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UNEP/CHW.9/24

Distr.: General
11 April 2008

Original: English

**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 (h) of the provisional agenda*

**Implementation of the decisions adopted by the Conference of the Parties
at its eighth meeting: technical matters**

**Review or adjustment of the lists of wastes contained in Annexes
VIII and IX of the Basel Convention**

Note by the Secretariat

I. Introduction

1. By decision VII/21 the Conference of the Parties, at its seventh meeting, adopted modifications to the French language versions of Annexes VIII and IX of the Basel Convention. By decision VIII/10 the Conference of the Parties, at its eighth meeting, adopted the work programme of the Open-ended Working Group for 2007–2008, which, among other things, provides for a technical review to be carried out of the wording of entries in the various language versions of Annexes VIII and IX. By decisions VIII/15 and OEWG-VI/10 the Conference of the Parties and the Open-ended Working Group, respectively, invited Parties and others to submit comments with regard to a technical review of the wording of the entries in each of the language versions of Annexes VIII and IX of the Basel Convention, and particularly of entry B1030.

II. Implementation

2. Based on the modifications adopted by the Conference of the Parties in decision VII/21 and on consultations between Canada and France, a series of corrections to the French language versions of Annexes VIII and IX of the Convention were effected by the Depositary by virtue of a procès-verbal of rectification issued on 26 February 2008. At the time of writing of the present note, further proposed corrections to the French language versions of the aforementioned annexes are being effected.

* UNEP/CHW.9/1.

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3. Comments received in response to the invitation extended by the Conference of the Parties in decision VIII/15 and reiterated by the Open-ended Working Group in decision OEWG-VI/10 are set out in annex II to the present note.
4. The Secretariat transmitted a proposed correction to the English and French language versions of entry B1030 (set out in annex II to the present note) to the Depositary. The Depositary considered that the proposed correction appeared to be an amendment rather than a correction and should therefore be subject to the amendment procedure provided for under article 18 of the Convention.
5. Annex I¹ to the present note contains detailed information on the implementation of the above-mentioned decisions.

III. Proposed action

6. The Conference of the Parties may wish to consider establishing a contact group on technical matters mandated to consider the comments and proposals submitted and propose a way forward.

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

Annex I

Detailed report on implementation of decisions VIII/10, VIII/15 and OEWG-VI/10

1. By its decision VII/21, the seventh meeting of the Conference of the Parties decided, inter alia, to incorporate modifications, which were set out in the annex to the said decision, into the French language version of the lists of wastes contained in Annexes VIII and IX.
2. By its decision VIII/10, the eighth meeting of the Conference of the Parties mandated the Open-ended Working Group, amongst other things, to carry out a technical review of the wording of entries in the different language versions of Annexes VIII and IX.
3. By its decision VIII/15, the eighth meeting of the Conference of the Parties decided to clarify the procedure for the review or adjustment of the lists of wastes contained in Annexes VIII and IX of the Basel Convention, and invited Parties and others to provide comments with regard to a technical review of the wording of the entries in each of the language versions of Annexes VIII and IX of the Basel Convention, and particularly of entry B1030, by 31 March 2007, to be compiled by the Secretariat for further consideration by the Open-ended Working Group at its sixth session.
4. The sixth session of the Open-ended Working Group considered comments provided by a Party further to decision VIII/15 and, by its decision OEWG-VI/10, reiterated the invitation for comments extended by the eighth meeting of the Conference of the Parties, and requested the Secretariat to publish the comments received on its website and, as appropriate, transmit them to the ninth meeting of the Conference of the Parties for its consideration. By the same decision, the Open-ended Working Group invited Parties to inform the Depositary, through the Secretariat, of any corrections.
5. On the basis of the modifications proposed in decision VII/21, and consultations between Canada and France thereon, a series of proposed corrections (as distinct from amendments) to the French language version of Annexes VIII and IX were submitted to the Depositary for its action.
6. On 14 November 2007, by Depositary Notification C.N.1038.2007.TREATIES-5, the Depositary circulated these proposed corrections to all Signatory and Contracting States. In the absence of any objections to this proposal, these corrections were effected by the Depositary on the basis of a Procès-verbal of rectification issued on 26 February 2008.
7. On 26 February 2008, by Depositary Notification C.N.125.2008.TREATIES-2, the Depositary circulated a further proposed correction to the French language versions of Annexes VIII and IX to all Signatory and Contracting States. At time of writing, this proposal remained open for comment and, thus, had yet to be formally effected.
8. At time of writing, the Secretariat has received a further list of proposed corrections to the French language versions of Annexes VIII and IX from Canada and France for onward transmittal to the Depositary.
9. The comments received in response to the invitation extended by the eighth meeting of the Conference of the Parties, by its decision VIII/15, and reiterated by decision OEWG-VI/10, are contained in Annex II to the present note.
10. On the basis of the comments received, the Secretariat transmitted Canada's proposed correction to the English and French language versions of entry B1030 in Annex IX to the Depositary for its action. The Depositary noted that corrections to the original text of a treaty may become necessary because of (a) a physical error in typing or printing, spelling, punctuation, numbering, etc.; (b) a lack of conformity of the original of the treaty with the official records of the diplomatic conference which adopted the treaty; and/or (c) a lack of concordance between the different authentic texts constituting the original of the treaty. Accordingly, the Depositary considered that the change proposed by Canada to the English and French versions of B1030

had a different substantive meaning from the existing wording and with other language versions of the Convention² and, thus, appeared to be an amendment, not a correction.

11. On this basis, the Depositary advised that if the Parties agree, the proposed changes should then be made, for all authentic language versions, using the amendment procedures under article 18 of the Convention.

² The Depositary considered the Spanish language version of this entry. The Russian, Arabic and Chinese texts would need to be checked accordingly.

Annex II

Comments received pursuant to decisions VIII/15 and OEWG-VI/10

I. Response received from Pakistan

In Annex VIII, the wording in first paragraph from “their designation on this Annex does not preclude the use of Annex III to demonstrate that a waste is not hazardous” should be changed and discussed in 6th OEWG.

- We suggest that A1010, A1020 and A1030 should be in one waste category
- A1170, A1180, A1190 should be clarified in OEWG
- A2040 and A2060 should be clarified and simplified

In Annex IX. B1010 Rare earth scrap should be clearly mentioned and discussed in OEWG.

- In B1120 | frame 1| should be clearly mentioned.
- In textile waste, stone wash for jeans should be inserted in B3030.

Regarding entry of B1030, we agree for its technical review.

II. Response received from Canada

As per decision OEWG-VI/10, please find our comments to the English and French language version of entry B1030. Foremost, we do not believe that a technical review of B1030 is necessary but that corrections to the English and French languages of B1030 would be most appropriate. Therefore, we are proposing the following corrections to the existing French and English texts:

French:

Annex IX

	Actual text	Proposed corrections
B1030	Métaux réfractaires contenant des résidus	Résidus contenant des métaux réfractaires

English:

Annex IX

	Actual text	Proposed corrections
B1030	Refractory metals containing residues	Residues containing refractory metals