



EUROPEAN  
COMMISSION

Brussels, 28.1.2013  
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2013/0011 (NLE)

Proposal for a

**COUNCIL DECISION**

**on the submission, on behalf of the European Union, of applications for new entries in Annex VIII or IX to the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal**

## EXPLANATORY MEMORANDUM

1. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, done on 22 March 1989 (the "Basel Convention"), establishes a control procedure for the export and import of hazardous wastes between Parties. The Convention entered into force in 1992 and now binds 175 Parties. The EU is a Party to the Basel Convention.
2. The procedure for amending annexes of the Basel Convention is governed by Articles 17 and 18 of the Convention. More particularly, any proposed amendment must be made by a Party and communicated by the Secretariat to all Parties at least six months before the meeting at which it is proposed for adoption. In addition, any such amendment must be adopted at a meeting of the Conference of the Parties and may become effective six months from the date of issuance of a circular notification by the Depositary.
3. Applications for new entries in Annex VIII or IX to the Basel Convention are governed by the procedure agreed at the 8<sup>th</sup> meeting of the Conference of the Parties to the Basel Convention under Decision VIII/15 "Revisions to the procedure for the review or adjustment of the lists of wastes contained in Annexes VIII and IX."
4. Pursuant to Article 58 of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste<sup>1</sup>, the annexes to this Regulation may be amended in accordance with the procedure established by Article 39 of Directive 2008/98/EC of the European parliament and of the Council<sup>2</sup> to take account of scientific and technical progress. According to Article 58(1) of Regulation (EC) No 1013/2006, wastes are added in Annex IIIA, IIIB, IV or V on a provisional basis pending a decision on their inclusion in the relevant annexes to the Basel Convention or to Decision C(2001)107/Final of the OECD Council concerning the revision of Decision C(92)39/Final on control of transboundary movements of wastes destined for recovery operations.
5. Following an amendment of Annex IIIA, IIIB, IV or V to Regulation (EC) No 1013/2006, it is necessary, in order to ensure consistency, to submit, on behalf of the European Union, the necessary applications for corresponding entries in Annex VIII or IX to the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal.
6. According to the procedure agreed at the 8<sup>th</sup> meeting of the Conference of the Parties to the Basel Convention under Decision VIII/15, any proposed amendment must be made by a Party and communicated by the Secretariat to all Parties at least six months before the meeting at which it is proposed for adoption. Any such amendment must be adopted at a meeting of the Conference of the Parties and may become effective six months from the date of issuance of a circular notification by the Depositary.

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<sup>1</sup> OJ L 190, 12.7.2006, p.1

<sup>2</sup> OJ L 312, 22.11.2008, p.3

Proposal for a

## **COUNCIL DECISION**

**on the submission, on behalf of the European Union, of applications for new entries in Annex VIII or IX to the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 191(1), in conjunction with Article 218(9), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) As a Party to the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal, the European Union may make proposals for amendments to annexes to the Basel Convention.
- (2) Applications for new entries in Annex VIII or IX to the Basel Convention are governed by the procedure agreed at the 8<sup>th</sup> meeting of the Conference of the Parties to the Basel Convention under Decision VIII/15 "Revisions to the procedure for the review or adjustment of the lists of wastes contained in Annexes VIII and IX".
- (3) Following an amendment of Annex IIIA, IIIB, IV or V to Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste<sup>3</sup>, it appears necessary to ensure consistency with Annex VIII or IX of the Basel Convention by amending them accordingly.
- (4) The Union should therefore submit the necessary applications for those entries in Annex IIIA, IIIB, IV or V to Regulation (EC) No 1013/2006 which can be included in Annex VIII or IX to the Basel Convention.
- (5) With a view to the meeting of the Parties to the Basel Convention at which an amendment of Annex VIII or IX to the Convention is proposed for adoption, it is appropriate that the Union submits to the Secretariat of the Basel Convention the necessary applications for new entries in these annexes at least six months before such meeting.

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<sup>3</sup> OJ L 190, 12.7.2006, p.1

HAS ADOPTED THIS DECISION:

*Article 1*

Following an amendment which adds new entries in Annex IIIA, IIIB, IV or V to Regulation (EC) No 1013/2006 that can be included in Annex VIII or IX to the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal , the Union shall submit the necessary applications under the Convention.

*Article 2*

The Commission shall communicate these applications to the Secretariat of the Basel Convention at least six months before the next meeting of the Parties to this Convention.

Done at Brussels,

*For the Council  
The President*