

BAN Intervention on the Review of the Annexes

Thank you Mr./Madame co-chair. BAN has participated in the very important work being undertaken to review and revise the Annexes to the Convention and would wish to highlight some of the considerations now under debate.

First, I will speak to the all-important Annex IV which provides us with the frame by which the Convention defines waste and thus the potential scope of the Convention itself.

It is vital that this Annex includes all possible waste destinations to ensure that the Convention can control all transboundary movement to such destinations. It must include both ESM and non-ESM, legal and non-legal destinations. Without the generally condemned management pathways such as ocean dumping or open burning being included in the Annex, the Convention will be unable to control and prohibit such destinations as they will not fall under the scope of the Convention as wastes. So, while it is counter intuitive to include non-ESM destinations, they absolutely must be included if we are to avoid their use.

Second, BAN applauds the proposed addition by the EU of a new Annex 4 R entry, which would read, *"Preparation for Reuse (e.g. checking, cleaning, repair, refurbishment)"*. While we believe that such an entry as a waste destination is implicit as repair operations almost always entail replacing parts, and thus is material that in part must be disposed of, it is essential to be explicit about repair destinations as being a legitimate Annex IV destination.

The current Annex now shows the original intent of the Parties in its title which includes "Operations which may lead to Direct Reuse". This is actually a correct formulation but never had a corresponding entry. Thus, if we do not include Preparation for Reuse as a destination we leave out of the scope of the Convention the vital operations on the pathway towards Direct Reuse.

Indeed, the glossary already establishes Preparations for Reuse as involving Waste and states that one of the possibilities for waste to cease being a waste, is when it has been prepared for reuse.

Most frightening is the scenario that would be presented if we do not include Preparation for Reuse in Annex IV.

Without such an entry, this would mean that anyone wishing to avoid the transparency, controls and enforcement of the Convention could simply make a claim, however false, that the waste equipment, they export is to be repaired and is therefore is not a waste and the Convention does not apply. In this way a loophole is created allowing a very easy way to escape the Convention.

With respect to Annex III, (hazardous characteristics) we strongly assert that we should not be establishing concentration levels by which wastes will cease to be considered toxic, ecotoxic or poisonous at a certain given concentration level. While such concentration limits might sound logical, it is scientifically impossible to evaluate or establish safe levels for mixed waste streams, including their synergistic effects and impacts on uncertain target populations. Further, such concentration limits would incentivize dilution to escape the hazardous characteristic. Perhaps worst of all, such numeric limits would disproportionately and unfairly burden developing countries as countries that would not likely have the capacity and resources to conduct the very expensive chemical analysis required to assert concentration levels of the many thousands of potential

hazardous chemicals in any shipment. This idea can never be workable.

Finally with respect to Annex I, it has been proposed by the EU that the waste streams found in the first section of the Annex be removed. While there may be some redundancy by using waste streams as well as waste constituents, this in our view is a vital and important redundancy which both provides a safety net as well as saves resources by avoiding very costly chemical analysis.

We hope that Parties will keep these concerns in mind while participating this week in the important work on the Convention's Annexes.

We thank you, Mr. President.

Likewise on Annex IV it will be important now to create a new R listing besides for Chemical Recycling. This is important due to the fact that the Plastics Amendments in B3011 -- non-hazardous plastic waste is confined to R3 destinations and this was agreed with the understanding that R3 is mechanical recycling. However, with the advent of chemical recycling, it will be combined into R3 unless we create another R listing for it. As Chemical Recycling is a very very different technology and often creates fuel rather than recycle it is appropriate to create a separate listing for Chemical Recycling.