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**NOTE**

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From: General Secretariat of the Council  
To: Delegations

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No. Cion doc.: 6301/25 - COM(2025) 43 final

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Subject: Draft Council Decision on the position to be taken on behalf of the European Union at the seventeenth Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal with regard to certain amendments of Articles and Annexes in that Convention  
- Presidency compromise text

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With a view to the Working Party on International Environmental Issues (International Basel) on 10 March 2025, delegations will find in the Annex a compromise text prepared by the Presidency.

Changes to the Commission's proposal (6301/25) are set out in **bold** and ~~strikethrough~~ for deletions.

Draft

**COUNCIL DECISION**

**on the position to be taken on behalf of the European Union at the seventeenth Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal with regard to certain amendments of Articles and Annexes in that Convention**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal ('the Convention') entered into force in 1992 and was concluded by the Union by Council Decision 93/98/EEC concerning the conclusion, on behalf of the Community, of the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal<sup>1</sup>.
- (2) Pursuant to Article 15(5)(b) of the Convention, the Conference of the Parties shall consider and adopt, as required, amendments to the Convention.
- (3) The Conference of the Parties, during its ~~15<sup>th</sup>~~ **fifteenth** meeting in June 2022 and its ~~16<sup>th</sup>~~ **sixteenth** meeting in May 2023, considered a proposal for amendments of Article 6(2) of the Convention submitted by the Russian Federation. The Conference of the Parties decided to defer the consideration of this proposal to the following meeting of the Conference of the Parties.

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<sup>1</sup> OJ L 39, 16.2.1993, p. 1.

- (4) The Russian Federation submitted a slightly amended proposal in October 2024 for discussion at the 17<sup>th</sup> **seventeenth** meeting of the Conference of the Parties, in April-May 2025. That proposal aims to establish a 90-day time limit for an importing country to respond to the notifier of a shipment of waste and to include other changes presented as editorial.
- (5) A proposal to amend Annex IV and certain entries in Annexes II and IX to the Convention was submitted on the Union's behalf and discussed by the Conference of the Parties during its 15<sup>th</sup> **fifteenth** meeting in June 2022. The proposal aims, *inter alia*, to amend and clarify the descriptions of disposal operations listed in Annex IV to the Convention and, in particular, to: include a general introduction clearly distinguishing the terms 'non-recovery' and 'recovery'; include introductory texts explaining what is meant by 'non-recovery operations' (Annex IVA) and 'recovery operations' (Annex IVB); update and clarify the descriptions of operations in line with scientific, technical and other developments which have occurred since the Convention was adopted in 1989; and ensure, through the introduction of catch-all provisions, that all operations not specifically mentioned are covered by the Convention's requirements. The Conference of the Parties decided to further consider this proposal at the following meeting of the Conference of the Parties.
- ~~(6) It is appropriate to establish the position to be taken on the Union's behalf at the 17<sup>th</sup> meeting of the Conference of the Parties on those proposals, given that, being amendments to the text and Annexes of the Convention, they have legal effects. If adopted by the Conference of the Parties, the envisaged acts will be binding on the Union and capable of decisively impacting Union law, namely calling for amendments to Directive 2008/98/EC<sup>2</sup> and to Regulation (EU) 2024/1157<sup>3</sup>.~~

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<sup>2</sup> ~~Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, OJ L 312, 22.11.2008, p. 3–30.~~

<sup>3</sup> ~~Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006, OJ L, 2024/1157, 30.4.2024~~

- (7 6) With regard to the proposals to amend Article 6(2) of the Convention submitted by the Russian Federation, the Union should not support them, since they would not help addressing the problems that the Union considers as priorities for the functioning of the Basel Convention. In addition, amendments to the body of the Convention text require a lengthy and burdensome process to enter into force, and it seems disproportionate to launch such a ~~process~~ **procedure** for an amendment ~~which has very little to no added-value~~ **that offers** little to no added-value. The Union should rather continue supporting initiatives designed to improve the functioning of the procedure of ‘prior informed consent’, as currently ongoing under the Convention, safeguarding that they remain in line with broad Union policies and objectives and do not require an amendment to the Convention.
- (8 7) With regard to the proposal to amend Annex IV and certain entries in Annexes II and IX, the Union should continue to support its adoption. With a view to reach consensus on this proposal, the Union should also display flexibility, in particular with regard to the proposed measures that are unlikely to gather sufficient support for their adoption at the ~~upcoming~~ **seventeenth meeting of the** Conference of Parties. This includes, for example, deferring the discussion on the most contentious topics (such as preparing for reuse and catch-all operations), seeking an agreement on the remaining aspects of the proposal and supporting possible amendments by other Parties, provided that they could achieve the same objectives as those behind the Union’s proposals concerning Annex IV to the Convention.
- (8) It is appropriate to establish the position to be taken on the Union’s behalf at the seventeenth meeting of the Conference of the Parties on those proposals, given that, being amendments to the text and Annexes of the Convention, they have legal effects. If adopted by the Conference of the Parties, the envisaged acts will be binding on the Union and capable of decisively impacting Union law, namely calling for amendments to Directive 2008/98/EC<sup>4</sup> and to Regulation (EU) 2024/1157<sup>5</sup>,**

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<sup>4</sup> **Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, OJ L 312, 22.11.2008, p. 3–30.**

<sup>5</sup> **Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006, OJ L, 2024/1157, 30.4.2024**

HAS ADOPTED THIS DECISION:

*Article 1*

1. The position to be taken on the Union's behalf at the 17<sup>th</sup> **seventeenth** meeting of the Conference of the Parties to the Basel Convention is the following:
  - (a) the Union shall not support the amendments to Article 6(2) of the Convention, as submitted by the Russian Federation. The Union shall support initiatives designed to improve the functioning of the procedure of 'prior informed consent', on the condition that they are in line with broad Union policies and objectives and do not require amending the Convention.
  - (b) the Union shall continue supporting the adoption of the amendments to Annex IV and to certain entries in Annexes II and IX of the Convention **submitted on the Union's behalf and discussed by the Conference of the Parties during its fifteenth meeting**. If needed in order to ensure that consensus is found on an amendment of Annex IV, the Union may show flexibility and agree to depart from ~~the~~ **its** proposal ~~tabled at CoP15~~, as long as the amendment contributes to increase legal clarity of the Annex and to the implementation of the control mechanisms of the Convention, and does not undermine the EU **Union's** ~~legal regime~~ **law** on the management and shipments of waste.

*Article 2*

Refinement of the position referred to in Article 1 may be agreed to, in the light of developments at the 17<sup>th</sup> **seventeenth of the** Conference of the Parties, by representatives of the Union, in consultation with the Member States, during on-the-spot coordination meetings.

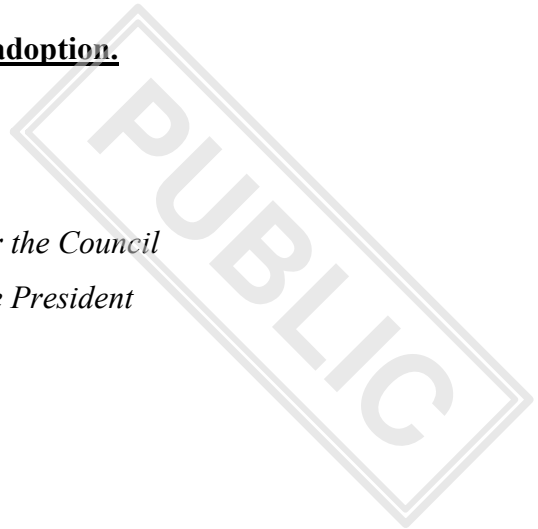
Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council*

*The President*



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