

Comments from India on the review of Annexes I, III, IV and related aspects of Annex IX to the Basel Convention

General comments

The annexes to the Basel Convention form the core of the Convention and are integral for achieving its objectives. Considering the fact that, the Basel Convention was adopted more than two decades ago, it is pertinent that a review of its annexes be done in order to keep the Convention provisions up to date. By undertaking the decision of reviewing the Annexes I, III, IV and related aspects of Annex IX, the COP has taken a significant step towards not only enhancing legal clarity of the Convention for the improved understanding of the Parties but also improve the effective implementation of the Convention.

The process of reviewing the Annexes I, III, IV and related aspects of Annex IX of the Convention must be well-structured and should have an evidence-based approach. The amendment and adoption of the annexes must follow the procedures elucidated in Articles 17 and 18 of the Basel Convention. In order to finish the work in a time bound manner, it would be useful to develop a timeline for the work of the expert working group.

Specific comments

India would like to submit its annex-wise response as follows:

Annex I

- Currently, waste constituents mentioned in Annex I are stated without concentration limits, so any waste which has even negligible quantities of the constituents mentioned in Annex I will be considered as hazardous waste. This may not be a feasible method of determining the hazardous nature of any type of waste. Moreover, wastes containing commonly found harmless chemicals can be considered hazardous based on the concentration of that chemical in the waste. For example, a commonly occurring chemical like nitrate is harmless in small quantities, however, in large amounts [*Concentration limit as per India's Hazardous Waste (Management and Transboundary) Movement Rules 2016 for nitrate is 1000 mg/l on the basis of leachable concentration limits [Toxicity Characteristic Leaching Procedure (TCLP)/Soluble Threshold Limit Concentration (STLC)]*] it can be considered hazardous in nature.
- Considering that Minamata Convention on Mercury which regulates international trade of mercury has come into force this year, additional Y codes may be added to differentiate between the various types of mercury wastes. The differentiation may be done as mentioned in the Basel Convention Technical Guidelines on environmentally sound management of wastes consisting of, containing or contaminated with Mercury or Mercury compounds which are as follows:

- (a) A: Wastes consisting of elemental mercury (e.g., elemental mercury recovered from waste containing mercury and waste contaminated with mercury and surplus stock of elemental mercury designated as waste);
- (b) B: Wastes containing mercury (e.g., waste of mercury-added products);
- (c) B1: Wastes of mercury-added products that easily release mercury into the environment when they are broken (e.g., waste mercury thermometers, fluorescent lamps);
- (d) B2: Wastes of mercury-added products other than B1 (e.g., batteries);
- (e) B3: Stabilized or solidified wastes containing mercury that result from the stabilization or solidification of wastes consisting of elemental mercury;
- (f) C: Wastes contaminated with mercury (e.g., residues generated from mining processes, industrial processes, or waste treatment processes).

Annex III

- No comments

Annex IV

- A clear distinction is required in Annex IV A and Annex IV B. The heading of Annex IV A may be changed to final disposal operations and of Annex IV B may be changed to recovery operations. Annex IV may be renamed to “Post-use operations”.
- Definitions for the terms reuse, direct re-use, recovery and recycling may be provided as a footnote for Annex IV. Distinction between reuse and direct re-use may also be specified in the footnote.
- Under Annex IV A, D1 – “Deposit into or onto land...” , D5 – “Specially engineered landfill...” and D10- “Incineration on land” are overlapping.
- Similarly, under Annex IV B, R1 - "use as a fuel" and R9 - ".....other reuses of previously used oil" are also overlapping.

Annex IX

- No comments
