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**Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Ninth meeting
Bali, 23–27 June 2008**

Item 7 (f) of the provisional agenda*

**Implementation of the decisions adopted by the Conference of the Parties
at its eighth meeting: international cooperation and coordination**

Cooperation between the Basel Convention and the International Maritime Organization

Note by the Secretariat

I. Introduction

1. By decisions VIII/9 and OEWG-VI/18 the Conference of the Parties and the Open-ended Working Group requested the Parties to the Basel Convention and the secretariat of the International Maritime Organization to provide information and views on the respective competencies of the Basel Convention and the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 related thereto (MARPOL 73/78), in respect of hazardous and other wastes. They also requested them to provide information and views on any gaps that existed between the two conventions and any options that might exist for addressing those gaps.

II. Implementation

2. Information and views received from Parties and the secretariat of the International Maritime Organization in response to decisions VIII/9 and OEWG-VI/18 are set out in document UNEP/CHW.9/INF/22.

3. At its fifty-sixth session the Marine Environment Protection Committee of the International Maritime Organization considered industrial production processes on board ships at sea. In so doing, the Committee agreed to take into account decisions adopted by the Conference of the Parties to the Basel Convention, as well as actions being taken by the Basel Convention and the United Nations Environment Programme in that respect.

* UNEP/CHW.9/1.

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4. The annex¹ to the present note contains detailed information on the implementation of decisions VIII/9 and OEWG-VI/18.

III. Proposed action

5. The Conference of the Parties may wish to adopt a decision along the following lines:

The Conference of the Parties,

Recalling its decision VIII/9 which, among other things, invited information and views on the respective competencies of the Basel Convention and the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol on 1978 related thereto (MARPOL 73/78),

1. *Reiterates* its invitation to Parties to the Basel Convention and others to continue to provide information and views to the Secretariat on:

- (a) The respective competencies of the Basel Convention and MARPOL 73/78 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; and
- (d) Any other relevant information;

2. *Requests* the Secretariat to compile any information received in response to paragraph 1 of the present decision for consideration by the Open-ended Working Group at its next session and to place such information on the website of the Basel Convention as it is received;

3. *Requests* the Open-ended Working Group to consider the information provided in response to paragraph 1 of the present decision, to develop specific recommendations on options that might exist for addressing any gaps between the Basel Convention and MARPOL 73/78 in respect of hazardous and other wastes and to transmit such recommendations to the Conference of the Parties for its consideration at its tenth meeting;

4. *Requests* the Secretariat to keep the International Maritime Organization informed, as appropriate, of any developments on the subject of the present decision arising in the context of the Basel Convention;

5. *Encourages* Parties to organize internal coordination between their International Maritime Organization and Basel Convention representatives and to participate actively in any consideration of industrial production processes on board ships at sea or any consideration of the respective competencies of the Basel Convention and MARPOL 73/78;

6. *Requests* the Secretariat to monitor any consideration by the Marine Environment Protection Committee of the International Maritime Organization on industrial production processes on board ships at sea, or any consideration of the respective competencies of the Basel Convention and MARPOL 73/78, and to report thereon to the Open-ended Working Group at its next session and the Conference of the Parties at its tenth meeting.

¹ For reasons of economy, the annex is made available in English only and has not been formally edited.

Annex

Detailed information on implementation of decisions VIII/9 and OEWG-VI/18

1. By its decision VIII/9, the eighth meeting of the Conference of the Parties, “mindful of the need to reinforce the cooperation between the Basel Convention and the International Maritime Organization with regard to the latter’s regulations on prevention of pollution from ships”, requested Parties and invited the secretariat of the International Maritime Organization to provide information and views to the Secretariat of the Basel Convention on (a) the respective competencies of the Basel Convention and the International Maritime Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 related thereto (MARPOL 73/78) in respect of hazardous wastes and other wastes; (b) any gaps between those instruments; (c) any option for addressing those gaps.

2. The eighth meeting of the Conference of the Parties then requested the Secretariat to compile the information received and add any relevant supplementary elements for submission to and consideration by the Open-ended Working Group at its next session. The Secretariat transmitted the information and views received and prepared a preliminary analysis of the respective scope of each Convention for consideration by the sixth session of the Open-ended Working Group.²

3. In response to the request for information and views extended by decision VIII/9 of the Conference of the Parties, the Secretariat of the International Maritime Organization provided information on MARPOL 73/78, which was established, *inter alia*, in order to prevent the pollution of the marine environment by discharges into the sea of harmful substances, or effluents containing such substances from ships.

4. By its decision OEWG-VI/18, the sixth session of the Open-ended Working Group reiterated the request for comments on the aforementioned matters.

5. The information and views provided by Parties and the secretariat of the International Maritime Organization, provided in response to the invitation extended by the eighth meeting of the Conference of the Parties, and reiterated by the Open-ended Working Group at its sixth session, are set out in document UNEP/CHW.9/INF/22. Further to decision OEWG-VI/18, the Secretariat has transmitted this information to the secretariat of the International Maritime Organization.

Consideration by the Marine Environment Protection Committee of the International Maritime Organization

6. The fifty-sixth session of the Marine Environment Protection Committee (“the Committee”) considered a submission by the Netherlands which informed the Committee about the incident in Côte d’Ivoire related to the disposal of slops from the *Probo Koala* in 2006. The Netherlands provided, *inter alia*, that “there is a realistic possibility that the cargo residues were generated as a consequence of an industrial production process that took place on board the *Probo Koala*” and that “legal research showed that these types of industrial production processes on board ships, whilst the ship is at sea, are not specifically regulated, from safety and environmental points of views, although operations like these should be covered within the Safety Management System under the ISM Code”.³ The Secretariat of the Basel Convention prepared a document for consideration by the Committee in which it advised the meeting of the response of the eighth meeting of the Conference of the Parties to the incident in Côte d’Ivoire, specifically drawing the Committee’s attention to decisions VIII/1 and VIII/9 of that meeting.⁴

7. The Committee took note of the submission from the Netherlands, and invited Member States and non-governmental organizations to submit details of any relevant industrial production processes on board ships to the Netherlands, so as to assist the Netherlands in its consideration over whether a new

² UNEP/CHW/OEWG/6/17.

³ MEPC 56/22/2

⁴ MEPC 56/22/3

work programme item on this matter should be proposed for consideration by the Committee at a later stage.⁵

8. The Committee also took note of the information provided by the Secretariat of the Basel Convention and agreed to take into account decisions adopted by the Conference of the Parties to the Basel Convention on cooperation between the Basel Convention and the International Maritime Organization, as well as the actions being undertaken by the Basel Convention and the United Nations Environment Programme in its consideration of the request by the Netherlands for information on industrial production processes on board ships.⁶

⁵ MEPC 56/23 at paragraph 22.5

⁶ MEPC 56/23 at paragraph 22.6.