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### **Third Conference of the Parties to the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa**

Brazzaville, Congo  
Expert Segment  
12 - 13 February 2020

Item 5 (b) (i) of the provisional agenda: **New list of hazardous substances to be considered hazardous waste under Article 2 (1) (d) of the Bamako Convention;**

#### **Note by the Secretariat**

##### **I. Introduction**

- a) Article 2, paragraph 1(d) of the Bamako Convention provides that hazardous waste includes hazardous substances, that have been banned, cancelled or refused registration by government regulatory action, or voluntarily withdrawn from registration in the country of manufacture, for human health or environmental reasons;
- b) In decision 1/22 requested the Secretariat, in cooperation with the Secretariat of the Rotterdam Convention, to produce a list of substances described by Article 2, paragraph 1(d) in order to establish a new Annex VI to be approved at the Second Meeting of the Conference of Parties.
- c) In decision 2/8, it was decided that a new list of hazardous substances to be considered hazardous waste under article 2, paragraph 1 (d) would be established.
- d) In decision 2/8 Parties expressed the need to establish a dynamic list of substances described by Article 2, paragraph 1(d) in order to complete a new Annex containing such substances and to provide Parties with a complete hazardous waste definition as defined by the Bamako Convention.
- e) The Secretariat has compiled the list of chemicals with categories(see annex 1) that have been banned, cancelled or refused registration by government regulatory action, or voluntarily withdrawn from registration in the country of manufacture, for human health or environmental reasons, and communicated the list to all Parties for their comments.
- f) The Secretariat also circulated the list to Parties and stakeholders for comments. The note with comments received from Parties is attached in annex 2.
- g) The secretariat has prepared a note on the process of listing of chemicals under article 2(1)(d) of the Convention for consideration of this Conference of the Parties.

## II. Proposed actions

1. The Secretariat has prepared a draft decision for consideration by the Conference.

### **Decision CB. 3/1: Proposed list of hazardous substances to be considered Hazardous Waste under Article 2, paragraph 1(d) of Bamako Convention.**

*The Conference of the Parties:*

**Recalling** Article 2, paragraph 1(d) of the Bamako Convention which considers hazardous wastes to include hazardous substances that has been banned, cancelled or refused registration by government regulatory action, or voluntarily withdrawn from registration in the country of manufacture, for human health or environmental reasons;

**Further recalling** decision 1/22 of the First Conference of Parties requesting the Secretariat, in cooperation with the Secretariat of the Rotterdam Convention to produce a list of substances described by Article 2, paragraph 1(d) in order to establish a new Annex VI to be approved at the Second Meeting of the Conference of Parties.

**Recognizing**, decision 2/8 that called for a dynamic list of substances described by Article 2, paragraph 1(d) in order to complete a new Annex containing such substances and to provide Parties with a complete hazardous waste definition as defined by the Bamako Convention, in order to increase the implementation and enforcement of the Bamako Convention;

### ***Decides***

1. To welcome the proposed list of hazardous substances and commend the Parties for providing substantive comments.
2. To agree to initiate the process of adopting the list of hazardous substances to be considered Hazardous Waste under Article 2, paragraph 1(d) of Bamako Convention
3. To request the Secretariat in collaboration with partners to support the process of adopting the list of hazardous substances to be considered Hazardous Waste
4. To request the Secretariat to share the list with Parties and stakeholders

**ANNEX 1: compiled and categorized list of chemicals**

(see attached excel files)

## **ANNEX 2: Comments received from the Parties**

### **A. Mauritius**

#### **1. Comments on the proposed new list of hazardous waste**

Mauritius wishes to highlight that the objective of having such a list should be clear and clear distinction should be made between a hazardous chemical (as a product) and a hazardous waste. Given the fact that there is no worldwide ban on all the hazardous chemicals listed at Annex to Decision 2/8, we have a situation where there are chemicals that have been banned/cancelled/withdrawn in some countries and not in other countries. Caution should therefore be exercised in listing chemicals that have been banned, cancelled or withdrawn in some countries, as hazardous wastes, since the manufacture, trade and use of the hazardous chemicals are still allowed in countries where there is no ban, cancellation or withdrawal.

According to Mauritius, the list of hazardous substances provided at Annex to Decision 2/8 may provide guidance for countries to manage the hazardous chemicals listed therein as hazardous wastes only at the time the **chemicals would need to be disposed of**.

#### **2. Reaction to Annex to Decision 2/8 (25 July 2018)**

It would be appreciated if clarifications could be provided on the following:

(a) Whether as a Party to the Bamako Convention, Mauritius is requested to confirm the information on the hazardous substances that have been banned, cancelled, refused registration and voluntarily withdrawn by Mauritius as provided in Annex to Decision 2/8?

(b) In the event the list of hazardous substances provided in Annex to Decision 2/8 is adopted by the COP3, what will be the implications of such an adoption for Parties to the Bamako Convention? Will that mean that the importation and use of all the listed hazardous substances will not be allowed in Mauritius, unless these have already been banned for importation in Mauritius?

### **B. Republic of Congo**

En ce qui concerne la liste des produits chimiques à examiner, Pour la République du Congo il n'y a pas de soucis qu'ils soient classés dans l'annexe de la Convention de Bamako. Cependant il ne serait pas mauvais qu'un inventaire minutie soit réalisé dans les territoires des Etats Parties, afin de maîtriser la situation sur ces produits. Ce sera un micro-projet régional sur l'inventaire des produits chimiques à classer comme déchets dangereux.

The Republic of the Congo supports the idea that the proposed new list of chemicals be classified in the annex to the Bamako Convention. However, it would good for a detailed inventory to be carried out in the territories of the States Parties, in order to assess the situation around these products. It will be a regional micro-project on the inventory of chemicals to be classified as hazardous waste.