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**Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Tenth meeting**

Cartagena, Colombia, 17–21 October 2011

Item 3 (c) (vi) of the provisional agenda*

**Matters related to the implementation of the Convention:
legal, compliance and governance matters:
international cooperation and coordination**

**Information and views from Parties and others pursuant to
decisions IX/12 and OEWG-VII/13**

Note by the Secretariat

The annex to this document contains the comments, views and information submitted to the Secretariat pursuant to decisions IX/2 and OEWG-VII/13 on cooperation between the Basel Convention and the International Maritime Organization.

* UNEP/CHW.10/1.

Annex

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5 July 2010

Ref: T5/1.01

Mrs. Katharina Kummer Peiry
Executive Secretary
Secretariat of the Basel Convention
15, chemin des Anémones
1219 Châtelaine (Geneva)
SWITZERLAND

Dear Mrs. Kummer Peiry,

Environmentally sound dismantling of ships: OEWG-VII/12; and Cooperation between the Basel Convention and the IMO: OEWG-VII/13

On behalf of the Secretary-General, thank you for your letter of 17 June 2010, on the subject of the two decisions OEWG-VII/12 and OEWG-VII/13 by the Seventh Session of the Open-ended Working Group of the Parties to the Basel Convention that took place in Geneva from 10 to 14 May 2010. The two decisions arose from the Working Group's discussions of two agenda items, both of which are important to the International Maritime Organization and for this reason we participated actively at the meeting. Incidentally, I thank you for the complimentary comments you make in your letter on the participation of Dr Nikos Mikelis of the Marine Environment Division of IMO in the OEWG-VII and on his contribution to the discussions and their outcome.

With regard to decision OEWG-VII/12, on the environmentally sound dismantling of ships, we note the progress made at the meeting and the request of the Working Group for the Secretariat of the Basel Convention to transmit its decision to the sixty-first session of the Marine Environment Protection Committee of IMO, where Members will have the opportunity to reflect on the important work conducted by the Parties to the Basel Convention towards the assessment of the equivalency between the Basel Convention and the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009.

In respect to the subject of ship recycling/dismantling, I have to express our appreciation for the excellent cooperation that the Secretariats of the Basel Convention and IMO have developed in working together in the last few years to resolve the issues that arise out of the regulatory developments of the subject. The latest example of this ongoing cooperation is the "Ship Recycling Technology & Knowledge Transfer" workshop organized by the Secretariat of the Basel Convention and hosted by the Government of Turkey and the Ship Recyclers Association of Turkey from 14 to 16 July 2010, in Izmir, Turkey. The objective of this workshop is to assist the Government of Pakistan and its industry to improve its regulatory, institutional and infrastructural capacity to fulfil the requirements of the Hong Kong Convention and the relevant requirements of the Basel Convention in relation to ship recycling. We believe that this work does not only address needs of individual countries or regions, but will also contribute towards



defining the respective scopes of the two international conventions and will in this way enable a better and clearer international regulatory regime.

Regarding decision OEWG-VII/13 on the cooperation between the Basel Convention and the International Maritime Organization, we note that the Open-ended Working Group:

Invites the Secretariat of the International Maritime Organization to submit to the Basel Convention Secretariat any further comments, views or information that it may have on:

- (a) *the respective competencies of the Basel Convention and the 1978 Protocol to the 1973 International Convention for the Prevention of Pollution from Ships in respect of hazardous wastes and other wastes and harmful substances;*
- (b) *any gaps between those instruments;*
- (c) *any options for addressing those gaps, if any, such as may exist under other legal instruments of the International Maritime Organization;*
- (d) *any other relevant information.*

I have responded to the first three questions in writing with my letter of 1 March 2007 to Mrs. Kuwabara-Yamamoto, which was reproduced in full in the information document prepared by yourselves for the ninth meeting of the Conference of the Parties to the Basel Convention (UNEP/CHW.9/INF/22). This response remains valid and complete.

Regarding the new request for the provision of any other relevant information, please note that in December 2009, in response to an invitation by the United Republic of Tanzania, a member of the IMO Secretariat together with members of the Secretariat of the Basel Convention visited and assessed the port reception facilities of Dar es Salaam and of Zanzibar, with the support of the Tanzanian Ministry of Environment, the Swedish Chemicals Agency and the Norwegian Ministry of Environment. From this joint mission, the two Secretariats identified the need for the development of suitable guidance for the environmentally sound management of ships' oily residues/wastes. Whereas MARPOL's Annex I requires that Parties shall provide adequate reception facilities for oily residues, these requirements do not extend to the environmentally sound management of the landed residues/wastes. Oily residues, being mixtures of used lubricants, sludges and impurities from heavy fuel oils, have calorific value and consequently economic value, especially in developing countries where oily residues are often sold as fuel to small businesses. However, as Annex I residues may contain heavy metals and other noxious substances, it is conceivable that their incomplete combustion may result in the release of toxic gases. The members of the joint mission therefore concluded that the provision of suitable advice and guidance on the treatment of these waste oils would be particularly beneficial.

The environmentally sound management of hazardous wastes is understood to be one of the two pillars of the Basel Convention, therefore it is our view that the preparation of advice and guidance by the Basel Convention on the environmentally sound management of waste oil residues of ships would be not only beneficial but also a most welcomed development.

Yours sincerely,



Miguel Palomares
Director
Marine Environment Division