

BASEL CONVENTION

Secretariat of the Basel Convention

United Nations Environment Programme

Office Address: International Environment House 1, 11–13, chemin des Anémones, 1219 Châtelaine, Geneva, Switzerland

Postal Address: c/o Palais des Nations, 8-14, avenue de la Paix, 1211 Geneva 10, Switzerland

Tel.: +41 (0) 22 917 8271 | Fax: +41 (0) 22 917 8098 | E-mail: brs@brsmeas.org

19 January 2021

Subject: Proposal to amend Annex IV and certain entries in Annexes II and IX to the Basel Convention to be considered by the Conference of the Parties at its fifteenth meeting

Dear Madam/Sir,

The purpose of this letter is to communicate to the Parties and the signatories to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal the text of amendments proposed by the European Union to Annex IV, two footnotes to entry Y48 in Annex II and two footnotes to entry B3011 in Annex IX to the Convention.

The proposal will be considered by the Conference of the Parties at its fifteenth meeting, which is scheduled to take place from 19 to 30 July 2021. The letter is being sent in accordance with paragraph 2 of Article 17, which provides that the text of any proposed amendment to the Convention is to be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption.

Annex I to this letter sets out the proposal to amend Annex IV, two footnotes to entry Y48 in Annex II and two footnotes to entry B3011 in Annex IX to the Convention. Annex II sets out the text of an explanatory note on the proposed amendments by the European Union, submitted in English.

To facilitate discussion at the fifteenth meeting of the Conference of the Parties, Parties are invited to submit to the Secretariat and to the European Union any comments relating to the amendment proposal by **17 March 2021**. The Secretariat will provide to the Conference of the Parties a compilation of the comments submitted. Please send your comments, preferably by email, to:

Ms. Juliette Voinov Kohler
Secretariat of the Basel Convention
c/o Palais des Nations
8–14, avenue de la Paix
1211 Geneva 10
Switzerland
Fax: +41 22 917 8098
Email: juliette.kohler@brsmeas.org

and

European Commission
Waste Management and Secondary Materials
DG Environment
Rue de la Loi
1049 Brussels
Belgium
Tel.: +32 2 299 1227
Email: gael.de-rotalier@ec.europa.eu; peter.wessman@ec.europa.eu;
yorg.aerts@ec.europa.eu

To: Basel Convention focal points
Cc: Permanent missions to the United Nations Office at Geneva
Basel Convention competent authorities
Depositary of the Convention, United Nations Office of Legal Affairs

Should you require additional information or clarification, please do not hesitate to contact the Secretariat.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'R. Payet', with a stylized flourish at the end.

Rolph Payet
Executive Secretary of the Basel Convention

Annex I

Proposal by the European Union to amend Annex IV, two footnotes to entry Y48 in Annex II and two footnotes to entry B3011 in Annex IX to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal

**Proposals, on behalf of the European Union,
to amend Annex IV and certain entries in Annexes II and IX to the Basel Convention
on the Control of Transboundary Movements of Hazardous Wastes and their Disposal
for consideration at the fifteenth meeting of the Conference of the Parties**

Part I

Proposal on behalf of the European Union
for amendments to Annex IV to the Basel Convention on the Control
of Transboundary Movements of Hazardous Wastes and their Disposal

(proposal for a new text for Annex IV)

Annex IV¹

Disposal operations

There are two categories of disposal operations, namely recovery operations and non-recovery operations. Section A encompasses non-recovery operations and section B recovery operations.

This Annex also covers in both sections A and B disposal operations that occur prior to submission to any of the operations in the respective section².

This Annex covers all disposal operations, regardless of their legal status and regardless of whether they are considered to be environmentally sound.

¹ The amendments to this Annex become effective as of [date occurring [three][four] years after adoption by the Conference of the Parties].

² See operations D31 to D36 in section A and operations R26 to R31 in section B.

A. Non-recovery operations

A non-recovery operation is an operation which is not a recovery operation even where the operation has as a secondary consequence the reclamation of substances or energy.

D20 Deposit in an aboveground engineered landfill isolated from the environment

D21 Surface impoundment (e.g. placement of liquids or sludge into pits, basins or tailing dams)

D22 Deposit onto land other than covered by D20 and D21 (e.g. permanent aboveground storage)

D23 Permanent underground storage (e.g. placement of containers in a mine)

D24 Deposit into land other than covered by D23 (e.g. injection into wells, salt domes or naturally occurring repositories)

D25 Treatment of land in situ (e.g. biodegradation or biological or chemical treatment)

D26 Release into a water body except seas/oceans

D27 Release into seas/oceans including sea-bed insertion

D28 Release to the atmosphere (e.g. venting of compressed or liquefied gases)

D29 Thermal treatment other than covered by R24 in section B (e.g. incineration)

D30 Non-recovery other than covered by D20 to D29

D31 Biological treatment prior to submission to any of the operations in section A

D32 Mixing, including blending, prior to submission to any of the operations in section A

D33 Manual treatment (e.g. separation), physical/mechanical treatment other than covered by D32 (e.g. separation, size reduction, evaporation, drying, autoclaving), physical/chemical treatment (e.g. solvent extraction), chemical treatment (e.g. neutralization, chemical precipitation) or immobilization (e.g. stabilization, solidification) prior to submission to any of the operations in section A

D34 Repackaging prior to submission to any of the operations in section A

D35 Other treatment than covered by D31 to D34 prior to submission to any of the operations in section A

D36 Temporary storage prior to submission to any of the operations in section A

B. Recovery operations

A recovery operation is an operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

R20 Preparing for reuse (e.g. checking, cleaning, repair, refurbishment)

R21 Recycling of organic substances (e.g. physical/mechanical treatment, chemical treatment)

R22 Recycling of metals and metal compounds (e.g. smelting, hydrometallurgy, physical/mechanical treatment)

R23 Recycling of inorganic materials other than covered by R22 (e.g. physical/mechanical treatment, chemical treatment)

R24 Thermal treatment with the principal result to generate energy (e.g. incineration)

R25 Recovery other than covered by R20 to R24

R26 Biological treatment prior to submission to any of the operations in section B

R27 Mixing, including blending, prior to submission to any of the operations in section B

R28 Manual treatment (e.g. separation), physical/mechanical treatment other than covered by R27 (e.g. separation, size reduction, evaporation, drying, autoclaving), physical/chemical treatment (e.g. solvent extraction) or chemical treatment (e.g. neutralization, precipitation) prior to submission to any of the operations in section B

R29 Repackaging prior to submission to any of the operations in section B

R30 Other treatment than covered by R26 to R29 prior to submission to any of the operations in section B

R31 Temporary storage prior to submission to any of the operations in section B

Part II

Proposals on behalf of the European Union for amendments to Annexes II and IX to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

In two footnotes of entry Y48 in Annex II to the Convention and in two footnotes of entry B3011 in Annex IX to the Convention, the text “Recycling/reclamation of organic substances that are not used as solvents (R21 in Annex IV, sect. B)” shall be replaced by “Recycling of organic substances (e.g. physical/mechanical treatment, chemical treatment) (R21 in Annex IV, sect. B)” and the text “operation R3” shall be replaced by “operation R21”.

Those changes shall become effective when the amendments to Annex IV to the Convention become effective.

Annex II

Explanatory note by the European Union on the amendment proposal (in English)

Rationale for the Proposals on behalf of the European Union for amendments of Annexes IV, II and IX to the Basel Convention

A. Annex IV

On behalf of the European Union, we would like to provide the following rationale for our proposal for amendments to Annex IV to the Convention.

1. General issues addressed in our proposal

The objectives sought to be achieved by our proposal for the general introduction as well as the captions, introductory texts and specific operations in sections A and B of Annex IV are to:

- improve legal clarity;
- establish a common understanding and interpretation of the disposal operations;
- strengthen the implementation of the Convention;
- improve controls on transboundary movements of waste;
- facilitate the prevention of illegal shipments;
- support the environmentally sound management of waste at global level; and
- contribute to the transition towards a global circular economy.

1.1 General introduction, captions and introductory texts

As recommended by the Expert Group on the Review of Annexes¹ we propose a general introduction in the beginning of Annex IV and captions and introductory texts for each one of sections A and B.

A general introduction for Annex IV improves legal clarity by distinguishing between non-recovery operations in section A of Annex IV and recovery operations in section B of Annex IV. It also clarifies that operations occurring prior to submission to operations in the respective section (interim operations), as well as all disposal operations, regardless of their legal status and regardless of whether they are considered to be environmentally sound, are covered.

The captions and introductory texts explain what is meant by a ‘recovery operation’ and a ‘non-recovery operation’. The definitions are based on the Glossary of terms adopted at COP13². We propose the term “non-recovery” instead of “final disposal” because it creates confusion that “final” disposal also covers interim operations.

¹ See document UNEP/CHW/OEWG.12/INF/25.

² See document UNEP/CHW.13/4/Add.2.

1.2 Inclusion of “catch-all operations”

It is necessary to include catch-all operations in Annex IV in order to cover disposal operations which are not known to date, which become available due to scientific, technical or other developments or which have otherwise not been listed in Annex IV, in order to achieve the objectives outlined under 1. above and to avoid loopholes. We therefore propose the "catch-all" operations in D30, D35, R25 and R30 of our proposal, i.e. both for sections A and B, and both for non-interim operations and for interim operations.

The introduction of the catch-all operations needs to be read together with the introductory texts of “non-recovery” and “recovery” in both sections A and B of Annex IV. These introductions provide clarity on the scope of the catch-all operations, and examples could provide more information.

Examples of operations that occur in practice but are not yet listed include but are not limited to the following:

- Release into sewage - which may not be covered by D6 (example for D30);
- Release to space (example for D30);
- Thermal treatment prior to submission to any of the operations in section A (example for D35);
- Underground stowage - where waste is serving a useful purpose by replacing other materials (example for R25);
- Utilization as building material for road construction or for engineered landfills - where waste is serving a useful purpose by replacing other materials (example for R25);
- Utilization for purposes of reclamation in excavated areas or for engineering purposes in landscaping - where waste is serving a useful purpose by replacing other materials (example for R25);
- Thermal treatment prior to submission to any of the operations in section B (example for R30).

In this context, we note that the Basel Convention has a wide scope; the only exclusions from its scope address radioactive wastes and wastes which derive from the normal operations of a ship (see Article 1(3) and (4) of the Convention).

Catch-all operations should of course only be used if no other specific operation applies, and this could be clarified in guidance (in addition to the wording “other ... than covered by ...” which seems clear); see under 1.6 below.

1.3 Generic wording of the operations without references to waste types

We find that it would simplify and clarify the listing of disposal operations in Annex IV if operations would be listed in a generic manner, without references to certain waste types.

When the Convention was adopted in 1989, it included Annex IV but not yet Annexes VIII and IX with the lists of waste codes. References to certain waste types in Annex IV, which seem to reflect important waste streams in 1989, may therefore have been justified at that time. Also, Annex I includes certain waste streams (Y1 to Y18). Annexes VIII and IX were adopted at COP4 and the notification and movement documents and the instructions for completing them at COP8³. Therefore, the notification and movement documents now include the relevant disposal operation in Annex IV (in block 11), the waste identification according to the waste list in Annex VIII, to wastes covered by Annex II or to the

³ See <http://www.basel.int/Procedures/NotificationMovementDocuments/tabid/1327/Default.aspx>

waste list in Annex IX if applicable (in block 14) and the designation and composition of the waste need also to be provided (in block 12).

There is therefore no reason to duplicate or include additional information with references to waste types in the description of the disposal operations in Annex IV.

These considerations are relevant to the current operations R2 and R6 to R9.

1.4 Inclusion of examples of specific operations in brackets

We think that examples to the operations should be provided where appropriate in order to provide more information on the contents of the operations. Examples should in principle be neutral and not give the impression that only non-environmentally sound disposal would be covered by an operation. Examples should be included in brackets. The number of examples in Annex IV should be limited. In our proposal, a limited number of examples are contained in 14 of the 29 operations. More examples are provided in technical guidelines, such as the technical guidelines on operations D8 and D9, or could be provided in guidance or technical guidelines.

1.5 Inclusion of a new recovery operation “Preparing for reuse”

We propose a new operation “Preparing for reuse (e.g. checking, cleaning, repair, refurbishment)”, which is found in R20 of our proposal.

An object which has become ‘waste’, e.g. because a person has brought it to a community waste collection point, can be prepared by checking, cleaning, repair or refurbishment, and afterwards be used again without any further pre-processing. This can for example include repairing electrical or electronic equipment, furniture or bicycles which have become waste. There is currently no suitable code available in Annex IV for such situations. The waste fulfils in these situations a useful purpose from a circular economy perspective although they are not the same as recycling.

Preparing for reuse should be considered high up in the waste hierarchy, at a place between waste prevention and recycling. This issue has also been addressed in the adopted Glossary of terms (see p. 10), and in documents UNEP/CHW/RA_EWG.1/INF/3 (see p. 21) and UNEP/CHW/RA_EWG.2/INF/4 (see p. 13/14).

The key difference between difference between 'reuse' and 'preparing for reuse' is that in the case of 'reuse' a product, object or substance is not waste when it is 'reused', whereas in the case of 'preparing for reuse' an object or substance has become waste. It is waste when it is prepared for reuse and is no longer a waste when it is reused afterwards. The legal status of an object or substance is different in both cases, while the technical characteristics may not be different.

In relation to concerns raised in the discussions in the expert working group on the review of annexes on this new operation, we would like to stress that this operation, like the other operations in this section, needs to be read together with the introduction of section B (emphasis added): “A recovery operation is an operation the principal result of which is **waste** serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.”

This makes clear that for example repair or refurbishment of waste falls under this new operation. This is in line with explanations in the Glossary of terms on the terms repair and refurbishment, where it is explained that both waste and non-waste can be subject to repair and refurbishment.

Clarifications on this new operation could also be provided in explanations or guidance (see under 1.8 below).

1.6 Order and numbering of the operations

The non-recovery operations are listed according to the environmental media: land, water, air/atmosphere, followed by operations occurring prior to submission to any of the above operations.

The recovery operations have been listed in the same order as in the waste management hierarchy since this is the guiding principle for the environmentally sound management of waste⁴, followed by operations which occur prior to submission to any of the above operations.

We propose that all operations are given new numbers starting with non-recovery operation D20 and with recovery operation R20, respectively, in order to avoid implementation problems (similar to replacing entry B3010 by new entry B3011).

1.7 Entry into force of the amendments

We are very conscious of the fact that sufficient time will be needed to adapt to the revised Annex IV, for countries to adapt their law, for countries' authorities, including those responsible for notifications, inspections and enforcement as well as permits or licenses for facilities, and for stakeholders involved in the transboundary movement and management of waste. In relation to adaptation of law, we note that the OECD Decision, a multilateral agreement in accordance with Article 11 of the Convention, needs to be amended by the OECD Member countries before countries can adapt their national law. Considering this, we propose a period of three to four years between the adoption of the amendment of Annex IV by the Conference of the Parties and the amended Annex IV becomes effective.

We note that consequential changes to the amendment of Annex IV, such as changes of the notification and movement documents and the instructions for completing them as well as the reporting format, may – if not adopted at the same time as an amendment of Annex IV – be prepared and adopted in the period of three to four years. In addition, additional explanations or guidance (see under 1.8 below) in addition to those instructions could also be developed in this period.

1.8 Additional explanations or guidance

The descriptions of disposal operations contained in Annex IV are general and could benefit from further clarification of their contents. We therefore propose that explanations or guidance is developed and adopted before the amendments of Annex IV to the Convention become effective. These explanations or guidance should provide clarifications and examples of the operations covered (e.g. for the new operation on preparing for reuse, see under 1.5 above). They should not be included in the text of the Convention but in a separate document.

Guidance could for example also be useful in order to differentiate between interim and non-interim operations. In case e.g. the total output of an operation is still waste, this seems to indicate that the operation is an operation “prior to submission to any of the operations in section ...”. In case the total output of an operation is non-waste, it seems clear that this operation is a non-interim operation. However, there are also cases where a non-interim operation produces waste, e.g. a slag from incineration falling under the current operations D10 or R1, or a waste from paper production with waste paper as input, falling under the current operation R3. In addition, there may be cases where part of the output of an operation that is understood as an interim operation is non-waste, e.g. small part of the output from the pre-treatment of metals, falling under the current operation R12. We think that such practical situations could be addressed in guidance, where it could e.g. be included that the principal result of a treatment should determine whether it is an interim operation or a non-interim operation (see also paragraph 16 of the report of the third meeting of the EWG).

⁴ See notably the Strategic framework for the implementation of the Basel Convention for 2012-2021, adopted by decision BC-10/2.

We also note that there may be cases where operations are carried out stepwise: For example, with respect to recycling of metals, e.g. a temporary storage could take place in one facility (current operation R13), a physical/mechanical treatment could take place in another facility (current operation R12) and a smelting process could take place in a third facility (current operation R4). However, all such steps could also take place in one integrated facility, where the appropriate operation may only be current operation R4. We think that such cases could possibly be addressed in the instructions for the notification and movement documents, considering these instructions will have to be revised following the revision of Annex IV.

With respect to terminology used in Annex IV, further guidance may be necessary. For example, it could be useful to include a clearer definition of “recycling” in the Glossary of terms in order to establish a common understanding for this term.

In addition, guidance could, as mentioned 1.2 above, clarify the fact that catch-all operations should only be used if no other specific operation applies.

2. Rationale for proposed amendments in relation to existing operations in section A of Annex IV

While our proposal follows a revised order (see under 1.6 above), the rationale for the operations in section A is ordered according to the current operations for ease of reference.

With regard to interim operations, we would like to note that our proposals ensure consistency between sections A and B; the only difference is “immobilization” which appears in the new operation D33, but not in new operation R28, as this seems only to be applicable for section A.

Existing operation:	
D1	Deposit into or onto land, (e.g., landfill, etc.)
Our proposal:	
D22	Deposit onto land other than covered by D20 and D21 (e.g. permanent aboveground storage)
D23	Permanent underground storage (e.g. placement of containers in a mine)
D24	Deposit into land other than covered by D23 (e.g. injection into wells, salt domes of naturally occurring repositories)
Rationale:	
We think it is clearer and it has therefore merits to separate deposit ‘into’ and ‘onto’ land from each other because of the differences between these operations. Deposit onto land can include the example of ‘permanent aboveground storage’ (currently part of operation D12). ‘Permanent underground storage’ (currently also part of operation D12) should have its own code because of its practical relevance and include the example of ‘placement of containers in a mine’. We note that deposit into or onto land can be environmentally sound (e.g. the placement of suitable waste into suitable areas) or not be environmentally sound (e.g. littering).	
Existing operation:	
D2	Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)

<p>Our proposal:</p> <p>D25 Treatment of land in situ (e.g. biodegradation or biological or chemical treatment)</p>
<p>Rationale:</p> <p>“Land treatment” is unclear. The term “discards” is problematic. There is a potential overlap between D2 and D8 as well as between D2 and R10. We think it is important to clarify that the treatment takes place on site, i.e. ‘in situ’, while treatment of land/soil ex situ is covered by D8.</p>
<p>Existing operation:</p> <p>D3 Deep injection, (e.g., injection of pumpable discards into wells, salt domes of naturally occurring repositories, etc.)</p>
<p>Our proposal:</p> <p>Merge with above proposed operation D24 and give the examples of ‘injection into wells’ and ‘salt domes of naturally occurring repositories’ therein.</p>
<p>Rationale:</p> <p>The term “discards” is problematic. The practical relevance of this operation seems limited. There is a potential overlap between D1 and D3.</p>
<p>Existing operation:</p> <p>D4 Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)</p>
<p>Our proposal:</p> <p>D21 Surface impoundment (e.g. placement of liquids or sludge into pits, basins or tailing dams)</p>
<p>Rationale:</p> <p>The term “discards” is problematic. “ponds or lagoons” seems problematic because of possible overlaps with D6 and D7. “basins or tailing dams” seems more appropriate.</p>
<p>Existing operation:</p> <p>D5 Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)</p>
<p>Our proposal:</p> <p>D20 Deposit in an aboveground engineered landfill isolated from the environment</p>
<p>Rationale:</p> <p>An operation should be specified, not a facility; therefore ‘Deposit in an’ should be added. Adding ‘aboveground’ seems useful for clearer distinction to new operation D23 (Permanent underground storage) and reflects that a landfill is built open-air above ground, filled with waste and then covered. The wording ‘specially’ is unclear. Issues related to e.g. lined</p>

discrete cells seems better covered together with similar features in technical guidelines (which are currently under revision).

Existing operation:

D6 Release into a water body except seas/oceans

No amendment is proposed (only renumbering to D26).

Existing operation:

D7 Release into seas/oceans including sea-bed insertion

No amendment is proposed (only renumbering to D27).

Existing operation:

D8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A

Our proposal:

D31 Biological treatment prior to submission to any of the operations in Section A

Rationale:

The wording “not specified elsewhere in this Annex” is unclear; there does not seem to be another biological treatment as interim operation in section A. The term “discarded” is problematic. It is clearer to specify that this is an interim operation by the wording “prior to submission to ...” as for other interim operations.

Existing operation:

D9 Physico chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A, (e.g., evaporation, drying, calcination, neutralization, precipitation, etc.)

Our proposal:

D33 Manual treatment (e.g. separation), physical/mechanical treatment other than covered by D32 (e.g. separation, size reduction, evaporation, drying, autoclaving), physical/chemical treatment (e.g. solvent extraction), chemical treatment (e.g. neutralization, chemical precipitation) or immobilization (e.g. stabilization, solidification) prior to submission to any of the operations in section A

Rationale:

The term “Physico chemical treatment” is unclear. We propose structuring the operation according to the structure in the technical guidelines on D8 and D9 (physical/mechanical treatment, physical/chemical treatment, chemical treatment, immobilization) while separating out “manual treatment” as it is not covered by “physical/mechanical treatment”.

Relevant examples (also taken from the technical guidelines on D8 and D9) are proposed to be added for all categories. In addition, a reference is included to D32 as mixing is also a physical/mechanical treatment. The wording “not specified elsewhere in this Annex” is unclear. The term “discarded” is problematic. It is clearer to specify that this is an interim operation by the wording “prior to submission to ...” as for other interim operations.

Existing operation:

D10 Incineration on land

Our proposal:

D29 Thermal treatment other than covered by R24 in section B (e.g. incineration)

Rationale:

There is other thermal treatment than incineration which should also be covered in section A; incineration is the most relevant practical example for thermal treatment. There is an overlap with the current operation R1 that can be addressed through inserting introductions for sections A and B, and further through adding a clarifying reference to R1 (see our proposal below for R24). With regard to the deletion of “on land”, see also our proposal on D11 below.

Existing operation:

D11 Incineration at sea

Our proposal:

Merge with above operation D29 for simplification and broaden it.

Rationale:

The process of incineration on land and at sea is technically the same. In addition, listing an operation that seems to cover non-environmentally sound management separately does not seem appropriate. We note that the London Convention stands on its own.

Existing operation:

D12 Permanent storage (e.g., emplacement of containers in a mine, etc.)

Our proposal:

See our proposal above under ‘Existing operation D1’:

‘D22 Deposit onto land other than covered by D20 and D21 (e.g. permanent aboveground storage)

D23 Permanent underground storage (e.g. placement of containers in a mine)’.

Rationale:

Permanent underground storage seems practically relevant whereas permanent aboveground storage seems not very relevant in practical terms. We think it has merits to have permanent underground storage as separate operation (new operation D23) and to cover ‘permanent aboveground storage’ as an example after the operation ‘Deposit onto land ...’ (new operation D22). “emplacement” seems confusing and should be replaced by “placement”.

<p>Existing operation:</p> <p>D13 Blending or mixing prior to submission to any of the operations in Section A</p>
<p>Our proposal:</p> <p>D32 Mixing, including blending, prior to submission to any of the operations in section A</p>
<p>Rationale:</p> <p>In the literature, there are different technical understandings of the terms “mixing” and “blending”. However, taking into account the legal provisions at the level of EU and OECD on mixing and mixtures, which do not explicitly address blending, but should in our view cover “blending”, we propose the redrafting as shown above.</p>
<p>Existing operation:</p> <p>D14 Repackaging prior to submission to any of the operations in Section A</p>
<p>Our proposal:</p> <p>No amendment is proposed (only renumbering to D34).</p>
<p>Existing operation:</p> <p>D15 Storage pending any of the operations in Section A</p>
<p>Our proposal:</p> <p>D36 Temporary storage prior to submission to any of the operations in section A</p>
<p>Rationale:</p> <p>It is clearer to specify that this is an interim operation by the wording “prior to submission to...” as for other interim operations. It is necessary to refer to ‘temporary’ storage for a clearer distinction to permanent storage, as the term “storage” is often used without adding “prior to submission to ...”. Consistency with operation R31 is important.</p>
<p>Proposed new operation:</p> <p>D28 Release to the atmosphere (e.g. venting of compressed or liquefied gases)</p>
<p>Rationale:</p> <p>All operations should be covered. In this context, we note that the Basel Convention has a wide scope; the only exclusions from its scope address radioactive wastes and wastes which derive from the normal operations of a ship (see Article 1(3) and (4) of the Convention).</p>
<p>Proposed new operations:</p> <p>D30 Non-recovery other than covered by D20 to D29</p> <p>D35 Other treatment than covered by D31 to D34 prior to submission to any of the operations in section A</p>

Rationale:

See the general comments regarding ‘catch-all’ operations under 1.2 above.

3. Rationale for proposed amendments in relation to existing operations in section B of Annex IV

While our proposal follows a revised order (see under 1.6 above), the rationale for the operations in section B is ordered according to the current operations for ease of reference.

With regard to interim operations, we would like to note that our proposals ensure consistency between sections A and B; the only difference is “immobilization” which does not appear in the new operation R28, but in new operation D33, as this seems not to be applicable for section B.

Existing operation:

R1 Use as a fuel (other than in direct incineration) or other means to generate energy

Our proposal:

R24 Thermal treatment with the principal result to generate energy (e.g. incineration)

Rationale:

The wording ‘other than in direct incineration’ and “Use as a fuel or other means” seems unclear. The term “fuel” may indicate that incineration may be covered. However, there is other thermal treatment than incineration which should also be covered in section B; incineration is the most relevant practical example for thermal treatment. The clear distinction between the current operations R1 and D10 is important (see introductions of sections A and B and the suggestion for the new operation D29) and the rationale under current operation D10. Therefore, a reference to “principal result” has been proposed to be included.

Existing operation:

R2 Solvent reclamation/regeneration

Our proposal:

This operation is proposed to be deleted and merged with our proposals for R21 and R23.

Rationale:

It is unclear why a separate code is necessary. The operations listed should in principle be generic and not refer to certain waste streams (see general comments under 1.3 above). The term “reclamation” is unclear and not addressed in the Glossary of terms.

Existing operation:

R3 Recycling/reclamation of organic substances which are not used as solvents

<p>Our proposal:</p> <p>R21 Recycling of organic substances (e.g. physical/mechanical treatment, chemical treatment)</p>
<p>Rationale:</p> <p>The term “reclamation” is unclear and is not addressed in the Glossary of terms. The examples are practically relevant and needed to provide more information on the operation. A chemical treatment by which for example plastic is reprocessed e.g. into products would be covered by R21, but recycling and therefore R21 does not include energy recovery (which is covered by R24) and should not include the reprocessing into fuels (this could be clarified e.g. in guidance). The scope of R3 is therefore not broadened.</p>
<p>Existing operation:</p> <p>R4 Recycling/reclamation of metals and metal compounds</p>
<p>Our proposal:</p> <p>R22 Recycling of metals and metal compounds (e.g. smelting, hydrometallurgy, physical/mechanical treatment)</p>
<p>Rationale:</p> <p>The term “reclamation” is unclear and not addressed in the Glossary of terms. The examples are practically relevant and needed to provide more information on the operation.</p>
<p>Existing operation:</p> <p>R5 Recycling/reclamation of other inorganic materials</p>
<p>Our proposal:</p> <p>R23 Recycling of inorganic materials other than covered by R22 (e.g. physical/mechanical treatment, chemical treatment)</p>
<p>Rationale:</p> <p>The term “reclamation” is unclear and not addressed in the Glossary of terms. The examples are practically relevant and needed to provide more information on the operation. A distinction to R22 seems necessary, as metals are also inorganic materials.</p>
<p>Existing operation:</p> <p>R6 Regeneration of acids or bases</p>
<p>Our proposal:</p> <p>This operation is proposed to be deleted and merged with R21 and R23.</p>
<p>Rationale:</p> <p>It is unclear why a separate code is necessary. The operations listed should in principle be generic and not refer to certain waste streams (see our related general comments under 1.3 above). We note that acids and bases can be organic or inorganic.</p>

<p>Existing operation:</p> <p>R7 Recovery of components used for pollution abatement</p>
<p>Our proposal:</p> <p>This operation is proposed to be deleted and merged with R21, R22 and R23.</p>
<p>Rationale:</p> <p>It is unclear why a separate code is necessary. The operations listed should in principle be generic and not refer to certain waste streams (see our related general comments under 1.3 above).</p>
<p>Existing operation:</p> <p>R8 Recovery of components from catalysts</p>
<p>Our proposal:</p> <p>This operation is proposed to be deleted and merged with R21, R22 and R23.</p>
<p>Rationale:</p> <p>It is unclear why a separate code is necessary. The operations listed should in principle be generic and not refer to certain waste streams (see our related general comments under 1.3 above).</p>
<p>Existing operation:</p> <p>R9 Used oil re-refining or other reuses of previously used oil</p>
<p>Our proposal:</p> <p>This operation is proposed to be deleted and merged with R21.</p>
<p>Rationale:</p> <p>It is unclear why a separate code is necessary. The term “reuses” conflicts with the understanding of “reuse” in the Glossary of terms. The operations listed should in principle be generic and not refer to certain waste streams (see our related general comments under 1.3 above).</p>
<p>Existing operation:</p> <p>R10 Land treatment resulting in benefit to agriculture or ecological improvement</p>
<p>Our proposal:</p> <p>This operation is proposed to be deleted as it could be covered under the ‘catch-all’ operation in R25.</p>
<p>Rationale:</p> <p>It is unclear why a separate code is necessary, because the practical relevance may be low.</p>

<p>Existing operation:</p> <p>R11 Uses of residual materials obtained from any of the operations numbered R1-R10</p>
<p>Our proposal:</p> <p>This operation is proposed to be deleted.</p>
<p>Rationale:</p> <p>It is unclear why this operation has been listed. The term “use” is not acceptable as it is linked to non-waste (see Glossary of terms).</p>
<p>Existing operation:</p> <p>R12 Exchange of wastes for submission to any of the operations numbered R1-R11</p>
<p>Our proposal:</p> <p>R26 Biological treatment prior to submission to any of the operations in section B</p> <p>R27 Mixing, including blending, prior to submission to any of the operations in section B</p> <p>R28 Manual treatment (e.g. separation), physical/mechanical treatment other than covered by R27 (e.g. separation, size reduction, evaporation, drying, autoclaving), physical/chemical treatment (e.g. solvent extraction) or chemical treatment (e.g. neutralization, precipitation) prior to submission to any of the operations in section B</p> <p>R29 Repackaging prior to submission to any of the operations in section B</p>
<p>Rationale:</p> <p>The term “exchange” is unclear. The proposed operations would ensure legal clarity and consistency with the interim operations D31 to D34 in section A. The only difference is “immobilization” which does not appear in the R28, but in D33, as this seems not to be applicable for section B. In addition, see the rationale under the current operations D8, D9, D13 and D14 above.</p>
<p>Existing operation:</p> <p>R13 Accumulation of material intended for any operation in Section B</p>
<p>Our proposal:</p> <p>R31 Temporary storage prior to submission to any of the operations in section B</p>
<p>Rationale:</p> <p>The term “accumulation” is unclear. It is clearer to specify that this is an interim operation by the wording “prior to submission to ...” as for other interim operations. It is necessary to refer to ‘temporary’ storage for a clearer distinction to permanent storage, as the term “storage” is often used without adding “prior to submission to ...”. Consistency with operation D36 is important.</p>

Proposed new operation: R20 Preparing for reuse (e.g. checking, cleaning, repair, refurbishment)
Rationale: All operations should be covered. See the detailed explanation for 'Preparing for reuse' under 1.5 of the general comments.
Proposed new operations: R25 Recovery other than covered by R20 to R24 R30 Other treatment than covered by R26 to R29 prior to submission to any of the operations in section B
Rationale: See the general comments regarding 'catch-all' operations under 1.2 above.

B. Annexes II and IX

The proposals for amendments to Annexes II and IX to the Convention contain consequential changes of the proposed amendment of operation R3 in Annex IV to the Convention.
