

# **BC-13/2: Follow-up to the Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention**

*The Conference of the Parties*

## **I**

### **Addressing the entry into force of the Ban Amendment**

1. *Welcomes* the ratification and acceptance by additional Parties to the Basel Convention of the amendment set out in decision III/1, known as the “Ban Amendment”;<sup>1</sup>
2. *Calls* upon Parties to ratify the Ban Amendment;
3. *Invites* Parties to continue to take action towards encouraging and assisting other Parties to ratify the Ban Amendment;
4. *Requests* the Secretariat, subject to the availability of resources and upon request, to continue to assist Parties that are having difficulties in ratifying the Ban Amendment;

## **II**

### **Developing guidelines for environmentally sound management**

5. *Expresses* its appreciation to the expert working group on environmentally sound management and its co-chairs for their work;
6. *Adopts* the set of practical manuals for the promotion of the environmentally sound management of wastes prepared by the expert working group,<sup>2</sup> welcomes the fact sheets on specific waste streams prepared by the expert working group<sup>3</sup> and encourages the dissemination and use of the manuals and fact sheets by Parties and others;
7. *Welcomes* the draft practical manuals on extended producer responsibility and financing systems for environmentally sound management prepared by the expert working group<sup>4</sup> and invites Parties and others to submit comments thereon to the Secretariat by 30 November 2017;
8. *Takes note* of the evaluation of the toolkit for environmentally sound management, known as the “ESM Toolkit”, undertaken by the expert working group;<sup>5</sup>
9. *Decides* to extend the mandate of the expert working group;
10. *Adopts* the work programme of the expert working group set out in annex I to the present decision and developed in accordance with the evaluation referred to in paragraph 8 above and requests the expert working group to implement it, subject to the availability of resources;
11. *Takes note* of the report on the responses to the online survey to assess the relevance and utility of Convention documents related to environmentally sound management;<sup>6</sup>
12. *Requests* the Secretariat, subject to the availability of resources, to undertake activities to promote and disseminate the ESM Toolkit in collaboration with the expert working group, Parties, regional and coordinating centres and other stakeholders as appropriate;

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<sup>1</sup> UNEP/CHW.13/4.

<sup>2</sup> UNEP/CHW.13/4/Add.1/Rev.1.

<sup>3</sup> UNEP/CHW.13/INF/7/Rev.1.

<sup>4</sup> UNEP/CHW.13/INF/8.

<sup>5</sup> As reflected in the meeting report of the sixth meeting of the expert working group <http://www.basel.int/Implementation/CountryLedInitiative/Meetings/EWG6onESM/Overview/tabid/5356/Default.aspx>.

<sup>6</sup> UNEP/CHW.13/INF/9, annex I.

13. *Requests* the expert working group to assess proposals for further pilot projects and invites those Parties and other stakeholders in a position to do so to provide support for such pilot projects;

14. *Invites* Parties, regional and coordinating centres and other stakeholders to provide the Secretariat with information on activities undertaken to ensure the environmentally sound management of hazardous wastes and other wastes and requests the Secretariat to make such information available on the Basel Convention website;

15. *Requests* that draft documents developed by the expert working group on environmentally sound management be submitted for comment to Parties and other stakeholders and for consultation, where appropriate, with the Open-ended Working Group and the Implementation and Compliance Committee before being submitted to the Conference of the Parties for adoption and requests the Secretariat to make such draft documents available on the Convention website along with any comments received;

16. *Requests* the expert working group to report to the Open-ended Working Group at its eleventh meeting and to the Conference of the Parties at its fourteenth meeting on the activities it has undertaken in accordance with its work programme;

### III

#### Providing further legal clarity

##### Voluntary options: glossary of terms

17. *Expresses* its appreciation to the small intersessional working group on legal clarity for its work and to Japan for providing financial support;

18. *Adopts* the glossary of terms<sup>7</sup> as a piece of guidance and agrees that it is without prejudice to the review of Annexes I, III and IV and related aspects of Annex IX to the Convention or to legislation and guidance developed at the national level and agrees to consider the revision of the glossary of terms at its fourteenth meeting on the basis of the feedback submitted in accordance with paragraph 19 below;

19. *Invites* Parties and others to use the glossary of terms, as appropriate, with a view to submitting comments on it, if any, to the Secretariat not later than two months before the fourteenth meeting of the Conference of the Parties;

20. *Requests* the Secretariat, subject to the availability of resources, to organize and deliver capacity-building activities to raise awareness in this regard;

##### Legally binding options: review of Annexes I, III and IV and related aspects of Annex IX to the Basel Convention

21. *Expresses its appreciation* to Canada as the lead country for the review of Annexes I, III and IV and related aspects of Annex IX to the Basel Convention;

22. *Welcomes* the report from Canada on the review of Annexes I, III, IV and related aspects of Annex IX to the Convention,<sup>8</sup> which includes compiled and analysed information from Parties and others, and agrees that the report should be taken as a basis for the further work on the review of those Annexes;

23. *Welcomes with appreciation* the contribution of information from Parties and others<sup>9</sup> and the small intersessional working group that supported the lead country's analysis;

24. *Decides* to establish an expert working group that is open in nature that consists of 50 members nominated from Parties on the basis of equitable geographical representation of the five

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<sup>7</sup> UNEP/CHW.13/4/Add.2.

<sup>8</sup> UNEP/CHW.13/INF/10.

<sup>9</sup> Available at <http://www.basel.int/tabid/4753/Default.aspx>.

regional groups of the United Nations and that is open to observers, with the mandate and terms of reference specified in annex II to the present decision, and notes that the number of members may be revised at the fourteenth meeting of the Conference of the Parties;

25. *Also decides* that the expert working group will operate under the guidance of the Open-ended Working Group and the authority of the Conference of the Parties;

26. *Requests* each regional group to nominate, through its Bureau representative and by 15 July 2017, 10 experts with relevant expertise to serve as members of the expert working group;

27. *Invites* Parties to serve as lead countries for the review of Annex IV and related aspects of Annex IX and/or Annexes I and III;

28. *Agrees* that the expert working group established by the present decision should give higher priority to work on Annex IV and related aspects of Annex IX during the next biennium;

29. *Invites* Parties and observers involved in the expert working group to submit, taking into account the report from Canada referred to in paragraph 22 above, comments on the review of Annexes I, III, IV and related aspects of Annex IX to the Convention to the Secretariat by 30 September 2017 for consideration by the expert working group and requests the Secretariat to publish any such comments submitted on the Basel Convention website;

30. *Requests* the Secretariat to report on the implementation of the present decision to the Open-ended Working Group at its eleventh meeting and to the Conference of the Parties at its fourteenth meeting.

## **Annex I to decision BC-13/2**

### **Work programme of the expert working group on environmentally sound management**

#### **I. Objective**

1. The work programme of the expert working group on environmentally sound management (ESM) will support and implement the objectives of the framework for the environmentally sound management of hazardous wastes and other wastes.<sup>10</sup> The work programme is aimed at the development of an “ESM toolkit” that includes practical tools to be promoted and implemented by stakeholders.

#### **II. ESM toolkit and its promotion**

2. The activities described below to develop and implement the ESM toolkit will be conducted during the 2018–2019 biennium.

<b>Topic</b>	<b>Proposal for 2018–2019 work programme</b>
Manuals and fact sheets	<ul style="list-style-type: none"><li>Finalize the practical manual on insurance and liability, taking into account the outcome of the pilot project in Argentina and the development of draft guidance on insurance, bond and guarantee by the Implementation and Compliance Committee.</li><li>Finalize the four pilot projects to test the manuals and fact sheets.<sup>11</sup></li></ul>

<sup>10</sup> Available on the Basel Convention website at: <http://www.basel.int/Implementation/CountryLedInitiative/EnvironmentallySoundManagement/ESMFramework/tabid/3616/Default.aspx>.

<sup>11</sup> During the 2016–2017 biennium two projects to test the manuals and factsheets developed by the expert working group will be implemented by the Basel Convention regional centres in Slovakia and China. Two more projects are to be selected by the expert working group following the thirteenth meeting of the Conference of the Parties.

Topic	Proposal for 2018–2019 work programme
	<ul style="list-style-type: none"> <li>• Finalize practical manuals on extended producer responsibility and financing systems, as appropriate.</li> <li>• Develop a practical manual for stakeholders<sup>12</sup> to ensure that notifications of transboundary movements meet ESM requirements.</li> </ul>
Guidance on prevention and minimization <sup>13</sup>	<ul style="list-style-type: none"> <li>• Continue work on gathering good practices and examples with regard to waste prevention and minimization.</li> </ul>
Guidance on recycling and recovery	<ul style="list-style-type: none"> <li>• Develop a guidance document to assist Parties in developing efficient strategies for the recycling and recovery of hazardous and other wastes, as part of activities to implement the Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes.</li> </ul>
Certification schemes to support ESM	<ul style="list-style-type: none"> <li>• Initiate an exchange of experiences on the operational aspects of certification schemes to support ESM.</li> </ul>
Pilot projects	<ul style="list-style-type: none"> <li>• Finalize the five pilot projects.</li> <li>• Develop outcome reports and undertake evaluations of pilot projects.</li> <li>• Further assess the possibility for further pilot projects.</li> </ul>
Promotion of ESM in the informal sector	<ul style="list-style-type: none"> <li>• Develop guidance on how to address ESM in the informal sector.</li> </ul>

## Annex II to decision BC-13/2

### Terms of reference for the review of the Annexes

#### 1. Mandate

Review Annexes I, III and IV and related aspects of Annex IX to the Basel Convention.

(a) For Annex IV and the related aspects in Annex IX:

Review, with a view to:

- (i) Improve/update the description of disposal operations in Annex IV;
- (ii) Improve environmental controls by including additional disposal operations that occur in practice or could occur in practice in Annex IV; and
- (iii) Clarify the descriptions in Annex IV and in Annex IX (B1110) to address conflicts or overlaps.

(b) For Annex I and III:

Review, with a view to:

- (i) Improve/update the description of categories of wastes in Annex I and the list of hazardous characteristics in Annex III;
- (ii) Improve environmental controls by including any additional categories of wastes in Annex I and any additional hazardous characteristics in Annex III that occur in practice; and
- (iii) Clarify the descriptions in Annexes I and III to address conflicts or overlaps.

<sup>12</sup> Including competent authorities, exporters and generators.

<sup>13</sup> As requested in the road map for action on the implementation of the Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes (decision BC-12/2).

**2. Overarching objectives**

Improve legal clarity of the Basel Convention to protect human health and the environment against the adverse effects which may result from the generation and management of hazardous wastes and other wastes.

**3. Membership and participation**

Membership of the Expert Working Group is open to nominated Experts from Parties to the Basel Convention.

The Expert Working Group will be open to representatives of other Parties and observers, and may decide to invite additional experts on an ad hoc basis possessing specialized technical knowledge on an issue to be discussed at a meeting to participate in that meeting, or parts thereof.

**4. Co-chairs**

The Expert Working Group shall elect its co-chairs.

**5. Working methods**

The Expert Working Group will work by electronic means and conference calls. Face-to-face meetings will be at the discretion of the co-chairs and be subject to the availability of resources.

The Expert Working Group may consult Parties and others as appropriate.

The Expert Working Group shall organize its working modalities according to the rules of procedure of the Basel Convention.