



2025/869

12.5.2025

COUNCIL DECISION (EU) 2025/869

of 14 April 2025

on the position to be taken on behalf of the European Union at the seventeenth 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 the Convention and the Annexes thereto

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 ⁽¹⁾ (the 'Convention') entered into force in 1992 and was concluded by the Union by means of Council Decision 93/98/EEC ⁽²⁾.
- (2) Pursuant to Article 15(5)(b) of the Convention, the Conference of the Parties to the Convention (the 'Conference of the Parties') is empowered to consider and adopt, as required, amendments to the Convention.
- (3) The Conference of the Parties, during its fifteenth meeting in June 2022 and its sixteenth meeting in May 2023, considered a proposal for amendments to Article 6(2) of the Convention submitted by the Russian Federation. The Conference of the Parties decided to defer the consideration of that proposal to the following meeting of the Conference of the Parties.
- (4) The Russian Federation submitted a slightly amended proposal in October 2024 for discussion at the seventeenth meeting of the Conference of the Parties in April-May 2025. That proposal aims to establish a 90-day time limit for an importing country to respond to the notifier of a shipment of waste and to include other changes presented as editorial.
- (5) A proposal to amend Annex IV and certain entries in Annexes II and IX to the Convention was submitted on the Union's behalf and discussed by the Conference of the Parties during its fifteenth meeting in June 2022. The proposal aims, inter alia, to amend and clarify the descriptions of disposal operations listed in Annex IV to the Convention and, in particular, to: include a general introduction clearly distinguishing the terms 'non-recovery' and 'recovery'; include introductory texts explaining what is meant by 'non-recovery operations' (Annex IVA) and 'recovery operations' (Annex IVB); update and clarify the descriptions of operations in line with scientific, technical and other developments which have occurred since the Convention was adopted in 1989; and ensure, through the introduction of catch-all provisions, that all operations not specifically mentioned are covered by the Convention's requirements. The Conference of the Parties decided to further consider that proposal at the following meeting of the Conference of the Parties.
- (6) With regard to the proposals to amend Article 6(2) of the Convention submitted by the Russian Federation, the Union should not support them since they would not help address the problems that the Union considers as priorities for the functioning of the Convention. In addition, amendments to the body of the Convention text require a lengthy and burdensome process to enter into force, and it is therefore deemed disproportionate to launch such a procedure for an amendment that offers little to no added-value. The Union should continue supporting initiatives designed to improve the functioning of the procedure of 'prior informed consent', as currently provided for by the Convention, provided that they remain in line with broad Union policies and objectives and do not require an amendment to the Convention.

⁽¹⁾ OJ L 39, 16.2.1993, p. 3, ELI: <http://data.europa.eu/eli/convention/1993/98/oj>.

⁽²⁾ 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, ELI: <http://data.europa.eu/eli/dec/1993/98/oj>).

- (7) With regard to the proposal to amend Annex IV and certain entries in Annexes II and IX, the Union should continue to support its adoption. With a view to reaching consensus on that proposal, the Union should also show flexibility, in particular with regard to the proposed measures that are unlikely to gather sufficient support for their adoption at the seventeenth meeting of the Conference of Parties. That includes, for example, deferring the discussion on the most contentious topics, such as preparing for reuse and catch-all operations, seeking an agreement on the remaining aspects of the proposal and supporting possible amendments by other Parties, provided that they can achieve the same objectives as those of the Union's proposals concerning Annex IV to the Convention.
- (8) It is appropriate to establish the position to be taken on the Union's behalf at the seventeenth meeting of the Conference of the Parties on those proposals, given that, being amendments to the Convention and its Annexes, they have legal effects. If adopted by the Conference of the Parties, the envisaged acts will be binding on the Union and capable of decisively impacting Union law, namely calling for amendments to Directive 2008/98/EC of the European Parliament and of the Council ⁽³⁾ and to Regulation (EU) 2024/1157 of the European Parliament and of the Council ⁽⁴⁾,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf at the seventeenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (the 'Conference of the Parties') is the following:

- (a) the Union shall not support the amendments to Article 6(2) of the Convention, as submitted by the Russian Federation, but shall support initiatives designed to improve the functioning of the procedure of 'prior informed consent', provided that they are in line with broad Union policies and objectives and do not require amending the Convention;
- (b) the Union shall continue to support the adoption of the amendments to Annex IV and to certain entries in Annexes II and IX to the Convention submitted on the Union's behalf and discussed by the Conference of the Parties during its fifteenth meeting. If needed in order to ensure that consensus is found on an amendment to Annex IV, the Union may show flexibility and agree to depart from its proposal, as long as the amendment contributes to increasing legal clarity of the Annex and to the implementation of the control mechanisms of the Convention, and does not undermine Union law regarding the management and shipments of waste.

Article 2

Refinement of the position referred to in Article 1 may be agreed to, in the light of developments at the seventeenth meeting of the Conference of the Parties, 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, 14 April 2025.

For the Council

The President

K. KALLAS

⁽³⁾ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3, ELI: <http://data.europa.eu/eli/dir/2008/98/oj>).

⁽⁴⁾ Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006 (OJ L, 2024/1157, 30.4.2024, ELI: <http://data.europa.eu/eli/reg/2024/1157/oj>).