

VI/35. Review or adjustment of lists of wastes contained in Annexes VIII and IX to the Basel Convention

The Conference of the Parties,

Referring to its decision V/24 on the classification and hazard characterization of wastes,

Taking note of the procedure for the review or adjustment of lists of wastes contained in Annexes VIII and IX of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, adopted by the Technical Working Group,

Taking note also of the applications submitted by Parties to amend the lists of wastes contained in Annexes VIII and IX,

1. Adopts the procedure for the review or adjustment of the lists of wastes contained in Annexes VIII and IX of the Basel Convention, as contained in the appendix to the present decision;
2. Invites Parties that are submitting applications for the review or adjustment of lists of wastes in Annexes VIII and IX, to state whether the applications are a formal proposal for amendment of the Annexes to the Basel Convention in accordance with articles 17 and 18 of the Convention;
3. Adopts the following amendments to Annexes VIII and IX of the Basel Convention:
 - (a) Entry B2060 in Annex IX: Replace the existing wording by: “Spent activated carbon not containing any Annex I constituents to an extent they exhibit Annex III characteristics, for example, carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (note the related entry on list A, A4160”;
 - (b) New entry B1250 in Annex IX: “Waste end-of-life motor vehicles, containing neither liquids nor other hazardous components”;
 - (c) Entry B1010 in Annex IX: Insert “chromium scrap” as a new bullet point;
 - (d) New entry B3035 in Annex IX: “Waste textile floor coverings, carpets”;
 - (e) New entry B1031 in Annex IX: “Molybdenum, tungsten, titanium, tantalum, niobium and rhenium metal and metal alloy wastes in metallic dispersible form (metal powder), excluding such wastes as specified in list A under entry A1050, Galvanic sludges”;
 - (f) New entry A3200 in Annex VIII: “Bituminous material (asphalt waste) from road construction and maintenance, containing tar (note the related entry on list B, B2130)”;

(g) New entry B2130 in Annex IX: “Bituminous material (asphalt waste) from road construction and maintenance, not containing tar^a(note the related entry on list A, A3200);

(h) New entry B3065 in Annex IX: “Waste edible fats and oils of animal or vegetable origin (e.g, frying oils), provided they do not exhibit an Annex III characteristic”;

(i) Entry B3010 in Annex IX: Replace the existing wording in entry B3010:

- “• Perfluoroalkoxy alkane (PFA)
- “• Perfluoroalkoxy alkane (MFA)”

with the following new wording:

- “• Perfluoro alkoxyl alkane
- Tetrafluoroethylene/per fluoro vinyl ether (PFA)
- Tetrafluoroethylene/per fluoro methylvinyl ether (MFA)”

4. Notes that the applications submitted by India concerning the classification of PVC-coated cable scrap will be placed on the agenda of the Open-ended Working Group;

5. Requests the Open-ended Working Group to consider issues related to the official translation of the lists of wastes contained in the Annexes to the Basel Convention and to provide guidance as appropriate.

^a The concentration level of Benzol[a]pyrene should not be 50 mg/kg or more.

Appendix

PROCEDURE FOR THE REVIEW OR ADJUSTMENT OF LISTS OF WASTES CONTAINED IN ANNEXES VIII AND IX OF THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

1. Applications.

- (a) Applications must be submitted to the secretariat using the form below. Any Party, observer State, non-governmental organization, private company or individual has the right to fill out the application form with the proposed placement of wastes under Annex VIII or Annex IX, or with a proposal for removing wastes from Annex VIII, Annex IX or working list C. Any application submitted to the secretariat shall be by or through a Party or observer State.
- (b) A Party submitting an application shall clearly state whether or not the application is a formal proposal for amendment to the annexes to the Basel Convention in accordance with articles 17 and 18 of the Convention.
- (c) Competent authorities and focal points are requested to make available any information in addition to the form to all focal points of the Basel Convention and to advise the secretariat that this has been done. If a competent authority or focal point is unable to make available any annexes or attachments to all focal points of the Basel Convention, it may request the secretariat to undertake that function.

2. Procedure for transmission of the form.

- (a) The applicant must present the application form with any additional information to a national authority for the Basel Convention.
- (b) The competent authority and/or focal point should consider the application form with any additional information and only forward it to the secretariat of the Basel Convention if it is properly completed and if the completed application provides sufficient information for the Open-ended Working Group to reach a decision.
- (c) The Open-ended Working Group will consider the application at its following meeting, provided it is received by the secretariat within the time frame stipulated in paragraph 3 (a) below.

3. Time frame for application.

- (a) The application form for placement or removal of wastes has to be submitted to the secretariat of the Basel Convention at least three months prior to the meeting of the Open-ended Working Group. Any information in addition to the form should also be submitted within that time frame.
- (b) In exceptional circumstances, a Party may submit the application form for placement or removal of wastes two months before the meeting of the Open-ended Working Group, if such proposal(s) cannot be sent to the secretariat within the three-month deadline. The Open-ended Working Group will endeavour to consider such application(s) at its following meeting.

4. Procedure before consideration in the Open-ended Working Group.

- (a) After receiving an application, the secretariat will place the application on the Internet web site of the Basel Convention within 30 days (www.basel.int).
- (b) The secretariat will send an e-mail to all focal points announcing that the application is available. Those Parties which have no access to Internet or e-mail facilities will be sent the application by mail or facsimile.
- (c) The secretariat will invite the Parties to comment on the application within 20 days directly to the applicant (by mail, facsimile or e-mail).
- (d) The applicant will make, as necessary, an addendum to the application containing answers to the questions within 20 days.
- (e) The secretariat will make the addendum available to the Parties at least 20 days before the meeting.
- (f) In the exceptional cases mentioned in paragraph 3 (b) above, the time frames stipulated in paragraphs 4 (a) and (d) above are reduced to 10 days.

5. Action by the Open-ended Working Group.

- (a) The Open-ended Working Group will consider and review the applications for placement or removal of wastes in Annexes VIII and IX. The applications must be based on sound scientific assessment in accordance with article 1, paragraph 1 (a), of the Basel Convention.
- (b) The Open-ended Working Group should arrive at a decision by consensus.
- (c) The decisions of the Open-ended Working Group on the placement or removal of wastes on lists contained in Annexes VIII and IX shall be transmitted in a report of the Open-ended Working Group through the secretariat to the following meeting of the Conference of the Parties. In cases where no formal proposal for amendment to the Annexes to the Basel Convention has been made by a Party when submitting an application, the Open-ended Working Group should invite other Parties to submit such a formal proposal to the Conference of the Parties in accordance with articles 17 and 18 of the Convention.

6. Effective review procedure.

Costs of review should be kept to a minimum. Restricting the summary of cases to eight additional pages would help save costs, although a Party wishing to provide more information could do so at its own cost.

7. Reporting.

The secretariat of the Basel Convention should provide a report to Parties on the status of lists of wastes in Annexes VIII and IX of the Basel Convention on a regular basis, and when changes have entered into force.

APPLICATION FORM FOR THE PLACEMENT OR REMOVAL OF WASTES ON ANNEXES VIII AND IX

A. WASTE IDENTIFICATION

Proposed wording for the placement (or replacement wording for an existing category)

1. Name of the waste: _____
2. Origin of the waste: _____
3. Physical form: _____
4. Major constituents: _____
5. Typical contaminants: _____

6. Waste Code: UN Class _____ UN number _____
 IWIC _____ OECD _____
 EWC _____ Others (e.g. Harmonized System Code,
 BIR, ISRI, IPMI, etc.)

7. Enter all relevant Y numbers

8. Hazardous characteristics

| | | | |
|------|------|------|-----|
| H1 | H4.3 | H6.2 | H12 |
| H3 | H5.1 | H8 | H13 |
| H4.1 | H5.2 | H10 | |
| H4.2 | H6.1 | H11 | |

B. PROPOSED PLACEMENT

List A of Annex VIII
List B of Annex IX

PROPOSED REMOVAL

From list A of Annex VIII
From list B of Annex IX

C. NATIONAL DEFINITION

Is the waste legally defined as or considered to be hazardous in the country submitting the application?

Yes No

D. COMMERCIAL CLASSIFICATION

Is the waste routinely traded through established channels and is that evidenced by commercial classifications?

Yes No

SUMMARY OF REASONS FOR PROPOSED PLACEMENT

NB: A detailed case study (no more than eight additional pages) should be attached, taking into consideration the category(ies) in Annex I to the Basel Convention under which the waste falls and with evidence demonstrating that the waste does or does not exhibit any of the hazardous characteristics in Annex III to the Convention (guidance document to be drafted). Additional material may be submitted in the form of annexes or attachments. All such annexes or attachments must be listed in the application form, together with instructions on how to obtain the documents.

E. NAME OF APPLICANT

| | | |
|----------|-------|----------------|
| Name: | _____ | |
| Address: | _____ | Party |
| | _____ | Observer State |
| Tel: | _____ | NGO |
| Fax: | _____ | Company |
| E-mail: | _____ | Individual |

(Signature)

(Stamp)

F. AUTHORITY TRANSMITTING APPLICATION

| | | |
|----------|-------|----------------------|
| Name: | _____ | |
| Address: | _____ | |
| | _____ | _____ (Signature) |
| Tel: | _____ | |
| Fax: | _____ | |
| E-mail: | _____ | |
| | _____ | _____ (Stamp) |

Date of transmission: _____

This application form may include up to 8 additional pages.