



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 15 April 2013
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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be adopted, on behalf of the European Union, at the eleventh meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, with regard to amendments to the list of wastes in Annex IX (List B) of the Convention
COMMON GUIDELINES
Consultation deadline for Croatia: 19.4.2013

COUNCIL DECISION No .../2013/EU

of

**on the position to be adopted,
on behalf of the European Union,
at the eleventh meeting of the Conference
of the Parties to the Basel Convention
on the Control of Transboundary Movements
of Hazardous Wastes and their Disposal,
with regard to amendments to the list of wastes
in Annex IX (List B) of the Convention**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Basel Convention of 22 March 1989 on the Control of Transboundary Movements of Hazardous Wastes and their Disposal ("the Basel Convention") entered into force in 1992.
- (2) Pursuant to Articles 17 and 18 of the Basel Convention, amendments to the Convention are to be adopted at a meeting of the Conference of the Parties.
- (3) Five applications for new waste entries in Annex IX (List B) to the Basel Convention were submitted to the Secretariat of the Basel Convention in January and February 2011. Pending a decision on their inclusion in Annex IX (List B) to the Basel Convention, these entries were added on a provisional basis to Annex IIIB to Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste¹ by Commission Regulation (EU) No 135/2012².
- (4) The Open-ended Working Group, at its eighth meeting on 25-28 September 2012, took note of the submitted applications and agreed to forward two draft entries to the Conference of the Parties to the Basel Convention for consideration at its eleventh meeting.

¹ OJ L 190, 12.7.2006, p. 1.

² Commission Regulation (EU) No 135/2012 of 16 February 2012 amending Regulation (EC) No 1013/2006 of the European Parliament and the Council on shipments of waste to include certain unclassified wastes in Annex IIIB thereto (OJ L 46, 17.2.2012, p. 30).

- (5) In January and February 2013 four revised waste entries to Annex IX (List B) to the Basel Convention were submitted to the Secretariat of the Basel Convention by the Union and its Member States.
- (6) The Conference of the Parties to the Basel Convention may at its eleventh meeting decide to include in Annex IX (List B) to the Convention any of the waste entries proposed in the applications or forwarded by the Open-ended Working Group at its eighth meeting, or to include any of these entries containing modifications.
- (7) It is therefore appropriate to establish the position to be adopted on behalf of the Union at the eleventh meeting of the Conference of the Parties to the Basel Convention with regard to waste entries to be included in Annex IX (List B) to the Convention, subject to potential refinements to that position during coordination on the spot,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted by the Union at the eleventh meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal shall be to support the inclusion, in Annex IX (List B) to the Convention, of:

- (a) any of the waste entries proposed in the applications submitted to the Secretariat of the Basel Convention, or
- (b) any of the revised waste entries submitted to the Secretariat of the Basel Convention as set out in the Annex to this Decision.

Refinements to this position, in the light of developments at the eleventh meeting of the Conference of the Parties to the Basel Convention, may be agreed during coordination on the spot.

Article 2

This Decision shall enter into force on the day of its adoption.

Done at ...,

For the Council

The President

ANNEX

Revised waste entries submitted to the Secretariat of the Basel Convention:

1. B3025 Composite packaging waste consisting of mainly paper and some plastic, not containing residues and not containing Annex I materials in concentrations sufficient to exhibit Annex III characteristics
 2. B3026 The following waste from the pre-treatment of composite packaging for liquids, not containing Annex I materials in concentrations sufficient to exhibit Annex III characteristics:
 - Non-separable plastic fraction
 - Non-separable plastic-aluminium fraction
 3. B3027 Self-adhesive label laminate waste containing raw materials used in label material production
 4. 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, not containing invasive species and not containing plant pests according to the International Plant Protection Convention.
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