

**COUNCIL DECISION (EU) 2022/1025****of 2 June 2022****on the position to be taken on behalf of the European Union at the fifteenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal with regard to certain amendments to paragraph 2 of Article 6 of that Convention**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal ('the Convention') entered into force in 1992 and was concluded by the Union by means of Council Decision 93/98/EEC <sup>(1)</sup>.
- (2) Pursuant to the Convention, the Conference of the Parties is to consider and adopt, as required, amendments to the Convention. Amendments to the Convention are to be adopted at a meeting of the Conference of the Parties.
- (3) In accordance with the procedure set out in Article 17 of the Convention, the Conference of the Parties, at its fifteenth meeting in June 2022, will consider the proposal by the Russian Federation to amend paragraph 2 of Article 6 of the Convention. That proposal aims to establish a 30 day time limit for a State of import to respond to the notifier of a shipment of waste and includes one other change which is presented as editorial.
- (4) It is appropriate to establish the position to be taken on the Union's behalf at the fifteenth meeting of the Conference of the Parties on the proposal of the Russian Federation, as that amendment would be binding on the Union and affect the content of Union law, namely Regulation (EC) No 1013/2006 of the European Parliament and of the Council <sup>(2)</sup>.
- (5) The Union should not support the proposal of the Russian Federation to amend paragraph 2 of Article 6 of the Convention. To do so would necessitate a long and heavy process to negotiate and it would be a long time before such an amendment would enter into force. It seems disproportionate to launch such process for an amendment, since the aims of the proposal could be achieved by other means. The Union should rather be open to and put forward or act upon initiatives designed to improve the functioning of the 'prior informed consent' procedure, set out in Article 6 of the Convention, provided such initiatives are broader in scope than the proposal submitted by the Russian Federation to the fifteenth meeting of the Conference of the Parties, are in line with broad Union policies and objectives and do not require an amendment to the Convention,

<sup>(1)</sup> Council Decision 93/98/EEC of 1 February 1993 on the conclusion, on behalf of the Community, of the Convention on the control of transboundary movements of hazardous wastes and their disposal (Basel Convention) (OJ L 39, 16.2.1993, p. 1).

<sup>(2)</sup> Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1).

HAS ADOPTED THIS DECISION:

*Article 1*

1. The position to be taken on the Union's behalf at the fifteenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal shall be not to support the proposal by the Russian Federation to amend paragraph 2 of Article 6 of the Convention.
2. The Union shall put forward an initiative or support initiatives by other Parties to the Convention to improve the functioning of the 'prior informed consent' procedure, set out in Article 6 of the Convention, at the fifteenth meeting of the Conference of the Parties to the Convention, provided that such initiatives:
  - (a) are designed to improve the functioning of the 'prior informed consent' procedure, by addressing the delays and problems experienced by States of export, import or transit in handling notifications and by supporting the digitalisation of that procedure, so that wastes movements that are in compliance with the Convention can be carried out across borders without undue delay;
  - (b) do not necessitate the amendment of the Convention;
  - (c) contribute to the environmentally sound management of waste and to the transition towards a global circular economy; and
  - (d) contribute to the proper implementation of the control mechanisms laid down in the Convention and to legal certainty in that regard.

*Article 2*

Refinement of the position referred to in Article 1, paragraph 2, of this Decision may, in the light of the developments at the fifteenth meeting of the Conference of the Parties to the Convention, be agreed to by representatives of the Union in consultation with the Member States during on-the-spot coordination meetings, without a further decision of the Council.

*Article 3*

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

Done at Luxembourg, 2 June 2022.

*For the Council*  
*The President*  
A. DE MONTCHALIN

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