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**Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal**

Seventh meeting

Geneva, 25–29 October 2004

Item 6 of the provisional agenda *

**Report on the implementation of the decisions adopted
by the Conference of the Parties at its sixth meeting**

Cooperation with the World Customs Organization

Note by the Secretariat

I. Introduction

1. In part VI of decision VI/29 on international cooperation, the Conference of the Parties requested “the secretariat to move forward, under the guidance of the Open-ended Working Group, with the issue of identification of the wastes covered by the Basel Convention in the Third Harmonized System Review Cycle.”

II. Implementation

2. Accordingly, the Secretariat entered into discussions with the World Customs Organization (WCO) regarding the separate identification of substances subject to the Basel Convention in the Harmonized Commodity Description and Coding System. The annex to the present note contains recent correspondence between the WCO Tariff and Trade Affairs Directorate and the Secretariat concerning the importance of enlisting the assistance of the Parties to the Basel Convention in the effort to further amend the Harmonized System to separately identify certain categories of waste

III. Proposed action

3. The Conference may wish to consider the draft decision proposed by the Open-ended Working Group contained in document UNEP/CHW.7/2 with a view to enlisting the assistance of Parties in the process of the separate identification of certain categories of waste in the Harmonized System.

* UNEP/CHW.7/1.

Annex

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WCO OMD

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**WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES**

 Established in 1952 as the Customs Co-operation Council
Créée en 1952 sous le nom de Conseil de coopération douanière

TARIFF AND TRADE AFFAIRS DIRECTORATE
TEL : 32 2 209 92 01
FAX : 32 2 209 94 92
DESTINATION - FAX : SWITZERLAND (4122) 797 34 54
PAGES : 3

DATE : Brussels, 17 September 2004

TO : Ms. Sachiko Kuwabara-Yamamoto,
Executive Secretary,
Secretariat of the Basel Convention

FROM : Mr. Chriticles MWANSA
Director

SBC/UNEP

 Date ... **17 SEP 2004** ...

Seen by

Action

File

Date

URGENT

Your Ref. : Your fax of 8 September 2004

WCO Ref. : 04NL0608 -Pk/Ky

Dear Madam,

Thank you very much for your fax message of 8 September 2004 in respect of the three proposals from the Basel Convention Secretariat (UNEP) concerning possible separate identification of certain new categories of waste in the Harmonized System (HS) Nomenclature.

First of all, I would like to clarify that, based on the provisions of the HS Convention, any recommended amendment to the HS Nomenclature enters into force 2,5 years after it has been accepted and notified to all Contracting Parties to this Convention. The amendments of the HS Nomenclature are being introduced periodically, in so called review cycles. So far, two review cycles of the HS Nomenclature have been completed, the first cycle on 1 January 1996 and the second cycle on 1 January 2002. The results of the third HS review cycle (i.e., current review cycle), which were adopted by the Council of the World Customs Organization in June 2004, will enter into force on 1 January 2007, whereas those resulting from the fourth review cycle are likely to come into force on 1 January 2012.

From this prospective, the 33rd Session of the HS Committee (May 2004) was the final opportunity to finalise and to adopt the amendments of the HS Nomenclature which should enter into force from 1 January 2007. Subsequent to this Session, in June 2004, the WCO Council accepted the amendments recommended by the HS Committee for the version of the 2007 HS Nomenclature, which are currently in the notification process.

As you are aware, with regard to the proposals by UNEP concerning the possible separate identification of certain new categories of waste in the HS, the HS Committee at its 33rd Session felt that a further study of the matter was necessary, in co-operation with the Basel Convention Secretariat and in consultations with industry and governmental agencies, aimed especially at finding some objective criteria for the identification of waste and their distinction from primary products. Consequently, the HS Committee agreed not to include the relative amendments into the HS 2007 review, but to proceed with them within the framework of the next (fourth) HS review cycle.

/...

Rue du Marché, 30, B-1210 Bruxelles, Belgique

• Telephone: 32 2 209 92 11 • Fax : 209 92 92 CUSCO B • Comptes : Générale de banque : 210-0475126-72 •

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The results of the fourth HS review cycle are scheduled to enter into force on 1 January 2012. Consequently, all possible amendments for that cycle should be finalised before June 2009 and first discussions on the proposals for the HS amendments 2012 will be open at the HS Review Sub-Committee in November 2004. Within this time frame, the three proposals by UNEP with respect to certain categories of wastes should also be taken up.

With the intention of facilitating further deliberations of the Review Sub-Committee on the possible HS amendments proposed by UNEP and moving these important environmental issues forward, I have suggested in my previous letter (04NL0386 – LFC/Pk) that the Contracting Parties of the HS and the Basel Conventions be contacted and sensitised by a parallel action of both respective Secretariats, the WCO Secretariat and the Basel Convention Secretariat.

Accordingly, the WCO Secretariat has contacted Contracting Parties to the Harmonized System Convention, requesting those members who are also signatories to the Basel Convention, to consult industry and to contact their counterparts in government to enlist their assistance in addressing and answering the questions raised by the WCO Secretariat in Doc. NC0816E1 as well as the concerns expressed by the US and EC Delegates in paragraphs 7 and 9, respectively, of Annex G/4 to Doc. NC0845E2.

Along these lines, the WCO Secretariat would strongly encourage the Basel Convention Secretariat to contact the Member Parties to the Basel Convention (e.g., by correspondence or during regular meetings of the Member Parties) in respect of the same matter, seeking their assistance, comments and/or proposals in answering the concerns and questions outlined in the preceding discussions of the HS Committee (copies of the relative documents referred to in the paragraph above have been forwarded to you in our previous correspondence).

As we have emphasised previously, the foundation for a successful HS amendment satisfying the needs of the Basel Convention, as well as the other users of the HS, is to clearly define the three specific categories of waste for the purposes of the Harmonized System. Without a clear definition, it will not be possible to develop a draft of concrete amendments the Review Sub-Committee could proceed with. The key in formulating the amendments, is to arrive at six-digit codes for the specific categories of waste, with the scope clearly identifiable one from the other, as well as from the primary products. Such an approach would also be the guarantee of a subsequent uniform and correct implementation of the amendments.

On the other hand, the WCO Secretariat is aware that the sensitisation of the Member Parties, discussions in governments and consultations with industry may be a time requiring process. As the forthcoming, 30th Session, of the Review Sub-Committee is scheduled from 22 November to 3 December 2004 and the preparatory work of the Session is imminent, it might be difficult to get some feedback, comments or additional information from the Member Parties on such a date that there would be enough time available to study, analyse them and to publish the results in a working document for this session.

J...

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WCO OMD

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Since, by today, we have not received any comments or new information concerning the issues raised by the HS Committee or feedback from the Member Parties to the HS and/or Basel Conventions, it is our intention to prepare at least a short summary of the activities of the two Secretariats regarding these issues since the last session of the HS Committee and present it to the 30th Session of the Review Sub-Committee in a working document.

In this context, I would appreciate it if you could provide us with some indication on what course of action your Secretariat could take to enlist the assistance of the Member Countries to the Basel Convention in further development of the possible amendments the separate identification of certain categories of waste in the HS. It would also be very helpful if you could inform us whether your Secretariat expects input on the issues of concern from the Member Parties to the Basel Convention and if so, in what possible time frame. We would be grateful receiving your comments in this respect as soon as possible, **by 1 October 2004 at the latest** to enable the timely preparation and distribution of the respective working document for the forthcoming session of the Review Sub-Committee.

Thank you for your kind co-operation.

Yours sincerely,



Chriticles MWANSA.

TOTAL P.03



Sent

FACSIMILE TRANSMISSION

To:	Mr. Chriticles Mwansa Director Tariff and Trade Affairs Directorate World Customs Organization Belgium	Date:	5 October 2004
Fax:	+(32 2) 209 9492	Pages:	1 including this one
From:	Ms. Sachiko Kuwabara-Yamamoto Executive Secretary Secretariat of the Basel Convention	Drafter:	PP
Subject:	Proposals from the Basel Convention for Amendments to the WCO/Harmonised Commodity Description and Coding System	Email:	sbc@unep.ch / 267
		Tel:	+(41 22) 917 8218
		File ref:	

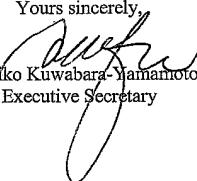
Dear Mr. Mwansa,

Thank you for your fax ref. 04NL0608/Pk/Ky dated 8 September 2004 concerning the proposal for the separate identification of hazardous wastes subject to control under the Basel Convention within the Harmonised System and for the clarification concerning the process.

With regard to your request for information on what course of action the Secretariat of the Basel Convention could take to enlist the assistance of Parties to the Basel Convention in further development of the possible amendments and the separate identification of certain categories of waste in the Harmonised System, I wish to inform you that the Secretariat will bring your correspondence to the attention of the seventh meeting of the Conference of the Parties that will take place in Geneva from 25 to 29 October 2004. Further to consideration of this matter by the COP, we will revert to you.

Once again, I wish to thank you for your cooperation.

Yours sincerely,


Sachiko Kuwabara-Yamamoto
Executive Secretary

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SECRETARIAT OF THE BASEL CONVENTION
ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL
15, chemin des Anémones, 1219 Châtelaine (Geneva), Switzerland
Tel: [41 22] 917 8218 • Fax: [41 22] 797 3454 • Email: sbc@unep.ch • Web: www.basel.int