



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.05.1997
COM(97) 214 final

97/ 0134 (CNS)

Proposal for a

COUNCIL DECISION

on the approval, on behalf of the Community, of the amendment to the Convention on the control of transboundary movements of hazardous wastes and their disposal (Basel Convention), as laid down in Decision III/1 of the Conference of the Parties

(presented by the Commission)

EXPLANATORY MEMORANDUM

The objective of the attached proposal is to enable the deposit of the instrument of approval, on behalf of the Community, of the amendment to the Convention on the control of transboundary movements of hazardous wastes and their disposal (Basel Convention), as laid down in Decision III/1 of the Parties to the Convention.

Decision III/1, adopted by consensus in September 1995 by the Third Conference of the Parties to the Basel Convention, establishes an immediate prohibition of transboundary movements of hazardous waste destined for final disposal, and a prohibition as of 1.1.1998 of transboundary movements of hazardous waste destined for recovery operations, from countries listed in Annex VII to the Convention to countries not listed in Annex VII. Annex VII contains the following countries: members of the OECD, EC, Liechtenstein.

The amendment to the Basel Convention must be ratified (or equivalent) by three fourths of the Parties who adopted it to enter into force. At the time of the Third Conference, 86 countries were Party to the Convention. Therefore, around 65 of those Parties will have to ratify the amendment for it to formally enter into force.

In view of the deadline set by Decision III/1 for prohibition of transboundary movements of hazardous waste destined for recovery operations (1 January 1998) and taking into account that enabling Community legislation is already in place (Council regulation 120/97 amending Regulation 259/93), it is considered opportune to formally approve of the amendment to the Convention on behalf of the Community as soon as possible.

PROPOSAL

for a

COUNCIL DECISION

of

on the approval, on behalf of the Community, of the amendment to the Convention on the control of transboundary movements of hazardous wastes and their disposal (Basel Convention), as laid down in Decision III/1 of the Conference of the Parties

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130r, paragraph 4 and Article 228, paragraph 2, first sentence, and paragraph 3, first subparagraph thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

Whereas, by Council Decision 93/98/EEC³, the European Economic Community approved the Convention on the control of transboundary movements of hazardous wastes and their disposal, commonly known as the Basel Convention, and became a full Party to the Convention on 7 May 1994;

Whereas, by virtue of a Council Decision of 22 June 1995, the Commission participated on behalf of the Community, in consultation with the representatives of the Member States, in the negotiation in the context of the Third meeting of the Conference of the Parties to the Basel Convention, with a view to amending the Convention in accordance with Decision II/12 of the Conference of the Parties; whereas pursuant to this Decision exports of hazardous wastes destined for final disposal from OECD to non-OECD countries were to be prohibited immediately and exports of hazardous waste destined for recovery operations were to be phased out until 31 December 1997 and prohibited as of that date;

¹

²

³ O.J. L 39, 16.2.93, p. 1

Whereas, as a result of those negotiations, on 22 September 1995 the Conference of the Parties adopted Decision III/1, introducing a new preambular paragraph 7 bis, a new Article 4A and a new Annex VII into the Convention; whereas Decision III/1 aims to immediately prohibit exports of hazardous wastes destined for final disposal from Parties listed in Annex VII to States not so listed and to phase out until 31 December 1997 and prohibit as of that date exports of hazardous wastes destined for recovery operations from Parties listed in Annex VII to States not so listed;

Whereas Community legislation on shipments of waste has been amended accordingly by Council Regulation (EC) N° 120/97⁴ of 20 January 1997 amending Council Regulation (EEC) N° 259/93⁵ on the supervision and control of shipments of waste within, into and out of the European Community;

Whereas, pursuant to Article 17 of the Convention, the amendment of the Basel Convention is open for ratification, approval, formal confirmation or acceptance; and whereas the amendment will enter into force between Parties having accepted it on the ninetieth day after the receipt by the Depositary of the instruments of ratification, approval, formal confirmation or acceptance by at least three-fourths of the Parties who accepted the amendment;

DECIDES AS FOLLOWS:

Article 1

The amendment of the Convention on the control of transboundary movements of hazardous wastes and their disposal, as laid down in Decision III/1 adopted by the Conference of the Parties on 22 September 1995, is hereby approved on behalf of the European Community.

The text of the amendment is attached to this Decision.

⁴ O.J. L 22, 24.1.97, p. 14

⁵ O.J. L 30, 6.2.93, p. 1

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to deposit, on behalf of the Community, the instrument of approval with the Secretary-General of the United Nations, as provided for by Article 17 of the Convention.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels,

For the Council

The President

.....

5

Amendment to the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal

New preambular paragraph 7 bis:

Recognizing that transboundary movements of hazardous wastes, especially to developing countries, have a high risk of not constituting an environmentally sound management of hazardous wastes as required by this Convention.

New Article 4A:

1. Each Party listed in Annex VII shall prohibit all transboundary movements of hazardous wastes which are destined for operations according to Annex IV A, to States not listed in Annex VII.
2. Each Party listed in Annex VII shall phase out by 31 December 1997, and prohibit as of that date, all transboundary movements of hazardous wastes under Article 1(i)(a) of the Convention which are destined for operations according to Annex IV B to States not listed in Annex VII. Such transboundary movement shall not be prohibited unless the wastes in question are characterised as hazardous under the Convention.

New Annex VII:

Parties and other States which are members of the OECD, EC and Liechtenstein.

ISSN 0254-1475

COM(97) 214 final

DOCUMENTS

EN

14 15 07 05

Catalogue number : CB-CO-97-201-EN-C

ISBN 92-78-19564-2

Office for Official Publications of the European Communities

L-2985 Luxembourg

7