



**Open-ended Working Group of the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Ninth meeting**
Geneva, 16–19 September 2014

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 ninth meeting

I. Opening of the meeting

1. The ninth meeting of the Open-ended Working Group of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal was opened at 10.10 a.m. on Tuesday, 16 September 2014, by Ms. Magda Gosk (Poland), Co-Chair of the Working Group. Speaking on behalf of herself and her Co-Chair, Mr. Prakash Kowlessar (Mauritius), she observed that the role of the Working Group was to assist the Conference of the Parties in developing and keeping under review the operational policies and decisions adopted by the Conference of the Parties on policy, technical, scientific, legal and institutional matters related to the implementation of the Basel Convention. She added that the group was meeting in a new format designed to better reflect its actual needs and better structure its work. Expressing her confidence that all participants would work hard to ensure progress on the issues under discussion she pledged the full commitment of the Co-Chairs to a successful outcome.

2. Ms. Kerstin Stendahl, Executive Secretary *ad interim* of the Basel Convention, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants, then welcomed the meeting participants, thanking Denmark, Finland, Germany, Japan, Norway, Sweden and Switzerland, whose generous contributions had allowed the Secretariat to provide funding to enable all eligible parties requesting it to participate in the current meeting. She announced that the Secretary-General had appointed Mr. Rolph Payet, Minister for Environment and Energy of Seychelles, as the new Executive Secretary of the Basel, Rotterdam and Stockholm conventions. Mr. Payet would take up his post on 7 October 2014.

3. The meeting was the first in a series of meetings by which the parties to the Basel, Rotterdam and Stockholm conventions would prepare for the 2015 meetings of their conferences of the parties. In addition, 80 parties had ratified the Convention's Ban Amendment, with five new ratifications since the eleventh meeting of the Conference of the Parties.

4. The meeting was also taking place not long after the historic first session of the United Nations Environment Assembly, at which the Assembly had adopted, among other things of relevance to the environmentally sound management of chemicals and waste, terms of reference for a special programme to support institutional strengthening at the national level to enhance the implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention on Mercury and the Strategic Approach to International Chemicals Management. The Assembly had also stressed the important role of the regions and invited convention parties and other stakeholders to consider ways to

promote an effective and efficient network of regional centres with the aim of strengthening regional delivery of technical assistance under the conventions to promote the sound management of chemicals and waste, sustainable development and the protection of human health and the environment.

5. In closing, she pledged the support of the Secretariat for the Working Group and wished the meeting participants fruitful negotiations over the coming week.

II. Organizational matters

A. Adoption of the agenda

6. The Working Group adopted the following agenda on the basis of the provisional agenda (UNEP/CHW/OEWG.9/1):

1. Opening of the meeting.
2. Organizational matters:
 - (a) Adoption of the agenda.
 - (b) Organization of work.
3. Matters related to the work programme of the Open-ended Working Group for 2014-2015:
 - (c) Strategic issues:
 - (i) Strategic framework;
 - (ii) Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes;
 - (iii) Developing guidelines for environmentally sound management;
 - (iv) Options for operations of the Open-ended Working Group;
 - (d) Scientific and technical matters:
 - (i) Technical guidelines:
 - a. Technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants;
 - b. Technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury;
 - c. Technical guidelines on transboundary movements of electronic and electrical waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention;
 - (ii) National reporting;
 - (iii) Amendments to the annexes to the Basel Convention;
 - (iv) Classification and hazard characterization of wastes;
 - (e) Legal, governance and enforcement matters:
 - (i) Consultation with the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Convention;
 - (ii) Providing further legal clarity;
 - (f) International cooperation and coordination:
 - (i) Basel Convention Partnership Programme;
 - (ii) Environmentally sound dismantling of ships;
 - (iii) Other international cooperation and coordination;
 - (g) Financial matters.

4. Work programme of the Open-ended Working Group for 2016–2017.
5. Other matters.
6. Adoption of the report.
7. Closure of the meeting.

7. The Working Group decided that under item 5 of the agenda, "Other matters", it would hear a report from the chair of the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE) and a report from the Secretariat on a science fair to be organized during the May 2015 meetings of the conferences of the parties to the Basel, Rotterdam and Stockholm conventions.

B. Organization of work

1. Attendance

8. The meeting was attended by representatives of the following parties to the Convention: Albania, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Brazil, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Ecuador, Egypt, Ethiopia, European Union, Finland, France, Gabon, Gambia, Germany, Ghana, Guatemala, Guinea, Guinea-Bissau, Honduras, Hungary, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liberia, Lithuania, Madagascar, Malaysia, Malta, Mauritius, Mexico, Mongolia, Montenegro, Morocco, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Yemen and Zimbabwe.

9. The United States of America, a non-party to the Convention, was represented as an observer.

10. The following United Nations specialized agencies and other bodies were also represented as observers: United Nations Environment Programme and United Nations Institute for Training and Research.

11. The following intergovernmental organization was represented as an observer: League of Arab States.

12. The meeting was also attended by representatives of the following Basel Convention regional and coordinating centres: Basel Convention Coordinating Centre for Training and Technology Transfer for the African Region (BCCC-Africa), Basel Convention Regional Centre for Training and Technology Transfer for Arab States (BCRC-Egypt), Basel Convention Regional Centre for Training and Technology Transfer for the South American Region (BCRC-Argentina), Basel Convention Regional Centre for Training and Technology Transfer for Central America and Mexico (BCRC-CAM), Basel Convention Regional Centre for Training and Technology Transfer for the English-Speaking African countries (BCRC-South Africa)/Stockholm Convention Regional Centre for Capacity-building and the Transfer of Technology (SCRC-South Africa), Basel Convention Regional Centre for Training and Technology Transfer for Asia and the Pacific (BCRC-China)/Stockholm Convention Regional Centre for Capacity-building and the Transfer of Technology (SCRC-China), Basel Convention Regional Centre for Training and Technology Transfer for Central Europe (BCRC-Slovak Republic), and Basel Convention Regional Centre for Training and Technology Transfer for French-speaking Countries in Africa (BCRC-Senegal)/Stockholm Convention Regional Centre for Capacity-building and the Transfer of Technology (SCRC-Senegal).

13. A number of non-governmental organizations were represented as observers. Observers from business and industry and academia were also represented. The names of those organizations are included in the list of participants (UNEP/CHW/OEWG.9/INF/34).

2. Officers

14. The Bureau of the Open-ended Working Group at its ninth meeting, elected by the Conference of the Parties at its eleventh meeting, was as follows:

Co-Chairs: Mr. Prakash Kowlessar (Mauritius) (technical)
Ms. Magda Gosk (Poland) (legal)

Vice-Chairs: Ms. Jacinthe Seguin (Canada) (technical)
Mr. Alberto Capra (Argentina) (legal)

Rapporteur: Mr. Nassereddin Heidari (Islamic Republic of Iran)

3. Organization of work

15. The representative of the Secretariat drew attention to the objectives and possible outcomes of the meeting described in the scenario note (UNEP/CHW/OEWG.9/INF/1) and tentative schedule (UNEP/CHW/OEWG.9/INF/2/Rev.1) for the meeting. The Working Group agreed to conduct the meeting in accordance with the latter, subject to revision as necessary. In considering the items on its agenda the Working Group had before it the documents pertaining to each item listed in the annotations to the agenda (UNEP/CHW/OEWG.9/1/Add.1) and in the list of documents for the meeting organized by agenda item (UNEP/CHW/OEWG.9/INF/33).

16. In accordance with the agreed schedule, the Working Group decided to meet in plenary sessions from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. on Tuesday, 16 September, and Friday, 19 September, and to meet in contact groups, drafting groups and other subsidiary groups as necessary throughout the meeting. Efforts would be made to limit the number of contact groups meeting simultaneously to two in order to facilitate the participation of small delegations. Interpretation in the six official languages of the United Nations would be provided during the plenary sessions, while the contact and other groups would conduct their meetings in English only.

17. Following agreement on the organization of the meeting, several representatives, speaking on behalf of groups of parties, made statements highlighting their views on particular issues on the agenda for the meeting.

III. Matters related to the work programme of the Open-ended Working Group for 2014–2015

A. Strategic issues

1. Strategic framework

18. The representative of the Secretariat drew attention to a note by the Secretariat on progress in implementation of the strategic framework for implementation of the Basel Convention for 2012–2021 and the establishment of a 2011 baseline against which to measure progress in the mid-term and final evaluations of the framework (UNEP/CHW/OEWG.9/2), along with a report – prepared by a consultant – on the creation of a baseline (UNEP/CHW/OEWG.9/INF/3). Outlining the measures employed by the Secretariat to obtain from parties the data needed to establish the baseline, including e-questionnaires and interviews, she noted that only 35 parties – or 19 per cent of all Basel Convention parties – had submitted such data.

19. Following the presentation a number of representatives, one speaking on behalf of a group of parties, expressed appreciation to the Secretariat for the preparation of the documents and for its efforts in seeking to collect data from parties for purposes of establishing a baseline. In welcoming the conclusions and recommendations in the note by the Secretariat, they said that while more robust actions to promote the framework were needed it would not be desirable to provide for the collection of the needed data through parties' annual reports, as doing so would increase the reporting burden of parties.

20. The Working Group took note of the information presented.

2. Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes

21. The representative of the Secretariat recalled that the 2014–2015 work programme of the Working Group, adopted by the Conference of the Parties in decision BC-11/19, provided for the Working Group to review progress in the implementation of the Cartagena Declaration on the

Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes and to prepare a road map for action. A note by the Secretariat on the subject (UNEP/CHW/OEWG.9/3) highlighted areas in which parties had been most active in promoting the principles of the Cartagena Declaration, along with efforts by the Secretariat to design the technical assistance programme for 2016–2017. The annex to the note set out draft elements of a road map for action prepared by the Secretariat for consideration by the Working Group.

22. In the ensuing discussion, all who spoke stressed the importance of reducing at source the amount of hazardous and other waste generated, saying that it was vital to achieving the objectives of the Convention, including that of minimizing transboundary movements of waste. All agreed too that there was a need to develop more efficient strategies for achieving waste prevention and minimization, with one representative, speaking on behalf of a group of countries, adding that there was likewise a need to record progress toward achieving the goal.

23. Several representatives, including a number speaking on behalf of groups of parties, praised the draft roadmap elements prepared by the Secretariat, saying that they provided a good starting point for discussions. They also said that their countries wished to participate actively in the efforts to develop the roadmap, both at the current meeting and intersessionally, and wanted to share their experiences. As for how the work should proceed following the current meeting, a number of representatives suggested that the expert working group on environmentally sound management established in accordance with decision BC-11/1 should be assigned the task of further developing the roadmap. Another, however, speaking on behalf of a group of parties, said that a new intersessional working group could be formed to undertake the task. One representative suggested that the timetable for completing the roadmap, as with other work on environmentally sound management, should be consistent with the objectives of the strategic framework. Another, speaking on behalf of a group of parties, said that the draft roadmap should be complete in time for it to be considered by the Conference of the Parties at its twelfth meeting.

24. Several representatives said that the roadmap should promote efficiency in the face of limited resources, making good use of existing technologies and methods and avoiding duplication of effort. Thus, for example, good use should be made of the practical manual on prevention being developed by the expert working group on environmentally sound management and other activities under the Convention such as the Partnership for Action on Computing Equipment, and the Secretariat should make every effort to capitalize on work carried out under other bodies.

25. Regarding the draft roadmap elements themselves, one representative, speaking on behalf of a group of parties, said that the roadmap should focus on actions by parties and stakeholders at the national and regional levels and that the group for which he spoke would circulate a conference room paper with suggestions. Another said that the roadmap should better recognize the achievements of countries in implementing the Cartagena Declaration, building on their accomplishments by prioritizing proven technologies and approaches. Several representatives highlighted such accomplishments in their own countries, citing, for example, programmes on the management of used tyres and reductions in the volume of medical waste generated through the application of the International Standards Organization's ISO 14000 and cleaner production initiatives. The representative of China said that the Basel Convention Regional Centre for the Asia and Pacific Region in his country had long provided an effective forum for the discussion of waste management issues.

26. A number of representatives said that developed countries would have to provide financial assistance and technology transfer to enable developing countries to fulfil the principles of the Cartagena Declaration and to achieve the main objective of the Convention, the prevention of waste generation.

27. Following its discussion the Working Group decided to establish a “friends of the co-chairs” group led by Ms. Angela Rivera (Colombia). The task of the group would be to develop a draft roadmap on the basis of the draft elements set out in the annex to document UNEP/CHW/OEWG.9/3 and the comments made in plenary.

28. Subsequently Ms. Rivera presented a conference room paper containing a draft decision that contained a draft roadmap for action on the implementation of the Cartagena Declaration for consideration and possible adoption by the Conference of the Parties at its twelfth meeting. The Working Group adopted decision OEWG-9/1, on follow-up to the Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes as set out in the annex to the present report.

3. Developing guidelines for environmentally sound management

29. Introducing the sub-item, the representative of the Secretariat recalled the decision by the Conference of the Parties, at its eleventh meeting, to establish an expert working group on the environmentally sound management of hazardous wastes and other wastes (BC-11/1), as described in the relevant note by the Secretariat (UNEP/CHW/OEWG.9/4), and drew attention to the report on the group's activities and its draft work programme (UNEP/CHW/OEWG.9/INF/4).

30. Mr. Alberto Capra (Argentina), in his capacity as co-chair of the expert working group, reported on the progress made under the group's mandate to further elaborate and implement actions on initial short-term work items in the follow-up to the Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention. He drew particular attention to the development of practical manuals covering the key areas of terminology, rules and legislation, licences and permits, insurance and liability, certification schemes and prevention; the fact sheets on waste streams pertaining, inter alia, to used lead-acid batteries, electronic and electrical waste, medical waste, household waste and end-of-life vehicles; and the environmentally sound management toolkit outlined in the appendix to document UNEP/CHW/OEWG.9/INF/4. Inviting all parties to contribute to the work, he said that additional funding from Switzerland had made it possible to extend the list of pilot projects contained in part V of the annex to that document and that a report on further progress made at the group's third meeting in January 2015 would be submitted to the twelfth meeting of the Conference of the Parties.

31. In the ensuing discussion, general appreciation was expressed for the work being done by the expert working group, and most speakers said that it should continue its work. Many representatives said that environmentally sound management was crucial to the Basel Convention, with one stating that the resulting guidance documents would be of particular importance to developing countries that lacked their own rules and regulations; to be effective, however, they had to be published in all six official languages. One representative, speaking on behalf of a group of parties and supported by another, called for more details on the waste stream fact sheets, together with a substantial elaboration of priority areas and the specific contents of the proposed toolkit, and suggested that an advance version of the draft work programme be made available to parties and others before the next meeting of the Conference of the Parties to allow them to submit written comments. Another representative, however, said that identifying only a limited number of elements for the draft work programme made it more feasible to implement and, supported by another, suggested that further priorities should be added progressively in a step-by-step approach. One representative said that lessons learned should be incorporated into the final document presented to the Conference of the Parties. Another representative said that it was important to avoid duplication of efforts by other bodies, such as the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Convention (the "Implementation and Compliance Committee") and the small intersessional working group on legal clarity, especially in the areas covered by the practical manuals, which parties should have an opportunity to review, and another said that the group should continue its cooperation with those bodies.

32. The representative of the Secretariat, responding to the various comments, pointed out that many of the expert working group's activities were still under way; that it was aiming to finalize the draft waste stream fact sheets and practical manuals at its third meeting in January 2015; and that it was liaising with the Implementation and Compliance Committee and the small intersessional working group on legal clarity, among others, to avoid any duplication of effort.

33. The Open-ended Working Group agreed that the comments made at the current meeting should be conveyed to the expert working group for consideration and action at its third meeting, in January 2015.

4. Options for the operations of the Open-ended Working Group

34. Introducing the sub-item, the representative of the Secretariat recalled that the Conference of the Parties, at its eleventh meeting, had considered three possible options for the operations of the Open-ended Working Group and had requested parties and others to submit comments on the options. Option A would entail plenary sessions during every day of each meeting with interpretation in the six official languages of the United Nations. Option B, the approach being tested at the current meeting, would entail two days of plenary sessions with interpretation and two days of contact and other group meetings in English only. Under option C the Working Group would be dissolved and replaced by a new, smaller, subsidiary body mandated to undertake scientific and technical work, with other matters dealt with by other bodies such as the Implementation and Compliance Committee.

35. According to the Secretariat's analysis of the comments received (UNEP/CHW/OEWG.9/5), she said, there appeared to be a slight preference for option B, which would entail cost savings of approximately \$59,000. In view of the relatively low response rate, however, the Secretariat suggested that option B should be further evaluated after the current meeting. A compilation of the comments from 10 parties and 1 observer was presented in document UNEP/CHW/OEWG.9/INF/5.

36. In the ensuing discussion, most speakers said that it would be preferable to maintain the open-ended nature of the Working Group, as proposed under options A and B, arguing that it was conducive to the transparent, inclusive and consensual decision-making that was crucial to the success of the Basel Convention and to efforts to address the needs of developing countries in particular. Several representatives expressed reservations about option C, saying that it would undermine the goal of increased participation. One representative said that the frequency and duration of the meetings of the Open-ended Working Group had been reduced considerably since its establishment. Another representative said that it would not be feasible to refer the wide range of issues currently dealt with by the Open-ended Working Group to the Implementation and Compliance Committee, as suggested under option C, and another said that it would be imprudent to make such radical changes on the basis of the small number of comments received by the Secretariat in return for minimal cost savings. At the same time, a number of other representatives expressed a willingness to examine option C, with one saying that the focus on technical and scientific issues would allow political and strategic matters to be left to the Conference of the Parties. Another representative said that the solution might lie somewhere between options B and C.

37. With regard to the number of plenary sessions and the provision of interpretation at the meetings of the Working Group, a number of representatives, including one speaking on behalf of a group of parties, expressed a preference for option B. Several others, including one speaking on behalf of a group of parties, said that the Working Group should revert to its previous arrangements, as proposed under option A, with one suggesting a reduction in the number of working days at each meeting. Given that it was too early to reach a conclusion on the arrangements adopted at the current meeting, however, it was agreed that option B should be evaluated further after the meeting.

38. Following its discussion, the Working Group agreed that the Secretariat, taking into account the comments made and in consultation with interested parties, would prepare a draft decision for its consideration based on the text presented in document UNEP/CHW/OEWG.9/5 and the discussion in plenary.

39. Subsequently, the representative of the Secretariat presented a conference room paper setting out a draft decision. After further discussion, during which many representatives of non-English-speaking parties said that interpretation and translation were crucial to ensuring transparency, efficiency and the ownership of decisions adopted at meetings, the Working Group adopted the draft decision, as orally amended. Decision OEWG-9/2, on options for the operations of the Open-ended Working Group, is set out in the annex to the present report.

B. Scientific and technical matters

1. Technical guidelines

(a) Technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants

40. Introducing the sub-item, the representative of the Secretariat drew attention to decision BC-11/3, by which the Conference of the Parties had called for the development of a number of new and revised technical guidelines on persistent organic pollutants and the review of the waste-related aspects of four Stockholm Convention guidance documents. He noted that the Food and Agriculture Organization of the United Nations had yet to finalize the draft updated technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with pesticides, which would be available in October 2014, but new and revised drafts of the other technical guidelines on persistent organic pollutants were before the Working Group for review. A note by the Secretariat on the matter was set out in document UNEP/CHW/OEWG.9/6.

41. Ms. Seguin, in her capacity as chair of the small intersessional working group tasked with working on the guidelines, reported on the work carried out by the group and the various lead countries and organizations (Canada, China, Japan, FAO and the United Nations Environment Programme) pursuant to decision BC-11/3. The technical guidelines, she said, had been updated or developed to take into account 11 persistent organic pollutants newly listed in the annexes to the Stockholm Convention through a series of teleconferences and a face-to-face meeting of the lead countries and organizations held with the financial support of Norway, and several of the related documents should be ready for consideration and adoption by the Conference of the Parties at its

twelfth meeting. She asked that the Open-ended Working Group mandate a contact group at the current meeting to continue work on the six draft guidelines contained in documents UNEP/CHW/OEWG.9/INF/9–INF/13 and INF/23 and the four Stockholm Convention guidance documents (UNEP/CHW/OEWG.9/INF/30) and to consider a draft decision for consideration by the Open-ended Working Group.

42. In the ensuing discussion, general appreciation and support were expressed for the work of the small intersessional working group. One representative attached particular importance to disposal methods for the destruction and irreversible transformation of persistent organic pollutants. Another representative, speaking on behalf of a group of parties, said that it was necessary to ensure consistency between the guidelines and to avoid duplication. He also called for further discussion and assessment to define “low persistent organic pollutant content”, which was a key parameter for assessing the appropriateness of waste disposal methods, and expressed the view that with regard to some of the newly listed persistent organic pollutants it should be left open whether wastes whose persistent organic pollutant content exceeded “low” should be considered hazardous.

43. One representative said that the work of the small intersessional working group demonstrated the complementary nature of the Basel, Rotterdam and Stockholm conventions. Another, observing that the group was open to experts from both the Basel and Stockholm conventions, and supported by another representative, suggested that the draft guidelines should also be sent to the Persistent Organic Pollutants Review Committee for comment and recommendations in order to ensure their ownership by the Conference of the Parties to the Stockholm Convention.

44. The chair of the small intersessional working group, responding to the last suggestion above, said that the group’s mandate from the Conference of the Parties did not provide for the guidelines to be sent to the Persistent Organic Pollutants Review Committee.

45. The Open-ended Working Group decided to establish a contact group on technical matters, co-chaired by Ms. Jane Stratford (United Kingdom of Great Britain and Northern Ireland) and Mr. Francis Kihumba (Kenya), to resolve any outstanding issues, to consider the proposed draft technical guidelines pertaining to persistent organic pollutants and to prepare a draft decision based on the text presented in document UNEP/CHW/OEWG.9/6.

46. Following the work of the contact group, the representative of the Secretariat drew attention to two conference room papers, one setting out the draft decision prepared by the group and the other a submission from Canada containing information provided by the European Union on a methodology for establishing low persistent organic pollutant content.

47. The Working Group adopted the draft decision prepared by the group. Decision OEWG-9/3, on technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants, is set out in the annex to the present report.

(b) Technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury

48. Introducing the sub-item, the representative of the Secretariat recalled that a small intersessional working group on mercury waste consisting of experts from parties, non-party States, intergovernmental organizations and civil society and industry representatives had been established, pursuant to decision BC-11/5, to update the technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury. Expressing appreciation to the lead country, Japan, for having prepared the revised draft updated technical guidelines before the Working Group at the current meeting (UNEP/CHW/OEWG.9/INF/8), he invited the Group to consider the action proposed in paragraph 21 of the relevant note by the Secretariat (UNEP/CHW/OEWG.9/6). The representative of Japan noted that the revised draft guidelines reflected the latest comments and highlighted the technical points to be discussed at the current meeting in advance of the twelfth meeting of the Conference of the Parties.

49. In the ensuing discussion a number of representatives, including one speaking on behalf of a group of parties, expressed appreciation to Japan and other members of the small intersessional working group for the progress made in developing the guidelines, which could provide input for discussions under the Minamata Convention on Mercury, and said that they wished to discuss them further in a contact group.

50. The Working Group agreed to refer the revised draft updated technical guidelines to the contact group on technical matters for further consideration and for the preparation of a draft decision based on the text proposed in paragraph 21 of document UNEP/CHW/OEWG.9/6 and the comments made in plenary.

51. Following the group's work, its co-chair presented a conference room paper containing a draft decision that, among other things, set out the process for submitting comments and finalizing the technical guidelines.

52. Following further discussion, during which one representative, supported by a number of others, requested the inclusion of a reference to cooperation and coordination with the Minamata Convention on Mercury, the Working Group adopted the draft decision prepared by the contact group, as orally amended. Decision OEWG-9/4, on technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury, is set out in the annex to the present report.

(c) **Technical guidelines on transboundary movements of electronic and electrical waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention**

53. Introducing the sub-item, the representative of the Secretariat recalled decision BC 11/4, by which the Conference of the Parties had decided that the small intersessional working group established in accordance with decision BC-10/5 should continue to develop the draft technical guidelines on transboundary movements of electronic and electrical waste ("e-waste") and used electronic and electrical equipment, in particular regarding the distinction between waste and non-waste. The small intersessional working group had been working since then, but no party had offered to serve as lead country, and the Secretariat was therefore coordinating the work of the group with the support of a consultant. The draft guidelines had been updated to reflect comments submitted since the eleventh meeting of the Conference of the Parties, and the latest version was set out in document UNEP/CHW/OEWG.9/INF/6. Agreement had been reached on many elements of the draft guidelines, but there was considerable disagreement regarding paragraph 26 (b) and the distinction between waste and non-waste. A note by the secretariat on the sub-item was set out in document UNEP/CHW/OEWG.9/6, and a non-paper by the Secretariat on the status of the discussions on the draft guidelines in document UNEP/CHW/OEWG.9/INF/14. Party views on the guidelines and on paragraph 26 (b) in particular were compiled and discussed in documents UNEP/CHW/OEWG.9/INF/6/Add.1 and INF/14, respectively.

54. In the ensuing discussion many representatives expressed thanks to the small intersessional working group and the Secretariat for the work to date.

55. Several representatives, including one speaking on behalf of a group of parties, said that it was essential to agree on how to proceed at the outset of the negotiations at the current meeting in order to ensure that the draft guidelines were completed in time for their consideration by the Conference of the Parties at its twelfth meeting.

56. Speaking on behalf of a group of parties, one representative said that, to produce draft guidelines that could be adopted by the Conference of the Parties at its twelfth meeting, the Working Group at the current meeting should forgo detailed discussion of paragraph 26 (b) and should not attempt to agree on detailed provisions governing when used equipment was or was not waste. Instead the Group should agree on general provisions that parties could apply flexibly at the national level. Those provisions could be adopted at the twelfth meeting of the Conference of the Parties and the parties could then resume discussions in an effort to develop more refined e-waste guidelines.

57. Several representatives said that agreement on principles at the outset of the discussions was essential, with one making the same point with regard to indicators that would allow implementation of the strategic framework. One representative said that one such principle should be recognition that developing countries did not have the capacity for recycling e-waste and that the focus should therefore be on how to ensure that they could minimize the risks posed by their transboundary movement. Another said that the guidelines must recognize the link between environmentally sound management and transboundary movement.

58. One representative said that the guidelines should be flexible so as to promote resource conservation by allowing for the movement of used electronic and electrical equipment in a manner consistent with the principles of the Basel Convention. Another said that the guidelines should be simple enough for use by those working in the informal sector, where the majority of recycling and recovery of e-waste took place in developing countries; he also said that some companies had developed good facilities for handling e-waste and that the guidelines should encourage and support such efforts.

59. A number of representatives said that e-waste was a big problem for African countries in particular. One said that e-waste guidelines were therefore critical for African countries, noting that while they were domesticated quickly they also became outdated quickly. A practical means of

quickly updating them was therefore needed. It was also said that parties to the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa were bound by a decision of the Conference of the Parties to that convention providing that untested and non-functional electronic equipment constituted waste.

60. Regarding paragraph 26 (b), one representative expressed the worry that it offered an opportunity for non-compliance, especially on the part of transit countries, while another argued for minimizing exemptions to the requirement that to be considered non-waste equipment must be tested and be fully functional. He also said that proof, including documentation, should be required when exemptions were granted. Another representative said that there was a need to be clear on the definitions of waste and non-waste, and that that clarity would need to be reflected in the work being done on legal clarity and the glossary of terms relating to the Convention.

61. One representative said that in response to the discussions under the Basel Convention on e-waste her country had developed and begun to apply criteria for designating used electronic and electrical equipment as second hand goods for exportation. Other countries should do the same, and the e-waste guidelines, once completed, would be an important aid to such countries. She also said that her country had committed itself to providing financial resources, if necessary, for further work on the draft guidelines in the period leading up to the twelfth meeting of the Conference of the Parties.

62. One representative said that adoption of the guidelines was essential because they would promote environmentally sound reuse while aiding parties to combat illegal movements of e-waste disguised as equipment destined for reuse. As the guidelines were not comprehensive, however, and did not resolve all legal uncertainties regarding e-waste, he introduced a conference room paper in which his country proposed that, once the guidelines were adopted, the parties work towards the inclusion of electronic and electrical equipment destined for repair, refurbishment or root cause analysis – other than equipment deemed to be non-waste under the guidelines – in Annex II to the Convention.

63. Following its discussion the Working Group decided that the contact group established to discuss technical matters would work further on the draft guidelines as a whole. In addition, a “friends of the co-chairs” group would discuss specifically paragraph 26 (b) of the draft guidelines. The group would be led by Mr. John Alexis Pwamang (Ghana) and would comprise three party representatives from each region and two representatives each from industry and environmental non-governmental organizations.

64. Following the work of the contact group its co-chair reported that the group had reached agreement on paragraphs 1–26 (a) of the draft guidelines and had also agreed on a procedure for continuing the negotiations on paragraph 26 (b) of the guidelines following the current meeting. Agreement on the remainder of the guidelines would have to await agreement on paragraph 26 (b). She introduced two conference room papers, the first setting out a further revised draft of the guidelines and the second a draft decision prepared by the contact group.

65. The Working Group adopted the draft decision prepared by the contact group, as orally amended to correct editorial errors. Decision OEWG-9/5, on technical guidelines on transboundary movements of electronic and electrical waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention, is set out in the annex to the present report.

66. In response to a question, the representative of the Secretariat announced that additional funding was being sought to have the draft technical guidelines translated from English into the other five official languages of the United Nations.

2. National reporting

67. The representative of the Secretariat drew attention to a note by the Secretariat on national reporting (UNEP/CHW/OEWG.9/7); a note on the draft reporting format for national reporting under the Convention (UNEP/CHW/OEWG.9/INF/15), in particular the annex setting out the revised format developed by the small intersessional working group established in accordance with decision BC-11/7; and a compilation of comments received from parties on revising the reporting format (UNEP/CHW/OEWG.9/INF/26).

68. Mr. Joachim Wuttke (Germany), chair of the small intersessional working group, gave a presentation detailing the work carried out by the group in accordance with its mandate, highlighting in particular the suggested changes, deletions and additions aimed at improving the clarity of the reporting format.

69. In the ensuing discussion, all those who spoke thanked the chair for his leadership on the matter and commended the successful efforts of the small intersessional working group to streamline the reporting format. Many expressed the hope that the new format would be adopted at the next meeting of the Conference of the Parties and thus facilitate the reporting process, especially for those countries where access to the necessary information often proved difficult, and lead to an increase in the rate of reporting. One representative expressed thanks to the Norwegian Government for the technical and financial assistance that it had provided for the development of a system for taking stock of hazardous and other wastes, which would enable his country to complete its national reporting.

70. A number of representatives underlined the importance of tools, including web-based seminars, for enhancing understanding of the revised reporting format, while others welcomed the proposed new table on cases of illegal traffic in hazardous wastes closed in the reporting year as a means of identifying such traffic, particularly with regard to electronic and electrical waste.

71. Expressing the view that national reporting on an annual basis placed an onerous burden on developing countries and small island developing States, one representative said that the provision of information, with the exception of that strictly required under the Convention, should be optional and that the reporting format should be amended accordingly.

72. In response to the last comment above, the chair of the small intersessional working group said that the information requested in the reporting format was required under article 13 of the Convention. In the revised format, moreover, the questions on the domestic generation of hazardous and other waste had been simplified, and the information requested was pertinent to the obligation of parties, under paragraph 2 of article 4 of the Convention, to “ensure that the generation of hazardous wastes and other wastes within it is reduced to a minimum, taking into account social, technological and economic aspects”.

73. The Working Group agreed to defer further consideration of the sub-item to allow the representative concerned to consult his regional group.

74. Subsequently, the chair of the small intersessional working group presented two conference room papers containing a revised version of the draft format for national reporting and the draft decision which, while affirming that all questions should be answered and tables completed, included a recommendation that the Implementation and Compliance Committee, in assessing a party's compliance with annual reporting obligations, should take into account only the information in the format marked with an asterisk.

75. Further discussion followed, during which several representatives said that the format required further simplification, with one, supported by another, calling for a clear definition of the term “illegal traffic”. Several representatives said that there was a need to consider support for parties facing significant difficulties in meeting their reporting obligations, such as data gathering on disposal facilities in remote areas. One representative, supported by another, said that the recommendation in the draft decision that only questions and tables with asterisks indicating that they were strictly required by the convention be taken into account in assessing compliance had not been discussed and should be tabled at the next meeting of the Conference of the Parties.

76. Following the discussions above and further informal consultations among interested parties, the Working Group adopted the draft decision set out in the conference room paper, as orally amended. Decision OEWG-9/6, on national reporting, is set out in the annex to the present report.

3. Amendments to the annexes to the Basel Convention

77. Introducing the sub-item, the representative of the Secretariat recalled that the Conference of the Parties, by its decision BC-11/6, had amended Annex IX to the Convention to include proposed new entries B3026 and B3027. Those entries had come into force on 26 May 2014 for all parties that had not notified the Depositary, pursuant to paragraph 2 (b) of Article 18 of the Convention, that they could not accept the amendment. By the same decision the Conference of the Parties had also decided that the Open-ended Working Group should undertake further work on proposed entry B3025 and invited parties to submit comments on the proposed entry for consideration by the Working Group at the current meeting. Two parties had submitted such comments, which were compiled in document UNEP/CHW/OEWG.9/INF/25.

78. In the ensuing discussion one representative, speaking on behalf of the group of parties that had originally proposed inclusion of the entry in Annex IX, said that its position had not changed since the eleventh meeting of the Conference of the Parties and that it thus maintained its reservation regarding the words “and aluminium”, which were enclosed in square brackets in the proposed entry.

79. Another representative said that composite aluminium packaging used in homes was domestic waste that should be listed in Annex II rather than Annex IX, and another said that the proposed entry was confusing and would not clarify matters with regard to the classification of materials.

80. The Working Group agreed that no further work on the matter would be undertaken.

4. Classification and hazard characterization of wastes

81. The representative of the Secretariat reported on the progress achieved in implementing Decision BC-10/10, on cooperation with the World Customs Organization and its Harmonized System Committee and proposals for amendments to the Harmonized Commodity Description and Coding System based on the list of wastes covered by the Basel Convention. Full details of that progress were provided in a note by the Secretariat (UNEP/CHW/OEWG.9/9).

82. The Co-Chair added that the review of the wastes proposed for listing in Harmonized System was still in its initial stages and that no outcome was expected until after the next two meetings of the Conferences of the Parties, at the earliest. All parties were invited to provide support to the Secretariat during the review process.

83. The Working Group took note of the information provided.

C. Legal, governance and enforcement matters

1. Consultation with the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Convention

84. The representative of the Secretariat introduced the item, drawing attention to the note by the Secretariat on consultation with the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention (UNEP/CHW/OEWG.9/10) and to its notes on the four draft guidance documents being newly developed or revised by the Committee in accordance with its work programme for 2014–2015, namely, a draft methodological guide for the development of inventories of hazardous wastes and other wastes under the Basel Convention (UNEP/CHW/OEWG.9/INF/16); draft guidance on the implementation of the Basel Convention illegal traffic take-back provision (UNEP/CHW/OEWG.9/INF/17); a revised draft guide to the control system (instruction manual for use by those persons involved in transboundary movements of hazardous wastes) (UNEP/CHW/OEWG.9/INF/18); and an updated manual for the implementation of the Convention (UNEP/CHW/OEWG.9/INF/19). Conveying a message from Ms. Jimena Nieto (Colombia), Chair of the Committee, the representative of the Secretariat highlighted that the Working Group's consultation with the Committee on the four draft guidance documents prior to their finalization and submission to the Conference of the Parties at its twelfth meeting was aimed at ensuring that they would attract the broadest possible support.

85. One representative welcomed the Committee's work on the draft guidance documents, saying that if adopted they would provide added value by facilitating compliance with the Convention. Echoing that sentiment, another representative, speaking on behalf of a group of parties, expressed general agreement with the content of the documents and said that she looked forward to their adoption by the Conference of the Parties at its twelfth meeting.

86. One representative highlighted a written comment submitted in 2013 to the effect that, while useful, the draft guidance on the illegal traffic take-back provision in paragraph 2 of Article 9 of the Convention should be expanded to address other cases covered under Article 9 where responsibility for illegal traffic did not trace solely to the exporter or generator and where responsibilities for illegal traffic were unclear. If so amended the draft guidance would cover the full spectrum of possible cases of illegal traffic and their potential complexities. She requested that the comment about expanding the guidance be considered by the Committee before the guidance was submitted to the Conference of the Parties.

87. Another representative likewise requested that his delegation's earlier written comment relating to the guidance on the illegal traffic take-back provision be incorporated into the draft guidance. Its aim was to ensure that the State of export took back waste whose movement was deemed to constitute illegal traffic. The concept was particularly important for developing countries given that many lacked elimination facilities.

88. Following its discussion the Working Group agreed that interested delegations would work with the Secretariat to address the comments made in a revised draft decision.

89. Responding to a query from the floor, the representative of the Secretariat confirmed that the draft guidance documents would be translated prior to their submission to the Conference of the Parties, subject to the availability of funding. Fund-raising efforts to that end were currently under way.

90. Subsequently, the representative of the Secretariat introduced a revised version of the draft decision, which the Working Group adopted. Decision OEWG-9/7, on consultation with the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Convention, is set out in the annex to the present report.

2. Providing further legal clarity

91. The representative of the Secretariat drew attention to the notes by the Secretariat on providing further legal clarity (UNEP/CHW/OEWG.9/11), on a draft glossary of terms and recommendations from the small intersessional working group on legal clarity (UNEP/CHW/OEWG.9/INF/20), which included recommendations concerning further useful guidance, and on comments from parties and others on the draft glossary of terms prepared by the small intersessional working group (UNEP/CHW/OEWG.9/INF/21).

92. Introducing the item on behalf of Ms. Nieto, chair of the small intersessional working group, Mr. Simon Parker (United Kingdom of Great Britain and Northern Ireland), member of the group, said that thanks to a financial contribution from the Government of Switzerland the group had held a face-to-face meeting in Montreux, Switzerland, on 2 and 3 June 2014. The report of that meeting, which had been decisive for building on the progress accomplished after several months of working exclusively by electronic means, was available on the website of the Convention.

93. The group's work on the draft glossary of terms had focused on clarifying the distinction between waste and non-waste; options for further steps towards the consistent interpretation of terminology, including possible voluntary and legally binding options; overarching terms that were not specific to a particular waste stream or disposal operation; and terms undefined in the Convention or terms with no obvious ordinary meaning. The group had also drafted explanations for some proposed definitions and had identified parallel definitions in other guidelines or guidance documents. He added that the group had coordinated its work with that of the expert working group on environmentally sound management on a practical manual on terminology and noted that if the definitions proposed were accepted some existing definitions might require amendment.

94. In the ensuing discussion, all those who spoke commended the small intersessional working group on its achievement in discharging the difficult and ambitious task involved in drafting a glossary of terms. The outcome was regarded by many as a sound basis for further work, in which they were ready to participate, on refining, streamlining and harmonizing the definitions set out in the draft glossary with a view to creating clarity and consistency. One representative, speaking on behalf of a group of parties, said that legally binding options in addition to those proposed by the intersessional working group should also be discussed.

95. One representative said that there was a need to arrive at definitions that took into account the waste-handling capacities of developing countries and precluded the potential for exporters to carry out hidden agendas, citing as an example waste that might be directly used for just one hour in order to qualify as non-waste. Another representative said that the development of the draft glossary offered an opportunity for the advancement of work on technical criteria for ensuring the precise regulation and control of waste management, particularly given that certain wastes defined as non-hazardous were nonetheless environmentally unsound.

96. The representative of a non-governmental organization suggested that while the small intersessional working group had done an excellent job in producing the glossary there were a number of serious problems. Thus, he said, the definition of "goods" would allow various kinds of hazardous and other waste to be designated as goods and permit traffickers to disguise illegal shipments; the use of commercial value as an element of definitions under the Convention would subvert the science-based nature of the Convention; and the new term "end of waste status" would permit parties to decide unilaterally that a waste should no longer be considered a waste, even when it clearly remained a waste in fact. In addition, he noted that some of the explanations in the glossary used terms in ways that were inconsistent with the ways they were defined, and he expressed concern that too few parties, in particular developing country parties, had participated in the preparation of the glossary. The representative of a party said that the concerns voiced by the representative of the non-governmental organization needed to be addressed.

97. Following its discussion, the Working Group agreed to refer the matter to a contact group on legal matters, to be co-chaired by Mr. Joost Meijer (Chile) and Mr. Peter Wessman (European Union), to finalize the draft glossary, the options for further steps and a draft decision, taking into account the draft decision text in document UNEP/CHW/OEWG.9/11 and the comments in plenary.

98. Following the work of the contact group, one of its co-chairs presented two conference room papers setting out a report of the co-chairs of the contact group on legal matters to the Open-ended Working Group and a draft decision. In their report, the co-chairs indicated that the group had proceeded with the consideration of the glossary of terms and identified 16 terms that should be defined, namely, direct reuse, disposal, final disposal, hazardousness, hazardous wastes, intent to dispose, non-hazardous wastes, non-waste, prevention, recovery, recycling, reduction, refurbishment, repair, reuse and wastes. The group also agreed that the following nine terms should be part of explanations of the definitions: by-product, charitable donation, end-of-waste status, fully functional, good/product, preparing waste for reuse, upgrading, use, and used good/product.

99. After further discussion the Working Group adopted the draft decision prepared by the contact group. Decision OEWG-9/8, on providing further legal clarity, is set out in the annex to the present report.

D. International cooperation and coordination

(a) Basel Convention Partnership Programme

100. Introducing the sub-item, the representative of the Secretariat recalled that the Conference of the Parties, in its decision BC-11/15, had agreed to extend the mandate of the Partnership for Action on Computing Equipment until the end of 2015 to enable it to complete its work programme for 2014-2015, and drew attention to the progress report and recommendations of the co-chairs of the Partnership's working group (UNEP/CHW/OEWG.9/INF/22). The Open-ended Working Group was invited to consider the report and to adopt the draft decision set out in the relevant note by the Secretariat (UNEP/CHW/OEWG.9/12).

101. Mr. Marco Buletti (Switzerland) and Mr. Oladele Osibanjo (Basel Convention Coordinating Centre for the African Region, Nigeria), in their capacity as co-chairs of the working group of the Partnership, reported on the activities implemented in response to decision BC-11/15 to enhance the environmentally sound management of used and end-of-life computing equipment, providing an update on organizational issues, a summary of work on the development of guidance documents, and an overview of various pilot projects, awareness-raising efforts, challenges ahead and proposed next steps.

102. In the ensuing discussion, a number of representatives, including one speaking on behalf of a group of parties, welcomed the progress made by the working group in implementing the Partnership's work programme for 2014-2015, expressing support for the draft decision prepared by the Secretariat.

103. Following its discussion the Working Group adopted the draft decision in the note by the Secretariat (UNEP/CHW/OEWG.9/12). Decision OEWG-9/9, on the Partnership for Action on Computing Equipment, is set out in the annex to the present report.

(b) Environmentally sound dismantling of ships

104. Introducing the sub-item, the representative of the Secretariat drew attention to notes by the Secretariat on the environmentally sound dismantling of ships (UNEP/CHW/OEWG.9/13) and on an update on the activities being implemented under the Global Programme for Sustainable Ship Recycling (UNEP/CHW/OEWG.9/INF/24).

105. In the ensuing discussion a number of representatives, including one speaking on behalf of a group of parties, welcomed the progress achieved in implementing the Global Programme for Sustainable Ship Recycling and expressed appreciation and support for the Secretariat's work in developing further, in conjunction with the International Maritime Organization and the International Labour Organization, programmes on sustainable ship recycling. One representative said that his Government also looked forward to the results of pilot projects under way, which it was following with interest, and intended to accede to the earliest opportunity to the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships.

106. Several representative of parties with major ship-recycling industries reported that their Governments were working to improve worker health and safety and to reduce the environmental impact of ship recycling on the coastal environment. Two of them thanked the European Union for its funding of relevant projects and the Secretariat for providing technical assistance. Further assistance would be welcomed.

107. One representative said that there was a need for clear procedures on ship dismantling aimed at the reuse of some components. Existing directives under the Convention, she said, were not sufficiently specific, and the parties needed to address the issue.

108. The Working Group took note of the information provided in the notes by the Secretariat.

(c) Other international cooperation and coordination

109. Introducing the sub-item, the representative of the Secretariat drew attention to a report on Secretariat cooperation and coordination with intergovernmental organizations, international and regional organizations, other multilateral environmental agreements and non-governmental organizations (UNEP/CHW/OEWG.9/INF/27), as well as a report prepared by the Public Waste Agency of Flanders as Belgium's response to the invitation to parties, in decision BC-11/17, to assess the extent to which the Basel Convention technical guidelines covered wastes covered by the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and as further amended by the Protocol of 1997 (MARPOL) (UNEP/CHW/OEWG.9/INF/28).

110. In the ensuing discussion, general appreciation was expressed for the report by the Public Waste Agency of Flanders, which one representative said provided useful information on strengthening the regional control of wastes, especially secondary pollution stemming from ship recycling. Most speakers attached great importance to further cooperation and coordination with relevant organizations in achieving the objectives of the Basel Convention, with one adding that particular emphasis should be placed on activities related to mercury in cooperation with the interim secretariat of the Minamata Convention on Mercury. Another representative called for an emphasis on the development of methods and mechanisms for fostering cooperation aimed at implementation of the Bamako Convention, which he said would ultimately help to achieve the objectives of the Basel Convention.

111. The Working Group took note of the information provided in the two reports.

E. Financial matters

112. Introducing the sub-item, the representative of the Secretariat drew attention to reports on financial matters covering the period from January 2013 to June 2014 (UNEP/CHW/OEWG.9/INF/29) and on the status of implementation of activities related to the programme budget for 2014–2015 (UNEP/CHW/OEWG.9/INF/29/Add.1). Highlighting key figures for the Basel Convention general and technical cooperation trust funds, including arrears in the contributions of 62 parties totalling \$723,813, she expressed appreciation to Denmark, Finland, Germany, Japan, Norway, Sweden and Switzerland for providing \$383,125 in voluntary contributions to fund the participation of developing country representatives in the current meeting.

113. In the ensuing discussion, general appreciation was expressed for the information provided in the reports. One representative, speaking on behalf of a group of parties and supported by another representative, expressed concern about the arrears and called on the Secretariat to present options for addressing the problem for consideration by the Conference of the Parties at its twelfth meeting, as requested in decision BC-11/26. Another representative suggested that the Secretariat should contact permanent missions and focal points directly as part of its efforts to secure payment of the arrears. Another representative said that the timely provision of detailed financial information by the Secretariat was very important, and he called for such information to be made available on the Convention website.

114. One representative, thanking the parties that had made voluntary contributions to fund the participation of developing country parties in the current meeting, said that similar support must be provided for the twelfth meeting of the Conference of the Parties, as well as for additional participants in the related regional preparatory meetings, in order to ensure participation of more than one representative per country and, hence, the relevance and consensual nature of decision-making.

115. The Working Group took note of the information provided in the Secretariat's reports.

IV. Work programme of the Open-ended Working Group for 2016–2017

116. Introducing the item, the representative of the Secretariat drew attention to the draft work programme of the Open-ended Working Group for the biennium 2016–2017 prepared by the Secretariat (UNEP/CHW/OEWG.9/14), saying that the Working Group might wish to invite parties and others to submit further comments on the draft work programme and request the Secretariat to

revise it in consultation with the Bureau of the Working Group and the Bureau of the Conference of the Parties. The Conference of the Parties was expected to adopt the work programme at its twelfth meeting. A draft decision on the matter was set out in document UNEP/CHW/OEWG.9/14.

117. In the ensuing discussion, one representative, speaking on behalf of a group of parties, expressed general support for the draft work programme for 2016–2017 prepared by the Secretariat but called for an extension of the deadline for the submission of comments and a focus on priority-setting. Another called for the updating of the Basel Convention technical guidelines on used lead-acid batteries adopted in 2002; and another, suggesting that the Working Group had not received a clear request from the Conference of the Parties to work on the strategic framework, said that activities on the subject should not be included in the work programme.

118. Following its discussion, the Working Group adopted the draft decision set out in document UNEP/CHW/OEWG.9/14, as orally amended. Decision OEWG-9/10, on the work programme of the Open-ended Working Group for 2016–2017, is set out in the annex to the present report.

V. Other matters

A. Science fair

119. The representative of the Secretariat reported that the bureaux of the conferences of the parties to the Basel, Rotterdam and Stockholm conventions had welcomed a proposal by the Secretariat that the May 2015 meetings of the conferences of the parties to the three conventions, the theme of which would be “From science to action, working for a safer tomorrow”, should include a science fair held in the margins of the meetings. Information on the fair, the aim of which was to increase awareness and understanding of scientific issues of concern to the three conventions, was available in a note by the Secretariat (UNEP/CHW/OEWG.9/INF/32). Parties and others interested in contributing to the preparations for the fair were invited to contact the Secretariat.

120. The Working Group took note of the information presented.

B. Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic

121. The representative of the Secretariat drew attention to a report on the first meeting of the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE) (UNEP/CHW/OEWG.9/INF/31), which had been organized with funding from Japan in response to a request by the Conference of the Parties in its decision BC-11/8. The Conference of the Parties, he said, would receive a full report on the Network’s activities at its twelfth meeting.

122. Ms. Leila Devia (Basel Convention Regional Centre for the South American Region), in her capacity as chair of ENFORCE, briefly outlined its scope and structure and reported on its first meeting and on subsequent progress in implementing the meeting outcomes. Activities to date had benefitted from the active involvement of network members in exchanging information, tools and good practices on preventing and combating illegal traffic. Regarding the survey, an initial questionnaire had been disseminated, the responses had been analysed and a draft report had been submitted to the Secretariat.

123. In the ensuing discussion, one representative speaking on behalf of a group of parties welcomed the outcome of the first meeting of ENFORCE. Another representative said that in dealing with illegal traffic it was essential to make maximum use of all available resources, including existing guidelines developed by the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention. He also called for active collaboration with focal points, highlighting the importance of face-to-face meetings and the establishment of a system for tracking vessels carrying hazardous wastes.

124. The Working Group took note of the information presented.

VI. Adoption of the report

125. The Working Group adopted the present report on the basis of the draft report contained in document UNEP/CHW/OEWG.9/L.1, as orally amended, on the understanding that the finalization of the report would be entrusted to the Rapporteur with the assistance of the Secretariat.

VII. Closure of the meeting

126. The President of the Conference of the Parties to the Basel Convention, Mr. Andrzej Jagusiewicz (Poland), addressed the meeting in closing remarks, commending participants on the progress made during the meeting and noting that the efforts made had paved the way for successful completion of the negotiations on the matters to be discussed during the forthcoming meeting of the Conference of the Parties in May 2015.

127. Following the customary exchange of courtesies, the meeting was declared closed at 6.10 p.m. on Friday, 19 September 2014.

Annex

Decisions adopted by the Open-ended Working Group at its ninth meeting

- OEWG-9/1: Follow-up to the Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes
- OEWG-9/2: Options for the operations of the Open-ended Working Group
- OEWG-9/3: Technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants
- OEWG-9/4: Technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury
- OEWG-9/5: Technical guidelines on transboundary movements of electronic and electrical waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention
- OEWG-9/6: National reporting
- OEWG-9/7: Consultation with the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Convention
- OEWG-9/8: Providing further legal clarity
- OEWG-9/9: Partnership for Action on Computing Equipment
- OEWG-9/10: Work programme of the Open-ended Working Group for 2016–2017

OEWG-9/1: Follow-up to the Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes

The Open-ended Working Group

1. *Takes note* of the request from the Conference of the Parties at its eleventh meeting that the Working Group prepare a road map for action and review the progress that parties have made in the implementation of the Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes;
2. *Recommends* that the Conference of the Parties at its twelfth meeting adopt the road map for action on the implementation of the Cartagena Declaration set out in the annex to the present decision;
3. *Also recommends* that the Conference of the Parties at its twelfth meeting mandate the expert working group on environmentally sound management or a new intersessional group to develop guidance to assist parties in developing efficient strategies for achieving prevention and minimization of the generation of hazardous wastes and other wastes and that it invite a lead country within the group to carry out the work on the development of the guidance.

Annex to decision OEWG-9/1

Road map for action on the implementation of the Cartagena Declaration

1. The roadmap for action on the implementation of the Cartagena Declaration set out in the table below contributes to the achievement of the key objectives of the strategic framework for the implementation of the Basel Convention for 2012–2021.
2. The information-gathering activity in the road map may assist parties and others in identifying specific activities for implementing the Cartagena Declaration. The activities will be developed and implemented in cooperation with and the support of relevant initiatives under the auspices of the Basel Convention and other entities such as the expert working group on environmentally sound management.

| <i>Areas for action</i> | <i>Activities</i> | <i>Responsible actors</i> | <i>Timeline</i> |
|-------------------------|---|---------------------------------|---|
| Information gathering | 1. Submit to the Secretariat information on experiences in implementing the Cartagena Declaration such as information on strategies and programmes on waste prevention and minimization and measuring their progress and on technology transfer and capacity-building. ¹ | Parties, signatories and others | Information request issued at COP-12 (decision) and information to be provided on an ongoing basis Prior to COP-13 |
| | 2. Secretariat to compile all relevant information provided by parties, signatories and others with regard to the implementation of the Cartagena Declaration and make it available on the Basel Convention website | Secretariat | Prior to COP-13 |

¹ cf. paragraphs 1, 4, 5, 7, 11 and 12 of the Cartagena Declaration.

| <i>Areas for action</i> | <i>Activities</i> | <i>Responsible actors</i> | <i>Timeline</i> |
|---|---|---|-----------------|
| Development of strategies (paragraph 1 of the Cartagena Declaration) | Develop guidance to assist parties, as appropriate, in developing efficient strategies to achieve the prevention and minimization of the generation of hazardous wastes and other wastes and their disposal, taking into account the prevention manual developed by the expert working group on environmentally sound management. | Parties and expert working group on environmentally sound management/ intersessional working group | COP-13 |
| Enhancement of waste prevention (paragraphs 5,7, 8, 12 and 13 of the Cartagena Declaration) | Encourage: <ul style="list-style-type: none"> – Development of synergistic national and regional pilot projects on waste prevention for specific waste streams of concern; – Improvement of access to cleaner production methods and to information on less hazardous substitutes for and alternatives to hazardous chemicals and materials; – Implementation of waste prevention awareness campaigns that include information on waste prevention techniques. | Parties, Basel Convention regional and coordinating centres, Stockholm Convention regional and subregional centres, United Nations Industrial Development Organization, Global Environment Facility, cleaner production centres and the private sector Parties, Basel Convention regional and coordinating centres, Stockholm Convention regional and subregional centres and non-governmental organizations | Ongoing |
| Engagement with relevant stakeholders (paragraph 11 of the Cartagena Declaration) | Encourage and facilitate, as appropriate, engagement with other bodies, non-governmental organizations, cleaner production centres and the private sector to advance work on the prevention, minimization and recovery of hazardous wastes and other wastes and to develop and implement projects, waste prevention programmes and partnerships to that end, taking into account the information compiled through the information-gathering activity. | Parties, Basel Convention regional and coordinating centres and Stockholm Convention regional and subregional centres | Ongoing |

Abbreviations: COP-12, twelfth meeting of the Conference of the Parties; COP-13, thirteenth meeting of the Conference of the Parties.

OEWG-9/2: Options for the operations of the Open-ended Working Group

The Open-ended Working Group,

Noting the desire by parties to ensure a transparent, inclusive and efficient decision-making process in the Open-ended Working Group allowing for all regions to participate effectively in discussions,

Recognizing the broad scope of the mandate of the Open-ended Working Group, covering technical, legal and strategic issues in preparation for discussions at the meetings of the Conference of the Parties,

1. *Welcomes* the analysis prepared by the Secretariat on possible options for future institutional arrangements;²
2. *Invites* parties and others to submit any comments on the arrangements that were made for the ninth meeting of the Open-ended Working Group to the Secretariat by 30 November 2014;
3. *Requests* the Secretariat to compile any comments received from parties and others pursuant to the preceding paragraph and to submit them to the Conference of the Parties at its twelfth meeting for its consideration;
4. *Concludes* that, together with the comments submitted in paragraph 2 above, the analysis would provide a sound basis for a decision by the Conference of the Parties on options for future institutional arrangements for the operations of the Open-ended Working Group;
5. *Notes* that varying views on options were expressed by parties at the ninth meeting of the Open-ended Working Group;
6. *Agrees* that the experiences with the arrangements for the ninth meeting of the Open-ended Working Group should be taken into account before a decision is made on future institutional arrangements for the operations of the Open-ended Working Group;
7. *Recommends* that the Conference of the Parties at its twelfth meeting adopt a decision on future institutional arrangements for the operations of the Open-ended Working Group, taking into account:
 - (a) The analysis prepared by the Secretariat;³
 - (b) Comments submitted by parties and others before the ninth meeting of the Open-ended Working Group;⁴
 - (c) Comments submitted by parties and others pursuant to paragraph 2 above;
 - (d) Views expressed by parties at the ninth meeting of the Open-ended Working Group, including with regard to the importance of interpretation for non-English-speaking countries.

OEWG-9/3: Technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants

The Open-ended Working Group

1. *Welcomes* with appreciation the contribution by Canada in chairing the small intersessional working group and expresses its appreciation to the lead countries Canada, China and Japan, lead organizations the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations and the small intersessional working group for their contributions to the tasks pertaining to technical guidelines for the environmentally sound management of persistent organic pollutants;

² UNEP/CHW/OEWG.9/5, annex.

³ *Ibid.*

⁴ UNEP/CHW/OEWG.9/INF/5.

2. *Takes note* of the draft technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants prepared by the lead countries and lead organizations;⁵

3. *Acknowledges* the supporting document for the development of section III of the general technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants⁶ and takes note of the information provided at the ninth meeting of the Open-ended Working Group;⁷

4. *Takes note* of the following concentration levels to define low persistent organic pollutant content indicated at the ninth meeting of the Open-ended Working Group and invites parties and others to provide comments on the levels to the Secretariat by 31 October 2014:

- (a) Endosulfan: 50 mg/kg;
- (b) Pentachlorobenzene: 50 mg/kg;
- (c) Hexabromobiphenyl: 50 mg/kg;
- (d) Hexabromodiphenyl ether and heptabromodiphenyl ether and tetrabromodiphenyl ether and pentabromodiphenyl ether: 1000 mg/kg as a sum;
- (e) Perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride: 50 mg/kg;
- (f) Hexabromocyclododecane: 100 mg/kg and 1000 mg/kg;

5. *Invites* the lead countries and lead organizations to consider the comments received pursuant to paragraph 4 above and the comments provided at the ninth meeting of the Open-ended Working Group and to further revise the draft guidelines referred to in paragraph 2 above by 27 November 2014 for publication on the website of the Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal and requests the Secretariat to transmit the revised drafts for translation from English into the five other official languages of the United Nations for consideration by the Conference of the Parties at its twelfth meeting;

6. *Invites* the Food and Agriculture Organization of the United Nations to prepare by 27 November 2014 updated draft technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with pesticides, taking into account the comments previously received from parties and others, for publication on the website of the Basel Convention and requests the Secretariat to transmit the revised draft for translation from English into the five other official languages of the United Nations for consideration by the Conference of the Parties at its twelfth meeting;

7. *Invites* parties and others to provide comments to the Secretariat on the revised draft guidelines referred to in paragraphs 5 and 6 above by 23 January 2015;

8. *Invites* the lead countries and lead organizations to prepare further revised drafts, in consultation with the small intersessional working group, of the draft technical guidelines referred to in paragraphs 5 and 6 above by 6 March 2015 for publication on the website of the Basel Convention and requests the Secretariat to make them available as information documents for the twelfth meeting of the Conference of the Parties to the Basel Convention;

9. *Invites* parties and others to provide by 10 April 2015 comments on the further draft technical guidelines made available on the website of the Basel Convention and requests the Secretariat to compile the comments received for information and to publish them on the Basel Convention website;

10. *Recognizes* the significance of decabromodiphenyl ether as a precursor to pentabromodiphenyl ether and octabromodiphenyl ether and recommends to the Conference of the Parties that at its twelfth meeting it consider specifying and including work related to decabromodiphenyl ether in the work programme of the Open-ended Working Group for 2016–2017, taking into account the work undertaken under the Stockholm Convention on Persistent Organic Pollutants, and inviting parties to consider serving as lead country for such work;

⁵ UNEP/CHW/OEWG.9/INF/9–13 and INF/23.

⁶ UNEP/CHW/OEWG.9/INF/9/Add.1.

⁷ UNEP/CHW/OEWG.9/INF/9/Add.2.

11. *Recognizes also* the need to clarify the applicability of the Basel Convention to waste consisting of, containing or contaminated with polybrominated diphenyl ethers and recommends to the Conference of the Parties that at its twelfth meeting it consider including work on the interpretation of entry A3180 in Annex VIII to the Basel Convention in the work programme of the Open-ended Working Group for 2016–2017;

12. *Requests* the Secretariat to transmit to the Stockholm Convention Secretariat the comments made by the Open-ended Working Group⁸ on four Stockholm Convention draft guidance documents⁹ by 31 October 2014 at the latest, as requested in paragraph 9 (b) of decision BC-11/3;

13. *Requests* the Secretariat to inform the appropriate bodies of the Stockholm Convention of the work undertaken by the Open-ended Working Group relating to the technical guidelines on persistent organic pollutants.

OEWG-9/4: Technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury

The Open-ended Working Group,

Recalling decision BC-11/5 of the Conference of the Parties to the Basel Convention,

1. *Welcomes* with appreciation the contribution made by Japan as lead country in the updating of the technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury and the small intersessional working group established in accordance with decision IX/15 of the Conference of the Parties and takes note of the draft updated technical guidelines;¹⁰

2. *Invites* Parties and others to submit further comments on the draft updated technical guidelines to the Secretariat and the lead country by 30 September 2014;

3. *Requests* the lead country, in consultation with the small intersessional working group, to prepare a revised version of the draft updated technical guidelines, taking into account the comments received pursuant to paragraph 2 above as well as the discussions at the ninth meeting of the Open-ended Working Group, by 20 November 2014, for publication on the website of the Basel Convention and requests the Secretariat to transmit the draft technical guidelines as so revised for translation from English into the five other official languages of the United Nations for submission to the Conference of the Parties at its twelfth meeting for consideration and possible adoption;

4. *Invites* Parties and others to submit further comments on the draft updated technical guidelines as revised in accordance with paragraph 3 above to the Secretariat and the lead country, by 15 February 2015, for publication on the website of the Basel Convention;

5. *Requests* the lead country, in consultation with the small intersessional working group, to prepare a final draft of the updated technical guidelines, taking into account the comments received, by 21 March 2015;

6. *Requests* the Secretariat to submit the final draft updated technical guidelines to the Conference of the Parties for consideration as an information document at its twelfth meeting;

7. *Requests* the Secretariat to inform the appropriate bodies of the Minamata Convention on Mercury of the work undertaken by the Open-ended Working Group relating to the technical guidelines on mercury wastes.

⁸ UNEP/CHW/OEWG.9/INF/30/Rev.1.

⁹ Draft guidance document for the inventory of perfluorooctane sulfonic acid and related chemicals listed under the Stockholm Convention (2012), draft guidance for the inventory of polybrominated diphenyl ethers listed under the Stockholm Convention (2012), draft guidance on best available techniques and best environmental practices for the use of perfluorooctane sulfonic acid and related chemicals listed under the Stockholm Convention (2012); draft guidance on best available techniques and best environmental practices for recycling and waste disposal of articles containing polybrominated diphenyl ethers listed under the Stockholm Convention (2012).

¹⁰ UNEP/CHW/OEWG.9/INF/8.

OEWG-9/5: Technical guidelines on transboundary movements of electronic and electrical waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention

The Open-ended Working Group

1. *Takes note* of the information provided by the Secretariat on progress in the development of the draft technical guidelines on transboundary movements of electronic and electrical waste (e-waste), in particular regarding the distinction between waste and non-waste;¹¹
2. *Also takes note*, with appreciation, of the progress made during the ninth meeting of the Open-ended Working Group on the issue of used equipment that should normally not be considered waste, as referred to in paragraph 26 (b) of the revised draft technical guidelines,¹² whereby two options were developed: either to reach agreement through further intersessional work before the twelfth meeting of the Conference of the Parties or, in case no agreement can be reached before or during that meeting, to include an agreed text in general terms in the draft guidelines as an interim solution, as reflected in paragraph 26 (b) of the revised draft technical guidelines, with the engagement to work further on the guidelines after the twelfth meeting and in accordance with any relevant decisions adopted by the Conference of the Parties at its twelfth meeting;
3. *Requests* the Secretariat to prepare, in consultation with the small intersessional working group established in accordance with decision BC-10/5 and taking into account the discussions at the ninth meeting of the Open-ended Working Group and any comments received pursuant to decision BC-11/4, a further revised version of the draft technical guidelines by 20 November 2014 and to transmit the further revised draft guidelines for translation from English into the five other official languages of the United Nations for submission to the Conference of the Parties at its twelfth meeting for consideration and possible adoption;
4. *Also requests* the Secretariat to publish the further revised draft technical guidelines on the website of the Basel Convention;
5. *Invites* parties and others to provide comments to the Secretariat on the further revised draft technical guidelines by 28 February 2015, in particular on the options relating to paragraph 26 (b), and requests the Secretariat to make them available on the website of the Basel Convention;
6. *Requests* the small intersessional working group to continue efforts to make progress on seeking agreement before the twelfth meeting of the Conference of the Parties on the provisions in paragraph 26 (b) of the draft technical guidelines;
7. *Requests* the Secretariat to revise the draft technical guidelines, taking into account the comments received pursuant to paragraph 5 and the outcome of the efforts referred to in paragraph 6 above and to submit the draft technical guidelines so revised to the Conference of the Parties as an information document for consideration at its twelfth meeting;
8. *Also requests* the Secretariat to prepare a draft decision for consideration by the Conference of the Parties at its twelfth meeting that may contain the following elements, taking into account the outcome of efforts referred to in paragraph 6 above:

The Conference of the Parties

1. *Adopts* the technical guidelines on transboundary movements of electronic and electrical waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention;¹³
- [2. *Acknowledges* the need to look further into the issue of used equipment that should normally not be considered waste (paragraph ... in document UNEP/CHW.12...) and agrees to include the further elaboration of work on this issue in the work programme of the Open-ended Working Group for 2016–2017 with a view to the preparation of revised draft guidelines for consideration at its thirteenth meeting;

¹¹ UNEP/CHW/OEWG.9/INF/6.

¹² UNEP/CHW/OEWG.9/INF/6/Rev.1.

¹³ UNEP/CHW.12[].

3. *Invites* parties and others to provide comments in relation to used equipment that should normally not be considered waste (paragraph ... in document UNEP/CHW.12...) to the Secretariat by ... for consideration by the small intersessional working group in developing the work pursuant to paragraph 2 above;
4. *Requests* the Secretariat to publish the comments received pursuant to paragraph 3 above on the website of the Basel Convention;
5. *Requests* the Secretariat, in collaboration with the small intersessional working group established in accordance with decision BC-10/5, to prepare revised guidelines, taking into account the comments received according to paragraph 3 above, for consideration by the Open-ended Working Group at its tenth meeting;
6. *Encourages* parties to inform the Secretariat about any conditions they apply in relation to used equipment that should normally not be considered waste (paragraph ... in doc UNEP/CHW.12...) and requests the Secretariat to publish them on the Basel Conventions website.]¹⁴

OEWG-9/6: National reporting

The Open-ended Working Group

1. *Welcomes* the work undertaken by the small intersessional working group on national reporting;¹⁵
2. *Takes note of* the discussions at the ninth meeting of the Open-ended Working Group and the revised draft format for national reporting;¹⁶
3. *Invites* parties to nominate additional experts to participate in the small intersessional working group on national reporting and to inform the Secretariat of their nominations by 31 October 2014;
4. *Invites* parties to submit comments on the draft format for national reporting¹⁷ and the revised draft format for national reporting¹⁸ to the Secretariat by 31 October 2014;
5. *Requests* the small intersessional working group to prepare a further revised format for national reporting, taking into account the discussions at the ninth meeting of the Open-ended Working Group and comments received according to paragraph 4 above, and a draft decision for consideration by the Conference of the Parties at its twelfth meeting.

OEWG-9/7: Consultation with the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Convention

The Open-ended Working Group

1. *Welcomes* the work undertaken by the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention and the opportunity to be consulted in the context of the Committee's development of the draft methodological guide on the development of inventories, the draft guidance on the implementation of the Basel Convention illegal traffic take-back provision, the revised draft guide to the control system and the updated version of the manual for the implementation of the Convention;¹⁹
2. *Invites* the Committee, when finalizing the first three of the guidance documents mentioned above for consideration and possible adoption by the Conference of the Parties at its twelfth meeting, to take into account the outcome of the consultations with the Open-ended Working Group at its ninth meeting;

¹⁴ Paragraph 2–6 are linked to the interim solution referred to in paragraph 2 of decision OEWG-9/5.

¹⁵ UNEP/CHW/OEWG.9/INF/15.

¹⁶ UNEP/CHW/OEWG.9/INF/15/Rev.1.

¹⁷ UNEP/CHW/OEWG.9/INF/15.

¹⁸ UNEP/CHW/OEWG.9/INF/15/Rev.1.

¹⁹ UNEP/CHW/OEWG.9/INF/16–19.

3. *Also invites* the Committee to consider preparing a revised version of the manual for the implementation of the Convention, taking into account comments received during the ninth meeting of the Open-ended Working Group, inviting comments thereon from parties and others and finalizing the manual taking into account comments received, for consideration and possible adoption by the Conference of the Parties at its twelfth meeting.

OEWG-9/8: Providing further legal clarity

The Open-ended Working Group

1. *Welcomes* the work undertaken by the small intersessional working group on legal clarity;
2. *Invites* additional parties to nominate by 15 October 2014 experts to participate in the small intersessional working group;
3. *Invites* parties and others to submit comments by 31 October 2014 on the definitions and explanations mentioned in the meeting report of the ninth meeting of the Open-ended Working Group²⁰ and on the options for further steps towards the consistent interpretation of terminology, including possible voluntary and legally binding options;²¹
4. *Invites* the small intersessional working group on legal clarity to prepare a revised version of the draft glossary including explanations, taking into account the comments received from parties and others as well as the deliberations of the Open-ended Working Group at its ninth meeting, as reflected in the report of that meeting, and coordinating as appropriate with the expert working group on environmentally sound management;
5. *Also invites* the small intersessional working group to develop recommendations on where further guidance would be useful, on whether any terms defined in previously adopted technical guidelines and guidance documents as well as the framework for the environmentally sound management of hazardous wastes and other wastes need to be updated as a result, and on options for further steps towards the consistent interpretation of terminology;
6. *Further invites* the small intersessional working group to submit the revised glossary of terms including explanations and the recommendations on where further guidance would be useful, on whether any terms defined in previously adopted technical guidelines and guidance documents as well as the framework for the environmentally sound management of hazardous wastes and other wastes need to be updated as a result and on options for further steps towards the consistent interpretation of terminology to the Conference of the Parties at its twelfth meeting for its consideration and possible adoption.

OEWG-9/9: Partnership for Action on Computing Equipment

The Open-ended Working Group

1. *Welcomes* the progress made in the implementation of the Partnership for Action on Computing Equipment and the report and recommendations thereon submitted by the co-chairs of the Partnership Working Group;²²
2. *Acknowledges with appreciation* the financial and in-kind contributions made to the Partnership by parties, signatories, industry bodies, non-governmental organizations and other stakeholders;
3. *Recalls* the request from the Conference of the Parties at its eleventh meeting to the Partnership that it undertake the tasks set out in its work programme for 2014–2015²³ and encourages the Partnership to continue their implementation;

²⁰ UNEP/CHW/OEWG.9/15.

²¹ UNEP/CHW/OEWG.9/INF/20, annex III.

²² UNEP/CHW/OEWG.9/INF/22.

²³ Decision BC-11/15.

4. *Requests* the Secretariat:

(a) To continue to facilitate and provide expertise to the Partnership;

(b) To report on progress in the activities undertaken by the Partnership and on the discussions during the ninth meeting of the Open-ended Working Group to the Conference of the Parties at its twelfth meeting.

OEWG-9/10: Work programme of the Open-ended Working Group for 2016–2017

The Open-ended Working Group

1. *Takes note* of the draft work programme of the Open-ended Working Group for 2016–2017;²⁴

2. *Invites* parties and others to submit to the Secretariat comments on the draft work programme by 27 November 2014 and requests the Secretariat to make the comments available on the website of the Basel Convention;

3. *Requests* the Secretariat to revise the draft work programme, in consultation with the Bureau of the Open-ended Working Group and the Bureau of the Conference of the Parties and taking into account the discussions at the ninth meeting of the Working Group, for consideration and possible adoption by the Conference of the Parties at its twelfth meeting;

4. *Also requests* the Secretariat to prepare a draft decision on the work programme of the Open-ended Working Group for 2016–2017 for consideration and possible adoption by the Conference of the Parties at its twelfth meeting.

²⁴ UNEP/CHW/OEWG.9/14, annex.