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Sent: vendredi, 29. septembre 2017 22:18

To: Juliette Kohler

Cc: JUAN SEBASTIAN GOMEZ MARTINEZ; LAURA JULIANA ARCINIEGAS ROJAS

Subject: Comments on the review of Annexes I, III, IV and related aspects of Annex IX to the Convention for consideration of the expert working group (Basel Convention)

Dear Ms. Kohler:

I hope this message finds you well.

I write you concerning the decision BC-13/2 of the Basel Convention which addresses the follow-up to the Indonesian-Swiss country-led initiative - Part III and invites parties to submit, taking into account the report from Canada, comments on the review of Annexes I, III, IV and related aspects of Annex IX to the Convention for consideration of the expert working group. To this respect, you will find the comments of Colombia as follows:

General comments:

- Colombia considers that the document prepared by Canada, in consultation with the Intersessional Working Group, reflects the initial views of the different Parties on the possible need for revision and adjustment to Annexes I, III, IV and IX. This document provides the initial basis for the process to be developed in the future for the revision of the annexes by the expert group together with other recently adopted documents such as the glossary of terms and technical guidelines.
- The wide range of suggestions and comments presented in the document by both developed and developing countries constitutes a challenge for the expert working group, not only in legal, technical and scientific terms but also in terms of negotiation.
- In view of the above, it is suggested that once the expert working group convenes, this group will be responsible for developing a Work Plan for 2017-2019 containing: (i) the methodology and procedure for discussion and review of each Annex; and for the preparation of proposals for amendments; (ii) the consultation process(es); (iii) the required technical and scientific information to be collected; (iv) the annual work schedule; and (v) the necessary budget or identification of sources of funding for the various activities required (studies, meetings, etc.).

Specific comments:

- In accordance with paragraphs 22 and 23 of the document, it is important that the revision of the annexes takes into account not only the normative analysis of the Parties, but also of the difficulties manifested by them in relation to new currents of waste that are probably not yet regulated.
- Taking into account the difficulties encountered by the Parties in distinguishing between residues, hazardous wastes and substances, products or by-products, (Paragraph 33 of the document) and the ambiguities expressed in the glossary of terms; it is suggested to the working group to analyze and formulate the guidelines to determine if a "by-product", (denominated as such by the exporter) with hazardous characteristics can be classified as such, considering the percentage of use or the importer's decision, and whether it would be subject or not to the provisions of the Basel Convention.

- In Colombia tire waste is considered as waste that requires special handling, but it is not considered hazardous waste; therefore it is recommended to analyze the desirability of including them within the annexes of the Convention and if it is the case, to specify which components or under what conditions their inclusion would be considered.
- Based on the inclusion of lithium residues in the annexes to the Basel Convention (Paragraph 43), which are commonly found in different types of batteries; it is suggested that the working group identify what other types of batteries would be subject to the provisions of the Basel Convention in accordance with the regulations of the Parties and the existing studies in this respect.
- The position expressed by some Parties to include minimum limits or concentrations from which a waste is considered hazardous in the relevant cases is considered appropriate.

Colombia hopes that the formal announcement of the expert working group will proceed and the work of revising the annexes will begin, in order to participate and contribute from our experience, with information and proposals to improve the legal clarity of the Convention.

Thank you so much for your attention.

Best regards,

Ana Maria Rivero Santos

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