



**Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Fifteenth meeting**

Geneva (online), 26–30 July 2021*

Item 4 (c) (ii) of the provisional agenda**

**Matters related to the implementation of the Convention:
legal, compliance and governance matters: providing
further legal clarity**

Providing further legal clarity

Addendum

Proposal by the European Union to amend Annex IV and certain entries in Annexes II and IX to the Basel Convention

Note by the Secretariat

I. Introduction

1. As is indicated in document UNEP/CHW.15/13, on 3 December 2020, the European Union transmitted to the Secretariat a proposal to amend Annex IV and certain entries in Annexes II and IX to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal for consideration by the Conference of the Parties at its fifteenth meeting. The proposal included an explanatory note, which is set out in document UNEP/CHW.15/INF/24. The proposal, which is set out in the annex to the present note, is presented without formal editing.

2. Pursuant to paragraph 2 of Article 17 and paragraphs 2 (a) and 3 of Article 18 of the Convention, on 19 January 2021, six months before the fifteenth meeting of the Conference of the Parties, the Secretariat communicated the proposal to amend Annex IV and certain entries in Annexes II and IX to the Convention.¹ A compilation of comments received from Parties relating to the proposed amendments is set out in document UNEP/CHW.15/INF/25.²

* Face-to-face resumed meetings of the conferences of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants are tentatively scheduled to take place in 2022.

** UNEP/CHW.15/1.

¹ Available at www.basel.int/Default.aspx?tabid=1596.

² Comments received from Parties and observers are available at www.basel.int/TheConvention/Amendments/Proposedamendments/tabid/7906/Default.aspx.

3. Pursuant to paragraph 2 of Article 17, and paragraphs 2 (a) and 3 of Article 18 of the Convention, amendments to the Convention, including to the annexes thereto, are to be adopted at a meeting of the Conference of the Parties. Pursuant to paragraph 3 of Article 17 and paragraph 2 (a) of Article 18 of the Convention, the Parties are to make every effort to reach agreement on any proposed amendment to the Convention and to the annexes thereto by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. If the Conference of the Parties decides to adopt an amendment to an annex to the Convention, it will enter into force in accordance with paragraphs 2 (b), 2 (c) and 3 of Article 18 of the Convention.

II. Proposed action

4. The Conference of the Parties may wish to consider adopting the proposed amendments to Annex IV and to certain entries in Annexes II and IX of the Basel Convention set out in the annex to the present note, or, alternatively, entrust the expert working group on the review of annexes to further consider the amendment proposal.³

³ See the action proposed in document UNEP/CHW.15/13.

Annex

Proposal by the European Union to amend Annex IV, two footnotes of entry Y48 in Annex II, and two footnotes of entry B3011 in Annex IX to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal

Proposals, on behalf of the European Union, to amend Annex IV and certain entries in Annexes II and IX to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal for consideration by the Conference of the Parties at its fifteenth meeting

Part I

Proposal on behalf of the European Union for amendments to Annex IV to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (proposal for new text for Annex IV)

Annex IV¹

Disposal operations

There are two categories of disposal operations, namely recovery operations and non-recovery operations. Section A encompasses non-recovery operations and section B recovery operations.

This Annex also covers in both sections A and B disposal operations that occur prior to submission to any of the operations in the respective section².

This Annex covers all disposal operations, regardless of their legal status and regardless of whether they are considered to be environmentally sound.

¹ The amendments to this Annex become effective as of [date occurring [three][four] years after adoption by the Conference of the Parties].

² See operations D31 to D36 in section A and operations R26 to R31 in section B.

A. Non-recovery operations

A non-recovery operation is an operation which is not a recovery operation even where the operation has as a secondary consequence the reclamation of substances or energy.

- D20 Deposit in an aboveground engineered landfill isolated from the environment
- D21 Surface impoundment (e.g. placement of liquids or sludge into pits, basins or tailing dams)
- D22 Deposit onto land other than covered by D20 and D21 (e.g. permanent aboveground storage)
- D23 Permanent underground storage (e.g. placement of containers in a mine)
- D24 Deposit into land other than covered by D23 (e.g. injection into wells, salt domes or naturally occurring repositories)
- D25 Treatment of land in situ (e.g. biodegradation or biological or chemical treatment)
- D26 Release into a water body except seas/oceans
- D27 Release into seas/oceans including sea-bed insertion
- D28 Release to the atmosphere (e.g. venting of compressed or liquefied gases)
- D29 Thermal treatment other than covered by R24 in section B (e.g. incineration)
- D30 Non-recovery other than covered by D20 to D29
- D31 Biological treatment prior to submission to any of the operations in section A
- D32 Mixing, including blending, prior to submission to any of the operations in section A
- D33 Manual treatment (e.g. separation), physical/mechanical treatment other than covered by D32 (e.g. separation, size reduction, evaporation, drying, autoclaving), physical/chemical treatment (e.g. solvent extraction), chemical treatment (e.g. neutralization, chemical precipitation) or immobilization (e.g. stabilization, solidification) prior to submission to any of the operations in section A
- D34 Repackaging prior to submission to any of the operations in section A
- D35 Other treatment than covered by D31 to D34 prior to submission to any of the operations in section A
- D36 Temporary storage prior to submission to any of the operations in section A

B. Recovery operations

A recovery operation is an operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

- R20 Preparing for reuse (e.g. checking, cleaning, repair, refurbishment)
- R21 Recycling of organic substances (e.g. physical/mechanical treatment, chemical treatment)
- R22 Recycling of metals and metal compounds (e.g. smelting, hydrometallurgy, physical/mechanical treatment)
- R23 Recycling of inorganic materials other than covered by R22 (e.g. physical/mechanical treatment, chemical treatment)
- R24 Thermal treatment with the principal result to generate energy (e.g. incineration)
- R25 Recovery other than covered by R20 to R24
- R26 Biological treatment prior to submission to any of the operations in section B
- R27 Mixing, including blending, prior to submission to any of the operations in section B
- R28 Manual treatment (e.g. separation), physical/mechanical treatment other than covered by R27 (e.g. separation, size reduction, evaporation, drying, autoclaving), physical/chemical treatment (e.g. solvent extraction) or chemical treatment (e.g. neutralization, precipitation) prior to submission to any of the operations in section B
- R29 Repackaging prior to submission to any of the operations in section B
- R30 Other treatment than covered by R26 to R29 prior to submission to any of the operations in section B
- R31 Temporary storage prior to submission to any of the operations in section B

Part II

Proposals on behalf of the European Union for amendments to Annexes II and IX to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

In two footnotes of entry Y48 in Annex II to the Convention and in two footnotes of entry B3011 in Annex IX to the Convention, the text “Recycling/reclamation of organic substances that are not used as solvents (R21 in Annex IV, sect. B)” shall be replaced by “Recycling of organic substances (e.g. physical/mechanical treatment, chemical treatment) (R21 in Annex IV, sect. B)” and the text “operation R3” shall be replaced by “operation R21”.

Those changes shall become effective when the amendments to Annex IV to the Convention become effective.