



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

from : General Secretariat

to : Delegations

Subject : Preparation of the Eighth Conference of the Parties to the **Basel Convention** on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Nairobi, 27 November to 1 December 2006)
– Presidency conclusions

Delegations will find attached for their information the text of the Presidency conclusions on the above-mentioned subject, as issued after discussions on this item in Council (Environment) on 23 October 2006.

The Presidency conclusions as set out in the Annex to this Note were supported by all delegations, including Romania and Bulgaria, with the exception of Malta.

Delegations' statements made with reference to this agenda item will be annexed to the Council's minutes.

Preparation of the Eighth Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Nairobi, 27 November to 1 December 2006)

- Presidency conclusions -

THE PRESIDENCY:

1. RECOGNISES the importance of the effective implementation, including enforcement, of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and REAFFIRMS its firm commitment to such implementation.
2. EXPRESSES DEEP CONCERN at the recent incident in Ivory Coast, which again alerted the world to the grave implications of illegal shipments of waste for developing countries and REITERATES the willingness of the EU to continue to provide its assistance, together with the United Nations, to protect human health and the environment at the places affected.
3. RECALLS that the polluter pays principle is a guiding principle at European and international level.
4. AFFIRMS the importance for the generator and the holder of the waste to manage the waste in a way that guarantees a high level of protection of the environment and human health.
5. NOTES that the 1995 amendment to the Basel Convention which bans hazardous wastes exports for final disposal and recovery from Basel Convention Parties which are EU, OECD members and Liechtenstein to any other Parties to the Basel Convention ("the Ban Amendment") is in force for all Member States, because it has been fully implemented by the Waste Shipment Regulation.

6. ENCOURAGES States which have not already done so to ratify the Ban Amendment in order to facilitate its early entry into force.
7. EXPRESSES CONCERN at the fact that, while the EU is implementing strict requirements for disposal, recovery and recycling of waste, the control of waste exports has not kept pace with these developments.
8. REITERATES the importance of the EU Waste Shipment Regulation, which explicitly bans such exports; NOTES with concern that its provisions are not sufficiently complied with and enforced and that a significant risk of serious incidents persists, as recent inspection campaigns have shown; RECOGNISES that, while the recent revision of the Regulation enables better enforcement and co-operation both at national and EU level, there remains an urgent need to increase compliance and to improve inspections in all Member States and in particular at EU ports to properly implement the export ban on hazardous waste; and STRESSES the urgent need to significantly reduce illegal waste shipments.
9. CONSIDERS that, where necessary, current efforts to improve implementation, including awareness-raising and training, may have to be strengthened with a view to ensuring, *inter alia*, that the necessary measures are taken, especially in sea ports, to establish an adequate enforcement capacity to monitor and control waste shipments.
10. ENCOURAGES Member States to strengthen their cooperation within the IMPEL-TFS (Implementation and Enforcement of Environmental Law - Transfrontier Shipment) network in order to achieve better enforcement of the EU Waste Shipment Regulation with regard to illegal shipment of waste.
11. In view of the upcoming 8th Conference of the Parties in Nairobi (COP 8), RECOMMENDS that the European Community and the Member States should aim at reaching the following objectives with regard to matters on the COP-8 agenda and related issues:

The Ban Amendment (Decision III/1) and Illegal Shipment of Waste

- (a) CONFIRMS that effective implementation of the provisions of the Basel Convention and its 1995 Amendment is a priority for the EU. While the 1995 Amendment is part of the EC legislation, and therefore binding law within the European Union, the EU regrets that the Amendment has, however, not yet come into force at international level. In this context, the EU will pursue its efforts for an early entry into force of the Amendment;
- (b) STRESSES that there is a need for waste and maritime instruments to be closely examined with a view to improving cooperation between the Basel Convention and the IMO with a view to achieving greater coherence and better developing coordination at legal and operational level to prevent illegal shipments of waste and operations involving wastes that harm human health and the environment; INVITES the Commission to assess and review the adequacy of existing measures with a view to preventing illegal shipments from the EU;
- (c) ALSO STRESSES that the exchange of information between port operators and between the Member States' maritime and environmental administrations needs to be improved further in order to prevent illegal shipments of waste, especially to developing countries;

Ship dismantling

- (d) STRESSES that environmentally sound management of ship dismantling is a priority for the European Union. Several recent events and forecasts of tonnages to be dismantled in the near future call for urgent and appropriate action from the EU and the international community;

- (e) WELCOMES the Commission's intention to work towards an EU-wide strategy on ship dismantling. This strategy shall strengthen the enforcement of existing Community law, recognising the specificity of the maritime world and the final objective of reaching a globally sustainable solution; in this context, the Commission is invited to assess the need for building up sufficient ship dismantling capacity in the EU; CONSIDERS that the EU should respond positively to requests for technical assistance from developing countries;
- (f) WELCOMES the steps taken within the International Maritime Organisation (IMO) towards developing an international legally binding instrument for the safe and environmentally sound recycling of ships; ENCOURAGES Member States to actively support the development of an effective IMO Convention for the Safe and Environmentally Sound Recycling of Ships and UNDERLINES the importance of national coordination to that end;
- (g) REITERATES that
 - (i) the Seventh Conference of the Parties to the Basel Convention recalled in Decision VII/26 that a ship may become waste as defined in Article 2 of the Basel Convention and at the same time may be defined as a ship under other international rules;
 - (ii) the Council conclusions of 24 June 2005 regarded it as essential for IMO to establish mandatory requirements for a ship reporting system, that ensure an equivalent level of control as established under the Basel Convention, taking into account the principle of prior informed consent and including *inter alia* a contract, a ship recycling plan, a green passport and a single list of the on-board hazardous materials; furthermore, CONSIDERS that a procedure of preparation of the ship before its transport for dismantling could also be taken into account;

- (h) STRESSES that appropriate standards for environmentally sound management at ship recycling facilities should be applied, at the earliest possible opportunity, together with an effectively enforced reporting system; adequate information should be provided to enable timely intervention by regulatory competent authorities, so that necessary enforcement action may be taken; in this context, the Basel Convention Guidelines on ship dismantling should also be taken into account;
- (i) EMPHASISES that ships that are waste will continue to fall under the EU Waste Shipment Regulation as well as the Basel Convention, as long as there is no internationally binding and effective legal instrument which, while addressing any special characteristics of ships, guarantees an equivalent level of control and enforceability as established under the Basel Convention;
- (j) BELIEVES that the future IMO Convention for the Safe and Environmentally Sound Recycling of Ships should also generate real change in the conditions under which "end-of-life" ships are dismantled, so as to protect workers and the environment from the adverse impacts of hazardous waste and dangerous working practices;
- (k) UNDERLINES the importance of continued inter-agency cooperation between the International Labour Organisation (ILO), IMO and the Basel Convention in considering matters related to ship dismantling, as appropriate;

Technical guidelines on persistent organic pollutants waste and globally-harmonized forms for the notification and movement of waste

- (l) LOOKS FORWARD to a positive outcome on the work being undertaken by the Basel Convention on Technical Guidelines for an environmentally sound management of persistent organic pollutants (POPs) waste as well as on the globally-harmonized waste notification and movement documents and the relating instructions;

Co-operation and synergies

- (m) AFFIRMS the importance of achieving greater cooperation and synergies amongst relevant international organisations, processes and initiatives dealing with chemicals and waste management, including the recently adopted global Strategic Approach to International Chemicals Management (SAICM);
- (n) in particular, CONSIDERS that close co-operation and enhanced synergies between the Basel Convention on the Transboundary Movement of Hazardous Wastes and Their Disposal and the Stockholm (POPs) and Rotterdam (PIC) Conventions are important and would allow for a more effective implementation of all three instruments; in this regard, RECALLS the importance of a process that is transparent and inclusive and recognizes the autonomy of the Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions;
- (o) AGREES that the EU will strive for a Basel COP 8 decision to participate in the Ad hoc Joint Working Group on Synergies between the three above-mentioned Conventions and will play a constructive and active part in that Group;

Resource use and mobilization

- (p) Aware that the resources available to the Basel Secretariat are under strain, BELIEVES that it is important that an agreement be reached at COP 8 on an operational budget for the Convention that will allow the Secretariat to operate efficiently and effectively to meet its priorities within its mandate and that is affordable for all Parties including developing countries;

- (q) UNDERSTANDS that developing countries need outside assistance to help their own efforts to implement the Basel Convention and ensure environmentally sound management of waste; CONSIDERS that development assistance could be used to support sound waste management in developing countries. To that end, URGES that waste management should be considered as part of poverty reduction strategies and national sustainable development strategies;
- (r) NOTES that long-term financing for the implementation of the Basel Strategic Plan and of the Basel Convention Regional Centres cannot rely on the Convention Technical Cooperation Trust Fund alone but should also involve major donor organisations.
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