

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2006 Nr. 12

A. TITEL

*Verdrag van Bazel inzake de beheersing van de grensoverschrijdende
overbrenging van gevaarlijke afvalstoffen en de verwijdering ervan;
(met Bijlagen)
Bazel, 22 maart 1989*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1990, 12; zie ook *Trb.* 1993, 72, *Trb.* 1994, 253 en *Trb.* 1999, 105.

Zie voor wijzigingen van het Verdrag de rubrieken J van *Trb.* 1996, 81, *Trb.* 1999, 105 en *Trb.* 2003, 168. Zie voor de Engelse en de Franse tekst van de aan het Verdrag toegevoegde Bijlagen VIII en IX rubriek J van *Trb.* 1999, 105.

Zie voor de Engelse en de Franse tekst van wijzigingen van Bijlagen VIII en IX *Trb.* 2005, 45.

Tijdens de Zevende Vergadering, gehouden te Genève van 25 tot en met 29 oktober 2004, heeft de Conferentie der Partijen in overeenstemming met artikel 18, tweede lid, onderdeel a, van het Verdrag bij Besluit VII/19 wijzigingen van de Bijlagen VIII en IX aanvaard. De Engelse en de Franse tekst¹⁾ van het Besluit luiden als volgt:

¹⁾ De Arabische, de Chinese, de Russische en de Spaanse tekst zijn niet afgedrukt.

VII/19. Review or adjustment of the lists of wastes contained in Annexes VIII and IX to the Basel Convention

The Conference of the Parties,

Considering the application submitted by India concerning the placement of new entries regarding plastic-coated cable scrap on Annex VIII and Annex IX,

Aware of the health concerns that are also dealt with under the Stockholm Convention on persistent organic pollutants regarding the burning of some types of plastic coated cables and the potential for the formation of unintentionally produced persistent organic pollutants (POPs),

Noting that work on Annex III hazard characteristics, in particular H10, H11 and H13, is progressing and represents a step in considering the classification of, for example, PVC wastes,

1. Adopts the following amendments to Annexes VIII and IX of the Basel Convention:

- a) New entry A 1190 in Annex VIII:
Waste metal cables coated or insulated with plastics containing or contaminated with coal tar, PCB¹⁾, lead, cadmium, other organo-halogen compounds or other Annex I constituents to an extent that they exhibit Annex III characteristics;
- b) New entry B 1115 in Annex IX:
Waste metal cables coated or insulated with plastics, not included in list A A1190, excluding those destined for Annex IVA operations or any other disposal operations involving, at any stage, uncontrolled thermal processes, such as open-burning.

¹⁾ PCBs are at a concentration level of 50 mg/kg or more.

VII/19. Révision ou ajustement des listes de déchets inscrits dans les Annexes VIII et IX à la Convention de Bâle

La Conférence des Parties,

Considérant la demande soumise par L'Inde au sujet de l'ajout de nouvelles rubriques concernant les déchets de câbles à gaine plastique aux Annexes VIII et IX,

Consciente des préoccupations sanitaires qui sont également abordées dans la Convention de Stockholm sur les polluants organiques persistants concernant le brûlage de certains types de câbles à gaine plastique et la possibilité que se constituent ainsi des polluants organiques persistants produits non intentionnellement,

Notant que les travaux sur les caractéristiques de danger de L'Annexe III, en particulier les caractéristiques H10, H11 et H13 progressent et constituent une étape vers l'inscription, notamment, des déchets de PVC,

1. Adopte les amendements suivants aux Annexes VIII et IX à la Convention de Bâle:

- a) Nouvelle rubrique A 1190 de l'Annexe VIII:
Déchets de câbles métalliques revêtus de matières plastiques ou isolés par des matières plastiques, ou contaminés par du goudron, des PCB¹⁾, du plomb, du cadmium, d'autres composés organohalogénés ou d'autres constituants de l'Annexe I au point de présenter les caractéristiques de l'Annexe III;
- b) Nouvelle rubrique B 1115 de l'Annexe IX:
Déchets de câbles métalliques revêtus de matières plastiques ou isolés par des matières plastiques, non inscrits à la rubrique AA 1190, à l'exclusion de ceux qui sont destinés à des opérations visées à l'Annexe IV A ou à toute autre opération d'élimination impliquant, à un stade quelconque, un procédé thermique non contrôlé, tel que le brûlage à l'air libre.

¹⁾ Les concentrations de PCB sont de 50 mg/kg ou plus.

C. VERTALING

Zie *Trb.* 1990, 12, *Trb.* 1993, 72, *Trb.* 1994, 253 en de rubrieken J van *Trb.* 1999, 105, *Trb.* 2003, 168 en rubriek C van *Trb.* 2005, 45.

De vertaling van Besluit VII/19 luidt als volgt:

VII/19. Herziening of aanpassing van de afvalstoffenlijsten vervat in de Bijlagen VIII en IX bij het Verdrag van Bazel

De Conferentie der Partijen,

Overwegende het door India ingediende voorstel betreffende de opname van nieuwe rubrieken voor met kunststof beklede kabelresten in Bijlage VIII en Bijlage IX,

Zich bewust van de gezondheidsrisico's die tevens uit hoofde van het Verdrag van Stockholm inzake persistente organische verontreinigende stoffen worden aangepakt betreffende het verbranden van bepaalde typen met kunststof beklede kabels en de kans dat er onbedoeld persistente organische verontreinigende stoffen ontstaan,

Erop wijzend dat de werkzaamheden ten aanzien van de gevaarlijke eigenschappen in Bijlage III, in het bijzonder H10, H11 en H13, voortschrijden en een stap vormen bij het overwegen van de classificatie van, bijvoorbeeld, PVC-afval,

1. Neemt de volgende wijzigingen van de Bijlagen VIII en IX bij het Verdrag van Bazel aan:

- a. Nieuwe rubriek A 1190 in bijlage VIII:
Resten van metalen kabels bekleed of geïsoleerd met kunststoffen die kool, PCB's¹⁾, lood, cadmium of andere organohalogenverbindingen of andere in Bijlage 1 genoemde bestanddelen bevatten of ermee verontreinigd zijn in een zodanige hoeveelheid dat zij de eigenschappen van Bijlage III bezitten;
- b. Nieuwe rubriek B 1115 in Bijlage IX:
Resten van metalen kabels bekleed of geïsoleerd met kunststoffen die niet opgenomen zijn in A A1190, met uitzondering van die welke bestemd zijn om te worden verwijderd volgens de methoden van Bijlage IVA of andere verwijderingsmethoden, waarbij in enig stadium van ongecontroleerde thermische processen, zoals open verbranding, sprake is.

¹⁾ PCB-concentratie van 50 mg/kg of meer.

D. PARLEMENT

Zie *Trb.* 1993, 72, rubriek J van *Trb.* 2003, 168 en rubriek D van *Trb.* 2005, 45.

Besluit VII/19 behoefde ingevolge artikel 7, onderdeel f, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

E. PARTIJGEGEVENS

Zie *Trb.* 1990, 12 en rubriek F van *Trb.* 1993, 72.

Partij	Onder-tekening	Ratifi-catie	Type ¹⁾	In werking	Opzeg-ging	Buiten werking
Afghanistan	22-03-89					
Albanië		29-06-99	T	27-09-99		
Algerije		15-09-98	T	14-12-98		
Andorra		23-07-99	T	21-10-99		
Antigua en Barbuda		05-04-93	T	04-07-93		
Argentinië	28-06-89	27-06-91	R	05-05-92		
Armenië		01-10-99	T	30-12-99		
Australië		05-02-92	T	05-05-92		
Azerbeidzjan		01-06-01	T	30-08-01		
Bahama's		12-08-92	T	10-11-92		
Bahrein	22-03-89	15-10-92	R	13-01-93		
Bangladesh		01-04-93	T	30-06-93		
Barbados		24-08-95	T	22-11-95		
Belarus		10-12-99	T	09-03-00		
België	22-03-89	01-11-93	R	30-01-94		
Belize		23-05-97	T	21-08-97		
Benin		04-12-97	T	04-03-98		
Bhutan		26-08-02	T	24-11-02		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Bolivia	22-03-89	15-11-96	R	13-02-97		
Bosnië- Herzegovina		16-03-01	T	14-06-01		
Botswana		20-05-98	T	18-08-98		
Brazilië		01-10-92	T	30-12-92		
Brunei		16-12-02	T	16-03-03		
Bulgarije		16-02-96	T	16-05-96		
Burkina Faso		04-11-99	T	02-02-00		
Burundi		06-01-97	T	06-04-97		
Cambodja		02-03-01	T	31-05-01		
Canada	22-03-89	28-08-92	R	26-11-92		
Chili	31-01-90	11-08-92	R	09-11-92		
China	22-03-90	17-12-91	R	05-05-92		
Colombia	22-03-89	31-12-96	R	31-03-97		
Comoren, de		31-10-94	T	29-01-95		
Congo, Democratische Republiek		06-10-94	T	04-01-95		
Cook-eilanden		29-06-04	T	27-09-04		
Costa Rica		07-03-95	T	05-06-95		
Cuba		03-10-94	T	01-01-95		
Cyprus	22-03-89	17-09-92	R	16-12-92		
Denemarken	22-03-89	06-02-94	R	07-05-94		
Djibouti		31-05-02	T	29-08-02		
Dominica		05-05-98	T	03-08-98		
Dominicaanse Republiek, de		10-07-00	T	08-10-00		
Duitsland	23-10-89	21-04-95	R	20-07-95		
Ecuador	22-03-89	23-02-93	R	24-05-93		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
EG (Europese Gemeenschap)	22-03-89	07-02-94	R	08-05-94		
Egypte ²⁾		08-01-93	T	08-04-93		
El Salvador	22-03-90	13-12-91	R	05-05-92		
Equatoriaal Guinee		07-02-03	T	08-05-03		
Eritrea		10-03-05	T	08-06-05		
Estland		21-07-92	T	19-10-92		
Ethiopië		12-04-00	T	11-07-00		
Filippijnen, de	22-03-89	21-10-93	R	19-01-94		
Finland	22-03-89	19-11-91	R	05-05-92		
Frankrijk	22-03-89	07-01-91	R	05-05-92		
Gambia		15-12-97	T	15-03-98		
Georgië		20-05-99	T	18-08-99		
Ghana		30-05-03	T	28-08-03		
Griekenland	22-03-89	04-08-94	R	02-11-94		
Guatemala	22-03-89	15-05-95	R	13-08-95		
Guinee		26-04-95	T	25-07-95		
Guinee-Bissau		09-02-05	T	10-05-05		
Guyana		04-04-01	T	03-07-01		
Haïti	22-03-89					
Honduras		27-12-95	T	26-03-96		
Hongarije	22-03-89	21-05-90	R	05-05-92		
Ierland	19-01-90	07-02-94	R	08-05-94		
IJsland		28-06-95	T	26-09-95		
India	15-03-90	24-06-92	R	22-09-92		
Indonesië		20-09-93	T	19-12-93		
Iran		05-01-93	T	05-04-93		
Israël	22-03-89	14-12-94	R	14-03-95		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Italië	22-03-89	07-02-94	R	08-05-94		
Ivoorkust		01-12-94	T	01-03-95		
Jamaica		23-01-03	T	23-04-03		
Japan		17-09-93	T	16-12-93		
Jemen		21-02-96	T	21-05-96		
Jordanië	22-03-89	22-06-89	R	05-05-92		
Kaapverdië		02-07-99	T	30-09-99		
Kameroen		09-02-01	T	10-05-01		
Kazachstan		03-06-03	T	01-09-03		
Kenia		01-06-00	T	30-08-00		
Kiribati		07-09-00	T	06-12-00		
Koeweit	22-03-89	11-10-93	R	09-01-94		
Kroatië		09-05-94	T	07-08-94		
Kyrgyzstan		13-08-96	T	11-11-96		
Lesotho		31-05-00	T	29-08-00		
Letland		14-04-92	T	13-07-92		
Libanon	22-03-89	21-12-94	R	21-03-95		
Liberia		22-09-04	T	21-12-04		
Libië		12-07-01	T	10-10-01		
Liechtenstein	22-03-89	27-01-92	R	05-05-92		
Litouwen		22-04-99	T	21-07-99		
Luxemburg	22-03-89	07-02-94	R	08-05-94		
Macedonië, Voormalige Joegoslavische Republiek		16-07-97	T	14-10-97		
Madagascar		02-06-99	T	31-08-99		
Malawi		21-04-94	T	20-07-94		
Maldiven, de		28-04-92	T	27-07-92		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Maleisië		08-10-93	T	06-01-94		
Mali		05-12-00	T	05-03-01		
Malta		19-06-00	T	17-09-00		
Marokko		28-12-95	T	27-03-96		
Marshall- eilanden, de		27-01-03	T	27-04-03		
Mauritanië		16-08-96	T	14-11-96		
Mauritius		24-11-92	T	22-02-93		
Mexico	22-03-89	22-02-91	R	05-05-92		
Micronesia		06-09-95	T	05-12-95		
Moldavië		02-07-98	T	30-09-98		
Monaco		31-08-92	T	29-11-92		
Mongolië		15-04-97	T	14-07-97		
Mozambique		13-03-97	T	11-06-97		
Namibië		15-05-95	T	13-08-95		
Nauru		12-11-01	T	10-02-02		
Nederlanden, het Koninkrijk der (voor Nederland)	22-03-89	16-04-93	R	15-07-93		
Nepal		15-10-96	T	13-01-97		
Nicaragua		03-06-97	T	01-09-97		
Nieuw-Zeeland	18-12-89	20-12-94	R	20-03-95		
Niger		17-06-98	T	15-09-98		
Nigeria	15-03-90	13-03-91	R	05-05-92		
Noorwegen	22-03-89	02-07-90	R	05-05-92		
Oekraïne		08-10-99	T	06-01-00		
Oezbekistan		07-02-96	T	07-05-96		
Oman		08-02-95	T	09-05-95		
Oostenrijk	19-03-90	12-01-93	R	12-04-93		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Pakistan		26-07-94	T	24-10-94		
Panama	22-03-89	22-02-91	R	05-05-92		
Papua-Nieuw Guinea		01-09-95	T	30-11-95		
Paraguay		28-09-95	T	27-12-95		
Peru		23-11-93	T	21-02-94		
Polen	22-03-90	20-03-92	R	18-06-92		
Portugal	26-06-89	26-01-94	R	26-04-94		
Qatar		09-08-95	T	07-11-95		
Roemenië		27-02-91	T	05-05-92		
Russische Federatie	22-03-90	31-01-95	R	01-05-95		
Rwanda		07-01-04	T	06-04-04		
Samoa		22-03-02	T	20-06-02		
Saudi-Arabië	22-03-89	07-03-90	R	05-05-92		
Senegal		10-11-92	T	08-02-93		
Servië en Montenegro		18-04-00	T	17-07-00		
Seychellen, de		11-05-93	T	09-08-93		
Singapore		02-01-96	T	01-04-96		
Sint Kitts en Nevis		07-09-94	T	06-12-94		
Sint Lucia		09-12-93	T	09-03-94		
Sint Vincent en de Grenadines		02-12-96	T	02-03-97		
Slovenië		07-10-93	T	05-01-94		
Slowakije		28-05-93	VG	01-01-93		
Spanje	22-03-89	07-02-94	R	08-05-94		
Sri Lanka		28-08-92	T	26-11-92		
Swaziland		08-08-05	T	06-11-05		

Partij	Ondertekening	Ratificatie	Type ¹⁾	In werking	Opzegging	Buiten werking
Syrië	11-10-89	22-01-92	R	05-05-92		
Tanzania		07-04-93	T	06-07-93		
Thailand	22-03-90	24-11-97	R	22-02-98		
Togo		02-07-04	T	30-09-04		
Trinidad en Tobago		18-02-94	T	19-05-94		
Tsjaad		10-03-04	T	08-06-04		
Tsjechië		30-09-93	VG	01-01-93		
Tsjechoslowakije (<01-01-1993)		24-07-91	T	05-05-92		
Tunesië		11-10-95	T	09-01-96		
Turkije	22-03-89	22-06-94	R	20-09-94		
Turkmenistan		25-09-96	T	24-12-96		
Uganda		11-03-99	T	09-06-99		
Uruguay	22-03-89	20-12-91	R	05-05-92		
Venezuela	22-03-89	03-03-98	R	01-06-98		
Verenigd Koninkrijk, het ³⁾	06-10-89	07-02-94	R	08-05-94		
Verenigde Arabische Emiraten, de	22-03-89	17-11-92	R	15-02-93		
Verenigde Staten van Amerika, de	22-03-90					
Vietnam		13-03-95	T	11-06-95		
Zambia		15-11-94	T	13-02-95		
Zuid-Afrika		05-05-94	T	03-08-94		
Zuid-Korea		28-02-94	T	29-05-94		
Zweden	22-03-89	02-08-91	R	05-05-92		
Zwitserland	22-03-89	31-01-90	R	05-05-92		

¹⁾ NB=Niet bekend, O=Definitieve ondertekening, R=Ratificatie, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid

²⁾ Op 31 januari 1995 informeerde de regering van Egypte de Secretaris-

Generaal van de Verenigde Naties dat het instrument van toetreding van Egypte vergezeld had moeten gaan van de volgende verklaringen:

“First declaration: passage of ships carrying hazardous wastes through the Egyptian territorial sea:

The Arab Republic of Egypt, upon acceding to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which was done on 22 March 1989 and is referred to hereafter as “the Convention”, and, in accordance with article 26 of the Convention, declares that:

In accordance with the provisions of the Convention and the rules of international law regarding the sovereign right of the State over its territorial sea and its obligation to protect and preserve the marine environment, since the passage of foreign ships carrying hazardous or other wastes entails many risks which constitute a fundamental threat to human health and the environment; and In conformity with Egypt’s position on the passage of ships carrying inherently dangerous or noxious substances through its territorial sea (United Nations Convention on the Law of the Sea, 1983), the Government of the Arab Republic of Egypt declares that 1. Foreign ships carrying hazardous or other wastes will be required to obtain prior permission from the Egyptian authorities for passage through its territorial sea.

2. Prior notification must be given of the movement of any hazardous wastes through areas under its national jurisdiction, in accordance with article 2, paragraph 9, of the Convention.

Second declaration: imposition of a complete ban on the import of hazardous wastes:

The Arab Republic of Egypt, upon acceding to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which was signed on 22 March 1989 and is referred to below as “the Convention”, and

In accordance with article 26 of the Convention, declares that:

In accordance with its sovereign rights and with article 4, paragraph 1(a), of the Convention, a complete ban is imposed on the import of all hazardous or other wastes and on their disposal on the territory of the Arab Republic of Egypt. This confirms Egypt’s position that the transportation of such wastes constitutes a fundamental threat to the health of people, animals and plants and to the environment.

Third declaration:

The Governments of Bahrain, Belgium, Benin, Côte d’Ivoire, Denmark, Egypt, the Federal Republic of Germany, Finland, France, the German Democratic Republic, Ghana, Greece, Hungary, Italy, Jordan, Kenya, Kuwait, Lebanon, Luxembourg, Malaysia, Malta, Namibia, Netherlands, Niger, Norway, the Philippines, Portugal, Saudi Arabia, Senegal, Sweden, Switzerland, Turkey, the United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland, Sweden, Switzerland, Turkey, the United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland, as well as the Commission of the European Union, which will sign the Convention and/or the final document referring to the Control of Transboundary Movements of Hazardous Wastes and their Disposal (referred to hereinafter as “the Convention”),

Concerned that the transboundary movement of hazardous wastes constitutes a great danger to the health of both humans and the environment,

Considering that the developing countries have a limited ability to manage wastes, especially hazardous wastes, in an environmentally sound manner,

Believing that a reduction in the production of hazardous wastes and their dis-

posal in environmentally sound conditions in the country which exports them must be the goal of waste management policy.

Convinced that the gradual cessation of transboundary movements of hazardous wastes will undoubtedly be a major incentive to the development of appropriate national facilities for the disposal of wastes,

Recognizing the right of every State to ban the import to or export from its territory of hazardous wastes,

Welcoming the signature of the Convention,

Believing it necessary, before applying the provisions of the Convention, to impose immediate and effective control on transboundary movement operations, especially to developing countries, and to reduce them,

Declare the following:

1. The signatories to this Convention affirm their strong determination that wastes should be disposed of in the country of production.

2. The signatories to this Convention request States which accede to the Convention to do so, by making every possible effort to effect a gradual cessation of the import and export of wastes for reasons other than their disposal in facilities which will be set up within the framework of regional cooperation.

3. The signatories to this Convention will not permit wastes to be imported to or exported from countries deficient in the technical, administrative and legal expertise in administering wastes and disposing of them in an environmentally sound manner.

4. The signatories to this Convention affirm the importance of assistance to develop appropriate facilities intended for the final disposal of wastes produced by countries referred to in paragraph 3 above.

5. The signatories to this Convention stress the need to take effective measures within the framework of the Convention to enable wastes to be reduced to the lowest possible level and to be recycled.

Note:

Belgium considers that its declaration does not prejudice the import to its territory of wastes classified as primary or secondary materials.”

Deze verklaringen werden niet tegelijkertijd met de akte van toetreding nedergelegd bij de Secretaris-Generaal van de Verenigde Naties. In overeenstemming met de door de depositaris gevolgde werkwijze in vergelijkbare gevallen, heeft de Secretaris-Generaal van de Verenigde Naties voorgesteld de betreffende verklaringen in ontvangst te nemen ten behoeve van nederlegging, mits er door de andere verdragsluitende Partijen geen bezwaar wordt gemaakt, tegen nederlegging van de verklaringen noch tegen de beoogde procedure, binnen een periode van 90 dagen vanaf de datum van notificatie, i.c. 17 juli 1995. In dit verband ontving de Secretaris-Generaal van de Verenigde Naties de volgende bezwaren:

Verenigd Koninkrijk, het (9 Oktober 1995):

The Government of the United Kingdom of Great Britain and Northern Ireland cannot accept the first declaration of Egypt (passage of ships carrying hazardous wastes through the Egyptian territorial sea) [...]. Not only was this declaration out of time, but like all other declarations to similar effect, it is unacceptable in substance. In this connection the United Kingdom Government recalls its own statement upon signature confirmed upon ratification: “The Government of the United Kingdom of Great Britain and Northern Ireland declare that, in accordance with article 4 (12), the provisions of the Convention do not affect in any way the exercise of navigational rights and freedoms as provided for in international law.

Accordingly, nothing in this Convention requires notice to or consent of any state for the passage of hazardous wastes on a vessel under the flag of a party, exercising rights of passage through the territorial sea or freedom of navigation in an exclusive economic zone under international law.”

Finland (13 Oktober 1995):

... In the view of the Government of Finland the declarations of Egypt raise certain legal questions. Article 26.1 of the Basel Convention prohibits any reservation or exception to the Convention. However, according to article 26.2 a State can, when acceding to the Convention, make declarations or statements ‘with a view, inter alia, to the harmonization of its laws and regulations with the provisions of this Convention ...

Without taking any stand to the content of the declarations, which appear to be reservations in nature, the Government of Finland refers to article 26.2 of the Basel Convention and notes that the declarations of Egypt have been made too late. For this reason the Government of Finland objects to the declarations and considers them devoid of legal effect.’

Italië (13 Oktober 1995):

... The Italian Government objects to the deposit of the aforementioned declarations since, in its opinion, they should be considered as reservations to the Basel Convention and the possibility of making reservations is excluded under article 26, paragraph 1, of the Convention.

In any event, article 26, paragraph 2, stipulates that a State may, within certain limits, formulate declarations only “when signing, ratifying, accepting, approving, ... confirming or acceding to this Convention”.

For these reasons, the deposit of the aforementioned declarations cannot be allowed, regardless of their content.

Nederlanden, het Koninkrijk der (13 Oktober 1995):

While the second and the third declarations do not call for observations by the Kingdom, the first declaration establishing the requirement of prior permission for passage through the Egyptian territorial sea is not acceptable.

The Kingdom of the Netherlands considers the first declaration to be a reservation to the (Basel) Convention. The Convention explicitly prohibits the making of reservations in article 26 par. 1. Moreover, this reservation has been made two years after the accession of Egypt to the (Basel) Convention, and therefore too late.

Consequently the Kingdom of the Netherlands considers the declaration on the requirement of prior permission for passage through the territorial sea made by Egypt a reservation which is null and void.

Zweden (16 Oktober 1995):

The Government of Sweden cannot accept the declarations made by the Government of Egypt [...].

First, these declarations were made almost two years after the accession by Egypt contrary to the rule laid down in article 26, paragraph 2 of the Basel Convention.

Second, the content of the first of these declarations must be understood to constitute a reservation to the Convention, whereas the Basel Convention explicitly prohibits reservations (article 26, paragraph 1).

Thus, the Government of Sweden considers these declarations null and void.

Gezien deze reacties en in overeenstemming met de depositaire werkwijze die in dit soort gevallen tot nu toe is gevolgd, is de Secretaris-Generaal van de Verenigde Naties van mening dat hij niet in de positie verkeert om de verklaringen van Egypte ten behoeve van nederlegging in ontvangst te nemen.

³⁾ Op 6 juli 2001 ontving de Secretaris-Generaal van de Verenigde Naties de volgende mededeling van Argentinië:

Following the notification by the Environment Agency of the United Kingdom of Great Britain and Northern Ireland of the possible transit of a cargo of hazardous wastes, the Government of Argentina rejected the British attempt to apply the above-mentioned Convention to the Malvinas Islands, South Georgia and South Sandwich Islands, as well as to the surrounding maritime spaces and to the Argentine Antarctic Sector. The Argentine Republic reaffirms its sovereignty over the Malvinas Islands, South Georgia and South Sandwich Islands and the surrounding maritime spaces and rejects any British attempt to apply the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989 to the said Territories and maritime spaces. It also wishes to recall that the General Assembly of the United Nations adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, which recognize the existence of a dispute over sovereignty and request the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the pending problems between both countries, including all aspects on the future of the Malvinas Islands, in accordance with the Charter of the United Nations.

Uitbreidingen

Nieuw-Zeeland

Uitgebreid tot	In werking	Buiten werking
Tokelau	20-03-1995	

Portugal

Uitgebreid tot	In werking	Buiten werking
Macau ¹⁾	28-06-1999	

¹⁾ In overeenstemming met de gezamenlijke verklaring van de Regering van Portugal en de Regering van China van 13 april 1987 heeft China voor wat betreft Macau op 13 december 1999 een verklaring van voortgezette gebondenheid bij de Secretaris-Generaal van de Verenigde Naties neergelegd. Deze voortgezette gebondenheid trad op 20 december 1999 in werking.

Verenigd Koninkrijk, het

Uitgebreid tot	In werking	Buiten werking
Brits Antarctisch Territorium	08-05-1994	
Guernsey ¹⁾	27-11-2002	
Hong Kong ²⁾	30-10-1995	
Man ³⁾	12-12-2001	

¹⁾ Designation of authority: “Board of Health, David Hughes, Chief Executive, States of Guernsey Board of Health, John Henry House, Le Vauquiedor, St Martin’s, Guernsey, GY4 6UU.

²⁾ In overeenstemming met de gezamenlijke verklaring van de Regering van het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland en de Regering van China van 19 december 1984 heeft China voor wat betreft Hong Kong op 20 juni 1997 een verklaring van voortgezette gebondenheid bij de Secretaris-Generaal van de Verenigde Naties neergelegd. Deze voortgezette gebondenheid trad op 1 juli 1997 in werking.

³⁾ Designation of authority: Department of Local Government and the Environment, Murray House, Mount Havelock, Douglas, Isle of Man, IM1 2SF).

Verklaringen, voorbehouden en bezwaren

Algerije, 15 september 1998

The Government of the People’s Democratic Republic of Algeria declares, with regard to article 20, paragraph 2 of the [Convention], that in every case, the agreement of the all parties concerned is necessary to submit a dispute to the International Court of Justice or to arbitration.

Chili, 11 augustus 1992

The Government of Chile considers that the provisions of this Convention [. . .] help to consolidate and expand the legal regime that Chile has established through various international instruments on the control of transboundary movements of hazardous wastes and their disposal, whose scope of application covers both the continental territory of the Republic and its area of jurisdiction situated south of latitude 60°S, in accordance with the provisions of article 4, paragraph 6, of the present Convention.

Colombia, 22 maart 1989

It is the understanding of Colombia that the implementation of the present Convention shall in no case restrict, but rather shall strengthen, the application of the juridical and political principles which, as [was] made clear in the statement [made on 21 March to the Basel Conference], govern the actions taken by the Colombian State in matters covered by the Convention – in other words, inter alia, the latter may in no

case be interpreted or applied in a manner inconsistent with the competence of the Colombian State to apply those principles and other norms of its internal rule to its land area (including the subsoil), air space, territorial sea, submarine continental shelf and exclusive economic maritime zone, in accordance with international law.

Bezwaar door Italië, 7 februari 1994

The Government of Italy, in expressing its objections vis-à-vis the declarations made, upon signature, by the Governments of Colombia, Ecuador, Mexico, Uruguay and Venezuela, as well as other declarations of similar tenor that might be made in the future, considers that no provision of this Convention should be interpreted as restricting navigational rights recognized by international law. Consequently, a State party is not obliged to notify any other State or obtain authorization from it for simple passage through the territorial sea or the exercise of freedom of navigation in the exclusive economic zone by a vessel showing its flag and carrying a cargo of hazardous wastes.

Colombia, 31 december 1996

The Government of Colombia, pursuant to article 26, paragraph 2, of the [said Convention], declares, for the purposes of implementing this international instrument, that article 81 of the Political Constitution of Colombia prohibits the bringing of nuclear residues and toxic wastes into the national territory.

Cuba, 3 oktober 1994

The Government of the Republic of Cuba declares, with regard to article 20 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, that any disputes between Parties as to the interpretation or application of, or compliance with, this Convention or any protocol thereto, shall be settled through negotiation through the diplomatic channel or submitted to arbitration under the conditions set out in Annex VI on arbitration.

Denemarken, 22 maart 1989

Denmark's signature of the Global Convention of the Control of Transboundary Movements of Hazardous Wastes and their Disposal does not apply to Greenland and the Faroe Islands.

Duitsland, 21 april 1995

It is the understanding of the Government of the Federal Republic of Germany that the provisions in article 4, paragraph 12 of this Convention shall in no way affect the exercise of navigation rights and freedoms as provided for in international law. Accordingly, it is the view of the Government of the Federal Republic of Germany that nothing in this Convention shall be deemed to require the giving of notice to or the con-

sent of any State for the passage of hazardous wastes on a vessel under the flag of a party exercising its right of innocent passage through the territorial sea or the freedom of navigation in an exclusive economic zone under international law.

Ecuador, 22 maart 1989

The elements contained in the Convention which has been signed may in no way be interpreted in a manner inconsistent with the domestic legal norms of the Ecuadorian State, or with the exercise of its national sovereignty.

Bezwaar door Italië, 7 februari 1994

The Government of Italy, in expressing its objections vis-à-vis the declarations made, upon signature, by the Governments of Colombia, Ecuador, Mexico, Uruguay and Venezuela, as well as other declarations of similar tenor that might be made in the future, considers that no provision of this Convention should be interpreted as restricting navigational rights recognized by international law. Consequently, a State party is not obliged to notify any other State or obtain authorization from it for simple passage through the territorial sea or the exercise of freedom of navigation in the exclusive economic zone by a vessel showing its flag and carrying a cargo of hazardous wastes.

Griekenland, 25 januari 1995

The Government of the Hellenic Republic declares that the accession of the former Yugoslav Republic of Macedonia to the Conventions deposited with the Secretary-General to which the Hellenic Republic is also a contracting party does not imply recognition of the former Yugoslav Republic of Macedonia by the Hellenic Republic.

Indonesië, 20 september 1993

Mindful of the need to adjust the existing national laws and regulations, the provisions of article 3 (1) of this Convention shall only be implemented by Indonesia after the new revised laws and regulations have been enacted and entered into force.

Italië, 7 februari 1994

The Government of Italy declares ... that it is in favour of the establishment of a global control system for the environmentally sound management of transboundary movements of hazardous wastes.

Japan, 17 september 1993

The Government of Japan declares that nothing in the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal be interpreted as requiring notice to or consent of any State for the mere passage of hazardous wastes or other wastes on a ves-

sel exercising navigational rights and freedoms, as paragraph 12 of article 4 of the said Convention stipulates that nothing in the Convention shall affect in any way the exercise of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.

Libanon, 22 maart 1989

[Lebanon] declares that [it] can under no circumstances permit burial of toxic and other wastes in any of the areas subject to its legal authority which they have entered illegally. In 1988, Lebanon announced a total ban on the import of such wastes and adopted Act No. 64/88 of 12 August 1988 to that end. In all such situations, Lebanon will endeavour to co-operate with the States concerned, and with the other States parties, in accordance with the provisions of this treaty.

Mexico, 22 februari 1991

Mexico is signing ad referendum the Basel Convention on the Control of the Transboundary Movements of Hazardous Wastes and their disposal because it duly protects its rights as a coastal State in the areas subject to its national jurisdiction, including the territorial sea, the exclusive economic zone and the continental shelf and, in so far as it is relevant, its airspace, and the exercise in those areas of its legislative and administrative competence in relation to the protection and preservation of the environment, as recognized by international law and, in particular, the law of the sea.

Mexico considers that, by means of this Convention, important progress has been made in protection of the environment through the legal regulation of transboundary movements of hazardous wastes. A framework of general obligations for States parties has been established, fundamentally with a view to reducing to a minimum the generation and transboundary movement of dangerous wastes and ensuring their environmentally rational management, promoting international co-operation for those purposes, establishing co-ordination and follow-up machinery and regulating the implementation of procedures for the peaceful settlement of disputes.

Mexico further hopes that, as an essential supplement to the standard-setting character of the Convention, a protocol will be adopted as soon as possible, establishing, in accordance with the principles and provisions of international law, appropriate procedures in the matter of responsibility and compensation for damage resulting from the transboundary movement and management of dangerous wastes.

Bezwaar door Italië, 7 februari 1994

The Government of Italy, in expressing its objections vis-à-vis the declarations made, upon signature, by the Governments of Colombia, Ecuador, Mexico, Uruguay and Venezuela, as well as other declarations of similar tenor that might be made in the future, con-

siders that no provision of this Convention should be interpreted as restricting navigational rights recognized by international law. Consequently, a State party is not obliged to notify any other State or obtain authorization from it for simple passage through the territorial sea or the exercise of freedom of navigation in the exclusive economic zone by a vessel showing its flag and carrying a cargo of hazardous wastes.

Nieuw-Zeeland, 20 december 1994

With a declaration of non-application to Tokelau “until the date of notification by the Government of New Zealand that the Convention shall so extend to Tokelau.

Noorwegen, 2 juli 1990

Norway accepts the binding means of settling disputes set out in Article 20, paragraphs 3 (a) and (b), of the Convention, by (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.

Polen, 20 maart 1992

With respect to article 20, paragraph 2, of the Convention, the Polish Republic declares that it recognizes submission to arbitration in accordance with the procedures and under the conditions set out in Annex VI to the Convention, as compulsory ipso facto.

Roemenië, 27 februari 1991

In conformity with article 26, paragraph 2, of the Convention, Romania declares that the import and the disposal on its national territory of hazardous wastes and other wastes can take place only with the prior approval of the competent Romanian authorities.

Russische Federatie, 31 januari 1995

The definition of “Territory” in the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes (UNEP Governing Council decision 14/30 of 17 June 1987) to which reference is made in the preamble to the Convention is a special formulation and cannot be used for purposes of interpreting the present Convention or any of its provisions in the light of article 31, paragraph 2, or article 32 of the 1969 Vienna Convention on the Law of Treaties or on any other basis.

Singapore, 2 januari 1996

The Government of Singapore declares that, in accordance with article 4 (12), the provisions of the Convention do not in any way affect the exercise of navigational rights and freedoms as provided in international law. Accordingly, nothing in this Convention requires notice to or consent of any State for the passage of a vessel under the flag of a party,

exercising rights of passage through the territorial sea or freedom of navigation in an exclusive economic zone under international law.

Sint Kitts en Nevis, 7 september 1994

With respect to article 20, paragraph 2 of the Convention, the Government of Saint Kitts and Nevis declares that it recognizes submission to arbitration in accordance with the procedures and the conditions set out in Annex VI to the Convention, as compulsory ipso facto .

Spanje, 7 februari 1994

The Spanish Government declares, in accordance with article 26.2 of the Convention, that the criminal characterization of illegal traffic in hazardous wastes or other wastes, established as an obligation of States Parties under article 4.3, will in future take place within the general framework of reform of the substantive criminal legal order.

Uruguay, 22 maart 1989

Uruguay is signing ad referendum the Convention on the Control of the Transboundary Movements of Hazardous Wastes and their Disposal because it is duly protecting its rights as a riparian State in the areas subject to its national jurisdiction, including the territorial sea, the exclusive economic zone and the continental shelf and, as appropriate, the superjacent air space as well as the exercise in such areas of its standard-setting and administrative competence in connection with the protection and preservation of the environment as recognized by international law and, in particular, by the law of the sea.

Bezwaar door Italië, 7 februari 1994

The Government of Italy, in expressing its objections vis-à-vis the declarations made, upon signature, by the Governments of Colombia, Ecuador, Mexico, Uruguay and Venezuela, as well as other declarations of similar tenor that might be made in the future, considers that no provision of this Convention should be interpreted as restricting navigational rights recognized by international law. Consequently, a State party is not obliged to notify any other State or obtain authorization from it for simple passage through the territorial sea or the exercise of freedom of navigation in the exclusive economic zone by a vessel showing its flag and carrying a cargo of hazardous wastes.

Venezuela, 22 maart 1989

Venezuela considers that the Convention [as] adopted properly protects its sovereign rights as a riparian State over the areas under its national jurisdiction, including its territorial sea, exclusive economic zone and continental shelf, and, as appropriate, its air space. The Convention also safeguards the exercise in such areas of its standard-setting and administrative jurisdiction for the purpose of protecting and preserving the

environment and its natural resources in accordance with international law, and in particular the law of the sea.

Bezwaar door Italië, 7 februari 1994

The Government of Italy, in expressing its objections vis-à-vis the declarations made, upon signature, by the Governments of Colombia, Ecuador, Mexico, Uruguay and Venezuela, as well as other declarations of similar tenor that might be made in the future, considers that no provision of this Convention should be interpreted as restricting navigational rights recognized by international law. Consequently, a State party is not obliged to notify any other State or obtain authorization from it for simple passage through the territorial sea or the exercise of freedom of navigation in the exclusive economic zone by a vessel showing its flag and carrying a cargo of hazardous wastes.

Vereinigd Koninkrijk, het, 7 februari 1994

The Government of the United Kingdom of Great Britain and Northern Ireland declare that, in accordance with article 4 (12), the provisions of the Convention do not affect in any way the exercise of navigational rights and freedoms as provided for in international law. Accordingly, nothing in this Convention requires notice to or consent of any state for the passage of hazardous wastes on a vessel under the flag of a party, exercising rights of passage through the territorial sea or freedom of navigation in an exclusive economic zone under international law.

Vereigde Staten van Amerika, de, 13 maart 1996

(1) It is the understanding of the United States of America that, as the Convention does not apply to vessels and aircraft that are entitled to sovereign immunity under international law, in particular to any warship, naval auxiliary, and other vessels or aircraft owned or operated by a State and in use on government, non-commercial service, each State shall ensure that such vessels or aircraft act in a manner consistent with this Convention, so far as is practicable and reasonable, by adopting appropriate measures that do not impair the operations or operational capabilities of sovereign immune vessels.

(2) It is the understanding of the United States of America that a State is a 'Transit State' within the meaning of the Convention only if wastes are moved, or are planned to be moved, through its inland waterways, inland waters, or land territory.

(3) It is the understanding of the United States of America that an exporting State may decide that it lacks the capacity to dispose of wastes in an 'environmentally sound and efficient manner' if disposal in the importing country would be both environmentally sound and economically efficient.

(4) It is the understanding of the United States of America that article 9

(2) does not create obligations for the exporting State with regard to

cleanup, beyond taking such wastes back or otherwise disposing of them in accordance with the Convention. Further obligations may be determined by the parties pursuant to article 12.

Further, at the time the United States of America deposits its instrument of ratification of the Basel Convention, the United States will formally object to the declaration of any State which asserts the right to require its prior permission or authorization for the passage of vessels transporting hazardous wastes while exercising, under international law, its right of innocent passage through the territorial sea or freedom of navigation in an exclusive economic zone.

Wijziging van 22 september 1995

Zie rubriek J van *Trb.* 1999, 105.

Partij	Onder-tekening	Ratifi-catie	Type ¹⁾	In werking	Opzeg-ging	Buiten werking
Albanië		27-10-05	R			
Andorra		23-07-99	R			
Bahrein		25-07-05	R			
België		20-06-03	R			
Bolivia		31-03-05	R			
Botswana		17-06-04	R			
Brunei		16-12-02	R			
Bulgarije		15-02-00	R			
China		01-05-01	R			
Cook-eilanden		29-06-04	R			
Cyprus		07-07-00	R			
Denemarken		10-09-97	R			
Duitsland		24-05-02	R			
Ecuador		06-03-98	R			
EG (Europese Gemeenschap)		30-09-97	R			
Egypte		27-01-04	R			
Estland		02-08-01	R			
Ethiopië		08-10-03	R			

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Finland		05-09-96	R			
Frankrijk		18-11-03	R			
Gambia		07-03-01	R			
Ghana		09-06-05	R			
Hongarije		25-05-04	R			
Indonesië		24-10-05	R			
Jordanië		06-12-04	R			
Letland		18-12-03	R			
Liberia		16-09-05	R			
Liechtenstein		20-05-03	R			
Litouwen		07-11-03	R			
Luxemburg		14-08-97	R			
Macedonië, Voormalige Joegoslavische Republiek		18-11-04	R			
Maleisië		26-10-01	R			
Marokko		10-09-04	R			
Mauritius		09-11-04	R			
Nederlanden, het Koninkrijk der (voor Nederland)		22-01-01	R			
Nigeria		24-05-04	R			
Noorwegen		16-07-97	R			
Oman		17-05-04	R			
Oostenrijk		17-10-99	R			
Panama		07-10-98	R			
Paraguay		28-08-98	R			
Polen		29-01-03	R			
Portugal		30-10-00	R			

Partij	Ondertekening	Ratificatie	Type ¹⁾	In werking	Opzegging	Buiten werking
Qatar		28-02-02	R			
Roemenië		17-07-02	R			
Servië en Montenegro		22-11-02	R			
Sint Lucia		22-01-02	R			
Slovenië		01-12-04	R			
Slowakije		11-09-98	R			
Spanje		07-08-97	R			
Sri Lanka		29-01-99	R			
Syrië		05-10-04	R			
Tanzania		26-08-02	R			
Trinidad en Tobago		12-01-00	R			
Tsjechië		28-02-00	R			
Tunesië		26-10-99	R			
Turkije		27-08-03	R			
Uruguay		10-03-99	R			
Verenigd Koninkrijk, het		13-10-97	R			
Zweden		10-09-97	R			
Zwitserland		07-11-02	R			

¹⁾ NB=Niet bekend, O=Definitieve ondertekening, R=Ratificatie, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid

Uitbreidingen

Denemarken

Uitgebreid tot	In werking	Buiten werking
Groenland		

Verenigd Koninkrijk, het

Uitgebreid tot	In werking	Buiten werking
Brits Antarctisch Territorium		
Guernsey		
Man		

Verklaringen, voorbehouden en bezwaren

Denemarken, 10 september 1997

With a reservation for the application to the Faroe Islands and Greenland.

Denemarken, 15 april 1998

....the reservation for the application of the Amendment to Greenland is hereby lifted.

Syrië, 5 oktober 2004

... that the accession of the Syrian Arab Republic to the Amendment and the Protocol shall not under any circumstances whatsoever signify recognition of Israel, nor shall it lead to entry therewith into any dealings that may be governed by the provisions of the said amendment and Protocol.

Wijziging van Bijlage I en toevoeging van Bijlagen VIII en IX van 27 februari 1998

Zie rubriek J van *Trb.* 1999, 105.

G. INWERKINGTREDING

Zie *Trb.* 1993, 72, rubriek J van *Trb.* 1999, 105, rubriek J van *Trb.* 2003, 168 en rubriek G van *Trb.* 2005, 45.

De bepalingen van Besluit VII/19 zijn ingevolge artikel 18, tweede lid, onderdeel b, en derde lid, van het Verdrag op 8 oktober 2005 in werking getreden.

J. VERWIJZINGEN

Zie voor verwijzingen en andere verdragsgegevens *Trb.* 1990, 12, *Trb.* 1993, 72, *Trb.* 1994, 253, *Trb.* 1996, 81, *Trb.* 1999, 105, *Trb.* 2003, 168 en *Trb.* 2005, 45.

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat de wijzigingen zullen zijn bekendgemaakt in Nederland op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *negentiende* januari 2006.

De Minister van Buitenlandse Zaken,

B. R. BOT