and other measures adopted by Parties to implement the Convention, including measures to prevent and punish illegal traffic, and to make such measures available on the website of the Basel Convention;

12 UNEP/CHW/OEWG/6/12, annex.

7. *Welcomes* the various implementation and enforcement activities undertaken by the Secretariat¹³ and encourages the Secretariat to develop them further;

8. *Calls upon* Parties and others in a position to do so to make financial or in kind contributions towards the development of enforcement tools and the conduct of enforcement training activities to prevent and punish illegal traffic; the development of tools and the conduct of training activities on the development of national legislation and other measures to implement the Convention; and the preparation of the draft instruction manual for the legal profession on the prosecution of illegal traffic;

9. *Requests* the Secretariat to prepare a draft decision concerning these matters for consideration by the Conference of the Parties at its tenth meeting.

OEWG-VII/15: Addressing the interpretation of paragraph 5 of Article 17 of the Convention

The Open-ended Working Group

1. *Takes note* of the non-exhaustive list of possible elements for a draft decision to reach an agreed interpretation of paragraph 5 of Article 17 of the Basel Convention and the discussions on this list;

2. *Reiterates* the invitation to Parties and other stakeholders to submit comments and views on the development of a draft decision on that non-exhaustive list to the Secretariat by 31 January 2011;

3. *Requests* the Secretariat to compile the submissions received in accordance with paragraph 2 above and transmit them, together with the annex containing the said non-exhaustive list, to the Conference of the Parties for consideration at its tenth meeting.¹⁴

OEWG-VII/16: Review of the implementation of decision VIII/34

The Open-ended Working Group,

Recalling decision VIII/34 of the Conference of the Parties to the Basel Convention, on resource mobilization and sustainable financing,

Recognizing the challenges of mainstreaming hazardous wastes into development processes in developing countries and the need to build relevant capacities,

Aware of the continuing process to develop a strategic framework for 2012–2013 for the implementation of the Basel Convention and the need to discuss resource mobilization in this context,

Welcoming the efforts by the Secretariat and the Basel Convention regional and coordinating centres to enhance financial contributions for projects and programmes supporting the implementation of obligations under the Basel Convention, and the progress made in mobilizing resources, both human and financial, over the course of 2009,

Welcoming also the financial support provided to date to assist Parties in implementing the Convention,

Highlighting the importance of strengthening linkages with, building on and coordinating with resource mobilization strategies of other relevant multilateral agreements, approaches and processes,

Welcoming the consultative process on financing options for chemicals and wastes led by the Executive Director of the United Nations Environment Programme,

Welcoming also the efforts by the Secretariat to coordinate resource mobilization activities with the secretariats of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants, the Strategic Approach to International Chemicals Management and other appropriate entities,

13 UNEP/CHW/OEWG/7/14.

14 UNEP/CHW/OEWG/7/15, annex.

1. *Welcomes* the activities undertaken and progress made by the Secretariat, the Basel Convention regional and coordinating centres and Parties on mobilizing resources and sustainable financing for the implementation of the Basel Convention;
2. *Invites* Parties, signatories and all stakeholders to align their contributions to the Basel Convention Technical Cooperation Trust Fund with the priorities identified in the goals and objectives set out in the draft strategic framework for 2012–2021 for the implementation of the Basel Convention as set out in decision OEWG-VII/1 on the new strategic framework;
3. *Requests* the Secretariat:
 - (a) To continue its efforts to build the capacity of Basel Convention regional and coordinating centres to mobilize resources in their regions, and to facilitate discussions with project partners and donors with the aim of developing projects to be implemented at the country or regional levels;
 - (b) To explore further joint activities to mobilize resources in conjunction with the secretariats of the Rotterdam and Stockholm conventions;
 - (c) To continue to participate actively in the consultative process on financing options for chemicals and wastes led by the Executive Director of the United Nations Environment Programme;
 - (d) To report to the Conference of the Parties at its tenth meeting on progress made in mobilizing resources for the implementation of the Basel Convention in cooperation with the regional and coordinating centres, the secretariats of the Rotterdam and Stockholm conventions, the International Conference on Chemicals Management, the Global Environment Facility, the United Nations Development Programme, the World Bank and other relevant organizations.

OEWG-VII/17: Financial matters

The Open-ended Working Group,

Recalling decision IX/31 of the Conference of the Parties to the Basel Convention,

Welcoming the information on financial matters provided by the Secretariat in accordance with the aforementioned decision,

Stressing the exceptional circumstances which necessitated a decision on financial matters at the seventh session of the Open-ended Working Group under the terms of reference set out in paragraphs 14 and 15 of the aforementioned decision,

1. *Approves* an increase of \$505,675 in the programme budget for 2011, to be financed from the reserve and fund balance of the Basel Convention Trust Fund, for the programme activities set out in annex I and for the purposes set out in annex II to the present decision;
2. *Takes note* of the revised programme budget for the Technical Cooperation Trust Fund for 2011 and recognizes that an increase in funding of \$3,158,350 is required for the programme activities set out in annex I;
3. *Also takes note* of the measurable indicators of achievement and performance set out in annex III to the present decision and requests the Executive Secretary to use them in the preparation of the programme budget for the biennium 2012–2013.

Annex I to decision OEWG-VII/17

Non-staff costs of activities in 2011

Activity number	Budget approved by COP-9			Budget approved by OEWG-7			Amendments to 2011 budget		
	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund
1	1 520 000	500 000	1 020 000	1 520 000	500 000	1 020 000	—	—	—
2	—	—	—	—	—	—	—	—	—
3	32 000	32 000	—	32 000	32 000	—	—	—	—
4	28 000	28 000	—	78 000	78 000	—	50 000	50 000	—
5	—	—	—	—	—	—	—	—	—
6	—	—	—	—	—	—	—	—	—
7a	—	—	—	—	—	—	—	—	—
7b	5 000	5 000	—	10 000	10 000	—	5 000	5 000	—
8	—	—	—	190 000	55 000	135 000	190 000	55 000	135 000
9	75 000	75 000	—	75 000	75 000	—	—	—	—
10	15 000	15 000	—	15 000	15 000	—	—	—	—
11	40 000	40 000	—	250 000	80 000	170 000	210 000	40 000	170 000
12	—	—	—	—	—	—	—	—	—
15	170 000	30 000	140 000	80 000	40 000	40 000	-90 000	10 000	-100 000
18	—	—	—	—	—	—	—	—	—
19	30 000	30 000	—	30 000	30 000	—	—	—	—
20	10 000	10 000	—	10 000	10 000	—	—	—	—
21	50 000	—	50 000	80 000	30 000	50 000	30 000	30 000	—
22	—	—	—	—	—	—	—	—	—
23	—	—	—	400 000	—	400 000	400 000	—	400 000
24	—	—	—	500 000	—	500 000	500 000	—	500 000
25	5 000	5 000	—	720 000	15 000	705 000	715 000	10 000	705 000
26	—	—	—	5 000	5 000	—	5 000	5 000	—
27	—	—	—	—	—	—	—	—	—
28	—	—	—	—	—	—	—	—	—
29	—	—	—	—	—	—	—	—	—
30	—	—	—	—	—	—	—	—	—
31	—	—	—	—	—	—	—	—	—
35	20 000	20 000	—	350 000	50 000	300 000	330 000	30 000	300 000
36	—	—	—	160 000	—	160 000	160 000	—	160 000
37	—	—	—	—	—	—	—	—	—
39	—	—	—	245 000	5 000	240 000	245 000	5 000	240 000
40	—	—	—	—	—	—	—	—	—
41	—	—	—	—	—	—	—	—	—
42	—	—	—	245 000	15 000	230 000	245 000	15 000	230 000
43	—	—	—	—	—	—	—	—	—
44	65 000	20 000	45 000	65 000	65 000	—	—	45 000	-45 000
45	—	—	—	100 000	—	100 000	100 000	—	100 000
46	—	—	—	35 000	35 000	—	35 000	35 000	—

Activity number	Budget approved by COP-9			Budget approved by OEWG-7			Amendments to 2011 budget		
	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund
47	25 000	15 000	10 000	25 000	15 000	10 000	—	—	—
48	10 000	10 000	—	61 000	61 000	—	51 000	51 000	—
49	—	—	—	—	—	—	—	—	—
50	10 000	10 000	—	10 000	10 000	—	—	—	—
51	75 000	—	75 000	75 000	—	75 000	—	—	—
52	50 000	—	50 000	50 000	—	50 000	—	—	—
53	—	—	—	41 500	41 500	—	41 500	41 500	—
54	40 000	40 000	—	55 000	55 000	—	15 000	15 000	—
55	—	—	—	—	—	—	—	—	—
56	20 000	20 000	—	25 000	25 000	—	5 000	5 000	—
58	305 300	305 300	—	305 300	305 300	—	—	—	—
Total operational costs	2 600 300	1 210 300	1 390 000	5 842 800	1 657 800	4 185 000	3 242 500	447 500	2 795 000
13% programme support costs	338 039	157 339	180 700	759 564	215 514	544 050	421 525	58 175	363 350
Total costs	2 938 339	1 367 639	1 570 700	6 602 364	1 873 314	4 729 050	3 664 025	505 675	3 158 350

Annex II to decision OEWG-VII/17

Programme budget for 2011

Budget to be financed from the BC Trust Fund

10 Personnel component

1100 Professional staff

1102	Executive Secretary (D-1)
1103	Chief, Convention Services and Governance Unit (P-5)
1104	Chief, Programme Support Unit (P-5)
1105	Chief, Implementation and Capacity-building Unit (P-5)
1106	Legal Officer (P-4)
1107	Programme Officer - Project Development (P-4)
1108	Administrative / Fund Management Officer (P-4)*
1109	Programme Officer - National Reporting (P-3)
1110	Information Officer (P-3)
1111	Programme Officer - Project Development (P-3)
1112	Associate Programme Officer - Computer Systems (P-2)
1113	Associate Legal Officer (P-2)

1199 Subtotal, Professional staff

1200 Consultants

1201	General consultancies
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1299 Subtotal, Consultants

1300 Administrative support

1301	Administrative Assistant (G-6) *
1302	Personal Assistant to the Executive Secretary (G-6)
1303	Meetings / Documents Assistant (G-6)
1304	Personnel Assistant (G-5)
1305	Information Assistant (G-5)
1306	Programme Assistant (G-5)
1308	Legal Assistant (G-5)
1309	Finance and Budget Assistant (G-6)*
1320	Temporary assistance posts (short-term)
1329	Subtotal, administrative support

Conference servicing costs

1321	Conference of the Parties (\$345,000 for conference servicing plus \$330,000 for translation and editing of 500 pages; \$175,000 included in the 2010 budget)
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1399 Subtotal administrative support and conference servicing costs

	Budget approved by COP9	Amendments approved by OEWG7	Total budget for 2011
	255 149	—	255 149
	225 838	—	225 838
	225 838	—	225 838
	225 838	—	225 838
	195 121	—	195 121
	195 121	—	195 121
	—	—	—
	164 187	—	164 187
	164 187	—	164 187
	164 187	—	164 187
	137 363	—	137 363
	137 363	—	137 363
	2 090 192	—	2 090 192
	100 000	131 500	231 500
	100 000	131 500	231 500
	—	—	—
	156 832	—	156 832
	156 832	—	156 832
	124 384	—	124 384
	124 384	—	124 384
	124 384	—	124 384
	124 384	—	124 384
	—	—	—
	30 000	—	30 000
	841 200	—	841 200
	500 000	—	500 000
	1 341 200	—	1 341 200

Budget to be financed from the BC Trust Fund

	Budget approved by COP9	Amendments approved by OEWG7	Total budget for 2011
<i>1600 Travel on official business</i>			
1601 Official travel	190 000	85 000	275 000
1699 Total, travel on official business	190 000	85 000	275 000
1999 Total staff component	3 721 392	216 500	3 937 892
20 Subcontract component			
<i>2100 Subcontracts component</i>			
2101 Information system	20 000	—	20 000
2199 Subtotal subcontracts – non-commercial	20 000	—	20 000
2999 Total subcontract component	20 000	—	20 000
30 Meetings and conferences			
<i>3300 Travel and DSA costs of participants</i>			
3303 Expanded Bureau (English only) – two meetings over the triennium (9 missions/meetings)	32 000	—	32 000
3304 Committee for Implementation and Compliance (English only) – two meetings over the triennium (7 missions/meetings)	28 000	—	28 000
3305 Coordination meeting of BCRCs, SCRCs, FAO and UNEP offices	—	30 000	30 000
3306 Third consultative meeting on the new strategic framework for the Basel Convention	—	30 000	30 000
3399 Subtotal meetings and conferences	60 000	60 000	120 000
3999 Total meetings and conferences	60 000	60 000	120 000
40 Equipment and premises component			
<i>4100 Expendable equipment</i>			
4101 Office supplies, library acquisitions and computer software	24 500	—	24 500
4199 Subtotal, expendable equipment	24 500	—	24 500
<i>4200 Non-expendable equipment</i>			
4201 Computer equipment, printers, furniture, multimedia and others	20 000	—	20 000
4299 Subtotal, non-expendable equipment	20 000	—	20 000
<i>4300 Premises</i>			
4301 Office space fees, building maintenance, security, utilities and insurance	110 000	—	110 000
4399 Total, premises	110 000	—	110 000
4999 Total, equipment and premises component	154 500	—	154 500
50 Miscellaneous component			
<i>5100 Operation and maintenance of equipment</i>			
5101 Computers, printers, photocopiers and other	71 300	—	71 300
5199 Subtotal, maintenance of equipment	71 300	—	71 300

Budget to be financed from the BC Trust Fund

	Budget approved by COP9	Amendments approved by OEWG7	Total budget for 2011
<i>5200 Reporting costs</i>			
5201 Newsletters, publications and other media	35 000	—	35 000
5202 Booklets on the requirements in respect of notifications of national definitions and decisions to prohibit imports of hazardous wastes in accordance with Articles 3, 4 and 13, including in cooperation with the Rotterdam and Stockholm conventions, as appropriate	—	6 000	6 000
5203 Printing of the training manual on illegal traffic in all official languages of the United Nations	—	40 000	40 000
5204 Printing of the updated text of the Basel Convention in all official languages of the United Nations	—	15 000	15 000
5205 Joint publications with the secretariats of the Rotterdam and Stockholm conventions	—	30 000	30 000
5206 Translation of information transmitted by Parties pursuant to articles 3 and 4	—	35 000	35 000
5207 Translation of national reports	—	45 000	45 000
5299 Subtotal, reporting costs	35 000	171 000	206 000
<i>5300 Sundry</i>			
5301 Communications, freight and other	70 000	—	70 000
5399 Subtotal, sundry	70 000	—	70 000
<i>5400 Hospitality</i>			
5401 Hospitality	9 500	—	9 500
5499 Subtotal, hospitality	9 500	—	9 500
5999 Total, miscellaneous component	185 800	171 000	356 800
99 Total operational costs	4 141 692	447 500	4 589 192
13% programme support costs	538 420	58 175	596 595
Total budget of the trust fund	4 680 112	505 675	5 185 787

* posts funded by UNEP from the 13% programme support costs

Annex III to decision OEWG-VII/17

Indicators of achievement and performance for the programme budget

- A. Budget management
 1. Budget allocated versus expenditures (for the BC Trust Fund)
 2. Budget allocated versus expenditures (for the BD Trust Fund)
- B. Resource mobilization
 1. Funds mobilized for Secretariat activities:
 - a. Total
 - b. For joint activities with Rotterdam Convention and/or Stockholm Convention
 2. Funds mobilized for external projects with substantial input from the secretariat:
 - a. Total
 - b. For work of Basel Convention regional and coordinating centres
 - c. For joint projects with Rotterdam Convention and/or Stockholm Convention
 - d. For other external projects
- C. Capacity-building and outreach
 1. Training activities and workshops for which Secretariat provides resources:
 - a. Number of participants
 - b. Number of Parties involved
 - c. Level of participant satisfaction
 2. Number of publications distributed
 3. Number of website hits
 4. Number of meetings attended by the Secretariat:
 - a. Total
 - b. On behalf of the three conventions
- D. Project management
 1. Number and percentage of projects completed in the planned time frame:
 - a. Total
 - b. Per United Nations region
 2. Objective of the completed project (achieved, partially achieved, not achieved)
- E. Facilitating the project work of Basel Convention regional and coordinating centres
 1. Number of projects developed and channelled through the Secretariat
 2. Number of projects facilitated by the Secretariat, and developed and executed by Basel Convention regional and coordinating centres
- F. Other functions of the Secretariat
 1. Percentage of working documents made available to Parties in all working languages within deadlines
 2. Percentage of plenary sessions of the Conference of the Parties and meetings of the Open-ended Working Group for which interpretation services were provided
 3. Percentage of activities on the work programme of the Implementation and Compliance Committee that are implemented
 4. Number of notifications by Parties under Article 3.1 and 3.2 and under 4.1 (a) and percentage that are entered on the Convention website within one month of receiving the information from the Parties

OEWG-VII/18: Work programme of the Open-ended Working Group for 2012–2013

The Open-ended Working Group

1. *Welcomes* the guidance provided on the draft work programme of the Open-ended Working Group for 2012–2013;
2. *Takes note* of the preliminary draft work programme of the Open-ended Working Group for 2012–2013 as set out in the annex to the present decision;
3. *Stresses* the need to ensure that the work programme builds on the strategic framework and is consistent with the programme budget;
4. *Requests* the Secretariat to prepare and make available to Parties by 15 May 2011 a revised draft work programme of the Open-ended Working Group for 2012–2013 taking into account the outcome of its seventh session;
5. *Invites* Parties to comment on the revised draft work programme by 30 June 2011 and requests the Secretariat to publish such comments on the website of the Basel Convention;
6. *Requests* the Secretariat to prepare a draft decision on the work programme of the Open-ended Working Group for 2012–2013 for consideration and possible adoption by the Conference of the Parties at its tenth meeting.

Annex to decision OEWG-VII/18

Preliminary draft work programme of the Open-ended Working Group for 2012–2013

I. Strategic issues			
Topics	Activities	Decisions of the Conference of the Parties*	Priority
A. Strategic framework	Provide guidance to the Secretariat and the Basel Convention regional centres on efforts to assist Parties in implementing the strategic framework	IX/3	High
B. Basel Convention regional and coordinating centres	Provide guidance on the strengthening of the Basel Convention regional and coordinating centres (pending the outcome of the tenth meeting of the Conference of the Parties)	IX/4	High
C. Basel Convention Partnership Programme	Provide guidance on the work undertaken by the Secretariat and by the Basel Convention regional centres to implement the workplan of the Basel Convention Partnership Programme	IX/7–9	High

II. Scientific and technical matters			
Topics	Activities	Decisions of the Conference of the Parties*	Priority
A. Technical guidelines	1. Revise the technical guidelines for the environmentally sound management of mercury wastes (pending the outcome of the tenth meeting of the Conference of the Parties)	IX/15	High

II. Scientific and technical matters			
Topics	Activities	Decisions of the Conference of the Parties*	Priority
	2. Develop the guidelines on transboundary movements of e-waste, in particular regarding the distinction between waste and non-waste (pending the outcome of tenth meeting of the Conference of the Parties)	IX/6	High
	3. Revise the technical guidelines on the environmentally sound management of used tyres (pending the outcome of tenth meeting of the Conference of the Parties)	IX/14	Medium
	4. Develop technical guidelines on the co-processing of hazardous wastes in cement kilns (pending the outcome of tenth meeting of the Conference of the Parties)	IX/17	Medium
	5. Develop technical guidelines on nine new persistent organic pollutants (POPs) and update the general technical guidelines on POPs (pending the outcome of the fifth meeting of the Conference of the Parties of the Stockholm Convention)	IX/16	High
B. Classification and hazard characterization of wastes	1. Consider and review any applications for changes and any corrections to the list of wastes in Annexes VIII and IX and report on the matter, through the Secretariat, to the Conference of the Parties	VIII/15	High
	2. Consider the amendment of entries relating to POPs	IX/16	High
	3. Provide guidance on the identification of wastes in the World Customs Organization Harmonized Commodity Description and Coding System and related matters	IX/19	Medium
	4. Provide guidance on harmonization and coordination as they relate to work with UNSCE/Globally Harmonized System	IX/20	Medium

III. Legal and enforcement matters			
Topics	Activities	Decisions of the Conference of the Parties*	Priority
A. Environmentally sound dismantling of ships	Assess in a preliminary manner whether the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, as adopted by the International Maritime Organization, establishes an equivalent level of control and enforcement as that established under the Basel Convention, in their entirety, after having developed criteria for this assessment (pending outcome of the tenth meeting of the Conference of the Parties)	IX/30	High
B. Cooperation between the Basel Convention and the International Maritime Organization	Consider the respective competencies of the Basel Convention and the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 related thereto, in respect of hazardous and other wastes, taking into account deliberations on related issues by the Marine Environment Protection Committee of the International Maritime Organization, and develop recommendations (pending the outcome of the tenth meeting of the Conference of the Parties)	IX/12	High

III. Legal and enforcement matters			
Topics	Activities	Decisions of the Conference of the Parties*	Priority
C. Implementation of decision V/32 on enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Assistance in the Implementation of the Basel Convention	Review the implementation of decision V/32 and develop recommendations addressing the expediency of the procedures under the mechanism, the adequacy of resources available for use under the mechanisms and cooperation with other international organizations and agencies in responding to an emergency situation, and transmit these recommendations to the Conference of the Parties at its eleventh meeting (pending the outcome of the tenth meeting of the Conference of the Parties)	IX/22	Medium
D. Enforcement of the Convention and combating illegal traffic	1. Provide guidance to the Secretariat on activities to assist Parties to enforce the Convention and to combat illegal traffic 2. Consider and approve the draft instruction manual (pending the outcome of the tenth meeting of the Conference of the Parties)	IX/23	High
E. Addressing the interpretation of paragraph 5 of article 17 of the Basel Convention	Continue the development of a draft decision to reach an agreed interpretation of paragraph 5 of Article 17 of the Basel Convention in accordance with international law, taking into account the work of the Conference of the Parties at its ninth meeting on this matter, including a non-exhaustive list of possible elements for a draft decision (pending the outcome of the tenth meeting of the Conference of the Parties)	IX/25	High

IV. Resource mobilization and sustainable financing			
Topics	Activities	Decisions of the Conference of the Parties*	Priority
Resource mobilization and sustainable financing	Monitor and provide guidance on the implementation of relevant decisions of the Conference of the Parties	VIII/34	High

V. International cooperation and coordination			
Topics	Activities	Decisions of the Conference of the Parties*	Priority
A. Cooperation and coordination between the Basel, Rotterdam and Stockholm conventions	Provide guidance to the Secretariat, as appropriate, on the implementation of decisions IX/10 and BC.Ex-1/1 (take into account possible synergy decision at the tenth meeting of the Conference of the Parties)	IX/10, IX/31	High
B. International cooperation and coordination	Provide guidance, as appropriate, to the Secretariat on means of enhancing cooperation and coordination with international and regional organizations and multilateral environmental agreements in areas of relevance to the Convention	IX/11	Medium

VI. Financial matters			
Topics	Activities	Decisions of the Conference of the Parties*	Priority
Programme budget and other financial matters	1. Provide guidance on and review the preparation of the programme budget for 2014–2015 and related financial matters 2. Consider the reports by the Secretariat on financial and administrative matters	IX/31	High

VII. Decisions of the Conference of the Parties			
Topics	Activities	Decisions of the Conference of the Parties*	Priority
Draft decisions of the Conference of the Parties	Review and submit draft decisions for consideration and possible adoption by the Conference of the Parties at its eleventh meeting		High

* Where applicable, the relevant decisions of the Conference of the Parties will be added at the tenth meeting of the Conference.

OEWG-VII/19: Twentieth anniversary celebrations and the Basel Waste Solutions Circle

The Open-ended Working Group

1. *Welcomes* the launch of the Basel Waste Solutions Circle, a global initiative to promote the protection of human health and livelihood through the environmentally sound management of hazardous wastes worldwide, as called for in the Bali Declaration on Waste Management for Human Health and Livelihood;
2. *Agrees* that the Basel Waste Solutions Circle should reward activities furthering the objectives of the Bali Declaration and that showcase best efforts to promote its implementation;
3. *Requests* the Secretariat to develop further the concept of the Basel Waste Solutions Circle and to elaborate, for consideration and possible adoption by the Conference of the Parties at its tenth meeting, processes and criteria for the selection of awardees.