

V/34. Institutional arrangements

The Conference

Recalling paragraph 5 (e) of article 15 of the Basel Convention, stipulating that the Conference of the Parties shall establish such subsidiary bodies as are deemed necessary for the implementation of the Convention,

Also recalling its decisions I/5, I/2, I/16, II/11, II/27 and III/28, which established the subsidiary bodies of the Convention,

Having considered the experience of the work of the subsidiary bodies,

1. Decides to reorganize the subsidiary bodies of the Convention in the following manner:

- (a) Expanded Bureau;
- (b) Working Group for Implementation;
- (c) Technical Working Group;
- (d) Legal Working Group;

2. Also decides that the Expanded Bureau will be composed of thirteen members: five members of the present Bureau; five members of the Bureau of the previous meeting of the Conference of the Parties; the Chair of the Working Group for Implementation; the Chair of the Technical Working Group; and the Chair of the Legal Working Group, and that should a national of one Party occupy more than one position on the Expanded Bureau, the relevant regional group may nominate a representative of another Party to fill the additional position;

3. Further decides that, within the policy agreed by the Conference of the Parties, the Expanded Bureau will have the following mandate:

- (a) To provide general policy and general operational directions to the secretariat between meetings of the Conference of the Parties;
- (b) To provide guidance and advice to the secretariat on the preparation of agendas and other requirements of meetings and on any other matters brought to it by the secretariat in the exercise of its function;

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(c) To oversee the development and execution of the secretariat's budget as derived from the trust funds and other sources, and also all aspects of fund-raising undertaken by the secretariat;

(d) To perform functions requested by the Working Group for Implementation, especially administrative tasks, taking into account the need for the rational use of limited financial resources available under the Basel Convention trust funds;

(e) To receive, every six months, reports from the Executive Secretary of the secretariat of the Basel Convention on all sources of income received, including carry-over, plus actual provisional expenditures and commitments;

(f) To receive, every six months, information from the Executive Director of the United Nations Environment Programme, through the Executive Secretary, on all sources of income received on the trust funds of the Basel Convention, including carry-over, plus actual provisional expenditures and commitments related to those trust funds;

(g) To keep under review the information provided under subparagraphs 3 (e) and 3 (f);

(h) To report to the Conference of the Parties on the activities it has carried out between meetings of the Conference of the Parties;

(i) to perform any other functions as may be entrusted to it by the Conference of the Parties;

4. Decides that the Working Group for Implementation will take over the role currently performed by the Open-ended Ad Hoc Committee for Implementation and that the Working Group for Implementation will be composed of the representatives of all the Parties interested and will have the following mandate:

(a) To prepare draft decisions for consideration by the Conference of the Parties;

(b) To consider matters related to the budget of the Basel Convention;

(c) To consider matters related to the bilateral, multilateral and regional agreements or arrangements;

(d) To examine the reports submitted by the Parties in accordance with the requirements of article 13 of the Basel Convention;

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(e) To identify the specific needs of different regions and subregions for training and technology transfer and to consider ways and means of ensuring the establishment and functioning of the regional centres for training and technology transfer;

(f) To prepare, analyse and revise, as necessary, materials to assist Parties in the implementation of the Basel Convention;

(g) To analyse the information management system of the Basel Convention;

(h) To perform any other functions as may be entrusted to it by the Conference of the Parties;

5. Decides also that the Working Group for Implementation may request the Expanded Bureau to perform, on an ad hoc basis, some of its functions;

6. Requests the secretariat to prepare a draft work programme for consideration and adoption by the Working Group for Implementation at its first meeting;

7. Decides that the Technical Working Group will be composed of the representatives of all the Parties interested and will have the following mandate:

(a) To perform the functions of the classification and hazard characterization of wastes, encompassing, inter alia, the responsibility for the review or adjustment of the lists of wastes contained in Annexes VIII and IX of the Convention;

(b) To prepare technical guidelines and guidance materials for the environmentally sound management of wastes covered by the Convention and of disposal operations;

(c) To examine scientific, technical and other relevant implications of the implementation of the Basel Convention;

(d) To work on the harmonization of the lists of wastes and procedures, as appropriate, of the Basel Convention with the Harmonized System of the World Customs Organization and existing international and regional systems dealing with the control of transboundary movements of wastes and hazardous wastes, and with the intergovernmental process on the global harmonization of systems of classification and labelling of chemicals;

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(e) To provide guidance on technical issues relating to wastes and hazardous wastes, including the disposal of end-of-life equipment and post-consumer goods, on hazardous wastes minimization and on the relationship with other conventions in related fields and with international organizations with related interests;

(f) To perform any other technical tasks as may be entrusted to it by the Conference of the Parties.

8. Decides that the Legal Working Group will take over the role currently performed by the Consultative Subgroup of Legal and Technical Experts and that the Legal Working Group will be composed of the representatives of all the Parties interested and will have the following mandate:

(a) To keep on its agenda the issues related to establishing an emergency fund, including elements required for its establishment with a view to elaborating on the establishment of an emergency fund mechanism that meets the needs of the Parties;

(b) To cooperate closely with the Technical Working Group to finalize the draft guidance elements for bilateral, multilateral and regional agreements concluded under article 11 of the Basel Convention;

(c) To explore issues relating to Annex VII and, in cooperation with the Technical Working Group, to provide Parties with a detailed and documented analysis that would highlight issues related to Annex VII;

(d) To develop procedures to address alleged cases of illegal traffic;

(e) To develop, in cooperation with the Technical Working Group, recommended procedures to assist Parties in preventing, identifying and managing illegal traffic;

(f) To prepare a proposal for establishing a mechanism for promoting implementation and compliance with the obligations set out by the Basel Convention;

(g) To examine the dispute settlement mechanism that exists under article 20 of the Basel Convention and to consider whether it continues to meet the needs of the Parties to the Convention;

(h) To analyse the legal aspects under the Basel Convention relating to the issue of full and partial dismantling of ships;

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(i) To perform any other legal tasks as may be entrusted to it by the Conference of the Parties;

9. Further decides that the Working Group for Implementation, Technical Working Group and Legal Working Group may organize joint meetings for the consideration of issues that relate to the mandate of more than one group;

10. Also decides that the subsidiary bodies, separately or jointly, may establish, as necessary and appropriate, during the meetings small task groups, with equitable geographic representation, to perform specific tasks on an ad hoc basis.