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COP3 to the Bamako Convention

SUBMISSION BY BURKINA FASO

PROPOSITION OF REVISION OF ARTICLE 2

OLD ARTICLE 2

ARTICLE 2 - Scope of the Convention

1. The following substances shall be "hazardous wastes" for the purposes of this convention:
 - (a) Wastes that belong to any category contained in Annex I of this Convention;
 - (b) Wastes that are not covered under paragraph (a) above but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the State of export, import or transit;
 - (c) Wastes which possess any of the characteristics contained in Annex II of this Convention;
 - (d) Hazardous substances which have been banned, cancelled or refused registration by government regulatory action, or voluntarily withdrawn from registration in the country of manufacture, for human health or environmental reasons.
2. Wastes which, as a result of being radioactive, are subject to any international control systems, including international instruments, applying specifically to radioactive materials, are included in the scope of this Convention.
3. Wastes which derive from the normal operations of a ship, the discharge of which is covered by another international instrument, shall not fall within the scope of this Convention.

NEW ARTICLE 2

ARTICLE 2 - Scope of the Convention

1. The following substances shall be "hazardous wastes" for the purposes of this convention:
 - (a) Wastes that belong to any category contained in Annex I of this Convention;
 - (b) Wastes that are not covered under paragraph (a) above but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the State of export, import or transit;



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(c) Wastes which possess any of the characteristics contained in Annex II of this Convention;

2. The Conference of the Parties shall review on a regular basis the substances which have been banned, cancelled or refused registration by government regulatory action, or voluntarily withdrawn from registration in the country of manufacture, for human health or environmental reasons. For each of these substances the Conference of the Parties make the decision whether the substance shall fall within the scope of this convention or not. In case of a decision to put the substance under the scope of this convention, the substance is listed in Annex I.B .

3. Wastes which, as a result of being radioactive, are subject to any international control systems, including international instruments, applying specifically to radioactive materials, are included in the scope of this Convention.

4. Wastes which derive from the normal operations of a ship, the discharge of which is covered by another international instrument, shall not fall within the scope of this Convention.

PROPOSITION OF REVISION OF ANNEX I

OLD ANNEX I

ANNEX I - CATEGORIES OF WASTES WHICH ARE HAZARDOUS WASTES

Waste Streams:

.....

Wastes having as constituents:

.....

NEW ANNEX I

ANNEX I - CATEGORIES OF WASTES WHICH ARE HAZARDOUS WASTES

I.A

Waste Streams:



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.....

Wastes having as constituents:

.....

I.B

Substances which 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



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DRAFT DECISION

The Conference of the Parties

Considering article 2 of the Bamako convention which automatically includes within the scope of the convention hazardous substances which 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;

Stressing the need to consider local environmental, scientific, technical, economic and social conditions when assessing the risks posed by chemicals to human health and the environment;

Considering that the automatic application of article 2 has a high potential to cause contradictions with the national legislation of the States Parties;

Recalling Article 17 of the Convention which states that any Party may propose amendments to this Convention;

Having examined the proposal to amend the Bamako Convention submitted by a Party to the convention;

Decides:

1. Article 2, paragraph 1 (d) of the Convention is amended as follows:

instead of :



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“(d) Hazardous substances which 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.”

read:

3. “The Conference of the Parties shall review on a regular basis the substances which 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. For each of these substances the Conference of the Parties make the decision whether the substance shall fall within the scope of this convention or not. In case of a decision to put the substance under the scope of this convention, the substance is listed in Annex I.B.”.

2. Annex I to the convention is amended accordingly as follows:

Instead of :

" ANNEX I - CATEGORIES OF WASTES WHICH ARE HAZARDOUS WASTES

Waste Streams:

.....

Wastes having as constituents:"

Read:

" ANNEX I - CATEGORIES OF WASTES WHICH ARE HAZARDOUS WASTES

I.A

Waste Streams:

.....

Wastes having as constituents:

.....



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I.B

Substances which 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."