

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

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

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Item 4 (c) of the provisional agenda

Implementation of the GHS:

Cooperation with other bodies or international organizations

Update on the work of Expert Working Group on the review of the Annexes I, III and IV and related aspects of Annex IX 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.
 - (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.

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

- (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 27 June 2019, there are 35 members and 36 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. Information about the meeting including all meeting documents is available at: <http://www.basel.int/Implementation/LegalMatters/LegalClarity/Meetings/2ndRAEWGmtg/tabid/7690/Default.aspx>
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.2/7. Several proposals call for aligning the Annex III with the GHS.
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. Regarding the way forward on the review of Annex III, the EWG agreed to invite members and observers to provide by 31 July 2019 views on the four above mentioned general issues.
10. The Conference of the Parties at its fourteenth meeting considered the recommendations by the EWG on the review of Annex IV. It also agreed on the way forward,

² <http://www.basel.int/Implementation/LegalMatters/LegalClarity/ReviewofAnnexes/AnnexesI,III,IVandrelatedaspectsofAnnexIX/ExpertWorkingGroup/tabid/6105/Default.aspx>

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

including that proposals on the review of Annex 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 third meeting which is tentatively scheduled to take place early November 2019.
