

97. Zakon o ratifikaciji Spremembe Baselske konvencije o nadzoru prehoda nevarnih odpadkov preko meja in njihovega odstranjevanja, sprejete na tretjem zasedanju konference pogodbenic 22. septembra 1995 v Ženevi (MSBKNO)

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI SPREMEMBE BASELSKE KONVENCIJE O NADZORU PREHODA NEVARNIH ODPADKOV PREKO MEJA IN NJIHOVEGA ODSTRANJEVANJA, SPREJETE NA TRETJEM ZASEDANJU KONFERENCE POGODBENIC 22. SEPTEMBRA 1995 V ŽENEVI (MSBKNO)

Razglasjam Zakon o ratifikaciji Spremembe Baselske konvencije o nadzoru prehoda nevarnih odpadkov preko meja in njihovega odstranjevanja, sprejete na tretjem zasedanju konference pogodbenic 22. septembra 1995 v Ženevi (MSBKNO), ki ga je sprejel Državni zbor Republike Slovenije na seji 15. julija 2004.

Št. 001-22-179/04

Ljubljana, dne 23. julija 2004

dr. Janez Drnovšek l. r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI SPREMEMBE BASELSKE KONVENCIJE O NADZORU PREHODA NEVARNIH ODPADKOV PREKO MEJA IN NJIHOVEGA ODSTRANJEVANJA, SPREJETE NA TRETJEM ZASEDANJU KONFERENCE POGODBENIC 22. SEPTEMBRA 1995 V ŽENEVI (MSBKNO)

1. člen

Ratificira se Sprememba Baselske konvencije o nadzoru prehoda nevarnih odpadkov preko meja in njihovega odstranjevanja, sprejeta na tretjem zasedanju konference pogodbenic 22. septembra 1995 v Ženevi.

2. člen

Besedilo spremembe se v izvirniku v angleškem jeziku ter v prevodu v slovenskem jeziku glasi:

AMENDMENT

TO THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL, ADOPTED AT THE THIRD MEETING OF THE CONFERENCE OF THE PARTIES AT GENEVA ON 22 SEPTEMBER 1995

Insert new preambular paragraph 7 bis:

"Recognizing that transboundary movements of hazardous wastes, especially to developing countries, have a high risk of not constituting an environmentally sound management of hazardous wastes as required by this Convention".

Insert new Article 4 A:

"1. Each Party listed in Annex VII shall prohibit all transboundary movements of hazardous wastes which are destined for operations according to Annex IV A, to States not listed in Annex VII.

2. Each Party listed in Annex VII shall phase out by 31 December 1997, and prohibit as of that date, all transboundary movements of hazardous wastes under Article 1 paragraph 1 (a) of the Convention which are destined for operations according to Annex IV B to States not listed in Annex VII. Such transboundary movement shall not be prohibited unless the wastes in question are characterized as hazardous under the Convention."

SPREMEMBA

BASELSKE KONVENCIJE O NADZORU PREHODA NEVARNIH ODPADKOV PREKO MEJA IN NJIHOVEGA ODSTRANJEVANJA, SPREJETA NA TRETJEM ZASEDANJU KONFERENCE POGODBENIC 22. SEPTEMBRA 1995 V ŽENEVI

Doda se novi odstavek uvoda 7 bis:

»ugotavljajo, da obstaja velika nevarnost, da prehodi nevarnih odpadkov preko meja, zlasti v države v razvoju, ne pomenijo okolju varnega ravnanja z nevarnimi odpadki, kot se to zahteva v tej konvenciji,«

Doda se novi 4. A člen:

»1. Vsaka pogodbenica, navedena v Dodatku VII, prepove vse prehode nevarnih odpadkov preko meja, ki so namenjeni za postopke v skladu z Dodatkom IV A, v države, ki niso navedene v Dodatku VII.

2. Vsaka pogodbenica, navedena v Dodatku VII, do 31. decembra 1997 postopoma opusti in od tega datuma dalje prepove v skladu s pododstavkom (a) prvega odstavka 1. člena Konvencije vse prehode nevarnih odpadkov preko meja, ki so namenjeni za postopke v skladu z Dodatkom IV B, v države, ki niso navedene v Dodatku VII. Taki prehodi preko meja niso prepovedani, razen če imajo zadevni odpadki lastnosti nevarnih odpadkov v smislu Konvencije.«

“Annex VII

Parties and other States which are members of the
OECD, EC and Liechtenstein.”

»Dodatek VII

Pogodbenice in druge države, ki so članice OECD, ES
in Lihtenštajn.«

3. člen

Za izvajanje spremembe skrbi Ministrstvo za okolje, prostor in energijo.

4. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 801-10/93-5/7

Ljubljana, dne 15. julija 2004

EPA 1416-III

Predsednik
Državnega zbora
Republike Slovenije
Feri Horvat l. r.

DODATEK C**DOLOČILA O VARNOSTI****I. ZAŠČITA INFORMACIJ**

Podpisnici se strinjata, da ne bo nobena informacija ali oprema, katere zaščito terjajo interesi nacionalne varnosti ali zunanjih odnosov in je tajna glede na veljavne zakone in predpise, dana na razpolago v okviru tega sporazuma. Če se ugotovi, da gre za informacijo ali opremo, ki izhaja iz dejavnosti sodelovanja po tem sporazumu, za katero je znano ali se predpostavlja, da terja tako zaščito, se takoj obvesti pristojne službe in podpisnici se posvetujeta o potrebnosti in stopnji zaščite take informacije ali opreme.

II. PRENOS TEHNOLOGIJE

Prenos nezaščitenih, vendar izvozno kontroliranih informacij ali opreme, ki je zagotovljena ali izdelana po tem sporazumu med podpisnicama, je izveden v skladu z zakoni in predpisi vsake podpisnice, ki preprečujejo neavtoriziran prenos in prenos v tretje države takih informacij ali opreme. Natančna določila za preprečitev neavtoriziranega prenosa takih informacij ali opreme ali prenosa v tretje države se vključujejo v pogodbe ali dogovore o izvajanju, če katera od podpisnic meni, da je to potrebno.

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za znanost in tehnologijo.

4. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije - Mednarodne pogodbe.

Št. 630-02/93-2/1

Ljubljana, dne 27. julija 1993.

ANNEX C**SECURITY OBLIGATIONS****I. PROTECTION OF INFORMATION**

Both parties agree that no information or equipment requiring protection in the interests of national defense or foreign relations of either Party and classified in accordance with the applicable national laws and regulations shall be provided under this Agreement. In the event that information of equipment which is known or believed to require such protection is identified in the course of cooperative activities undertaken pursuant to this Agreement, it shall be brought immediately to the attention of the appropriate officials and the Parties shall consult concerning the need for and level of appropriate protection to be accorded such information or equipment.

II. TECHNOLOGY TRANSFER

The transfer of unclassified export-controlled information or equipment between the Parties shall be in accordance with the relevant laws and regulations of each Party to prevent the unauthorized transfer or retransfer of such information or equipment provided or produced under this Agreement. If either Party deems it necessary, detailed provision for the prevention of unauthorized transfer or retransfer of such information or equipment shall be incorporated into the contracts or implementing arrangements.

Predsednik

Državnega zbora
Republike Slovenije
mag. Herman Rigelnik l. r.

78.

Na podlagi prvega odstavka 107. in 91. člena Ustave Republike Slovenije izdajam

U K A Z

o razglasitvi Zakona o ratifikaciji Baselske konvencije o nadzoru prehoda nevarnih odpadkov preko meja in njihovega odstranjevanja

Razlašam Zakon o ratifikaciji Baselske konvencije o nadzoru prehoda nevarnih odpadkov preko meja in njihovega odstranjevanja, ki ga je sprejel Državni zbor Republike Slovenije na seji dne 27. julija 1993.

Št. 0100-106/93

Ljubljana, dne 4. avgusta 1993.

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N

O RATIFIKACIJI BASELSKE KONVENCIJE O NADZORU PREHODA NEVARNIH ODPADKOV PREKO MEJA IN NJIHOVEGA ODSTRANJEVANJA

1. člen

Ratificira se Baselska konvencija o nadzoru prehoda nevarnih odpadkov preko meja in njihovega odstranjevanja, ki je bila sprejeta 22. marca 1989 v Baslu v arabskem, angleškem, kitajskem, francoskem, ruskem in španskem jeziku.

2. člen

Besedilo konvencije v angleškem izvirniku in slovenskem prevodu se glasi:

BASEL CONVENTION

on the control of transboundary movements of hazardous wastes and their disposal

PREAMBLE

THE PARTIES TO THIS CONVENTION,

AWARE of the risk of damage to human health and the environment caused by hazardous wastes and other wastes and the transboundary movement thereof,

MINDFUL of the growing threat to human health and the environment posed by the increased generation and complexity, and the transboundary movement of hazardous wastes and other wastes,

MINDFUL ALSO that the most effective way of protecting human health and the environment from the dangers posed by such wastes is the reduction of their generation to a minimum in terms of quantity and/or hazard potential,

CONVINCED that States should take necessary measures to ensure that the management of hazardous wastes and other wastes including their transboundary movement and disposal is consistent with the protection of human health and the environment whatever the place of their disposal,

NOTING that States should ensure that the generator should carry out duties with regard to the transport and disposal of hazardous wastes and other wastes in a manner that is consistent with the protection of the environment, whatever the place of disposal,

FULLY RECOGNIZING that any State has the sovereign right to ban the entry or disposal of foreign hazardous wastes and other wastes in its territory,

RECOGNIZING ALSO the increasing desire for the prohibition of transboundary movements of hazardous wastes and their disposal in other States, especially developing countries,

CONVINCED that hazardous wastes and other wastes should, as far as is compatible with environmentally sound and efficient management, be disposed of in the State where they were generated,

AWARE ALSO that transboundary movements of such wastes from the State of their generation to any other State should be permitted only when conducted under conditions which do not endanger human health and the environment, and under conditions in conformity with the provisions of this Convention,

CONSIDERING that enhanced control of transboundary movement of hazardous wastes and other wastes will act as an incentive for their environmentally sound management and for the reduction of the volume of such transboundary movement,

CONVINCED that States should take measures for the proper exchange of information on and control of the transboundary movement of hazardous wastes and other wastes from and to those States,

NOTING that a number of international and regional agreements have addressed the issue of protection and preservation of the environment with regard to the transit of dangerous goods.

TAKING INTO ACCOUNT the Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972), the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes adopted by the Governing Council of the United Nations Environment Programme (UNEP) by decision 14/30 of 17 June 1987, the recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods (formulated in 1957 and updated biennially), relevant recommendations, declarations, instruments and regulations adopted within the United Nations system and the work and studies done within other international and regional organizations,

MINDFUL of the spirit, principles, aims and functions of the World Charter for Nature adopted by the General Assembly of the United Nations at its 37th session (1982) as the rule of ethics in respect of the protection of the human environment and the conservation of natural resources,

AFFIRMING that States are responsible for the fulfilment of their international obligations concerning the protection of human health and protection and preservation of the environment, and are liable in accordance with international law,

RECOGNIZING that in the case of a material breach of the provisions of this Convention or any protocol thereto the relevant international law of treaties shall apply,

AWARE of the need to continue the development and implementation of environmentally sound low-waste technologies, recycling options, good house-keeping and management systems with a view to reducing to a minimum the generation of hazardous wastes and other wastes,

AWARE ALSO of the growing international concern about the need for stringent control of transboundary movement of hazardous wastes and other wastes, and of the need as far as possible to reduce such movement to a minimum,

CONCERNED about the problem of illegal transboundary traffic in hazardous wastes and other wastes,

TAKING INTO ACCOUNT ALSO the limited capabilities of the developing countries to manage hazardous wastes and other wastes,

RECOGNIZING the need to promote the transfer of technology for the sound management of hazardous wastes and other wastes produced locally, particularly to the developing countries in accordance with the spirit of the Cairo Guidelines and decision 14/16 of the Governing Council of UNEP on promotion of the transfer of environmental protection technology,

RECOGNIZING ALSO that hazardous wastes and other wastes should be transported in accordance with relevant international conventions and recommendations,

CONVINCED ALSO that the transboundary movement of hazardous wastes and other wastes should be permitted only when the transport and the ultimate disposal of such wastes is environmentally sound,

DETERMINED to protect, by strict control, human health and the environment against the adverse effects which may result from the generation and management of hazardous wastes and other wastes,

HAVE AGREED AS FOLLOWS:

Article 1

Scope of the Convention

4. Wastes which derive from the normal operations of a ship, the discharge of which is covered by another international instrument, are excluded from the scope of this Convention.

1. The following wastes that are subject to transboundary movement shall be 'hazardous wastes' for the purposes of this Convention:

- (a) wastes that belong to any category contained in Annex I, unless they do not possess any of the characteristics contained in Annex III; and
- (b) wastes that are not covered under paragraph (a) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit.

2. Wastes that belong to any category contained in Annex II that are subject to transboundary movement shall be 'other wastes' for the purposes of this Convention.

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

Article 2

Definitions

For the purposes of this Convention:

- 1. *wastes* are substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law;
- 2. *management* means the collection, transport and disposal of hazardous wastes or other wastes, including after-care of disposal sites;
- 3. *transboundary movement* means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement;
- 4. *disposal* means any operation specified in Annex IV to this Convention;

5. *approved site or facility* means a site or facility for the disposal of hazardous wastes or other wastes which is authorized or permitted to operate for this purpose by a relevant authority of the State where the site or facility is located;
6. *competent authority* means one governmental authority designated by a Party to be responsible, within such geographical areas as the Party may think fit, for receiving the notification of a transboundary movement of hazardous wastes or other wastes, and any information related to it, and for responding to such a notification, as provided in Article 6;
7. *focal point* means the entity of a Party referred to in Article 5 responsible for receiving and submitting information as provided for in Articles 13 and 16;
8. *environmentally sound management* of hazardous wastes or other wastes means taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes;
9. *area under the national jurisdiction of a State* means any land, marine area or airspace within which a State exercises administrative and regulatory responsibility in accordance with international law in regard to the protection of human health or the environment;
10. *State of export* means a Party from which a transboundary movement of hazardous wastes or other wastes is planned to be initiated or is initiated;
11. *State of import* means a Party to which a transboundary movement of hazardous wastes or other wastes is planned or takes place for the purpose of disposal therein or for the purpose of loading prior to disposal in an area not under the national jurisdiction of any State;
12. *State of transit* means any State, other than the State of export or import, through which a movement of hazardous wastes or other wastes is planned or takes place;
13. *States concerned* means Parties which are States of export or import, or transit States, whether or not parties;
14. *person* means any natural or legal person;
15. *exporter* means any person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported;
16. *importer* means any person under the jurisdiction of the State of import who arranges for hazardous wastes or other wastes to be imported;
17. *carrier* means any person who carries out the transport of hazardous wastes or other wastes;
18. *generator* means any person whose activity produces hazardous wastes or other wastes or, if that person is not known, the person who is in possession and/or control of those wastes;
19. *disposer* means any person to whom hazardous wastes or other wastes are shipped and who carries out the disposal of such wastes;
20. *political and/or economic integration organization* means an organization constituted by sovereign States to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve, formally confirm or accede to it;
21. *illegal traffic* means any transboundary movement of hazardous wastes or other wastes as specified in Article 9.

Article 3

National definitions of hazardous wastes

1. Each Party shall, within six months of becoming a Party to this Convention, inform the Secretariat of the Convention of the wastes, other than those listed in Annexes I and II, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes.
2. Each Party shall subsequently inform the Secretariat of any significant changes to the information it has provided pursuant to paragraph 1.
3. The Secretariat shall forthwith inform all Parties of the information it has received pursuant to paragraphs 1 and 2.
4. Parties shall be responsible for making the information transmitted to them by the Secretariat under paragraph 3 available to their exporters.

Article 4

General obligations

1. (a) Parties exercising their right to prohibit the import of hazardous wastes or other wastes for disposal shall inform the other Parties of their decision pursuant to Article 13.
- (b) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes to the Parties which have prohibited the import of such wastes, when notified pursuant to subparagraph (a).

- (c) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes if the State of import does not consent in writing to the specific import, in the case where that State of import has not prohibited the import of such wastes.
2. Each Party shall take the appropriate measures to:
- (a) ensure that the generation of hazardous wastes and other wastes within it is reduced to a minimum, taking into account social, technological and economic aspects;
 - (b) ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes, that shall be located, to the extent possible, within it, whatever the place of their disposal;
 - (c) ensure that persons involved in the management of hazardous wastes or other wastes within it take such steps as are necessary to prevent pollution due to hazardous wastes and other wastes arising from such management and, if such pollution occurs, to minimize the consequences thereof for human health and the environment;
 - (d) ensure that the transboundary movement of hazardous wastes and other wastes is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes, and is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement;
 - (e) not allow the export of hazardous wastes or other wastes to a State or group of States belonging to an economic and/or political integration organization that are Parties, particularly developing countries, which have prohibited by their legislation all imports, or if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner, according to criteria to be decided on by the Parties at their first meeting.
 - (f) require that information about a proposed transboundary movement of hazardous wastes and other wastes be provided to the States concerned, according to Annex V. A, to state clearly the effects of the proposed movement on human health and the environment;
 - (g) prevent the import of hazardous wastes and other wastes if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner;
 - (h) cooperate in activities with other Parties and interested organizations, directly and through the Secretariat, including the dissemination of information on the transboundary movement of hazardous wastes and other wastes, in order to improve the environmentally sound management of such wastes and to achieve the prevention of illegal traffic.
3. The Parties consider that illegal traffic in hazardous wastes or other wastes is criminal.
4. Each Party shall take appropriate legal, administrative and other measures to implement and enforce the provisions of this Convention, including measures to prevent and punish conduct in contravention of the Convention.
5. A Party shall not permit hazardous wastes or other wastes to be exported to a non-party or to be imported from a non-party.
6. The Parties agree not to allow the export of hazardous wastes or other wastes for disposal within the area south of 60° south latitude, whether or not such wastes are subject to transboundary movement.
7. Furthermore, each Party shall:
- (a) prohibit all persons under its national jurisdiction from transporting or disposing of hazardous wastes or other wastes unless such persons are authorized or allowed to perform such types of operations;
 - (b) require that hazardous wastes and other wastes that are to be the subject of a transboundary movement be packaged, labelled, and transported in conformity with generally accepted and recognized international rules and standards in the field of packaging, labelling, and transport, and that due account is taken of relevant internationally recognized practices;
 - (c) require that hazardous wastes and other wastes be accompanied by a movement document from the point at which a transboundary movement commences to the point of disposal.
8. Each Party shall require that hazardous wastes or other wastes, to be exported, are managed in an environmentally sound manner in the State of import or elsewhere. Technical guidelines for the environmentally sound management of wastes subject to this Convention shall be decided by the Parties at their first meeting.
9. Parties shall take the appropriate measures to ensure that the transboundary movement of hazardous wastes and other wastes only be allowed if:
- (a) the State of export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound and efficient manner; or
 - (b) the wastes in question are required as a raw material for recycling or recovery industries in the State of import; or

- (c) the transboundary movement in question is in accordance with other criteria to be decided by the Parties, provided those criteria do not differ from the objectives of this Convention.

10. The obligation under this Convention of States in which hazardous wastes and other wastes are generated to require that those wastes are managed in an environmentally sound manner may not under any circumstances be transferred to the States of import or transit.

11. Nothing in this Convention shall prevent a Party from imposing additional requirements that are consistent with the provisions of this Convention, and are in accordance with the rules of international law, in order better to protect human health and the environment.

12. Nothing in this Convention shall affect in any way the sovereignty of States over their territorial sea established in accordance with international law, and the sovereign rights and the jurisdiction which States have in their exclusive economic zones and their continental shelves in accordance with international law, and the exercise by ships and aircraft of all States of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.

13. Parties shall undertake to review periodically the possibilities for the reduction of the amount and/or the pollution potential of hazardous wastes and other wastes which are exported to other States, in particular to developing countries.

Article 5

Designation of competent authorities and focal point

To facilitate the implementation of this Convention, the Parties shall:

1. designate or establish one or more competent authorities and one focal point. One competent authority shall be designated to receive the notification in case of a State of transit;
2. inform the Secretariat, within three months of the date of the entry into force of this Convention for them, which agencies they have designated as their focal point and their competent authorities;
3. inform the Secretariat, within one month of the date of decision, of any changes regarding the designation made by them under paragraph 2.

Article 6

Transboundary movement between Parties

1. The State of export shall notify, or shall require the generator or exporter to notify, in writing, through the

channel of the competent authority of the State of export, the competent authority of the States concerned of any proposed transboundary movement of hazardous wastes or other wastes. Such notification shall contain the declaration and information specified in Annex V. A, written in a language acceptable to the State of import. Only one notification need be sent to each State concerned.

2. The State of import shall respond to the notifier in writing, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. A copy of the final response of the State of import shall be sent to the competent authorities of the States concerned which are Parties.

3. The State of export shall not allow the generator or exporter to commence the transboundary movement until it has received written confirmation that:

- (a) the notifier has received the written consent of the State of import; and
- (b) the notifier has received from the State of import confirmation of the existence of a contract between the exporter and the disposer specifying environmentally sound management of the wastes in question.

4. Each State of transit which is a Party shall promptly acknowledge to the notifier receipt of the notification. It may subsequently respond to the notifier in writing, within 60 days, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. The State of export shall not allow the transboundary movement to commence until it has received the written consent of the State of transit. However, if at any time a Party decides not to require prior written consent, either generally or under specific conditions, for transit transboundary movements of hazardous wastes or other wastes, or modifies its requirements in this respect, it shall forthwith inform the other Parties of its decision pursuant to Article 13. In this latter case, if no response is received by the State of export within 60 days of the receipt of a given notification by the State of transit, the State of export may allow the export to proceed through the State of transit.

5. In the case of a transboundary movement of wastes where the wastes are legally defined as or considered to be hazardous wastes only:

- (a) by the State of export, the requirements of paragraph 9 of this Article that apply to the importer or disposer and the State of import shall apply *mutatis mutandis* to the exporter and State of export, respectively;
- (b) by the State of import, or by the States of import and transit which are Parties, the requirements of paragraphs 1, 3, 4 and 6 of this Article that apply to

the exporter and State of export shall apply *mutatis mutandis* to the importer or disposer and State of import, respectively; or

- (c) by any State of transit which is a Party, the provisions of paragraph 4 shall apply to such State.

6. The State of export may, subject to the written consent of the States concerned, allow the generator or the exporter to use a general notification where hazardous wastes or other wastes having the same physical and chemical characteristics are shipped regularly to the same disposer via the same customs office of exit of the State of export via the same customs office of entry of the State of import, and, in the case of transit, via the same customs office of entry and exit of the State or States of transit.

7. The States concerned may make their written consent to the use of the general notification referred to in paragraph 6 subject to the supply of certain information, such as the exact quantities or periodical lists of hazardous wastes or other wastes to be shipped.

8. The general notification and written consent referred to in paragraphs 6 and 7 may cover multiple shipments of hazardous wastes or other wastes during a maximum period of 12 months.

9. The Parties shall require that each person who takes charge of a transboundary movement of hazardous wastes or other wastes sign the movement document either upon delivery or receipt of the wastes in question. They shall also require that the disposer inform both the exporter and the competent authority of the State of export of receipt by the disposer of the wastes in question and, in due course, of the completion of disposal as specified in the notification. If no such information is received within the State of export, the competent authority of the State of export or the exporter shall so notify the State of import.

10. The notification and response required by this Article shall be transmitted to the competent authority of the Parties concerned or to such governmental authority as may be appropriate in the case of non-Parties.

11. Any transboundary movement of hazardous wastes or other wastes shall be covered by insurance, bond or other guarantee as may be required by the State of import or any State of transit which is a Party.

Article 7

Transboundary movement from a party through States which are not Parties

Article 6 (2) of the Convention shall apply *mutatis mutandis* to transboundary movement of hazardous wastes or other wastes from a Party through a State or States which are not parties.

Article 8

Duty to re-import

When a transboundary movement of hazardous wastes or other wastes to which the consent of the States concerned has been given, subject to the provisions of this Convention, cannot be completed in accordance with the terms of the contract, the State of export shall ensure that the wastes in question are taken back into the State of export, by the exporter, if alternative arrangements cannot be made for their disposal in an environmentally sound manner, within 90 days from the time that the importing State informed the State of export and the Secretariat, or such other period of time as the States concerned agree. To this end, the State of export and any Party of transit shall not oppose, hinder or prevent the return of those wastes to the State of export.

Article 9

Illegal traffic

1. For the purpose of this Convention, any transboundary movement of hazardous wastes or other wastes:

- (a) without notification pursuant to the provisions of this Convention to all States concerned; or
- (b) without the consent pursuant to the provisions of this Convention of a State concerned; or
- (c) with consent obtained from States concerned through falsification, misrepresentation or fraud; or
- (d) that does not conform in a material way with the documents; or
- (e) that results in deliberate disposal (e.g. dumping) of hazardous wastes or other wastes in contravention of this Convention and of general principles of international law, shall be deemed to be illegal traffic.

2. In case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the State of export shall ensure that the wastes in question are:

- (a) taken back by the exporter or the generator or, if necessary, by itself into the State of export; or, if impracticable,
- (b) are otherwise disposed of in accordance with the provisions of this Convention, within 30 days from the time the State of export has been informed about the illegal traffic or such other period of time as States

concerned may agree. To this end the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the State of export.

3. In the case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the importer or disposer, the State of import shall ensure that the wastes in question are disposed of in an environmentally sound manner by the importer or disposer or, if necessary, by itself within 30 days from the time the illegal traffic has come to the attention of the State of import or such other period of time as the States concerned may agree. To this end, the Parties concerned shall cooperate, as necessary, in the disposal of the wastes in an environmentally sound manner.

4. In cases where the responsibility for the illegal traffic cannot be assigned either to the exporter or generator or to the importer or disposer, the Parties concerned or other Parties, as appropriate, shall ensure, through cooperation, that the wastes in question are disposed of as soon as possible in an environmentally sound manner either in the State of export or the State of import or elsewhere as appropriate.

5. Each Party shall introduce appropriate national/domestic legislation to prevent and punish illegal traffic. The Parties shall cooperate with a view to achieving the objects of this Article.

Article 10

International cooperation

1. The Parties shall cooperate with each other in order to improve and achieve environmentally sound management of hazardous wastes and other wastes.

2. To this end, the Parties shall:

- (a) upon request, make available information, whether on a bilateral or multilateral basis, with a view to promoting the environmentally sound management of hazardous wastes and other wastes, including harmonization of technical standards and practices for the adequate management of hazardous wastes and other wastes;
- (b) cooperate in monitoring the effects of the management of hazardous wastes on human health and the environment;
- (c) cooperate, subject to their national laws, regulations and policies, in the development and implementation of new environmentally sound low-waste technologies and the improvement of existing technologies with a view to eliminating, as far as practicable, the generation of hazardous wastes and other wastes and achieving more effective and efficient methods of ensuring their management in an environmentally sound manner, including the study of the economic, social and environmental effects of the adoption of such new or improved technologies;

(d) cooperate actively, subject to their national laws, regulations and policies, in the transfer of technology and management systems related to the environmentally sound management of hazardous wastes and other wastes. They shall also cooperate in developing the technical capacity among Parties, especially those which may need and request technical assistance in this field;

(e) cooperate in developing appropriate technical guidelines and/or codes of practice.

3. The Parties shall employ appropriate means to cooperate in order to assist developing countries in the implementation of subparagraphs (a) to (d) of Article 4 (2).

4. Taking into account the needs of developing countries, cooperation between Parties and the competent international organizations is encouraged to promote, *inter alia*, public awareness, the development of sound management of hazardous wastes and other wastes and the adoption of new low-waste technologies.

Article 11

Bilateral, multilateral and regional agreements

1. Notwithstanding the provisions of Article 4 (5), Parties may enter into bilateral, multilateral, or regional agreements or arrangements regarding transboundary movement of hazardous wastes or other wastes with Parties or non-parties provided that such agreements or arrangements do not derogate from the environmentally sound management of hazardous wastes and other wastes as required by this Convention. These agreements or arrangements shall stipulate provisions which are not less environmentally sound than those provided for by this Convention in particular taking into account the interests of developing countries.

2. Parties shall notify the Secretariat of any bilateral, multilateral or regional agreements or arrangements referred to in paragraph 1 and those which they have entered into prior to the entry into force of this Convention for them, for the purpose of controlling transboundary movements of hazardous wastes and other wastes which take place entirely among the Parties to such agreements. The provisions of this Convention shall not affect transboundary movements which take place pursuant to such agreements provided that such agreements are compatible with the environmentally sound management of hazardous wastes and other wastes as required by this Convention.

Article 12

Consultations on liability

The Parties shall cooperate with a view to adopting, as soon as practicable, a protocol setting out appropriate

rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes.

Article 13

Transmission of information

1. The Parties shall, whenever it comes to their knowledge, ensure that, in the case of an accident occurring during the transboundary movement of hazardous wastes or other wastes or their disposal, which are likely to present risks to human health and the environment in other States, those States are immediately informed.

2. The Parties shall inform each other, through the Secretariat, of:

- (a) changes regarding the designation of competent authorities and/or focal points, pursuant to Article 5;
- (b) changes in their national definition of hazardous wastes, pursuant to Article 3;

and, as soon as possible,

- (c) decisions made by them not to consent totally or partially to the import of hazardous wastes or other wastes for disposal within the area under their national jurisdiction;
- (d) decisions taken by them to limit or ban the export of hazardous wastes or other wastes;
- (e) any other information required pursuant to paragraph 4 of this Article.

3. The Parties, consistent with national laws and regulations, shall transmit, through the Secretariat, to the Conference of the Parties established pursuant to Article 15, before the end of each calendar year, a report on the previous calendar year, containing the following information:

- (a) competent authorities and focal points that have been designated by them pursuant to Article 5;
- (b) information regarding transboundary movements of hazardous wastes or other wastes in which they have been involved, including:
 - (i) the amount of hazardous wastes and other wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the response to notification;
 - (ii) the amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods;
 - (iii) disposals which did not proceed as intended;
 - (iv) efforts to achieve a reduction of the amount of hazardous wastes or other wastes subject to transboundary movement;

(c) information on the measures adopted by them in implementation of this Convention;

(d) information on available qualified statistics which have been compiled by them on the effects on human health and the environment of the generation, transportation and disposal of hazardous wastes or other wastes;

(e) information concerning bilateral, multilateral and regional agreements and arrangements entered into pursuant to Article 11 of this Convention;

(f) information on accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures undertaken to deal with them;

(g) information on disposal options operated within the area of their national jurisdiction;

(h) information on measures undertaken for development of technologies for the reduction and/or elimination of production of hazardous wastes and other wastes; and

(i) such other matters as the Conference of the Parties shall deem relevant.

4. The Parties, consistent with national laws and regulations, shall ensure that copies of each notification concerning any given transboundary movement of hazardous wastes or other wastes, and the response to it, are sent to the Secretariat when a Party considers that its environment may be affected by that transboundary movement has requested that this should be done.

Article 14

Financial aspects

1. The Parties agree that, according to the specific needs of different regions and subregions, regional or subregional centres for training and technology transfers regarding the management of hazardous wastes and other wastes and the minimization of their generation should be established. The Parties shall decide on the establishment of appropriate funding mechanisms of a voluntary nature.

2. The Parties shall consider the establishment of a revolving fund to assist on an interim basis in case of emergency situations to minimize damage from accidents arising from transboundary movements of hazardous wastes and other wastes or during the disposal of those wastes.

Article 15

Conference of the Parties

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of UNEP not later

than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one-third of the Parties.

3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish as well as financial rules to determine in particular the financial participation of the Parties under this Convention.

4. The Parties at their first meeting shall consider any additional measures needed to assist them in fulfilling their responsibilities with respect to the protection and the preservation of the marine environment in the context of this Convention.

5. The Conference of the Parties shall keep under continuous review and evaluation the effective implementation of this Convention, and, in addition, shall:

- (a) promote the harmonization of appropriate policies, strategies and measures for minimizing harm to human health and the environment by hazardous wastes and other wastes;
- (b) consider and adopt, as required, amendments to this Convention and its Annexes, taking into consideration, *inter alia*, available scientific, technical, economic and environmental information;
- (c) consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation and in the operation of the agreements and arrangements envisaged in Article 11;
- (d) consider and adopt protocols as required; and
- (e) establish such subsidiary bodies as are deemed necessary for the implementation of this Convention.

6. The United Nations, its specialized agencies, as well as any State not party to this Convention, may be represented as observers at meetings of the Conference of the Parties. Any other body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to hazardous wastes or other wastes which has informed the Secretariat of its wish to be represented as an observer at a meeting of the Conference of the Parties, may be admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

7. The Conference of the Parties shall undertake three years after the entry into force of this Convention, and at

least every six years thereafter, an evaluation of its effectiveness and, if deemed necessary, to consider the adoption of a complete or partial ban of transboundary movements of hazardous wastes and other wastes in the light of the latest scientific, environmental, technical and economic information.

Article 16

Secretariat

1. The functions of the Secretariat shall be:

- (a) to arrange for and service meetings provided for in Articles 15 and 17;
- (b) to prepare and transmit reports based upon information received in accordance with Articles 3, 4, 6, 11 and 13 as well as upon information derived from meetings of subsidiary bodies established pursuant to Article 15 as well as upon, as appropriate, information provided by relevant intergovernmental and non-governmental entities;
- (c) to prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;
- (d) to ensure the necessary coordination with relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;
- (e) to communicate with focal points and competent authorities established by the Parties in accordance with Article 5 of this Convention;
- (f) to compile information concerning authorized national sites and facilities of Parties available for the disposal of their hazardous wastes and other wastes and to circulate this information among Parties;
- (g) to receive and convey information from and to Parties on:
 - sources of technical assistance and training,
 - available technical and scientific know-how,
 - sources of advice and expertise, and
 - availability of resources,
 with a view to assisting them, upon request, in such areas as:
 - the handling of the notification system of this Convention,
 - the management of hazardous wastes and other wastes,
 - environmentally sound technologies relating to hazardous wastes and other wastes, such as low- and non-waste technology,

- the assessment of disposal capabilities and sites,
- the monitoring of hazardous wastes and other wastes, and
- emergency responses;

(h) to provide Parties, upon request, with information on consultants or consulting firms having the necessary technical competence in the field, which can assist them to examine a notification for a transboundary movement, the concurrence of a shipment of hazardous wastes or other wastes with the relevant notification, and/or the fact that the proposed disposal facilities for hazardous wastes or other wastes are environmentally sound, when they have reason to believe that the wastes in question will not be managed in an environmentally sound manner. Any such examination would not be at the expense of the Secretariat;

(i) to assist Parties upon request in their identification of cases of illegal traffic and to circulate immediately to the Parties concerned any information it has received regarding illegal traffic;

(j) to cooperate with Parties and with relevant and competent international organizations and agencies in the provision of experts and equipment for the purpose of rapid assistance to States in the event of an emergency situation; and

(k) to perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties.

2. The secretariat functions will be carried out on an interim basis by UNEP until the completion of the first meeting of the Conference of the Parties held pursuant to Article 15.

3. At its first meeting, the Conference of the Parties shall designate the Secretariat from among those existing competent intergovernmental organizations which have signified their willingness to carry out the secretariat functions under this Convention. At this meeting, the Conference of the Parties shall also evaluate the implementation by the interim Secretariat of the functions assigned to it, in particular under paragraph 1, and decide upon the structures appropriate for those functions.

Article 17

Amendment of the Convention

1. Any Party may propose amendments to this Convention and any Party to a Protocol may propose amendments to that Protocol. Such amendments shall take due account, *inter alia*, of relevant scientific and technical considerations.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any Protocol shall be adopted at a meeting of the Parties to the Protocol in question. The text of any proposed amendment to this Convention or to any Protocol, except

as may otherwise be provided in such Protocol, shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the Signatories to this Convention for information.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval, formal confirmation or acceptance.

4. The procedure mentioned in paragraph 3 above shall apply to amendments to any Protocol, except that a two-thirds majority of the Parties to that Protocol present and voting at the meeting shall suffice for their adoption.

5. Instruments of ratification, approval, formal confirmation or acceptance of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraphs 3 or 4 above shall enter into force between Parties having accepted them on the 90th day after the receipt by the Depositary of their instrument of ratification, approval, formal confirmation or acceptance by at least three-fourths of the Parties who accepted the amendments to the Protocol concerned, except as may otherwise be provided in such Protocol. The amendments shall enter into force for any other Party on the 90th day after that Party deposits its instrument of ratification, approval, formal confirmation or acceptance of the amendments.

6. For the purpose of this Article, 'Parties present and voting' means Parties present and casting an affirmative or negative vote.

Article 18

Adoption and amendment of Annexes

1. The Annexes to this Convention or to any Protocol shall form an integral part of this Convention or of such Protocol, as the case may be and, unless expressly provided otherwise, a reference to this Convention or its Protocols constitutes at the same time a reference to any Annexes thereto. Such Annexes shall be restricted to scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its Annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional Annexes to this Convention or of Annexes to a protocol:

(a) Annexes to this Convention and its Protocols shall be proposed and adopted according to the procedure laid down in Article 17 (2), (3) and (4);

(b) any Party that is unable to accept an additional Annex to this Convention or an Annex to any Protocol to

which it is party shall so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the Annexes shall thereupon enter into force for that Party;

- (c) on the expiry of six months from the date of the circulation of the communication by the Depositary, the Annex shall become effective for all Parties to this Convention or to any Protocol concerned, which have not submitted a notification in accordance with the provision of subparagraph (b).

3. The proposal, adoption and entry into force of amendments to Annexes to this Convention or to any Protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of Annexes to the Convention or Annexes to a Protocol. Annexes and amendments thereto shall take due account, *inter alia*, of relevant scientific and technical considerations.

4. If an additional Annex or an amendment to an Annex involves an amendment to this Convention or to any Protocol, the additional Annex or amended Annex shall not enter into force until such time as the amendment to this Convention or to the Protocol enters into force.

Article 19

Verification

Any Party which has reason to believe that another Party is acting or has acted in breach of its obligations under this Convention may inform the Secretariat thereof, and in such an event, shall simultaneously and immediately inform, directly or through the Secretariat, the Party against whom the allegations are made. All relevant information should be submitted by the Secretariat to the Parties.

Article 20

Settlement of disputes

1. In case of a dispute between Parties as to the interpretation or application of, or compliance with, this Convention or any Protocol thereto, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute, if the parties to the dispute agree, shall be submitted to the International Court of Justice or to arbitration under the conditions set out in Annex VI on submission of the dispute to the International Court of

Justice or to arbitration shall not absolve the Parties from the responsibility of continuing to seek to resolve it by the means referred to in paragraph 1.

3. When ratifying, accepting, approving, formally confirming or acceding to this Convention, or at any time thereafter, a State or political and/or economic integration organization may declare that it recognizes as compulsory *ipso facto* and without special agreement, in relation to any Party accepting the same obligation:

- (a) submission of the dispute to the International Court of Justice; and/or
- (b) arbitration in accordance with the procedures set out in Annex VI.

Such declaration shall be notified in writing to the Secretariat which shall communicate it to the Parties.

Article 21

Signature

This Convention shall be open for signature by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organizations, in Basel on 22 March 1989, at the Federal Department of Foreign Affairs of Switzerland in Berne from 23 March to 30 June 1989 and at United Nations Headquarters in New York from 1 July 1989 to 22 March 1990.

Article 22

Ratification, acceptance, formal confirmation of approval

1. This Convention shall be subject to ratification, acceptance or approval by States and by Namibia, represented by the United Nations Council for Namibia, and to formal confirmation or approval by political and/or economic integration organizations. Instruments of ratification, acceptance, formal confirmation, or approval shall be deposited with the Depositary.

2. Any organization referred to in paragraph 1 above which becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of formal confirmation or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with

respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who will inform the Parties of any substantial modification in the extent of their competence.

Article 23

Accession

1. This Convention shall be open for accession by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organizations from the day after the date on which the Convention is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organizations referred to in paragraph 1 shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

3. The provisions of Article 22 (2) shall apply to political and/or economic integration organizations which accede to this Convention.

Article 24

Right to vote

1. Except as provided for in paragraph 2 each Contracting Party to this Convention shall have one vote.

2. Political and/or economic integration organizations, in matters within their competence, in accordance with Articles 22 (3) and 23 (2) shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to the Convention or the relevant Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and *vice versa*.

Article 25

Entry into force

1. This Convention shall enter into force on the 90th day after the date of deposit of the 20th instrument of ratification, acceptance, formal confirmation, approval or accession.

2. For each State or political and/or economic integration organization which ratifies, accepts, approves or formally confirms this Convention or accedes thereto after the date of the deposit of the 20th instrument of ratification, acceptance, approval, formal confirmation or accession, it shall enter into force on the 19th day after the date of deposit by such State or political and/or economic integration organization of its instrument of ratification, acceptance, approval, formal confirmation or accession.

3. For the purposes of paragraphs 1 and 2, any instrument deposited by a political and/or economic integration organization shall not be counted as additional to those deposited by member States of such organization.

Article 26

Reservations and declarations

1. No reservation or exception may be made to this Convention.

2. Paragraph 1 of this Article does not preclude a State or political and/or economic integration organization, when signing, ratifying, accepting, approving, formally confirming or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, *inter alia*, to the harmonization of its law and regulations with the provisions of this Convention, provided that such declarations or statements do not purport to exclude or to modify the legal effects of the provisions of the Convention in their application to that State.

Article 27

Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Withdrawal shall be effective one year from receipt of notification by the Depositary, or on such later date as may be specified in the notification.

Article 28

Depositary

The Secretary-General of the United Nations shall be the Depositary of this Convention and of any Protocol thereto.

Article 29

Authentic texts

The original Arabic, Chinese, English, French, Russian and Spanish texts of this Convention are equally authentic.

In witness whereof the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Basel on the twenty-second day of March 1989.

ANNEX I

CATEGORIES OF WASTES TO BE CONTROLLED

Waste streams

- Y1 Clinical wastes from medical care in hospitals, medical centres and clinics.
- Y2 Wastes from the production and preparation of pharmaceutical products.
- Y3 Waste pharmaceuticals, drugs and medicines.
- Y4 Wastes from the production, formulation and use of biocides and phytopharmaceuticals.
- Y5 Wastes from the manufacture, formulation and use of wood preserving chemicals.
- Y6 Wastes from the production, formulation and use of organic solvents.
- Y7 Wastes from heat treatment and tempering operations containing cyanides.
- Y8 Waste mineral oils unfit for their originally intended use.
- Y9 Waste oils/water, hydrocarbons/water mixtures, emulsions.
- Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs).
- Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment.
- Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish.
- Y13 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives.
- Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known.
- Y15 Waste of an explosive nature not subject to other legislation.
- Y16 Wastes from production, formulation and use of photographic chemicals and processing materials.
- Y17 Wastes resulting from surface treatment of metals and plastics.
- Y18 Residues arising from industrial waste disposal operations.

Wastes having as constituents:

- Y19 Metal carbonyls.
- Y20 Beryllium; beryllium compounds.
- Y21 Hexavalent chromium compounds.
- Y22 Copper compounds.
- Y23 Zinc compounds.
- Y24 Arsenic; arsenic compounds.
- Y25 Selenium; selenium compounds.
- Y26 Cadmium; cadmium compounds.
- Y27 Antimony; antimony compounds.
- Y28 Tellurium; tellurium compounds.
- Y29 Mercury; mercury compounds.
- Y30 Thallium; thallium compounds.
- Y31 Lead; lead compounds.
- Y32 Inorganic fluorine compounds excluding calcium fluoride.
- Y33 Inorganic cyanides.
- Y34 Acidic solutions or acids in solid form.
- Y35 Basic solutions or bases in solid form.
- Y36 Asbestos (dust and fibres).
- Y37 Organic phosphorous compounds.
- Y38 Organic cyanides.

- Y39 Phenols; phenol compounds including chlorphenols.
 Y40 Ethers.
 Y41 Halogenated organic solvents.
 Y42 Organic solvents excluding halogenated solvents.
 Y43 Any congener of polychlorinated dibenzo-furan.
 Y44 Any congener of polychlorinated dibenzo-p-dioxin.
 Y45 Organohalogen compounds other than substances referred to in this Annex (eg. Y39, Y41, Y42, Y43, Y44).

ANNEX II

CATEGORIES OF WASTES REQUIRING SPECIAL CONSIDERATION

- Y46 Wastes collected from households.
 Y47 Residues arising from the incineration of household wastes.

ANNEX III

LIST OF HAZARDOUS CHARACTERISTICS

UN class (*)	Code	Characteristics
1	H1	<i>Explosive</i> An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.
3	H3	<i>Flammable liquids</i> The word 'flammable' has the same meaning as 'inflammable'. Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60,5 °C, closed-cup test, or not more than 65,6 °C, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition.)
4.1	H4.1	<i>Flammable solids</i> Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
4.2	H4.2	Substances or wastes liable to spontaneous combustion Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.

UN class (*)	Code	Characteristics
4.3	H4.3	Substances or wastes which, in contact with water emit flammable gases Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.
5.1	H5.1	<i>Oxidizing</i> Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.
5.2	H5.2	<i>Organic peroxides</i> Organic substances or wastes which contain the bivalent -O-O-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.
6.1	H6.1	<i>Poisonous (acute)</i> Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.
6.2	H6.2	<i>Infectious substances</i> Substances or wastes containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.
8	H8	<i>Corrosives</i> Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.
9	H10	<i>Liberation of toxic gases in contact with air or water</i> Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.
9	H11	<i>Toxic (delayed or chronic)</i> Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.
9	H12	<i>Ecotoxic</i> Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.
9	H13	Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.

(*) Corresponds to the hazard classification system included in the United Nations recommendations on the transport of dangerous goods (ST/SG/AC. 10/1/Rev. 5, United Nations, New York, 1988).

Tests

The potential hazards posed by certain types of wastes are not yet fully documented; tests to define quantitatively these hazards do not exist. Further research is necessary in order to develop means to characterize potential hazards posed to man and/or the environment by these wastes. Standardized tests have been derived with respect to pure substances and materials. Many countries have developed national tests which can be applied to materials listed in Annex I, in order to decide if these materials exhibit any of the characteristics listed in this Annex.

ANNEX IV

DISPOSAL OPERATIONS

- A. Operations which do not lead to the possibility of resource recovery, recycling, reclamation, direct reuse or alternative uses.

Section A encompasses all such disposal operations which occur in practice.

- D1 Deposit into or onto land, (e.g., landfill, etc.).
- D2 Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.).
- D3 Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.).
- D4 Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.).
- D5 Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.).
- D6 Release into a water body except seas/oceans.
- D7 Release into seas/oceans including sea-bed insertion.
- D8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A.
- D9 Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A, (e.g., evaporation, drying, calcination, neutralization, precipitation, etc.).
- D10 Incineration on land.
- D11 Incineration at sea.
- D12 Permanent storage (e.g., emplacement of containers in a mine, etc.).
- D13 Blending or mixing prior to submission to any of the operations in Section A.
- D14 Repackaging prior to submission to any of the operations in Section A.
- D15 Storage pending any of the operations in Section A.

- B. Operations which may lead to resource recovery, recycling, reclamation, direct reuse or alternative uses

Section B encompasses all such operations with respect to materials legally defined as or considered to be hazardous wastes and which otherwise would have been destined for operations included in Section A.

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy.
- R2 Solvent reclamation/regeneration.
- R3 Recycling/reclamation of organic substances which are not used as solvents.
- R4 Recycling/reclamation of metals and metal compounds.
- R5 Recycling/reclamation of other inorganic materials.
- R6 Regeneration of acids or bases.
- R7 Recovery of components used for pollution abatement.
- R8 Recovery of components from catalysts.
- R9 Used oil re-refining or other reuses of previously used oil.
- R10 Land treatment resulting in benefit to agriculture or ecological improvement.
- R11 Uses of residual materials obtained from any of the operations numbered R1 to R10.
- R12 Exchange of wastes for submission to any of the operations numbered R1 to R11.
- R13 Accumulation of material intended for any operation in Section B.

ANNEX V.A

INFORMATION TO BE PROVIDED ON NOTIFICATION

1. Reason for waste export.
2. Exporter of the waste ⁽¹⁾.
3. Generator(s) of the waste and site of generation ⁽¹⁾.
4. Disposer of the waste and actual site of disposal ⁽¹⁾.
5. Intended carrier(s) of the waste or their agents, if known ⁽¹⁾.
6. Country of export of the waste
Competent authority ⁽¹⁾.
7. Expected countries of transit
Competent authority ⁽¹⁾.
8. Country of import of the waste
Competent authority ⁽¹⁾.
9. General or single notification.
10. Projected date(s) of shipment(s) and period of time over which waste is to be exported and proposed itinerary (including point of entry and exit) ⁽¹⁾.
11. Means of transport envisaged (road, rail, sea, air, inland waters).
12. Information relating to insurance ⁽⁴⁾.
13. Designation and physical description of the waste including Y number and UN number and its composition ⁽⁵⁾ and information on any special handling requirements including emergency provisions in case of accidents.
14. Type of packaging envisaged (e.g. bulk, drummed, tanker).
15. Estimated quantity in weight/volume ⁽⁶⁾.
16. Process by which the waste is generated ⁽⁷⁾.
17. For wastes listed in Annex I, classifications from Annex III: hazardous characteristics, H number, and UN class.
18. Method of disposal as per Annex IV.
19. Declaration by the generator and exporter that the information is correct.
20. Information transmitted (including technical description of the plant) to the exporter or generator from the disposer of the waste upon which the latter has based his assessment that there was no reason to believe that the wastes will not be managed in an environmentally sound manner in accordance with the laws and regulations of the country of import.
21. Information concerning the contract between the exporter and disposer.

Notes

- ⁽¹⁾ Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted.
- ⁽²⁾ Full name and address, telephone, telex or telefax number.
- ⁽³⁾ In the case of a general notification covering several shipments, either the expected dates of each shipment or, if this is not known, the expected frequency of the shipments will be required.
- ⁽⁴⁾ Information to be provided on relevant insurance requirements and how they are met by exporter, carrier and disposer.
- ⁽⁵⁾ The nature and the concentration of the most hazardous components, in terms of toxicity and other dangers presented by the waste both in handling and in relation to the proposed disposal method.
- ⁽⁶⁾ In the case of a general notification covering several shipments, both the estimated total quantity and the estimated quantities for each individual shipment will be required.
- ⁽⁷⁾ In so far as this is necessary to assess the hazard and determine the appropriateness of the proposed disposal operation.

ANNEX V.B

INFORMATION TO BE PROVIDED ON THE MOVEMENT DOCUMENT⁽¹⁾

1. Exporter of the waste⁽¹⁾.
2. Generator(s) of the waste and site of generation⁽¹⁾.
3. Disposer of the waste and actual site of disposal⁽¹⁾.
4. Carrier(s) of the waste⁽¹⁾ or his agent(s).
5. Subject of general or single notification.
6. The date the transboundary movement started and date(s) and signature on receipt by each person who takes charge of the waste.
7. Means of transport (road, rail, inland waterway, sea, air) including countries of export, transit and import, also point of entry and exit where these have been designated.
8. General description of the waste (physical state, proper UN shipping name and class, UN number, Y number and H number as applicable).
9. Information on special handling requirements including emergency provision in case of accidents.
10. Type and number of packages.
11. Quantity in weight/volume.
12. Declaration by the generator or exporter that the information is correct.
13. Declaration by the generator or exporter indicating no objection from the competent authorities of all States concerned which are Parties.
14. Certification by disposer of receipt at designated disposal facility and indication of method of disposal and of the approximate date of disposal.

Notes

The information required on the movement document shall where possible be integrated in one document with that required under transport rules. Where this is not possible the information should complement rather than duplicate that required under the transport rules. The movement document shall carry instructions as to who is to provide information and fill out any form.

⁽¹⁾ Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted in case of emergency.

ANNEX VI

ARBITRATION

Article 1

Unless the agreement referred to in Article 20 of the Convention provides otherwise, the arbitration procedure shall be conducted in accordance with Articles 2 to 10 below.

Article 2

The claimant Party shall notify the Secretariat that the Parties have agreed to submit the dispute to arbitration pursuant to paragraph 2 or 3 of Article 20 and include, in particular, the Articles of the Convention the interpretation or application of which are at issue. The Secretariat shall forward the information thus received to all Parties to the Convention.

Article 3

The arbitral tribunal shall consist of three members. Each of the Parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the chairman of the tribunal. The latter shall not be a national of one of the Parties to the dispute, nor have his usual place of residence in the territory of one of these Parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of either Party, designate him within a further two months' period.

2. If one of the Parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other Party may inform the Secretary-General of the United Nations who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the Party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the United Nations, who shall make this appointment within a further two months' period.

Article 5

1. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention.

2. Any arbitral tribunal constituted under the provisions of this Annex shall draw up its own rules of procedure.

Article 6

1. The decisions of the arbitral tribunal both on procedure and on substance, shall be taken by majority vote of its members.

2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the Parties, recommend essential interim measures of protection.

3. The Parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.

4. The absence or default of a Party in the dispute shall not constitute an impediment to the proceedings.

Article 7

The tribunal may hear and determine counter-claims arising directly out of the subject-matter of the dispute.

Article 8

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the Parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the Parties.

Article 9

Any Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

Article 10

1. The tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time limit for a period which should not exceed five months.

2. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the Parties to the dispute.

3. Any dispute which may arise between the Parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.

BASELSKA KONVENCIJA O NADZORU PREHODA NEVARNIH ODPADKOV PREKO MEJA IN NJIHOVEGA ODSTRANJEVANJA

UVOD

Udeleženske te konvencije.

ki se zavedajo nevarnosti za človekovo zdravje in okolje, ki jo povzročajo nevarni odpadki in drugi odpadki in njihov prehod preko meja,

pozorne na rastočo nevarnost za človekovo zdravje in za okolje, ki jo povzročajo povečano proizvodnjo in raznovrstnost ter prehod nevarnih odpadkov in drugih odpadkov preko meja,

ki se zavedajo tudi, da je najučinkovitejši način varstva človekovega zdravja in okolja pred nevarnostmi, ki jih povzročajo takšni odpadki, zmanjšanje njihovega proizvodnje na minimum glede količine in glede njihove nevarnosti, prepričane, da bi morale države ustrezno ukrepati, da bi bilo ravnanje z nevarnimi odpadki in z drugimi odpadki, vključno z njihovim prehodom preko meja in odstranjevanjem, skladno z varstvom človekovega zdravja in okolja, ne glede na kraj njihovega odstranjevanja,

opozarjajo, da bi morale države zagotoviti, da bi proizvajalec izpolnil svoje dolžnosti glede na prevoz in odstranjevanje nevarnih odpadkov in drugih odpadkov na način, ki je skladen z varstvom okolja ne glede na kraj odstranjevanja,

v celoti priznavajo, da ima katerakoli država suvereno pravico, da prepreči vstop ali odstranjevanje tujih nevarnih in drugih odpadkov na svojem ozemlju,

priznavajo tudi naraščajočo zahtevo po prepovedi prehoda nevarnih odpadkov preko meja in njihovega odstranjevanja v drugih državah, posebno v državah v razvoju.

prepričane, da bi morali nevarne odpadke in druge odpadke, če je to skladno z okolju varnim in učinkovitim ravnanjem, odstranjevati v državi, kjer so bili proizvedeni.

zavedajo se tudi, da bi moral biti prehod takšnih odpadkov preko meja in države proizvajalke v katerikoli drugo državo dovoljen samo, če bi bil izpeljan pod pogoji, ki ne ogrožajo človekovega zdravja in okolja, ter po pogojih, skladnih z določili te konvencije.

upoštevajo, da bo povečani nadzor prehoda nevarnih odpadkov in drugih odpadkov preko meja deloval kot spodbuda za okolju varno ravnanje z njimi in za zmanjšanje obsega takšnega prehoda preko meja.

prepričane, da bi morale države prevzeti ukrepe za ustrezno izmenjavo informacij o tem in nadzoru prehoda nevarnih odpadkov in drugih odpadkov preko meja in teh držav in vanje.

opozarjajo, da so številni mednarodni in regionalni sporazumi načeli problem varstva in ohranjanja okolja glede prevoza nevarnega blaga.

upoštevajo Deklaracijo konference Združenih narodov o človekovem okolju (Stockholm, 1972), kairske smernice in načela za okolju varno ravnanje z nevarnimi odpadki, ki jih je sprejel upravni svet Programa Združenih narodov za okolje (UNEP) s sklepom 14/30 dne 17. junija 1987, priporočila Komisije strokovnjakov Združenih narodov o prevozu nevarnega blaga (oblikovana leta 1957 in usklajevana vsaki dve leti), ustrezna priporočila, deklaracije, dokumente in pravilnike, sprejete v Združenih narodih, in delo in študije, narejene v drugih mednarodnih in regionalnih organizacijah.

pozorne na pomen, načela, cilje in vlogo Svetovne listine za naravo, ki jo je sprejela Generalna skupščina Združenih narodov na svojem 37. zasedanju (1982) kot etično pravilo v zvezi z varstvom človekovega okolja in ohranjanjem naravnih virov.

potrjujejo, da so države odgovorne za izpolnjevanje svojih mednarodnih obveznosti, ki zadevajo varstvo človekovega zdravja in varstvo ter ohranjanje okolja, in so zavezane za to v skladu z mednarodnim pravom.

priznavajo, da ob materialni kršitvi določil te konvencije ali kateregakoli protokola k njej velja ustrezno mednarodno pravo o sporazumih.

zavedajo se potrebe po nadaljnjem razvijanju in uvajanju tehnologij, ki so skladne z okoljem in ustvarjajo manj odpadkov, možnosti recikliranja, dobrih sistemov gospodarjenja in upravljanja, z namenom, da se zmanjša na minimum proizvodnje nevarnih odpadkov in drugih odpadkov.

zavedajo se tudi naraščajoče mednarodne osveščenosti o potrebi po strogem nadzoru prehoda nevarnih odpadkov in drugih odpadkov preko meja in o potrebi, da se takšen prehod preko meja zmanjša na minimum, zaskrbljene zaradi nezakonite meddržavne trgovine z nevarnimi odpadki in drugimi odpadki.

upoštevajo tudi omejene sposobnosti držav v razvoju pri ravnanju z nevarnimi odpadki in drugimi odpadki.

priznavajo potrebo po pospeševanju prenosa tehnologij za varno ravnanje z nevarnimi odpadki in drugimi odpadki, ki se proizvajajo lokalno, posebno v državah v razvoju, v skladu s kairskimi smernicami in sklepom 14/16 upravnega sveta UNEP-a o pospeševanju prenosa tehnologij za varstvo okolja.

priznavajo tudi, da bi morali nevarne odpadke in druge odpadke prevažati v skladu z ustreznimi mednarodnimi konvencijami in priporočili.

prepričane tudi, da bi moral biti prehod nevarnih in drugih odpadkov preko meja dovoljen samo, kadar sta prevoz in končno odstranjevanje takšnih odpadkov varna za okolje, in

odločene, da zaščitijo s strogim nadzorom človekovo zdravje in okolje pred nevarnimi učinki, ki bi izhajali iz proizvodnje in ravnanja z nevarnimi odpadki in drugimi odpadki, se sporazumejo, kot sledi:

1. člen

OBSEG KONVENCIJE

1. Po tej konvenciji so »nevarni odpadki«, ki so predmet prehoda preko meja, tile odpadki:

a) odpadki, ki spadajo v katerikoli kategorijo, navedeno v dodatku I, razen če nimajo nobene značilnosti, navedene v dodatku III, in

b) odpadki, ki jih ne pokriva točka (a), pač pa so določeni kot takšni ali se štejejo za nevarne odpadke po domači zakonodaji države izvoza, uvoza in tranzita.

2. Po tej konvenciji so odpadki, ki spadajo v katerikoli kategorijo, navedeno v dodatku II in so predmet prehoda preko meja, »drugi odpadki«.

3. Odpadkov, ki jih zaradi svoje radioaktivnosti obravnavajo drugi mednarodni nadzorni sistemi, vključno z mednarodnimi dokumenti, ki veljajo izrecno za radioaktivne snovi, ta konvencija ne obravnava, fizično ali pravno osebo;

4. Odpadkov, ki izhajajo iz normalnega obratovanja ladje, katerih odstranjevanje pokriva drug mednarodni dokument, ta konvencija ne obravnava.

2. člen

DEFINICIJE

Za namene te konvencije:

1. »odpadki« so snovi ali predmeti, ki se odstranjujejo ali so namenjeni odstranjevanju, ali se zahteva njihovo odstranjevanje po določenih nacionalne zakonodaje;

2. »ravnanje« pomeni zbiranje, prevoz in odstranjevanje nevarnih odpadkov ali drugih odpadkov, vključno s kasnejšim varstvom odlagališč;

3. »prehod preko meja« pomeni kakršenkoli prenos nevarnih odpadkov ali drugih odpadkov z enega področja pod jurisdikcijo ene države v ali skozi področje pod jurisdikcijo druge države ali v ali skozi področje, ki ni pod jurisdikcijo nobene države, če sta vsaj dve državi vpleteni v prenos;

4. »odstranjevanje« pomeni kakršnokoli operacijo, specifikirano v dodatku IV te konvencije;

5. »odobreni kraj ali naprava« pomeni kraj ali napravo za odstranjevanje nevarnih odpadkov ali drugih odpadkov, ki jo pristojni organ države, kjer je ta kraj ali naprava, pooblasti ali dovoli, da deluje v ta namen;

6. »pristojni organ« pomeni vladno ustanovo, za katero neka udeleženka določi, da je odgovorna v toliko geografskih območjih, kot jih ima udeleženka za ustrezno za sprejemanje obvestil o prehodu nevarnih odpadkov ali drugih odpadkov preko meja in kakršnihkoli drugih informacij v zvezi s tem in za odgovarjanje na takšna obvestila, kot je navedeno v 6. členu;

7. »center« pomeni pravno osebo udeleženke, navedeno v 5. členu, odgovorno za sprejemanje in predajanje informacij, kot je navedeno v 13. in 16. členu;

8. »okolju varno ravnanje z nevarnimi odpadki in drugimi odpadki« pomeni uresničevanje vseh izvedljivih ukrepov, da se zagotovi, da se z nevarnimi odpadki ali drugimi odpadki ravna na način, ki bo varoval človekovo zdravje in okolje pred škodljivimi učinki, ki bi izhajali iz takšnih odpadkov;

9. »področje pod jurisdikcijo neke države« pomeni katerokoli ozemlje, morsko območje ali zračni prostor, v katerem neka država izpolnjuje administrativno ali zakonodajno odgovornost v skladu z mednarodnim pravom varstva človekovega zdravja ali okolja;

10. »država izvoznica« pomeni udeleženko, iz katere se načrtuje, da se bo začel ali se začne prehod nevarnih odpadkov ali drugih odpadkov preko meja;

11. »država uvoznica« pomeni udeleženko, v katero se načrtuje ali že izvaja prehod nevarnih odpadkov ali drugih odpadkov preko meja z namenom njihovega odstranjevanja in z namenom nakladanja pred odstranjevanjem v nekem področju, ki ni pod jurisdikcijo nobene države;

12. »država tranzita« pomeni katerokoli državo, ki ni izvoznica ali uvoznica, skozi katero se načrtuje prevoz ali že prevažajo nevarni odpadki ali drugi odpadki;

13. »prizadete države« so udeleženke, ki izvažajo ali uvažajo ali prevažajo skozi državo, ne glede na to, ali so podpisnice ali ne;

14. »oseba« pomeni katerokoli fizično ali pravno osebo;

15. »izvoznik« pomeni katerokoli osebo pod jurisdikcijo države izvoza, ki ureja izvoz nevarnih odpadkov ali drugih odpadkov;

16. »uvoznik« pomeni katerokoli osebo pod jurisdikcijo države uvoza, ki ureja uvoz nevarnih odpadkov ali drugih odpadkov;

17. »prevoznik« pomeni katerokoli osebo, ki prevažajo nevarne odpadke ali druge odpadke;

18. »proizvajalec« pomeni katerokoli osebo, katere dejavnost proizvaja nevarne odpadke ali druge odpadke, ali če ta oseba ni znana, osebo, ki ima v lasti in/ali pod nadzorom takšne odpadke;

19. »odstranjevalec odpadkov« pomeni katerokoli osebo, ki so ji nevarni odpadki poslani in odstranjuje takšne odpadke;

20. »organizacija za politično in/ali ekonomsko integracijo« pomeni organizacijo, ki jo sestavljajo suverene države, na katero so države članice prenesle pristojnost glede zadev, ki jih ureja ta konvencija, in je bila uradno pooblaščen v skladu z notranjimi postopki, da to podpiše, ratificira, sprejme, odobri, formalno potrdi ali pristopi k njej;

21. »nezakonit promet« pomeni kakršnihkoli prehod nevarnih odpadkov ali drugih odpadkov preko meja, kot je navedeno v 9. členu.

3. člen

DRŽAVNE DEFINICIJE NEVARNIH ODPADKOV

1. Vsaka udeleženka mora v šestih mesecih, potem ko je postala podpisnica te konvencije, obvestiti sekreta-

riat konvencije o odpadkih, ki niso navedeni v dodatkih I in II ki so opredeljeni ali določeni kot nevarni po njeni državni zakonodaji, in o katerihkoli zahtevah, ki zadevajo postopke v zvezi s prehodom preko meja, veljavne za te odpadke.

2. Vsaka udeleženka mora naknadno obvestiti sekretariat o kakršnihkoli pomembnih spremembah informacij, ki jih je dala v skladu s prvim odstavkom.

3. Sekretariat mora nemudoma obvestiti vse udeleženke o informacijah, ki jih je dobil v skladu s prvim in drugim odstavkom.

4. Udeleženke so odgovorne za to, da so informacije, ki jim jih je prenesel sekretariat v skladu s tretjim odstavkom, dosegljive njihovim izvoznikom.

4. člen

SPLOŠNE OBVEZNOSTI

1. a) Udeleženke, ki uresničujejo svojo pravico, da prepovedo uvoz nevarnih odpadkov ali drugih odpadkov zaradi odstranjevanja, morajo obvestiti druge udeleženke o svoji odločitvi v skladu s 13. členom.

b) Udeleženke morajo prepovedati ali ne smejo dovoliti izvoza nevarnih odpadkov ali drugih odpadkov v državo, ki so prepovedale uvoz takšnih odpadkov, potem ko so bile obveščene v skladu s prejšnjo točko.

c) Udeleženke morajo prepovedati ali ne smejo dovoliti izvoza nevarnih odpadkov ali drugih odpadkov, če država uvoznica ni pisno potrdila določenega uvoza, kadar država uvoznica ni prepovedala uvoza takšnih odpadkov.

2. Vsaka udeleženka mora prevzeti ustrezne ukrepe, da:

a) zagotovi, da je proizvodnja nevarnih odpadkov in drugih odpadkov znotraj nje zmanjšano na minimum ob upoštevanju družbenih, tehnoloških in ekonomskih vidikov;

b) zagotovi razpoložljivost ustreznih naprav za odstranjevanje, za okolju varno ravnanje z nevarnimi odpadki in drugimi odpadki, ki morajo biti v skladu z možnostmi nameščene znotraj njenih meja, ne glede na kraj njihovega odstranjevanja;

c) zagotovi, da osebe, ki se ukvarjajo z ravnanjem z nevarnimi odpadki ali drugimi odpadki znotraj nje, prevzamejo takšne ukrepe, ki so potrebni, da se prepreči onesnaževanje zaradi nevarnih odpadkov in drugih odpadkov, ki izhaja iz tega ravnanja, in če pride do takšnega onesnaženja, da na minimum zmanjšajo njegove posledice na človekovo zdravje in okolje;

d) zagotovi, da je prehod nevarnih odpadkov in drugih odpadkov preko meja zmanjšan na minimum, skladen z okolju varnim in učinkovitim ravnanjem s takšnimi odpadki in da se opravlja na način, ki bo varoval človekovo zdravje in okolje pred škodljivimi učinki, ki bi izhajali iz takšnega prehoda;

e) ne dovoli izvoza nevarnih odpadkov ali drugih odpadkov v državo ali skupino držav, ki pripadajo organizaciji za ekonomsko in/ali politično integracijo, ki so udeleženke, posebno države v razvoju, ki so s svojo zakonodajo prepovedale ves uvoz, ali če utemeljeno domneva, da zadevni odpadki ne bodo obravnavani na okolju varen način v skladu z merili, ki jih določijo udeleženke na svojem prvem sestanku;

f) zahteva, da se informacija o predlaganem prehodu nevarnih odpadkov in drugih odpadkov preko meja predloži prizadetim državam v skladu z dodatkom V A in da jasno naveden učinke predlaganega prehoda na človekovo zdravje in okolje;

g) prepreči uvoz nevarnih odpadkov in drugih odpadkov, če utemeljeno domneva, da zadevni odpadki ne bodo obravnavani na okolju varen način;

h) sodeluje pri dejavnostih z drugimi udeleženkami in zainteresiranimi organizacijami neposredno in po sekretariatu, vključno z razširjanjem informacij o prehodu nevarnih odpadkov in drugih odpadkov preko meja, zato da izboljša okolju varno ravnanje s takšnimi odpadki in da doseže preprečitev nezakonitega prometa z njimi.

3. Udeleženke menijo, da je nezakonit promet z nevarnimi odpadki ali drugimi odpadki kriminal.

4. Vsaka udeleženka mora prevzeti ustrezne pravne, administrativne in druge ukrepe za izvajanje in uveljavljanje določil te konvencije, vključno z ukrepi za preprečevanje in kaznovanje ravnanja v nasprotju s to konvencijo.

5. Nobena udeleženka ne sme dovoliti izvoza nevarnih odpadkov in drugih odpadkov v neudeleženko ali uvoza le-teh iz neudeleženke.

6. Udeleženke se sporazumejo, da ne bodo dovolile izvoza nevarnih odpadkov ali drugih odpadkov za odstranjevanje na območje, južno od 60 stopinj južne zemljepisne širine, bodisi da so takšni odpadki predmet prehoda preko meja ali ne.

7. Nadalje bo vsaka udeleženka:

a) prepovedala vsem osebam pod svojo jurisdikcijo prevažanje ali odstranjevanje nevarnih odpadkov ali drugih odpadkov, če te osebe nimajo pooblastil ali dovoljenja za opravljanje takšnih dejavnosti;

b) zahtevala, da se nevarni odpadki in drugi odpadki, ki so predmet prehoda preko meja, zapakirajo, označijo in prevažajo v skladu s splošno sprejetimi in priznanimi mednarodnimi pravili in standardi za pakiranje, označevanje in prevoz in da se dosledno upoštevajo ustrezni mednarodno priznani postopki;

c) zahtevala, da nevarne odpadke in druge odpadke spremlja dokumentacija o prehodu od kraja, kjer se prehod preko meja začne, do kraja odstranjenja.

8. Vsaka udeleženka mora zahtevati, da se nevarni odpadki ali drugi odpadki, ki bodo izvoženi, obravnavajo na okolju varen način v državi uvoznici ali drugod. Tehnična navodila za okolju varno ravnanje z odpadki, ki jih obravnava ta konvencija, bodo določile udeleženke na svojem prvem sestanku.

9. Udeleženke morajo sprejeti ustrezne ukrepe, da zagotovijo, da bo prehod nevarnih odpadkov in drugih odpadkov preko meja dovoljen, samo če:

a) država izvoznica nima tehničnih zmogljivosti in potrebnih naprav, možnosti ali ustreznih odstranjevališč, da bi odstranila odpadke na okolju varen in učinkovit način; ali

b) so odpadki potrebni kot surovina za reciklažo ali predelovalno industrijo v državi uvoznici; ali

c) je prehod preko meja v skladu z drugimi merili, ki jih določajo udeleženke, če se ta merila ne razlikujejo od ciljev te konvencije.

10. Obveznost po tej konvenciji za države, v katerih se proizvajajo nevarni odpadki in drugi odpadki, da zahtevajo, da se s temi odpadki ravna na okolju varen način, se v nobenem primeru ne sme prenesti na države uvoznice ali tranzita.

11. Nič v tej konvenciji ne preprečuje neki udeleženki, da uveljavi dodatne zahteve, ki so združljive z določili te konvencije in so v skladu s pravili mednarodnega prava, zato da bi bolje zavarovale človekovo zdravje in okolje.

12. Nič v tej konvenciji ne sme kakorkoli vplivati na suverenost držav nad njihovim teritorialnim morjem, določeno v skladu z mednarodnim pravom, in na suverene pravice in jurisdikcijo, ki jih imajo države v svojih izključno ekonomskih conah in v svojih kopenskih delih

teritorija v skladu z mednarodnim pravom in na izpolnjevanje plovništvih in svoboščin ladij in letal vseh držav, kot je predvideno v mednarodnem pravu in kot se izraža v mednarodnih dokumentih.

13. Udeleženke se zavezujejo, da bodo občasno pregledale možnosti za zmanjšanje obsega in/ali nevarnosti onesnaženja z nevarnimi odpadki in drugimi odpadki, ki jih izvažajo v druge države, posebno v države v razvoju.

5. člen

IMENOVANJE PRISTOJNIH ORGANOV IN CENTRA

Da bi olajšale uresničevanje te konvencije, morajo udeleženke:

1. imenovati enega ali več pristojnih organov in ustanoviti en center. En pristojen organ morajo imenovati zato, da bo sprejemal obvestila, če bo država tranzitna;

2. v treh mesecih od datuma, ko ta konvencija zanje začne veljati, obvestiti sekretariat, katere agencije so določile kot svoj center in svoje pristojne organe;

3. v enem mesecu od datuma sklepa obvestiti sekretariat o vseh spremembah, ki zadevajo imenovanje, ki so ga opravile po drugem odstavku.

6. člen

PREHOD PREKO MEJA MED UDELEŽENKAMI

1. Država izvoznica mora obvestiti ali mora zahtevati od proizvajalca ali izvoznika, da pisno obvesti, preko pristojnega organa države izvoznice pristojne organe prizadetih držav o kateremkoli predlaganem prehodu nevarnih odpadkov ali drugih odpadkov preko meja. Takšno obvestilo mora vsebovati izjave in določeno informacijo, navedene v dodatku V A, napisane v jeziku, sprejemljivem za državo uvoznico. Treba je poslati samo eno obvestilo v vsako prizadeto državo.

2. Država uvoznica mora pisno odgovoriti sporočitelju, da pristaja na uvoz s pogoji ali brez, odklanja dovoljenje za uvoz ali zahteva dodatne informacije. Kopijo končnega odgovora države uvoza je treba poslati pristojnim organom prizadetih držav udeleženk.

3. Država izvoznica ne sme dovoliti proizvajalcu ali izvozniku, da začne s prehodom preko meja, dokler ni prejel pisnega potrdila, da je:

a) sporočitelj prejel pisni pristanek države uvoznice; in

b) sporočitelj prejel od države uvoznice potrdilo o pogodbi med izvoznikom in odstranjevalcem, ki navaja okolju varno ravnanje z odpadki.

4. Vsaka tranzitna država, ki je udeleženka, mora takoj potrditi sporočitelju pisno v 60 dneh, da pristaja na tranzit s pogoji ali brez, odklanja dovoljenje za tranzit ali zahteva dodatne informacije. Država izvoznica ne sme dovoliti, da se prehod preko meja začne, dokler ni prejela pisnega pristanka od države tranzita. Če pa se neka udeleženka kadarkoli odloči, da ne bo zahtevala predhodnega pisnega pristanka, bodisi na splošno ali pod posebnimi pogoji, za tranzit pri prehodu nevarnih ali drugih odpadkov preko meja, ali pa spremeni svoje zahteve v tem pogledu, mora nemudoma obvestiti druge udeleženke o svoji odločitvi v skladu s 13. členom. V zadnjem primeru pa, če država izvoznica ne prejme nobenega odgovora v 60 dneh po prejemu danega obvestila od tranzitne države, lahko država izvoznica dovoli, da se izvoz nadaljuje skozi tranzitno državo.

5. Pri prehodu odpadkov, ki so uradno opredeljeni ali se štejejo kot izključno nevarni odpadki, preko meja:

a) se za državo izvoznico zahteve 9. odstavka tega člena, ki veljajo za uvoznika ali odstranjevalca in za državo uvoza, primerno uporabljajo za izvoznika oziroma za državo izvoza;

b) za državo uvoznico ali države uvoznice in tranzita, ki so udeleženke, se zahteve 1., 3., 4. in 6. odstavka tega člena, ki veljajo za izvoznika in državo izvoznico, primerno uporabljajo za uvoznika ali odstranjevalca oziroma za državo uvoza; ali

c) za katerokoli tranzitno državo, ki je udeleženka, se uporabljajo določila 4. odstavka.

6. Država izvoznica lahko odvisno od pisnega pristanka prizadetih držav dovoli proizvajalcu ali izvozniku, da uporablja splošno obvestilo tam, kjer se nevarni odpadki ali drugi odpadki, ki imajo enake kemične in fizikalne lastnosti, redno pošiljajo istemu odstranjevalcu, preko iste vstopne carinske izpostave države uvoznice in pri tranzitu preko iste vstopne in izstopne carinske izpostave ene ali več tranzitnih držav.

7. Prizadete države lahko izdajo pisni pristanek k uporabi splošnega obvestila, omenjenega v 6. odstavku, odvisno od predložitve določenih informacij, kot so natančne količine ali občasni sezname nevarnih odpadkov ali drugih odpadkov, ki se pošiljajo.

8. Splošno obvestilo in pisni pristanek, navedena v 6. in 7. odstavku, lahko pokrivata večkratne pošiljke nevarnih odpadkov in drugih odpadkov, vendar največ za 12 mesecev.

9. Udeleženke morajo zahtevati, da vsaka oseba, ki se obveže, da bo izvedla prehod nevarnih odpadkov ali drugih odpadkov preko meja, podpiše dokument o prehodu bodisi po dostavi ali po prejemu odpadkov. Udeleženke morajo tudi zahtevati, da odstranjevalec obvesti izvoznika in pristojni organ države izvoznice o odstranjevalčevem prejemu odpadkov in v določenem času o sklenitvi odstranjevanja, kot je navedeno v obvestilu. Če ne prejme nobene takšne informacije v državi izvoznici, mora pristojni organ države izvoznice ali izvoznika o tem obvestiti državo uvoznico.

10. Obvestilo in odgovori, zahtevani po tem členu, morajo biti predani pristojnim organom prizadetih držav udeleženk ali ustreznim vladnim telesom držav neudeleženk.

11. Kakršenkoli prehod nevarnih odpadkov ali drugih odpadkov preko meja morajo pokrivati zavarovanje, obveznica ali druga garancija, kot bi zahtevala država uvoznica ali katerakoli druga tranzitna država, ki je udeleženka.

7. člen

PREHOD PREKO MEJA IZ DRŽAVE UDELEŽENKE SKOZI DRŽAVE, KI NISO UDELEŽENKE

Drugi odstavek 6. člena konvencije smiselno velja za prehod nevarnih odpadkov ali drugih odpadkov preko meja iz države udeleženke skozi državo ali države, ki niso udeleženke.

8. člen

DOLŽNOST PONOVNEGA UVOZA

Kadar prehod nevarnih odpadkov ali drugih odpadkov preko meja, k čemur je bil dan pristanek prizadetih držav skladno z določili te konvencije, ne more biti realiziran v skladu s pogodbenimi pogoji, mora država izvoznica zagotoviti, da izvoznik odpelje odpadke nazaj v državo izvoznico, če ni drugih možnosti za njihovo

odstranjevanje na okolju varen način v 90 dneh od dneva, ko je država uvoznica obvestila državo izvoznico in sekretariat ali v takšni časovni dobi, za katero se prizadete države dogovorijo. V ta namen si država izvoznica in katerakoli tranzitna država ne smeta nasprotovati, ovirati ali preprečevati vrnitve teh odpadkov v državo, ki izvažajo.

9. člen

NEZAKONIT PROMET

1. Za namen te konvencije se kakršenkoli prehod nevarnih odpadkov ali drugih odpadkov preko meja:

a) brez obvestila v skladu z določili te konvencije vsem prizadetim državam; ali

b) brez pristanka v skladu z določili te konvencije prizadete države; ali

c) s pristankom, dobljenim od prizadetih držav s pomočjo ponarejanja, napačnega tolmačenja ali prevare; ali

d) ki se ne skladajo z dokumenti; ali

e) ki pride do namernega odstranjevanja oziroma odmetavanja nevarnih odpadkov ali drugih odpadkov v nasprotju s to konvencijo in s splošnimi načeli mednarodnega prava.

šteje za nezakonit promet.

2. Ob prehodu nevarnih odpadkov ali drugih odpadkov preko meja, ki je nezakonit promet kot posledica ravnanja izvoznika ali proizvajalca, mora država izvoznica zagotoviti, da odpadke:

a) vzame nazaj izvoznik ali proizvajalec ali, če je potrebno, ona sama, v državo izvoznico ali, če to ni izvedljivo,

b) drugače odstrani v skladu z določili te konvencije v 30 dneh od takrat, ko je bila država izvoznica obveščena o nezakonitem prometu ali v takšni časovni dobi, kot bi se prizadete države dogovorile. V ta namen prizadete države udeleženke ne smejo nasprotovati, ovirati ali preprečevati vrnitve teh odpadkov v državo izvoza.

3. Če je prehod nevarnih odpadkov in drugih odpadkov preko meja označen kot nezakonit promet in posledica ravnanja uvoznika ali odstranjevalca, bo država uvoznica zagotovila, da bo uvoznik ali odstranjevalec uvožene odpadke odložil na okolju neškodljiv način ali jih bo, če je to potrebno, sama odstranila v 30 dneh od trenutka, ko se je uvoznica seznanila z nezakonitim uvozom, ali v nekem drugem roku, za katerega se prizadete države lahko dogovorijo. Če je potrebno, morajo prizadete strani v ta namen sodelovati pri odstranjevanju odpadkov na okolju varen način.

4. Kadar odgovornosti za nezakonit promet ni mogoče pripisati niti izvozniku, niti proizvajalcu, niti uvozniku, niti odstranjevalcu, morajo prizadete države udeleženke ali druge države udeleženke, kot je ustrezno, zagotoviti s sodelovanjem, da se odpadki odstranijo čim prej in na okolju varen način, bodisi v državi izvoznici ali državi uvoznici ali drugod, kot je ustrezno.

5. Vsaka država udeleženka mora uvesti ustrezno državno/domačo zakonodajo, da prepreči in kaznuje nezakonit promet. Države udeleženke morajo sodelovati z namenom, da dosežejo cilje tega člena.

10. člen

MEDNARODNO SODELOVANJE

1. Udeleženke morajo sodelovati druga z drugo, da bi izboljšale in dosegle okolju varno ravnanje z nevarnimi odpadki in drugimi odpadki.

2. V ta namen morajo udeleženske:

a) na zahtevo dati razpoložljive informacije bodisi na dvostranski ali večstranski osnovi z namenom pospeševanja okolju varnega ravnanja z nevarnimi odpadki in drugimi odpadki, vključno z usklajevanjem tehničnih standardov in prakso za ravnanje z nevarnimi odpadki in drugimi vrstami odpadkov na primeren način;

b) sodelovati pri spremljanju učinkov ravnanja z nevarnimi odpadki na človekovo zdravje in okolje;

c) skladno s svojimi zakoni, predpisi in politiko sodelovati pri razvijanju novih, z okoljem skladnih tehnologij, ki ustvarjajo manj odpadkov, in pri izboljšanju obstoječih tehnologij z namenom odstranjevanja, če je izvedljivo, proizvodnje nevarnih odpadkov in drugih odpadkov in doseganja uspešnejših in učinkovitejših načinov zagotavljanja ravnanja z njimi na okolju varen način, vključno s proučevanjem gospodarskih, družbenih in okoljskih učinkov sprejemanja takšnih novih ali izboljšanih tehnologij;

d) skladno s svojimi zakoni, predpisi in politiko aktivno sodelovati pri prenosu tehnologije in sistemov v zvezi z okolju varnim ravnanjem z nevarnimi odpadki in drugimi odpadki. Sodelovati morajo tudi pri razvijanju tehničnih zmožnosti pri udeleženkah, posebno pri tistih, ki bi potrebovale in zahtevale tehnično pomoč na tem področju;

e) sodelovati pri razvijanju ustreznih tehničnih smernic in/ali postopkov.

3. Udeleženske morajo uporabiti ustrezna sredstva za sodelovanje, da bi pomagale državam v razvoju pri uresničevanju točk a, b in c 2. odstavka 4. člena.

4. Ob upoštevanju potreb držav v razvoju se spodbuja, da bi sodelovanje med udeleženkami in pristojnimi mednarodnimi organizacijami pospeševalo med drugim osveščenost javnosti, razvijanje varnega ravnanja z nevarnimi odpadki in drugimi odpadki in sprejemanje novih tehnologij, ki ustvarjajo manj odpadkov.

11. člen

DVOSTRANSKI, VEČSTRANSKI IN REGIONALNI SPORAZUMI

1. Kljub določilom 5. odstavka 4. člena udeleženke lahko sklepajo dvostranske, večstranske ali regionalne sporazume ali dogovore v zvezi s preходом nevarnih odpadkov ali drugih odpadkov preko meja z udeleženkami ali neudeleženkami pod pogojem, da takšni sporazumi ali dogovori ne odstopajo od okolju varnega ravnanja z nevarnimi odpadki ali drugimi odpadki, kot zahteva ta konvencija. Ti sporazumi ali dogovori morajo vsebovati določila, ki niso za okolje manj varna kot tista, ki jih predvideva ta konvencija, pri čemer se upoštevajo interesi držav v razvoju.

2. Udeleženke morajo obvestiti sekretariat o vseh dvostranskih, večstranskih ali regionalnih sporazumih ali dogovorih, navedenih v prvem odstavku, in o tistih, ki so jih sklenile, preden je zanje ta konvencija začela veljati, z namenom nadzorovanja prehoda nevarnih odpadkov in drugih odpadkov preko meja, ki se odvija v celoti med udeleženkami takšnih sporazumov. Določila te konvencije ne vplivajo na prehod preko meja, ki se odvija v skladu s takšnimi sporazumi, pod pogojem, da so takšni sporazumi skladni z okolju varnim ravnanjem z nevarnimi odpadki in drugimi odpadki, kot zahteva ta konvencija.

12. člen

POSVETOVANJA O ODGOVORNOSTI

Udeleženske morajo sodelovati z namenom, da sprejmejo, takoj ko je izvedljivo, protokol, ki navaja ustrezna pravila in postopke za odgovornost in nadomestila za škodo, ki izhaja iz prehoda preko meja in odstranjevanja nevarnih odpadkov in drugih odpadkov.

13. člen

PRENOS INFORMACIJ

1. Udeleženske morajo, kadarkoli zvedo, zagotoviti, da bodo ob nezgodi, ki se pripeti med preходом nevarnih odpadkov ali drugih odpadkov preko meja ali med njihovim odstranjevanjem, ki lahko pomeni tveganje za človekovo zdravje in okolje v drugih državah, te države nemudoma obveščene.

2. Udeleženske morajo preko sekretariata obveščati ena drugo o:

a) spremembah v zvezi z imenovanjem pristojnih organov in/ali centrov v skladu s 5. členom;

b) spremembah v svojih državnih definicijah nevarnih odpadkov v skladu s 3. členom;

in, takoj ko je možno, o:

c) odločitvah, ki jih sprejmejo, da v celoti ali delno pristanejo na uvoz nevarnih odpadkov ali drugih odpadkov za odstranjevanje na področju pod svojo jurisdikcijo;

d) sklepov, ki jih sprejmejo, da omejijo ali prepovedo izvoz nevarnih odpadkov ali drugih odpadkov;

e) kakršnikoli drugi informaciji, zahtevani v skladu s 4. odstavkom tega člena.

3. Udeleženske morajo skladno z državnimi zakoni in predpisi predati po sekretariatu konferenci udeleženk, ustanovljeni po 15. členu, pred koncem vsakega koledarskega leta poročilo o predhodnem koledarskem letu, ki vsebuje te informacije:

a) o pristojnih organih in centrih, ki so jih imenovali, v skladu s 5. členom;

b) o prehodu nevarnih odpadkov ali drugih odpadkov preko meja, v katerega so bile vpletene, vključno:

i/ s količino izvoženih nevarnih odpadkov in drugih odpadkov, njihovo kategorijo, značilnostmi, ciljem, tranzitno državo in načinom odstranjevanja, kot je navedeno v odgovoru na obvestilo;

ii/ s količino uvoženih nevarnih odpadkov in drugih odpadkov, njihovo kategorijo, značilnostmi, izvoru in načinu odstranjevanja;

iii/ z odstranjevanji, ki niso potekale tako, kot je predvideno;

iv/ s prizadevanji, da se dosežejo zmanjšane količine nevarnih odpadkov ali drugih odpadkov, namenjenih prehodu preko meja;

c) informacije o ukrepih, prevzetih z njihove strani pri izvajanju te konvencije;

d) informacije o razpoložljivi verodostojni statistiki, ki so jo zbrale o učinkih na človekovo zdravje in okolje, zaradi proizvodnje, prevažanja in odstranjevanja nevarnih odpadkov ali drugih odpadkov;

e) informacije, ki zadevajo dvostranske, večstranske in regionalne sporazume in dogovore, sklenjene v skladu z 11. členom te konvencije;

f) informacije o nezgodah, ki se pripetijo med preходом preko meja in odstranjevanjem nevarnih odpadkov in drugih odpadkov, in o ukrepih, sprejetih za njihovo reševanje;

g) informacije o možnostih odstranjevanja, ki delujejo na območju pod njihovo jurisdikcijo;

h) informacije o ukrepih, sprejetih za razvoj tehnologij za zmanjšanje in/ali ukinjanje proizvodnje nevarnih odpadkov in drugih odpadkov; in

i) o drugih zadevah, ki se konferenci udeleženk zdijo pomembne.

4. Udeleženke morajo skladno z državnimi zakoni in predpisi zagotoviti, da se kopije vsakega obvestila v zadevi s katerikoli prehodom nevarnih odpadkov ali drugih odpadkov preko meja in odgovor nanj pošljejo sekretariatu, kadar neka udeleženka meni, da bi njeno okolje lahko bilo prizadeto s tem prehodom preko meja in zahteva, da se to naredi.

14. člen

FINANČNI VIDIKI

1. Udeleženke se sporazumejo, da je treba skladno s posebnimi potrebami različnih regij in subregij ustanoviti regionalne in subregionalne centre za izobraževanje in prenos tehnologije v zvezi z ravnanjem z nevarnimi odpadki in drugimi odpadki in z minimizacijo njihovega nastajanja. Udeleženke se morajo odločiti o ustanovitvi ustreznih finančnih mehanizmov prostovoljne narave.

2. Udeleženke morajo proučiti možnost za ustanovitev sklada z vračilnimi sredstvi, da bi pomagale na premostitveni osnovi ob njunih stanjih na minimum zmanjšati škodo zaradi nezgod, ki nastajajo pri prehodu nevarnih odpadkov in drugih odpadkov preko meja ali med odstranjevanjem teh odpadkov.

15. člen

KONFERENCA UDELEŽENK

1. Konferenca udeleženk je s tem ustanovljena. Prvi sestanek konference udeleženk bo sklical izvršni direktor UNEP-a najkasneje eno leto po tem, ko ta konvencija začne veljati. Nato bodo običajni sestanki konference udeleženk v rednih časovnih obdobjih, ki jih določi konferenca na svojem prvem sestanku.

2. Izredni sestanki konference udeleženk bodo v takšnem času, kot bi se konferenci zdelo potrebno, ali na pisno zahtevo katerekoli udeleženke pod pogojem, da je v šestih mesecih potem, ko jim je sekretariat sporočil zahtevo, le-to potrdila vsaj ena tretjina udeleženk.

3. Konferenca udeleženk mora soglasno odobriti in sprejeti pravilnik zase in za katerikoli pomožno telo, ki bi ga ustanovila, kakor tudi finančni pravilnik, ki posebej določa finančni prispevek udeleženek po tej konvenciji.

4. Udeleženke morajo na svojem prvem sestanku proučiti vse potrebne dodatne ukrepe, ki bi jim pomagali pri izpolnjevanju njihovih dolžnosti glede na varstvo in ohranjanje pomorskega okolja v smislu te konvencije.

5. Konferenca udeleženk mora imeti pod stalnim nadzorom in ovrednotenjem dejansko izvajanje te konvencije in mora dodatno k temu:

a) pospeševati usklajevanje ustreznih politik, strategij in ukrepov za zmanjšanje škode za človekovo zdravje in okolje zaradi nevarnih odpadkov in drugih odpadkov na minimum;

b) proučiti in sprejeti, kot je zahtevano, amandmaje k tej konvenciji in njenim dodatkom ob upoštevanju razpoložljivih znanstvenih, tehničnih, gospodarskih informacij in informacij o okolju;

c) proučiti in prevzeti kakršnokoli dodatno dejavnost, ki bi bila potrebna za doseganje ciljev te konvencije v skladu z izkušnjami, pridobljenimi pri njenem izvajanju in izvajanju sporazumov in dogovorov, navedenih v 11. členu;

d) proučiti in sprejeti protokole, kot je zahtevano; in

e) ustanoviti takšna pomožna telesa, kot se zdi potrebno za uresničevanje te konvencije.

6. Združeni narodi, njihove specializirane agencije kakor tudi katerakoli država, ki ni udeleženka te konvencije, so lahko zastopani kot opazovalci na sestankih konference udeleženk. Katerokoli telo ali agencija, bodisi državna ali mednarodna, vladna ali nevladna, usposobljena za nevarne odpadke ali druge odpadke, ki je obvestila sekretariat o svoji želji, da bi bila zastopana kot opazovalec na nekem sestanku konference udeleženk, je lahko sprejeta, razen če temu ne nasprotuje najmanj ena tretjina udeleženk. Dostop in sodelovanje opazovalcev sta odvisna od pravilnika, ki ga sprejme konferenca udeleženk.

7. Konferenca udeleženk mora tri leta po tem, ko ta konvencija začne veljati, in najmanj vsakih šest let kasneje, ovrednotiti njeno učinkovitost in če se zdi potrebno, proučiti sprejetje popolne ali delne prepovedi prehoda nevarnih odpadkov in drugih odpadkov preko meja v skladu z najnovejšimi znanstvenimi, tehničnimi in ekonomskimi informacijami in informacijami o okolju.

16. člen

SEKRETARIAT

1. Naloge sekretariata so:

a) da pripravlja in pomaga pri uresničevanju nalog, navedenih v 15. in 17. členu;

b) da pripravlja in predaja poročila, ki temeljijo na informacijah, prejetih v skladu s 3., 4., 6., 11. in 13. členom, kakor tudi na informacijah, dobljenih na sestankih pomožnih teles, ustanovljenih po 15. členu ter na podlagi informacij, ki jih dajo pristojna medvladna in nevladna telesa;

c) da pripravlja poročila o svojih dejavnostih pri opravljanju nalog v okviru te konvencije in jih predloži konferenci udeleženk;

d) da zagotavlja potrebno usklajevanje z ustreznimi mednarodnimi telesi in še posebej da sklepa takšne administrativne in pogodbene dogovore, kot bi bili potrebni za učinkovito opravljanje njegovih nalog;

e) da komunicira s centri in pristojnimi oblastmi, ki jih ustanovijo udeleženke v skladu s 5. členom te konvencije;

f) da zbira informacije, ki se nanašajo na pooblaščenca odlagališča in naprave v državah udeleženkah, ki so na razpolago za odstranjevanje njihovih nevarnih odpadkov in drugih odpadkov, in da razširja te informacije med udeleženkami;

g) da sprejema in daje informacije udeleženk in udeleženkam o:

- virih tehnične pomoči in izobraževanja;
- razpoložljivem tehničnem in znanstvenem znanju;
- virih svetovanja in znanju;
- razpoložljivosti sredstev;
- namenom, da jim pomaga na zahtevo na takšnih področjih, kot so:
 - obravnavanje sistema obveščanja po tej konvenciji;
 - ravnanje z nevarnimi odpadki in drugimi odpadki;
 - okolju varne tehnologije, povezane z nevarnimi odpadki in drugimi odpadki, kot so nizkoodpadne in neodpadne tehnologije;
 - ocena sposobnosti odstranjevanja in odstranjevališč;
 - nadzorovanju nevarnih odpadkov in drugih odpadkov;
 - pomoči v izjemnih (kritičnih) situacijah;

h) da daje na njihovo zahtevo udeleženkam informacije o svetovalcih ali svetovalnih firmah, ki imajo potrebno tehnično znanje na tem področju in jim lahko pomagajo pri proučitvi obvestila o prehodu preko meja, pošiljke nevarnih odpadkov ali drugih odpadkov z ustreznim obvestilom in/ali dejstva, da so predlagane odstranjevalne naprave za nevarne odpadke ali druge odpadke okolju varne, kadar utemeljeno domnevajo, da zadevni odpadki ne bodo obravnavani na okolju varen način. Vsa ta morebitna proučevanja ne bi bila na račun sekretariata;

i) da pomaga udeleženkam za zahtevo pri njihovem razpoznavanju primerov nezakonitega prometa in da nemudoma prenese prizadetim udeleženkam vse informacije, ki jih je prejel v zvezi z nezakonitim prometom;

j) da sodeluje z udeleženkami in z zadevnimi in pristojnimi mednarodnimi organizacijami in agencijami pri pridobivanju strokovnjakov in opreme z namenom hitre pomoči državam v nujnih razmerah; in

k) da izvaja druge takšne naloge v zvezi s ciljem te konvencije, kot bi jih določila konferenca udeleženk.

2. Naloge sekretariata bo začasno upravljal UNEP do sklenitve prvega sestanka konference udeleženk v skladu s 15. členom.

3. Na svojem prvem sestanku mora konferenca udeleženk imenovati sekretariat iz tistih obstoječih pristojnih medvladnih organizacij, ki so izrazile pripravljenost, da opravljajo naloge sekretariata v skladu s to konvencijo. Na tem sestanku bo konferenca udeleženk tudi ocenila opravljanje nalog, dodeljenih začasnemu sekretariatu, še posebej po prvem odstavku tega člena, in sklepala o ustreznih strukturah za te naloge.

17. člen

AMANDMAJI H KONVENCIJI

1. Katerakoli udeleženka lahko predlaga amandmaje k tej konvenciji in katerakoli podpisnica protokola lahko predlaga amandmaje k temu protokolu. Ti amandmaji morajo upoštevati med drugim ustrezna znanstvena in tehnična dognanja.

2. Amandmaji k tej konvenciji morajo biti sprejeti na sestanku konference udeleženk. Amandmaji h kateremukoli protokolu morajo biti sprejeti na sestanku udeleženk k protokolu. Besedilo predlaganega amandmaja k tej konvenciji ali h kateremukoli protokolu, razen če ni drugače predvideno v takšnem protokolu, mora sekretariat poslati udeleženkam najmanj šest mesecev pred sestankom, na katerem se predlaga za sprejem. Sekretariat mora tudi poslati predlagane amandmaje podpisnicam te konvencije v informacijo.

3. Udeleženke si morajo prizadevati, da bi dosegle sporazum o kateremukoli predlaganem amandmaju k tej konvenciji soglasno. Če so vsa prizadevanja za soglasje izrčpana in ni dosežen sporazum, se amandma kot zadnje sredstvo sprejme s tričetrtinskim večinskim glasovanjem udeleženk, prisotnih in glasujočih na sestanku, in ga mora depozitar predložiti vsem udeleženkam v ratifikacijo, odobritev, uradno potrditev ali sprejem.

4. Postopek, omenjen v 3. odstavku, velja za amandmaje k vsem protokolom, razen če dvotretjinska večina udeleženk pri tem protokolu, prisotna in glasujoča na sestanku, ne zadostuje za njegov sprejem.

5. Dokumenti o ratifikaciji, odobritvi, uradni potrditvi ali sprejemu amandmajev morajo biti shranjeni pri depozitarju. Amandmaji, sprejeti v skladu s 3. in 4. odstavkom, začnejo veljati med udeleženkami, ki so jih sprejele, devdeseti dan potem, ko je depozitar prejel dokument o njihovi ratifikaciji, odobritvi, uradni potrditvi ali sprejemu vsaj treh četrтин udeleženk, ki so sprejele

amandmaje k protokolu, razen če ni drugače predvideno v takšnem protokolu. Amandmaji začnejo veljati za vsako drugo udeleženko devdeseti dan potem, ko tista udeleženka shrani svoj dokument o ratifikaciji, odobritvi, uradni potrditvi ali sprejemu amandmajev.

6. Za namene tega člena »prisotne in glasujoče udeleženke« pomeni udeleženke, ki so prisotne in glasujejo pritrilno ali negativno.

18. člen

SPREJEM IN AMANDMA K DODATKOM

1. Dodatki k tej konvenciji ali h kateremukoli protokolu so sestavni del te konvencije ali protokola, odvisno od primera in, razen če ni izrecno navedeno drugače, sklicevanje na konvencijo ali na njene protokole je obenem sklicevanje na vse njene dodatke. Ti dodatki morajo biti omejeni na znanstvene, tehnične in administrativne zadeve.

2. Razen če ni drugače navedeno v kateremukoli protokolu glede na njegove dodatke, velja naslednji postopek za predlog, sprejem in uveljavitev dodatkov k tej konvenciji ali dodatka k protokolu:

a) dodatki k tej konvenciji in njenim protokolom morajo biti predlagani in sprejeti skladno s protokolom, navedenim v 2., 3. in 4. odstavku 17. člena;

b) vsaka udeleženka, ki ni sposobna sprejeti dodatka k tej konvenciji ali dodatka h kateremukoli protokolu, katerega podpisnica je, mora o tem pisno obvestiti depozitarja v šestih mesecih po datumu, ko jo depozitar obvesti o sprejetju. Depozitar mora nemudoma obvestiti vse udeleženke o prejetem obvestilu. Udeleženka lahko kadarkoli zamenja odobritev za predhodno izjavo o nestrižanju in po tem začnejo dodatki veljati za to udeleženko;

c) po šestih mesecih od datuma, ko je depozitar predal obvestilo, dopolnilo začne veljati za vse udeleženke te konvencije ali kateregakoli zadevnega protokola, ki niso predložile obvestila v skladu z določilom točke b).

3. Za predlog, sprejem in uveljavitev amandmajev k dodatkom k tej konvenciji ali h kateremukoli protokolu velja enak postopek kot za predlog, sprejem in uveljavitev dodatkov k tej konvenciji ali k protokolu. Dodatki in protokoli k njej morajo upoštevati med drugim ustrezna znanstvena in tehnična dognanja.

4. Če dodatek ali dopolnilo k dodatku zahteva dopolnilo k tej konvenciji ali protokolu, dodatek ali spremenjeni dodatek ne začne veljati, dokler ne začne veljati dopolnilo k tej konvenciji ali k protokolu.

19. člen

PREVERJANJE

Katerakoli udeleženka, ki ima razloge za domnevo, da neka druga udeleženka krši ali je kršila svoje obveznosti po tej konvenciji, lahko o tem obvesti sekretariat in v takšnem primeru mora hkrati in nemudoma obvestiti neposredno ali po sekretariatu udeleženko, proti kateri so izjave dane. Vse zadevne informacije mora sekretariat predložiti udeleženkam.

20. člen

PORAVNAVA SPOROV

1. Ob sporu med udeleženkami glede razlage ali uveljavljanja ali skladnosti s to konvencijo ali s protokolom proti njej se morata udeleženki truditi za poravnavo spora s pogajanjem ali z drugimi miroljubnimi sredstvi po lastni izbiri.

2. Če prizadeti udeleženci ne moreta poravnati spora s sredstvi, omenjenimi v prejšnjem odstavku, se spor, če se sprti stranki dogovorita, predloži mednarodnemu sodišču ali arbitraži pod pogoji, navedenimi v VI. dodatku o arbitraži. Vendar pa nezmožnost, da bi dosegli skupen dogovor o predaji spora mednarodnemu sodišču ali arbitraži, ne odveže udeleženk odgovornosti za nadaljnje iskanje njegove razrešitve s sredstvi, navedenimi v I. odstavku.

3. Država in/ali organizacija ekonomske integracije lahko, ko ratificira, sprejme, odobri, uradno potrdi ali pristopi k tej konvenciji ali kadarkoli kasneje, izjavi, da priznava za obvezno, s samim dejanjem in brez posebnega sporazuma v zvezi s katerokoli udeleženko, ki sprejema enako odgovornost:

a) predajo spora mednarodnemu sodišču; in/ali

b) arbitražo v skladu s postopki, navedenimi v VI. dodatku.

Takšna izjava mora biti pisno sporočena sekretariatu, ki bo o tem obvestil udeleženke.

21. člen

PODPIS

Ta konvencija je pripravljena, da jo podpišejo države, Namibija, ki jo zastopa Svet Združenih narodov za Namibijo, in politične in/ali organizacije ekonomske integracije v Baslu od 22. marca 1989 do 30. junija 1989 in na sedežu Združenih narodov v New Yorku od 1. julija 1989 do 22. marca 1990.

22. člen

RATIFIKACIJA, SPREJEM, URADNA POTRDI TEV ALI ODOBRITEV

1. To konvencijo ratificirajo, sprejmejo ali odobrijo države in Namibija, ki jo predstavlja Svet Združenih narodov za Namibijo, in uradno potrdijo ali odobrijo politične in/ali organizacije ekonomske integracije. Dokumenti o ratifikaciji, sprejemu, uradni potrditvi ali odobritvi se shranijo pri depozitarju.

2. Vsaka organizacija, navedena v prvem odstavku, ki postane udeleženka te konvencije, ne da bi bila kakorkoli njenih držav članic udeleženka, je vezana z vsemi obveznostmi po tej konvenciji. Pri takšnih organizacijah, od katerih je ena država članica ali več udeleženka te konvencije, morajo organizacija in njene države članice odločiti o svojih odgovornostih pri izpolnjevanju obveznosti po tej konvenciji. V takšnih primerih organizacija in države članice niso upravičene do uveljavljanja pravic po tej konvenciji hkrati.

3. V svojih dokumentih o uradni potrditvi ali odobritvi morajo organizacije, navedene v prvem odstavku, objaviti obseg svoje pristojnosti glede na zadeve, ki jih ureja ta konvencija. Te organizacije morajo tudi obvestiti depozitarja, ki bo obvestil udeleženke o vseh bistvenih spremembah glede obsega njihove pristojnosti.

23. člen

PRISTOP

1. Ta konvencija je odprta za pristop držav, Namibije, ki jo predstavlja Svet Združenih narodov za Namibijo, in političnih in/ali organizacij ekonomske integracije od dneva po datumu, po katerem je konvencija zaprta za podpis. Dokumente o pristopu je treba shraniti pri depozitarju.

2. V svojih dokumentih o pristopu morajo organizacije, navedene v prvem odstavku, objaviti obseg svoje pristojnosti glede na zadeve, ki jih ureja ta konvencija. Te organizacije morajo obvestiti tudi depozitarja o vseh bistvenih spremembah glede obsega svojih pristojnosti.

3. Določila 2. odstavka 22. člena veljajo za politične in/ali organizacije ekonomske integracije, ki pristopajo k tej konvenciji.

24. člen

PRAVICA GLASOVANJA

1. Razen v primeru, predvidenem v drugem odstavku tega člena, ima vsaka pogodbeni udeleženka v tej konvenciji en glas.

2. Politične in/ali organizacije ekonomske integracije imajo pri zadevah v svoji pristojnosti v skladu s 3. odstavkom 22. člena in z 2. odstavkom 23. člena pravico do glasovanja s številom glasov, ki je enako številu njihovih držav članic, ki so udeleženke te konvencije ali ustreznega protokola. Takšne organizacije nimajo pravice do glasovanja, če jo imajo njihove države članice, in obratno.

25. člen

VELJAVNOST

1. Ta konvencija začne veljati devetdeseti dan po datumu shranitve dvajsetega dokumenta o ratifikaciji, sprejemu, uradni potrditvi, odobritvi ali pristopu.

2. Za vsako državo ali politično in/ali organizacijo ekonomske integracije, ki ratificira, sprejme, odobri ali uradno potrdi to konvencijo ali pristopi k njej po datumu shranitve dvajsetega dokumenta o ratifikaciji, sprejemu, odobritvi, uradni potrditvi ali pristopu, začne konvencija veljati devetdeseti dan po datumu, ko ta država ali politična in/ali organizacija ekonomske integracije shrani svoj dokument o ratifikaciji, sprejemu, odobritvi, uradni potrditvi ali pristopu.

3. Za namene 1. in 2. odstavka tega člena se noben dokument, ki ga shrani politična in/ali organizacija ekonomske integracije, ne šteje kot dodaten k tistim, ki so ga shranile države članice te organizacije.

26. člen

PRIDRŽKI IN IZJAVE

1. Pri tej konvenciji ni možen noben pridržek ali izjema.

2. Prvi odstavek tega člena ne preprečuje državi ali politični in/ali organizaciji ekonomske integracije, ki podpiše, ratificira, sprejme, odobri, uradno potrdi ali pristopi k tej konvenciji, da bi dajala objave ali izjave, ne glede na njihovo formulacijo ali imenovanje z namenom uskladitve svojih zakonov in predpisov z določili te konvencije pod pogojem, da te objave in izjave nimajo namena izključiti ali spremeniti pravnih učinkov določil te konvencije pri njihovem uveljavljanju za to državo.

27. člen

ODSTOP

1. Vsaka udeleženka lahko kadarkoli po treh letih od datuma, ko ta konvencija zanjo začne veljati, odstopi od te konvencije, tako da o tem pisno obvesti depozitarja.

2. Odstop postane veljaven eno leto potem, ko depozitar prejme obvestilo, ali na kasnejši datum, če je naveden v obvestilu.

29. člen

28. člen

DEPOZITAR

Generalni sekretar Združenih narodov je depozitar te konvencije in kateregakoli protokola k njej.

VERODOSTOJNA BESEDILA

Izvirno arabsko, kitajsko, angleško, francosko, rusko in špansko besedilo te konvencije je verodostojno.

Da bi to potrdili, so podpisani in za ta namen uradno pooblašeni, podpisali to konvencijo.

V Baslu, dne 22. marca 1989

I. DODATEK

KATEGORIJE ODPADKOV POD PREDVIDENIM NADZOROM

Vrsta odpadkov

- Y1 Medicinski odpadki po medicinski negi v bolnišnicah, zdravstvenih centrih in klinikah
- Y2 Odpadki, nastali pri proizvodnji in pripravi farmacevtskih izdelkov
- Y3 Odpadni farmacevtski izdelki, mamila in zdravila
- Y4 Odpadki, nastali pri proizvodnji, pripravi in uporabi pesticidov in fitofarmacevtskih izdelkov
- Y5 Odpadki, nastali pri proizvodnji, pripravi in uporabi kemikalij za zaščito lesa
- Y6 Odpadki, nastali pri proizvodnji, pripravi in uporabi organskih topil
- Y7 Odpadki, nastali pri toplotni obdelavi in pri kaljenju, ki vsebujejo cianide
- Y8 Odpadna mineralna olja, neprimerna za prvotno namenjeno uporabo
- Y9 Odpadne mešanice olje/voda, ogljikovodiki voda, emulzije
- Y10 Odpadne snovi in delci, ki vsebujejo ali so onesnaženi s polikloriranimi bifenili (PCB) in/ali polikloriranimi trifenili (PCT) in/ali polibromiranimi bifenili (PBB)
- Y11 Odpadni ostanki katrana, nastali pri rafiniranju, destilaciji in pirolitski obdelavi
- Y12 Odpadki, nastali pri proizvodnji, pripravi in uporabi črnih, barvil, pigmentov, premazov, lakov
- Y13 Odpadki, nastali pri proizvodnji, pripravi in uporabi smol, lateksa, plastičnih dodatkov, lepil
- Y14 Odpadne kemične snovi, nastale pri raziskovanju in razvoju ali proučevanju, ki niso identificirane in/ali so nove in katerih vplivi na človeka in/ali okolje niso znani
- Y15 Odpadki eksplozivne narave, ki jih ne obravnava druga zakonodaja
- Y16 Odpadki, nastali pri proizvodnji, pripravi in uporabi fotografskih kemikalij in materialov za razvijanje
- Y17 Odpadki, nastali pri površinski obdelavi kovin in plastike
- Y18 Ostanki pri odstranjevanju industrijskih odpadkov.

Odpadki, katerih sestavine so:

- Y19 Kovinski karbonili
- Y20 Berilij; berilijeve spojine
- Y21 Šestvalentne kromove spojine
- Y22 Bakrove spojine
- Y23 Cinkove spojine
- Y24 Arzen; arzenove spojine
- Y25 Selen; selenove spojine
- Y26 Kadmij; kadmijeve spojine
- Y27 Antimon; antimonove spojine
- Y28 Telur; telurjeve spojine
- Y29 Živo srebro; živosrebrove spojine
- Y30 Talij; talijeve spojine
- Y31 Svinec; svinčeve spojine
- Y32 Anorganske fluorove spojine brez kalcijevega fluorida
- Y33 Anorganski cianidi
- Y34 Kisle raztopine ali kisline v trdnem stanju
- Y35 Bazične raztopine ali baze v trdnem stanju
- Y36 Azbest (prah in vlakna)
- Y37 Organske fosforjeve spojine

- Y38 Organski cianidi
 Y39 Fenoli; fenolove spojine, vključno s klorofenoli
 Y40 Etri
 Y41 Halogenirana organska topila
 Y42 Organska topila brez halogeniranih topil
 Y43 Vse sestavine, sorodne polikloriranemu dibenzo-furanu
 Y44 Vse sestavine, sorodne polikloriranemu dibenzo-p-dioksinu
 Y45 Organohalogene spojine, ki niso snovi, navedene v tem dodatku (kot Y39, Y41, Y42, Y43, Y44)

II. DODATEK

KATEGORIJE ODPADKOV, KI ZAHTEVAJO POSEBNO OBRAVNAVO

- Y46 Odpadki, zbrani od gospodinjstev
 Y47 Odpadki, ki nastajajo pri sežiganju gospodinskih odpadkov

III. DODATEK

SEZNAM LASTNOSTI NEVARNIH SNOVI

ZN razred*	Oznaka	Lastnosti
1	H1	Eksploziv Eksplzivna snov ali odpadki je trdna ali tekoča snov ali odpadki (ali mešanica snovi ali odpadkov), ki je sama po sebi zmožna s kemično reakcijo proizvesti plin pri takšni temperaturi in tlaku in s takšno hitrostjo, da povzroči škodo okolici.
3	H3	Vnetljive tekočine Beseda »vnetljiv« ima enak pomen kot »gorljiv«. Vnetljive tekočine so tekočine ali mešanice tekočin ali tekočine, ki vsebujejo trdne delce v raztopini ali suspenziji (na primer barve, premazi, laki itd., vendar ne vključujejo snovi ali odpadkov, sicer klasificiranih zaradi nevarnih lastnosti), ki oddajajo gorljive hlapne pri temperaturah, ne višjih od 60,5°C pri testiranju v zaprti posodi ali ne višjih od 65,6°C pri testiranju v odprti posodi. (Zaradi tega, ker rezultati testiranja v odprti in v zaprti posodi niso natančno primerljivi in so celo posamezni rezultati pri istem testu pogosto spremenljivi, bi bili predpisi, ki se razlikujejo od zgornjih števil toliko, da dopuščajo takšne razlike, v skladu s to definicijo.)
4.1	H4.1	Vnetljive trdne snovi Trdne snovi ali trdni odpadki, ki niso klasificirani kot eksplozivni, ki so v razmerah, v katerih se znajdejo med prevozom, hitro vnetljivi in lahko povzročajo ali pripomorejo k požaru zaradi trenja.
4.2	H4.2	Snovi in odpadki, ki se lahko sami vnamejo Snovi ali odpadki, ki se zaradi spontanega gretja pod normalnimi pogoji, v katerih se znajdejo med prevozom, ali segretja pri stiku z zrakom lahko vnamejo.
4.3	H4.3	Snovi in odpadki, ki v stiku z vodo povzročijo nastanek vnetljivih plinov Snovi ali odpadki, ki zaradi medsebojne reakcije z vodo lahko postanejo samovnetljivi ali oddajajo vnetljive pline v nevarnih količinah.
5.1	H5.1	Oksidacijske snovi Snovi in odpadki, ki sami po sebi niso vnetljivi, lahko na splošno zaradi oddajanja kisika povzročijo ali pripomorejo k vnetju drugih materialov.
5.2	H5.2	Organski peroksidi Organske snovi ali odpadki, ki vsebujejo dvojno –O–O– vez, so toplotno nestabilne snovi, ki se lahko same razkrojijo.
6.1	H6.1	Strupeni (akutni) Snovi ali odpadki, ki lahko bodisi povzročijo smrt ali resno poškodbo ali škodujejo človekovemu zdravju, če jih zaužijemo ali vdihavamo ali z dotikom kože.
6.2	H6.2	Kužne snovi Snovi ali odpadki, ki vsebujejo žive mikroorganizme ali njihove toksine, za katere se ve ali sumi, da povzročajo bolezni pri živalih in ljudeh.
8	H8	Jedke Snovi ali odpadki, ki zaradi kemične reakcije povzročajo močne poškodbe, kadar so v stiku z živim tkivom, ali pri puščanju materialno poškodujejo ali celo uničijo drugo blago ali prevozna sredstva; lahko tudi povzročijo druge nevarnosti.

* Ustreza klasifikacijskemu sistemu nevarnosti, vključenemu v priporočila Združenih narodov o prevozu nevarnih snovi (ST/SG/AC.10/1/Rev.5, Združeni narodi, New York, 1988).

ZN razred*	Oznaka	Lastnosti
9	H10	Sproščanje strupenih plinov v stiku z zrakom ali vodo Snovi ali odpadki, ki z medsebojno reakcijo z zrakom ali vodo lahko oddajajo strupene pline v nevarnih količinah.
9	H11	Strupene (s kasnejšim delovanjem) Snovi ali odpadki, če se vdihavajo ali zaužijejo ali če prodrejo skozi kožo, lahko povzročijo zapoznele ali kronične posledice, vključno kancerogenost.
9	H12	Ekotoksične Snovi ali odpadki, ki takrat, ko so razsuti, povzročajo ali lahko povzročijo takojšnje ali zapoznele škodljive vplive na okolje zaradi bioakumulacije in/ali toksičnih učinkov na žive sisteme.
9	H13	Sposobne, da s kakršnimkoli sredstvi po odstranjenju tvorijo drugo snov, npr. lug, ki ima katerokoli lastnost, navedeno zgoraj.

TESTI

Potencialne nevarnosti, ki jih povzročajo določene vrste odpadkov, še niso v celoti dokumentirane; testov, ki bi količinsko opredelili te nevarnosti, ni. Potrebne so nadaljnje raziskave, da bi razvili metode za določanje možnih nevarnosti za človeka in/ali za okolje zaradi teh odpadkov. Standardizirani testi so bili narejeni s čistimi snovmi in materiali. Mnoge države so razvile državne teste, ki se lahko uporabljajo za materiale, navedene v I. dodatku, da se določi, ali ti materiali kažejo katerokoli lastnost, navedeno v tem dodatku.

IV. DODATEK

ODSTRANJEVANJE

A. POSTOPKI, KI NE VODIJO DO MOŽNOSTI PONOVNE UPORABE VIROV, RECIKLIRANJA, AMELIORACIJE, NEPOSREDNE PONOVNE UPORABE ALI ALTERNATIVNE UPORABE

Sekcija A vsebuje vse odstranjevalne postopke v praksi

- D1 Odlaganje v zemljo ali na zemljo (npr. zasip itd.)
- D2 Obdelava zemlje (npr. biodegradacija tekočih ali blatnih izmetov v zemljo itd.)
- D3 Globoko injiciranje (npr. injiciranje črpalničnih izmetov v vodnjake, jaške soli ali v naravno nastala odstranjevališča itd.)
- D4 Površinske zaježitve (npr. napeljava tekočih ali blatnih izmetov v jame, ribnike ali lagune itd.)
- D5 Posebej prirejeno odlagališče (npr. polaganje v obložene ločene enote, ki so zaprte in izolirane ena od druge in od okolja itd.)
- D6 Izpust v vodo, razen v morja/ocane
- D7 Izpust v morja/ocane, vključno z vlaganjem v morsko dno
- D8 Biološka obdelava (čiščenje), ki ni opredeljena v tem dodatku in daje končne spojine ali mešanice, ki se odstranjujejo z enim od postopkov v Sekciji A
- D9 Fizikalno-kemična obdelava, ki ni opredeljena drugod v tem dodatku in daje končne spojine ali mešanice, ki se odstranjujejo z enim od postopkov v Sekciji A (npr. izparevanje, sušenje, kalcinacija, nevtralizacija, usedanje, itd.)
- D10 Sežiganje na kopnem
- D11 Sežiganje na morju
- D12 Trajno skladiščenje (npr. nameščanje zabojnikov v rudnik itd.)
- D13 Spajanje in mešanje pred predajo v eno od operacij v Sekciji A
- D14 Ponovno pakiranje pred predajo v eno od operacij v Sekciji A
- D15 Skladiščenje do ene od operacij v Sekciji A

B. POSTOPKI, KI LAHKO VODIJO DO MOŽNOSTI PONOVNE UPORABE VIROV, RECIKLIRANJA, AMELIORACIJE, NEPOSREDNE PONOVNE UPORABE ALI ALTERNATIVNE UPORABE

Sekcija B obsega vse postopke v zvezi z materiali, ki so uradno opredeljeni ali obravnavani kot nevarni odpadki in ki bi bili sicer namenjeni postopkom, vključenim v Sekcijo A.

- R1 Uporaba za gorivo (ne pri neposrednem sežigu) ali za druga sredstva, ki proizvajajo energijo
- R2 Pridobivanje/regeneracija topil
- R3 Recikliranje/pridobivanje organskih snovi, ki se ne uporabljajo kot topila
- R4 Recikliranje/pridobivanje kovin in kovinskih spojin
- R5 Recikliranje/pridobivanje drugih anorganskih materialov

- R6 Regeneracija kislin ali baz
- R7 Pridobivanje sestavin, ki se uporabljajo za zmanjševanje onesnaženja
- R8 Pridobivanje sestavin iz katalizatorjev
- R9 Rafiniranje rabljenega olja ali druge ponovne uporabe predhodno rabljenega olja
- R10 Čiščenje zemlje, ki izboljšuje pridelek in ima ekološki pomen
- R11 Uporaba ostankov materialov, dobljenih iz enega od postopkov, naštetih od R1-R10
- R12 Izmenjava odpadkov za predajo v enega od postopkov, naštetih od R1-R11
- R13 Zbiranje materiala, namenjenega za enega od postopkov v Sekciji B

V. A/ DODATEK

INFORMACIJE, DANE Z OBVESTILOM

1. Razlog za izvoz odpadkov
2. Izvoznik odpadkov 1/
3. Proizvajalec(i) odpadkov in kraj proizvodnje 1/
4. Odstranjevalec odpadkov in dejanski kraj odstranjevanja 1/
5. Predvideni prevoznik(i) odpadkov ali njihovi zastopniki, če so znani 1/
6. Država izvoznica odpadkov
Pristojni organ 2/
7. Predvidene tranzitne države
Pristojni organ 2/
8. Država uvoznica odpadkov
Pristojni organ 2/
9. Splošno ali enkratno obvestilo
10. Predvideni datum(i) pošiljke (pošiljk) in čas, v katerem bodo odpadki izvažani, in predlagan intinerer (vključno s krajem vstopa in izstopa) 3/
11. Predvidena prevozna sredstva (cesta, železnica, morje, zrak, kopenske vode)
12. Informacije v zvezi z zavarovanjem 4/
13. Cilj in fizični opis odpadkov, vključno s številko Y in številko ZN in njihovo sestavo 5/, in informacije o vseh posebnih zahtevah ravnanja z njimi, vključno z nujnimi ukrepi ob nezgodi
14. Vrsta predvidenega embalaranja (npr. razsuto, kontejnersko, tanker)
15. Ocenjena količina po teži/prostornini 6/
16. Postopek, pri katerem odpadki nastajajo 7/
17. Za odpadke, navedene v I. dodatku, klasificiranje iz II. dodatka: nevarne lastnosti, številka H in klasifikacija ZN
18. Način odlaganja po IV. dodatku
19. Izjava proizvajalca ali izvoznika, da je informacija točna
20. Informacije (vključno s tehničnim opisom postrojenja), ki jih odstranjevalec odpadkov preda izvozniku ali proizvajalcu, na katerih je utemeljena ocena, da ni razloga za domnevo, da odpadki ne bodo obravnavani na okolju varen način v skladu z zakoni in predpisi države uvoza.
21. Informacije v zvezi s pogodbo med izvoznikom in odstranjevalcem.

OPOMBE

1/ Popolno ime in naslov, telefon, številka teleksa ali telefaksa in ime, naslov, telefon, številka teleksa ali telefaksa kontaktne osebe.

2/ Popolno ime in naslov, telefon, številka teleksa ali telefaksa.

3/ Ob splošnem obvestilu, ki pokriva več pošiljk, bodisi predvideni datumi vsake pošiljke, ali če to ni znano, se zahteva predvidena pogostost pošiljk.

4/ Informacije o ustreznih zahtevah zavarovanja in kako jih izpolnjujejo izvoznik, prevoznik in odstranjevalec.

5/ Narava in koncentracija najnevarnejših odpadkov glede na toksičnost in druge nevarnosti, ki jih povzročajo odpadki pri ravnanju in v zvezi s predlaganim načinom odstranjevanja.

6/ Ob splošnem obvestilu, ki pokriva več pošiljk, se zahtevajo predvidena skupna količina in predvidene količine za vsako posamezno pošiljko.

7/ Če je treba, se presodi nevarnost in določi ustreznost predlaganega odstranjevalnega postopka.

V. B/ DODATEK

INFORMACIJE, NAVEDENE NA DOKUMENTU
O PREHODU

1. Izvoznik odpadkov 1/
2. Proizvajalec (i) odpadkov in kraj proizvodnje
3. Odstranjevalec odpadkov in dejanski kraj odstranjevanja 1/
4. Prevoznik(i) odpadkov 1/ ali njegov agent(i)
5. Predmet splošnega ali enkratnega obvestila
6. Datum, ko se je prehod preko meja začel, in datum(i) in podpis o prejemu vsake osebe, ki prevzame odpadke
7. Prevozna sredstva (cesta, železnica, kopenske vode, morje, zrak), vključno z državami izvoza, tranzita in uvoza, tudi kraj vstopa in izstopa, kjer je določen
8. Splošni opis odpadkov (fizikalno stanje, ustrezen špedicijski naziv in klasifikacija ZN, številka ZN, številka Y in H, kjer je ustrezno)
9. Informacije o posebnih zahtevah za ravnanje, vključno z nujnim ukrepom ob nezgodah
10. Vrsta in število zavojev
11. Količina po teži/prostornini
12. Izjava proizvajalca ali izvoznika, da je informacija točna
13. Izjava proizvajalca ali izvoznika, da pristojni organi vseh prizadetih držav udeleženk nimajo ugovorov.
14. Potrdilo odstranjevalca o prejemu na določeni odstranjevalni napravi in navedba načina odstranjevanja in okvirnega datuma odstranjevanja.

OPOMBE

Informacija, zahtevana na dokumentu o prehodu, mora biti, kjerkoli je možno, združena v en dokument s tistim, ki ga zahtevajo prevozni predpisi. Kjer to ni možno, mora informacija bolj dopolnjevati kot podvajati tisto, ki jo zahtevajo prevozni predpisi. Dokument o prehodu mora vsebovati navodila o tem, kdo daje informacijo in izpolni obrazce.

1/ Popolno ime in naslov, telefon, številka teleksa ali telefaksa in ime, naslov telefon, številka teleksa ali telefaksa kontaktne osebe v nujnem primeru.

VI. DODATEK

ARBITRAŽA

1. člen

Če sporazum, naveden v 20. členu te konvencije, ne predvideva drugače, arbitražni postopek poteka v skladu z 2. do 10. členom.

2. člen

Tožeča stranka mora obvestiti sekretariat, da sta se stranki dogovorili, da predata spor v arbitražo skladno z 2. ali 3. odstavkom 20. člena in vključita posebej tiste člene konvencije, katerih razlaga ali veljavnost sta sporni. Sekretariat mora tako prejete informacije poslati vsem udeleženkam v konvenciji.

3. člen

Arbitražno razsodišče sestavljajo trije člani. Vsaka stranka v sporu imenuje enega razsodnika in oba tako imenovana razsodnika medsebojno sporazumno določita tretjega razsodnika, ki bo predsednik razsodišča. Slednji ne sme biti državljan nobene od strank v sporu niti ne sme imeti stalnega bivališča na ozemlju katere od strank ali biti zaposlen od katerekoli od njiju ali se ukvarjati s primerom v neki drugi pristojnosti.

4. člen

1. Če predsednik arbitražnega razsodišča ni bil določen v dveh mesecih po imenovanju drugega razsodnika, ga generalni sekretar Združenih narodov na zahtevo ene od strank določi v naslednjih dveh mesecih.

5. člen

1. Arbitražno razsodišče mora sprejeti svoj sklep v skladu z mednarodnim zakonom in v skladu z določili te konvencije.

2. Arbitražno razsodišče, postavljeno po določilih tega dodatka, mora sestaviti svoj lastni pravilnik.

6. člen

1. O postopku in vsebini odloča arbitražno sodišče z večinskim sklepom svojih članov.

2. Sodišče lahko sprejme vse ukrepe, ki so potrebni za ugotovitev dejstev. Na prošnjo ene od strank lahko sodišče priporoči bistvene začasne varnostne ukrepe.

3. Stranke, udeležinke v sporu, ustvarjajo vse pogoje za učinkovito izpeljavo postopka.

4. Če se stranka ne udeleži spora ali pa ne pride pravočasno, to ni ovira za nadaljevanje postopka.

7. člen

Sodišče lahko o protitožbah, ki so neposredno povezane s predmetom spora, sodniško odloča.

8. člen

Če zaradi posebnih okoliščin arbitražno sodišče ne odloči drugače, krijejo stranke sodne stroške, vključno s plačilom za člane, v enaki višini. Sodišče zabeleži vse izdatke in strankam predloži dokončni pregled stroškov.

9. člen

Vsaka pogodbenica, ki ima zakonit interes za predmet spora, ki bi ga lahko zmanjšala razsodba arbitražnega sodišča, se lahko s privolitvijo sodišča vključi v postopek.

10. člen

1. Sodišče razsodi v petih mesecih po svoji postavitvi če meni, da je treba rok podaljšati, slednji ne sme presegati nadaljnjih pet mesecev.

2. Razsodba arbitražnega sodišča mora biti obrazložena. Ta razsodba je dokončna in zavezujoča za stranke.

3. Vsak spor, ki bi lahko nastal zaradi razlage ali izvršitve razsodbe, lahko katerakoli stranka predloži arbitražnemu sodišču, ki je razsodilo, ali, če se na to sodišče ni možno obrniti, drugemu sodišču, ki je bilo za ta namen postavljeno na enak način kot prvo.

3. člen

Za izvajanje tega zakona skrbijo Ministrstvo za okolje in prostor, Ministrstvo za zdravstvo, Ministrstvo za gospodarske dejavnosti, Ministrstvo za ekonomske odnose in razvoj in Ministrstvo za finance.

Naloge centra iz 5. člena te konvencije opravlja Ministrstvo za okolje in prostor.

4. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 801-10/93-5/1-1

Ljubljana, dne 27. julija 1993.

Predsednik
Državnega zbora
Republike Slovenije
mag. Herman Rigelnik l. r.

79.

Na podlagi tretjega odstavka 63. člena Zakona o zunanjih zadevah (Ur. list RS, št. 1/91-I) izdaja Vlada Republike Slovenije

U R E D B O

o ratifikaciji sporazuma o sodelovanju na področju patentov med Vlado Republike Slovenije in Evropsko patentno organizacijo

1. člen

Ratificira se Sporazum o sodelovanju na področju patentov med Vlado Republike Slovenije in Evropsko patentno organizacijo, podpisan v Ljubljani 2. julija 1993 v slovenskem, nemškem, angleškem in francoskem jeziku.

2. člen

Sporazum se v izvirniku v slovenskem in angleškem* jeziku glasi:

S P O R A Z U M

o sodelovanju na področju patentov med Vlado Republike Slovenije in Evropsko patentno organizacijo (Sporazum o sodelovanju)

VLADA REPUBLIKE SLOVENIJE (v nadaljnjem besedilu Slovenija), ki jo zastopa dr. Rado Bohinc, minister za znanost in tehnologijo,

in

EVROPSKA PATENTNA ORGANIZACIJA (v nadaljnjem besedilu Organizacija), ki jo zastopa dr. h. c. Paul Braendli, predsednik Evropskega patentnega urada (v nadaljnjem besedilu EPU) sta se

GLEDE NA

Konvencijo o podeljevanju evropskih patentov z dne 5. oktobra 1973 (v nadaljnjem besedilu Evropska patentna konvencija), še zlasti glede na četrto odstavko njenega 33. člena, in

slovenski Zakon o industrijski lastnini z dne 20. marca 1992,

A G R E E M E N T

between the Government of the Republic of Slovenia and the European Patent Organisation on cooperation in the field of patents (Cooperation Agreement)

THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA ("Slovenia"), represented by Dr. Rado Bohinc, Minister of Science and Technology

and

THE EUROPEAN PATENT ORGANISATION ("the Organisation"), represented by Dr. h. c. Paul Braendli, President of the European Patent Office ("EPO")

HAVING REGARD

to the Convention on the Grant of European Patents of 5 October 1973 ("European Patent Convention") and, in particular, Article 33 (4) thereof,

to Slovenia's Law on Industrial Property of 20 March 1992,

* Besedili v nemškem in francoskem jeziku sta na vpogled v Službi za mednarodnopravne zadeve Ministrstva za zunanje zadeve.