

Concept paper by Canada – India

ASP.net's user name

TECH_IN

Submitted on

10/28/2016 7:28:48 AM

1. Question 1: Do you agree with the above objectives?

*** Yes ***

No

Please elaborate:

Not answered

2. Question 2: Should there be any other objectives for this review?

Yes

*** No ***

Please elaborate:

Not answered

3. Other comments:

Not answered

4. Question 3: What would be the most effective mechanism to conduct this work?

Please elaborate:

A well-structured and evidence based approach. The existing legislations of Parties relevant to the Annexes should be taken into account. For e.g. the Indian Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 contains some definitions under its Rule 3 that may be relevant to review of Annex IV of Basel Convention, like the terms “recovery”, “recycling”, “reuse” and “disposal”. Further, the Basel Convention Technical Guidelines should also be considered.

5. Question 4: Do you think that a working group post COP-13 should be established?

*** Yes ***

No

If yes should COP-13:

4a. Establish a new working group?

*** Yes ***

No

4b. Mandate an existing group to undertake the work?

Yes

*** No ***

4c. Mandate the OEWG to undertake the work?

Yes

*** No ***

Other (Please elaborate):

Since it involves review of four major Annexes of the Convention, an elaborate discussion is expected to ensure feasible conclusion. Anticipating the exhaustive effort and time that is expected, it may not be possible for OEWG and existing WG to do justice to the agenda. Accordingly, separate Working Group is proposed.

6. Question 5: If a working group is to be mandated by COP-13 to undertake the work:

5a. Do you have specific views on the mandate of the group, bearing in mind your views on the objective of the review (questions 1 and 2 above)?

*** Yes ***

No

Please elaborate:

The Working Group should be mandated to achieve the three objectives of the review (Q 1 & 2 above), taking into account comments of Parties and others, glossary of terms adopted by COP 13, outcome of OEWG 10 and Technical Guidelines under Basel Convention, within available resources.

5b. Should the COP-13 adopt a workplan for the group?

*** Yes ***

No

5c. Should the COP-13 adopt terms of reference for the group?

*** Yes ***

No

5d. Should the COP-13 identify the level of priority of this work within the Open-ended Working Group programme of work?

*** Yes ***

No

If yes, what level of priority should be given for this work?

*** High ***

Medium

Low

Please elaborate:

Not answered

7. Question 6: Should the review of the Annexes be funded through the Convention's core budget (i.e. assessed contributions)?

Yes

*** No ***

Please elaborate:

Not answered

8. Question 7: Should the review of the Annexes be based on voluntary funding available?

*** Yes ***

No

Please elaborate:

Not answered

9. Question 8: If a working group is to be mandated to undertake the work, COP-13 will need to decide on its composition. Please review the various options below and indicate your preferences:

Open-ended

Limited size

Composed of representatives of Parties and observers

*** Composed of representatives of Parties and open to observers' contribution ***

10. Question 9: What information should be used beyond the documentation referred to in paragraph 2 above to conduct the review of the Annexes?

Please elaborate:

1) Existing national legislations of Parties relevant to the Annexes of Basel Convention

2) The Basel Convention Technical Guidelines

3) Parties' annual National Reports

4) Parties' national studies on use of disposal operations

11. Question 10: Some Parties suggested that two studies be conducted to facilitate the review of the Annexes namely:

1) a study analysing existing legislation of Parties relevant to Annexes I, III, IV and IX; and

2) a study on the use of disposal operations in practice:

10a. Do you think it would be useful to conduct these studies?

*** Yes ***

No

10b. Do you have any other suggestions on preliminary work that could facilitate the review of the annexes?

Please elaborate:

Already mentioned in reply to Q. 9.

12. Other comments:

Not answered

13. Question 11: Do you think Annex IV should be reviewed to:

11a. Update the list of operations listed in Annex IV A?

*** Yes ***

No

Unsure

11b. Update the list of operations listed in Annex IV B, for instance by including some recovery operations as they occur in practice?

*** Yes ***

No

Unsure

11c. Review the description of the disposal operations?

*** Yes ***

No

Unsure

Please elaborate:

1) Existing list is not comprehensive

2) List is not clear as there exist overlaps, for e.g. between D 1 “deposit into or onto land” and D5 “specially engineered landfill”

14. Question 12: Do you think a clearer distinction between Annex IV.A and B operations is needed?

*** Yes ***

No

Unsure

Please elaborate:

The Basel Convention’s existing definition of “disposal” covers all operations listed in Annex IV. It does not provide clear distinction between Annex IV A and Annex B operations. Certain additional terms need to be defined as they are used in Annex IV.

15. Question 13: Should the caption text be simplified and changed to "final disposal operations"?

*** Yes ***

No

Unsure

Please elaborate:

Not answered

16. Question 14: Should the caption text be reviewed in relation to the term "direct re-use"?

*** Yes ***

No

Unsure:

Please elaborate:

Any waste submitted to one of Annex IV A operations will not be reused. So, direct reuse is not relevant here.

17. Question 15: Should the caption text be simplified and changed to "recovery operations"?

*** Yes ***

No

Unsure

Please elaborate:

Not answered

18. Question 16: Should the caption text be reviewed in relation to the term "direct re-use"?

*** Yes ***

No

Unsure

Please elaborate:

If terminology is being changed to recovery operations, direct reuse doesn't fit into this caption.

19. Question 17: Should there be changes to the introductory text?

Yes

*** No ***

Unsure

Please elaborate:

Not answered

20. Question 18: Should there be changes to the introductory text?

Yes

*** No ***

Unsure

Please elaborate:

Not answered

21. Question 19: Are there operations missing, which need to be included?

*** Yes ***

No

Unsure

Please elaborate:

- 1) waste used in the testing of new technology
- 2) Release, including the venting of compressed or liquefied gases

22. Question 24: Are there operations missing which need to be included?

*** Yes ***

No

Unsure

Please elaborate:

- 1) Operations for recovery or regeneration of a substance not otherwise covered in the other recovery operations.
- 2) Operations to capture the reuse and/or the repair and/or the refurbishment of a piece of electrical and electronic appliances

23. Question 20: Are there operations which should be deleted?

Yes

*** No ***

Unsure

Please elaborate:

Not answered

24. Question 25: Are there operations which should be deleted?

Yes

*** No ***

Unsure

Please elaborate:

Not answered

25. Question 21: Should the description of certain disposal operations be updated?

*** Yes ***

No

Unsure

Please elaborate:

The definition of disposal is limited to operations listed in Annex IV to Basel Convention. The list of operations should therefore describe operations as they occur in practice in a manner which enables them to be identified easily.

26. Question 26: Should the description of certain disposal operations be updated?

*** Yes ***

No

Unsure

Please elaborate:

The definition of disposal is limited to operations listed in Annex IV to Basel Convention. The list of operations should therefore describe operations as they occur in practice in a manner which enables them to be identified easily.

27. Question 22: Do you see conflicting text?

*** Yes ***

No

Unsure

Please elaborate:

D1 - deposit into or onto land

D5 - specially engineered landfill

28. Question 27: Should the description of operation R9 be reviewed in relation to the term "reuses"?

*** Yes ***

No

Unsure

Please elaborate:

Reuse not defined

29. Question 23: Are there terms that would benefit from a definition?

Yes

*** No ***

Unsure

Not answered

30. Question 28: Do you see conflicting text?

*** Yes ***

No

Unsure

Please elaborate:

R1 - "use as a fuel"

R9 - ".....other reuses of previously used oil"

31. Question 29: Are there terms that would benefit from a definition?

*** Yes ***

No

Unsure

Please elaborate:

1) reuse

2) recovery

3) recycling

32. Other comments:

Not answered

33. Question 30: Should the text be reviewed in relation to the term "direct reuse"?

*** Yes ***

No

Unsure

Please elaborate:

"Direct reuse" has to be separately defined and its definition must be different from that of reuse because of reuse can include repair, refurbishment or upgrading but not direct reuse. Further, all references to reuse e.g. in technical guidelines, must be accompanied by reference to direct reuse as well.

34. Question 31: Should footnotes 20 and 21 be reviewed in relation to the term "reuse and direct re-use"?

*** Yes ***

No

Unsure

Please elaborate:

"Direct reuse" and "reuse" terms need to be separately defined since reuse can include repair, refurbishment or upgrading but not direct reuse.

35. Other comments:

Not answered

36. Question 32: Are there waste streams missing that need to be included?

*** Yes ***

No

Unsure

Please elaborate:

1) Need for additional Y codes to differentiate between the various types of Mercury wastes as presented in Basel Convention Technical Guidelines on environmentally sound management of wastes consisting of, containing or contaminated with Mercury or Mercury compounds and in the Minamata Convention.

2) Schedule II of Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016 notified by India provide list of waste constituents with concentration limits, which could be referred while reviewing Annex I of Basel Convention.

37. Question 33: Are there waste streams which should be deleted?

Yes

*** No ***

Unsure

Please elaborate:

Not answered

38. Question 34: Should the description of certain waste streams be updated?

*** Yes ***

No

Unsure

Please elaborate:

The list of waste streams should be updated to describe waste streams as they occur in practice in a manner which enables them to be identified easily.

39. Question 35: Do you see conflicting text?

Yes

*** No ***

Unsure

Please elaborate:

Not answered

40. Other comments:

Not answered

41. Question 36: Are there characteristics missing that need to be included?

*** Yes ***

No

Unsure

Please elaborate:

It should be clarified with justification as to why the following hazardous characteristics have not been included in the review OR should include the following hazardous characteristics:

H 6.1 - poisons (acute)

H 6.2 - infectious substances

H 8 - corrosives

H 10 - liberation of toxic substances in contact with air or water

H 11 - toxic (delayed or chronic)

H 12 - eco-toxic

H 13 - capable

42. Question 37: Should the description of certain hazardous characteristics be updated to be in line with the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS)?

*** Yes ***

No

Unsure

Please elaborate:

Not answered

43. Question 38: Do you see conflicting text?

Yes

*** No ***

Unsure

Please elaborate:

Not answered

44. Other comments:

Not answered

45. Submitting Party:

Country:

India

46. Identification of the respondent:

Organization:

Ministry of Environment, Forest & Climate Change, Government of India

Address:

Indira Paryavaran Bhawan, Aliganj, Jor Bagh Road, New Delhi - 110003

Contact person:

Dr. Shruti Rai Bhardwaj

E-mail:

shruti.raai@nic.in