

9 October 2012

File: OEWG-8

Dear Madam/Sir,

Subject: Information and comment requests in follow up to the decisions taken by the Open-ended Working Group of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal at its eighth meeting


I am pleased to inform you that at its eighth meeting held in Geneva from 25 to 28 September 2012, the Open-ended Working Group agreed on the ten decisions contained in annex I to the report of the meeting, document UNEP/CHW/OEWG.8/16. The meeting report, including all the decisions, will be made available on the Convention's website: www.basel.int. Many of the decisions contained invitations to Parties and others to provide information.

This letter is to solicit information and comments requested in the decisions adopted by the Open-ended Working Group. To facilitate response, attached are the individual requests organized according to the decisions. The information regarding each decision can be submitted separately, particularly since their deadlines for submission vary.

If you have any questions, please contact the Secretariat (Ms. Kei Ohno; e-mail: kohno@pops.int; tel. +41 22 917 8201; fax: +41 22 917 8098).

We look forward to receiving your submissions.

Yours sincerely,


Jim Willis
Executive Secretary

Attachment: Follow up to the decisions taken by the Open-ended Working Group

To: Basel Convention focal points

Cc: Representatives of permanent missions to the United Nations Office at Geneva

Follow up to the decisions taken by the Open-ended Working Group of the Basel Convention at its eighth meeting

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(1) Request for information relevant to the indicators contained in section V of the annex to decision BC-10/2 for the year 2011

Decision: OEWG-8/1: Progress in the implementation of the strategic framework

Background:

At its tenth meeting, the Conference of the Parties to the Basel Convention adopted decision BC-10/2 on the strategic framework for the implementation of the Basel Convention for 2012–2021.

Pursuant to section VI of the annex to decision BC-10/2, the Secretariat is required to prepare reports on the continued relevance of and progress in relation to the strategic framework for the implementation of the Basel Convention, for the purpose of:

- (a) A mid-term evaluation of the strategic framework to be considered by the Conference of the Parties at its thirteenth meeting;
- (b) A final evaluation of the strategic framework to be considered by the Conference of the Parties at its fifteenth meeting.

Request:

- Parties are invited to provide to the Secretariat, by 31 December 2012, the information requested relevant to the indicators contained in section V of the annex to decision BC-10/2 of the Conference of the Parties to the Basel Convention for the year 2011, in the format for reporting to be developed by the Secretariat, in order to enable the Secretariat to prepare a report on the creation of a baseline for the midterm and final evaluations of the strategic framework.

Method of submission:

- The format for reporting will be developed by the Secretariat and a separate request letter will be sent to Parties by 31 October 2012.
- Please submit the information to the Secretariat by e-mail indicated in the request or by Fax (+41 22 917 8098).

Deadline for submission:

- **31 December 2012**

Secretariat contact point:

- Mr. Ibrahim Shafii (e-mail: ibrahim.shafii@unep.org, Tel.: +41 22 917 8636)

(2) Request for comments on the revised overall guidance document on the environmentally sound management of used and end-of-life computing equipment

Decision: OEWG-8/3: Basel Convention Partnership Programme

Background:

In its decision BC-10/20, the Conference of the Parties encouraged the Working Group of the Partnership for Action on Computing Equipment (PACE) to revise the overall guidance document on the environmentally sound management of used and end-of-life computing equipment in order to incorporate changes to summaries and recommendations contained in the two technical guidelines on, respectively, environmentally sound testing, refurbishment and repair of used computing equipment, and environmentally sound material recovery and recycling of end-of-life computing equipment, on the basis of evaluation studies and any other information provided.

The Partnership submitted to the Open-ended Working Group a revised overall guidance document on the environmentally sound management of used and end-of-life computing equipment (UNEP/CHW/OEWG.8/INF/6).

Request:

- Parties, signatories and stakeholders are invited to submit any comments on the revised overall guidance set out in document UNEP/CHW/OEWG.8/INF/6 to the Secretariat by 30 November 2012.

Method of submission:

- Document UNEP/CHW/OEWG.8/INF/6 is available on the Basel Convention's website under OEWG-8 section (www.basel.int).
- Please submit the comments to the Secretariat by e-mail (matthias.kern@unep.org) or by Fax (+41 22 917 8098).

Deadline for submission:

- **30 November 2012**

Contact point:

- Mr. Matthias Kern (e-mail: matthias.kern@unep.org, Tel.: +41 22 917 8767)

(3) Request for comments on draft technical guidelines on transboundary movements of electronic and electrical waste (e-waste), in particular regarding the distinction between waste and non-waste

Decision: OEWG-8/4: Technical guidelines on transboundary movements of electronic and electrical waste (e-waste), in particular regarding the distinction between waste and non-waste

Background:

In accordance with decision BC-10/5, draft technical guidelines on transboundary movements of electronic and electrical waste (e-waste), in particular regarding the distinction between waste and non-waste, was submitted to the Open-ended Working Group for its consideration.

The Open-ended Working group at its eighth meeting revised the technical guidelines as set out in document UNEP/CHW/OEWG.8/INF.9/Rev.1.

Request:

- Parties and others are invited to provide comments to the Secretariat on document UNEP/CHW/OEWG.8/INF.9/Rev.1, and on the use of a voluntary notification procedure on transboundary movements of used equipment destined for repair or refurbishment that is not waste, in particular regarding mobile phones, by 31 October 2012, and on the information referred to in paragraphs 3 and 4 above by 15 November 2012.

Method of submission:

- Document UNEP/CHW/OEWG.8/INF.9/Rev.1 is available on the Basel Convention's website under OEWG-8 section (www.basel.int).
- Please submit the comments to the Secretariat by e-mail (ibrahim.shafii@unep.org) or by Fax (+41 22 917 8098).

Deadline for submission:

- **15 November 2012**

Contact point:

- Mr. Ibrahim Shafii (e-mail: ibrahim.shafii@unep.org, Tel.: +41 22 917 8636)

(4) Invitation to be a lead country for the programme of work for the review and updating of technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants

Decision: OEWG-8/5: Technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants

Background:

The Open-ended Working group at its eighth meeting took note of the programme of work for the updating of the general technical guidelines and the preparation or updating of specific technical guidelines on persistent organic pollutants with regard to 10 such pollutants newly listed under the Stockholm Convention, developed by the small intersessional working group chaired by Canada, pursuant to decision BC-10/9.

The programme of work is set out in document UNEP/CHW/OEWG.8/INF/10.

Request:

- Invites one or more parties to consider serving as lead country for the following elements of the programme of work and to inform the Secretariat of their willingness to do so by 31 October 2012:
 - (a) Updating of the technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with the pesticides aldrin, chlordane, dieldrin, endrin, heptachlor, hexachlorobenzene (HCB), mirex or toxaphene or with HCB as an industrial chemical;
 - (b) Updating of the technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs);
 - (c) Updating of the technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with unintentionally produced dibenzo-p-dioxins (PCDDs), polychlorinated dibenzofurans (PCDFs), hexachlorobenzene (HCB) or polychlorinated biphenyls (PCBs).
 - (d) Preparation of technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with commercial octabromodiphenyl ether (hexabromodiphenyl ether and heptabromodiphenyl ether) and commercial pentabromodiphenyl ether (tetrabromodiphenyl ether and pentabromodiphenyl ether).

Method of submission:

- Please contact the Secretariat by e-mail (ibrahim.shafii@unep.org) or by Fax (+41 22 917 8098).

Deadline for submission:

- **31 October 2012**

Contact point:

- Mr. Ibrahim Shafii (e-mail: ibrahim.shafii@unep.org, Tel.: +41 22 917 8636)

(5) Request for comments on the proposed amendments submitted by Finland and the Netherlands and comments on the draft text referred to in paragraphs 2 and 3 of decision OEWG-8/6

Decision: OEWG-8/6: Applications for new entries to Annex IX to the Basel Convention

Background:

The Open-ended Working Group at its eighth meeting took note of the proposed amendments to the list of wastes contained in Annex IX to the Basel Convention submitted by Finland, Ireland and the Netherlands. The proposals are compiled in document UNEP/CHW/OEWG.8/INF/11.

In paragraph 2 of decision OEWG-8/6, the Working Group agreed to forward to the Conference of the Parties for consideration at its eleventh meeting the following draft entry to Annex IX to the Basel Convention:

“B3075 Natural plant-based biomass waste from agriculture, horticulture, forestry, gardens, parks and cemeteries, not containing Annex I materials in concentrations sufficient to exhibit Annex III characteristics and not containing invasive species”

In paragraph 3 of decision OEWG-8/6, the Working Group also took note of the following possible alternative draft entry to Annex IX to the Basel Convention, to be considered by the Conference of the Parties at its eleventh meeting, in which the proposals submitted by Finland and the Netherlands may be merged, while noting that the proposed amendment on label laminate waste may or may not be integrated:

“B3025 Composite packaging consisting [mainly] of paper, plastic and aluminium and [fractions containing these materials] from the pre-treatment of such packaging [, including [pressure sensitive adhesive] label laminate waste], not containing residues and not containing Annex I materials in concentrations sufficient to exhibit Annex III characteristics”

Request:

- Parties and others are invited to submit to the Secretariat, by 31 January 2013, taking into account documents UNEP/CHW/OEWG.8/INF/12 and Add.1, further comments on the proposed amendments submitted by Finland and the Netherlands and comments on the draft text referred to in paragraphs 2 and 3 of decision OEWG-8/6.

Method of submission:

- Documents UNEP/CHW/OEWG.8/INF11, UNEP/CHW/OEWG.8/INF12 and Add.1 are available on the Basel Convention's website under OEWG-8 section (www.basel.int).
- Please submit the comments to the Secretariat by e-mail (ibrahim.shafii@unep.org) or by Fax (+41 22 917 8098).

Deadline for submission:

- **31 January 2013**

Contact point:

- Mr. Ibrahim Shafii (e-mail: ibrahim.shafii@unep.org, Tel.: +41 22 917 8636)

(6) Request for further comments on options for the interpretation of terms and request for comments on the draft glossary of terms

Decision: OEWG-8/7: Follow-up to the Indonesian-Swiss country-led initiative: providing further legal clarity

Background:

In section C of its decision BC-10/3, the Conference of the Parties to the Basel Convention requested that legal work be undertaken in two areas: the interpretation of certain terminology used in the Convention and a list of other relevant terms related to the implementation of the Convention, and the problem posed by used and end-of-life goods.

The Open-ended Working Group at its eighth meeting took note of the report on the interpretation of certain terminology (UNEP/CHW/OEWG.8/INF/13/Rev.1) and of the study on used and end-of-life goods (UNEP/CHW/OEWG.8/INF/14/Rev.1) prepared as described in document UNEP/CHW/OEWG.8/10.

The Working Group agreed that of the four options suggested in the terminology report, as a first step guidance should be developed as the way forward to provide national authorities, regional centres and all other stakeholders with consistent advice on the interpretation of certain terminology, including waste/non-waste, hazardous wastes/non-hazardous wastes, reuse, direct reuse, refurbishment, second-hand goods, used goods and end-of-life goods.

The Working Group also requested the Secretariat, taking into account the above mentioned report and study as well as discussions at the eighth meeting Working Group, existing guidance and examples of good practice, to prepare by 30 November 2012 a draft glossary of those terms as a first step towards the development of guidance, for consideration by the Conference of the Parties at its eleventh meeting.

Requests:

- Parties and others are invited to send, by 15 February 2013, further comments on options for the interpretation of terms, considering both voluntary and legally-binding options.
- Parties and others are invited to send, by 15 February 2013, comments on the draft glossary to be prepared by the Secretariat and made available on the website of the Convention by 30 November 2012.

Method of submission:

- Documents UNEP/CHW/OEWG.8/INF/13/Rev.1 and UNEP/CHW/OEWG.8/INF/14/Rev.1 are available on the Basel Convention's website under OEWG-8 section (www.basel.int). Decision OEWG-8/7: Follow-up to the Indonesian-Swiss country-led initiative: providing further legal clarity will also be made available there.
- The draft glossary of terms will be made available by 30 November 2012 through a Secretariat Communication and on the Convention's website at <http://www.basel.int/tabid/2673/Default.aspx>
- Please submit the comments to the Secretariat by e-mail (juliette.kohler@unep.org) or by Fax (+41 22 917 8098).

Deadline for submissions:

- **15 February 2013**

Contact point:

- Ms. Juliette Kohler (e-mail: juliette.kohler@unep.org, Tel.: +41 22 917 8219)

(7) Request for comments on the legal analysis of the application of the Basel Convention to hazardous wastes and other wastes generated on board ships

Reference: OEWG-8/9: Cooperation between the Basel Convention and the International Maritime Organization

Background:

In its decision BC-10/16, the Conference of the Parties to the Basel Convention requested the Secretariat to undertake several activities pertaining to the issue of wastes generated on board ships and the relationship between the Basel Convention and the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and as further amended by the Protocol of 1997 (MARPOL). The information on cooperation between the Basel Convention and the International Maritime Organization is contained in document UNEP/CHW/OEWG.8/13.

The Open-ended Working Group at its eighth meeting took note of the current version of the legal analysis of the application of the Basel Convention to hazardous wastes and other wastes generated on board ships set out in document UNEP/CHW/OEWG.8/INF/18.

Requests:

- Parties and others are invited to further review the legal analysis of the application of the Basel Convention to hazardous wastes and other wastes generated on board ships contained in document UNEP/CHW/OEWG.8/INF/18 and send comments to the Secretariat by 1 December 2012.
- Parties are reminded about the invitations contained in decision BC-10/16 with respect to assessing how far the current Basel Convention technical guidelines cover wastes covered by the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and as further amended by the Protocol of 1997, or to provide funds to enable the Secretariat to undertake such an assessment, in close consultation with the International Maritime Organization, as well as with respect to the development of a guidance manual, in cooperation with the International Maritime Organization, on how to improve the sea-land interface to ensure that wastes falling within the scope of the International Convention, once offloaded from a ship, are managed in an environmentally sound manner.

Method of submission:

- Document UNEP/CHW/OEWG.8/INF/18 is available on the Basel Convention's website under OEWG-8 section (www.basel.int). Decision OEWG-8/9: Cooperation between the Basel Convention and the International Maritime Organization will also be made available there.
- Please submit the comments on the legal analysis to the Secretariat by e-mail (juliette.kohler@unep.org) or by Fax (+41 22 917 8098).

Deadline for submission:

- **1 December 2012**

Contact point:

- Ms. Juliette Kohler (e-mail: juliette.kohler@unep.org, Tel.: +41 22 917 8219)

(8) Request for comments on the draft work programme of the Open-ended Working Group for the biennium 2014–2015

Reference: OEWG-8/10: Work programme of the Open-ended Working Group for 2014-2015

Background:

At its eleventh meeting, the Conference of the Parties is expected to adopt the work programme of the Open-ended Working Group for the biennium 2014–2015. In preparation for that, and in accordance with its usual practice, the Secretariat prepared a draft of the work programme for consideration by the Open-ended Working Group as set out in the annex to document UNEP/CHW/OEWG.8/15.

The Open-ended Working Group at its eighth meeting took note of the draft work programme of the Open-ended Working Group for 2014–2015.

Request:

- Parties and others are invited to submit to the Secretariat comments on the draft work programme of the Open-ended Working Group for the biennium 2014–2015 by 7 November 2012.

Method of submission:

- Document UNEP/CHW/OEWG.8/15 is available on the Basel Convention's website under OEWG-8 section (www.basel.int).
- Please submit the comments to the Secretariat by e-mail (kohno@pops.int) or by Fax (+41 22 917 8098).

Deadline for submission:

- **7 November 2012**

Contact point:

- Ms. Kei Ohno (e-mail: kohno@pops.int, Tel.: +41 22 917 8201)