

COMMUNICATION

COOPERATION BETWEEN THE INTERNATIONAL MARITIME ORGANIZATION (IMO) AND THE BASEL CONVENTION.

The Secretariat refers to Decision OEWG-VII/13 of the Seventh Session of the Open-ended Working Group concerning cooperation between the International Maritime Organization (IMO) and the Basel Convention.

In Decision OEWG-VII/13, the Working Group invites the Secretariat of the IMO to submit to the Basel Convention Secretariat any further comments, views or information that it may have on the following:

- (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.

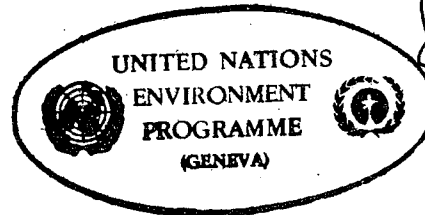
The decision adopted by the Working Group also requests the Secretariat to cooperate closely with the Secretariat of the IMO on this issue and to publish any information received on the website of the Basel Convention for possible further comments by Parties and others.

The Secretariat reminds Parties that the Secretariat of the IMO has graciously provided comments on the above listed elements (a) to (c) following the eighth meeting of the Conference of the Parties' invitation to do so (Decision VIII/9). The contribution by the Secretariat of the IMO was included in an information document prepared for the ninth meeting of the Conference of the Parties to the Basel Convention (Document UNEP/CHW.9/INF/22).

The Secretariat herewith informs Parties that it has received a further contribution from the Secretariat of the IMO as a response to the invitation contained in

Decision OEWG-VII/13. This contribution is attached to the present Communication. As requested in Decision OEWG-VII/13, this contribution has also been posted on the website of the Convention for possible further comments by Parties and others.

Secretariat of the Basel Convention
8 July 2010



To: Focal Points and Competent Authorities of Parties and Signatories to the Basel Convention
Cc: Permanent Missions to the United Nations, Geneva
Basel Convention Regional and Coordinating Centres
Mr. Nikos Michelis, Secretariat of the IMO, Email: NMIKELIS@imo.org

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:

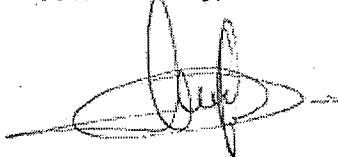
- (a) *the respective competencies of the Basel Convention and the 1978 Protocol to the 1973 International Convention for the Prevention of Pollution from Ships in respect of hazardous wastes and other wastes and harmful substances;*
- (b) *any gaps between those instruments;*
- (c) *any options for 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