

**Committee of Experts on the Transport of Dangerous Goods
and on the Globally Harmonized System of Classification
and Labelling of Chemicals**

22 November 2019

**Sub-Committee of Experts on the
Transport of Dangerous Goods**

Fifty- sixth session

Geneva, 4-10 December 2019

Item 7 of the provisional agenda

**Global harmonization of transport of dangerous
goods regulations with the Model Regulations**

**Sub-Committee of Experts on the Globally Harmonized
System of Classification and Labelling of Chemicals**

Thirty- eighth session

Geneva, 11-13 December 2019

Item 4 (c) of the provisional agenda

**Implementation of the GHS: cooperation with other
bodies or international organizations**

**Expert Working Group on the review of Annexes to the Basel
Convention on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal**

**Transmitted by the Secretariat of the Basel, Rotterdam and Stockholm
Conventions**

1. By its decision BC-13/2, on the follow-up to the Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Conference of Parties, among other things, established an expert working group (EWG) on the review of the Annexes with a mandate and terms of reference as set out in annex II to that decision¹.

2. The mandate of the EWG was revised by decisions BC-14/13 and BC-14/16 adopted by the Conference of the Parties at its fourteenth meeting in May 2019. The EWG is to review:

- (a) Annex I, which lists the lists the categories of wastes to be controlled under the Basel Convention, including both specific waste categories (Y1 to Y18) and wastes having specific constituents (Y19 to Y45);
- (b) Annex III, which lists the hazardous characteristics (H1 to H13);
- (c) Annex IV, which list the disposal operations key to defining whether a substance or an object is a “waste”.

Annex IV includes two sections, namely section A entitled “Operations which do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use or alternative uses”, and section B entitled “Operations which may lead to resource recovery, recycling, reclamation, direct re-use or alternative uses”.

The mandate of the EWG also includes related aspects of Annexes VIII and IX, namely entries A1180 and B1110 which pertain to electrical and electronic assemblies and include references to disposal operations.

¹ <http://www.basel.int/Implementation/LegalMatters/LegalClarity/ReviewofAnnexes/AnnexesI,III,IVandrelatedaspectsofAnnexIX/Activities20182019/tabid/6125/Default.aspx>

- (d) The consequential implications of the review of Annexes I, III and IV for other annexes of the Convention and for relevant decisions of the Conference of the Parties, inter alia, for the notification and movement documents and the reporting format.
 - (e) Whether any additional constituents or characteristics in relation to plastic waste should be added to Annex I or III, respectively, to the Convention.
 3. The purpose of the review is as follows:
 - (a) For Annexes I and III: Review, with a view to:
 - (i) Improve/update the description of categories of wastes in Annex I and the list of hazardous characteristics in Annex III;
 - (ii) Improve environmental controls by including any additional categories of wastes in Annex I and any additional hazardous characteristics in Annex III that occur in practice; and
 - (iii) Clarify the descriptions in Annexes I and III to address conflicts or overlaps.
 - (b) For Annex IV: Review, with a view to:
 - (i) Improve/update the description of disposal operations in Annex IV;
 - (ii) Improve environmental controls by including additional disposal operations that occur in practice or could occur in practice in Annex IV; and
 - (iii) Clarify the descriptions in Annex IV and in Annexes VIII (A1180) and IX (B1110) to address conflicts or overlaps.
4. The EWG is to give priority to the review of Annex IV. It reports back to the Conference of the Parties, which meets every two years, and also operates under the guidance of the Open-ended Working Group which meets once in between of the meetings of the Conference of the Parties.
5. The EWG is composed of experts nominated by Parties (up to 10 per United Nations region) and open to observers. As at 20 November 2019, there are 36 members and 49 observers participating in the group².
6. The EWG held its first meeting on 20-23 March 2018, at what time it focused on the review of Annex IV³. It held its second meeting on 10-13 December 2018 at what time it continued its consideration of the review of Annex IV and initiated consideration of the review of Annexes I and III. The EWG held its third meeting on 5-8 November 2019⁴, at what time it focused on the development of options for possible amendments to Annex IV as well as entries A1180 and B1110, and exchanged views on the review of Annex III.
7. The proposals put forward so far regarding the review of Annex III are set out in document UNEP/CHW/RA_EWG.2/INF/8 and compiled in a set of slides set out in document UNEP/CHW/RA_EWG.3/7. A compilation of comments on general issues related to the review of Annex III is set out in document UNEP/CHW/RA_EWG.3/INF/7.

² <http://www.basel.int/Implementation/LegalMatters/LegalClarity/ReviewofAnnexes/AnnexesI,III,IVandrelatedaspectsofAnnexIX/Activities20182019/tabid/6125/Default.aspx>

³ <http://www.basel.int/Implementation/LegalMatters/LegalClarity/Meetings/1stRAEWGmtg/tabid/6237/Default.aspx>

⁴ <http://www.basel.int/Implementation/LegalMatters/LegalClarity/Meetings/1stRAEWGmtg/tabid/6237/Default.aspx>

8. During its second meeting, the EWG focused its review of Annex III on exchanging information on the various proposals put forward and on four general issues listed in the first two slides of document UNEP/CHW/RA_EWG.2/7, namely, the reference to UN class, the alignment with GHS, the alignment with the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), and the level of specificity of H-characteristics, as well as on the testing methods and the structure of Annex III (see paragraphs 67 to 73 of the meeting report).

9. During its third meeting, the EWG exchanged views on the benefits of retaining the UN class with respect to some hazardous characteristics and of possibly introducing the use of the GHS when relevant, for instance with respect to UN class 9. The EWG also discussed:

- the value added of establishing thresholds to determine whether a specific waste category can be characterized as hazardous;
- testing methods; and
- the possibility of adding new hazardous characteristics, for instance “persistent organic pollutant”.

Following these exchanges, the EWG agreed to invite comments from Parties and observers on the issue of the review of Annex III. The EWG also agreed to launch some preparatory work and welcomed the proposal by Canada for it to prepare an information paper on the review of Annex III by January 24, 2020, for the EWG consideration.

10. On the way forward, the outcome of the work of the EWG on the review of Annex IV as well as entries A1180 and B1110 will be considered by the twelfth meeting of the Open-ended Working Group (OEWG-12, Geneva, 22-25 June 2020) and subsequently by the Conference of the Parties at its fifteenth meeting in May 2021. Unless otherwise decided at that meeting, proposals on the review of Annexes I and III will be considered by the thirteenth meeting of the Open-ended Working Group in 2022 and subsequently by the sixteenth meeting of the Conference of the Parties in 2023.

11. The EWG is currently planning its fourth meeting which is scheduled to take place between June 2020 (after OEWG-12) and the end of the year 2020.

12. For more information, please contact the Secretariat of the Basel Convention (juliette.kohler@brsmeas.org)