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# LEGGI ED ALTRI ATTI NORMATIVI

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LEGGE 15 ottobre 2008, n. 175.

**Ratifica ed esecuzione dell'Emendamento alla Convenzione di Basilea del 22 marzo 1989 sul controllo dei movimenti transfrontalieri pericolosi, approvato dalla Terza Conferenza delle Parti con decisione III/1 del 22 settembre 1995.**

La Camera dei deputati ed il Senato della Repubblica hanno approvato;

IL PRESIDENTE DELLA REPUBBLICA

PROMULGA

la seguente legge:

Art. 1.

*Autorizzazione alla ratifica*

1. Il Presidente della Repubblica è autorizzato a ratificare l'Emendamento alla Convenzione di Basilea del 22 marzo 1989 sul controllo dei movimenti transfrontalieri pericolosi, approvato dalla Terza Conferenza delle Parti con decisione III/1 del 22 settembre 1995.

Art. 2.

*Ordine di esecuzione*

1. Piena ed intera esecuzione è data all'Emendamento di cui all'articolo 1, a decorrere dalla data della sua entrata in vigore, in conformità a quanto disposto dall'articolo 17 della Convenzione di Basilea.

Art. 3.

*Entrata in vigore*

1. La presente legge entra in vigore il giorno successivo a quello della sua pubblicazione nella *Gazzetta Ufficiale*.

La presente legge, munita del sigillo dello Stato, sarà inserita nella Raccolta ufficiale degli atti normativi della Repubblica italiana. È fatto obbligo a chiunque spetti di osservarla e di farla osservare come legge dello Stato.


Data a Roma, addì 15 ottobre 2008

NAPOLITANO

BERLUSCONI, *Presidente del Consiglio dei Ministri*

FRATTINI, *Ministro degli affari esteri*

Visto, il Guardasigilli: ALFANO

96/30  
UNITED NATIONS  NATIONS UNIES (XXVII.3 a)POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N. Y. 10011  
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNITED NATIONS NEW YORK

REFERENCE: C.N.456.1995.TREATIES-1 (Depositary Notification)

BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY  
MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL  
CONCLUDED AT BASEL ON 22 MARCH 1989ADOPTION OF AN AMENDMENTTRANSMISSION OF CERTIFIED TRUE COPIES

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

By decision III/1, of 22 September 1995, the Third meeting of the Conference of the Contracting Parties to the above Convention, which took place in Geneva from 18 to 22 September 1995, adopted an Amendment to the Convention.

In accordance with article 17(5) of the Convention, this amendment shall enter into force between Parties who have accepted it on the ninetieth 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 amendment.

A certified true copy of the adopted amendment in the six ..... languages of its conclusion, is transmitted herewith as an annex to this notification.

2 February 1996



Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned

(XXVII.3.a)

UNITED NATIONS  NATIONS UNIESPOSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017  
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

Reference: C.N.558.2002.TREATIES-4 (Depositary Notification)

AMENDMENT TO THE BASEL CONVENTION ON THE CONTROL OF  
TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR  
DISPOSAL

GENEVA, 22 SEPTEMBER 1995

CORRECTION OF THE CERTIFIED TRUE COPIES OF THE AMENDMENT  
(ENGLISH, FRENCH AND SPANISH TEXTS)<sup>1</sup>

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

By 27 May 2002, the date on which the period specified for the notification of objection to the proposed corrections expired, no objection had been notified to the Secretary-General.

Consequently, the Secretary-General has effected the required corrections in the English, French and Spanish texts of the certified true copies of the Amendment to the Basel Convention. The corresponding procès-verbal of rectification is transmitted herewith. (The annex is transmitted in hard copy format only.)

28 May 2002



<sup>1</sup> Refer to depositary notification C.N.279.2002.TREATIES-3 of 26 March 2002 (Proposed corrections to the certified true copy of the Amendment - English, French and Spanish texts).

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned.

English text	Texte anglais
<p>Insert new Article 4 A:</p> <p>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 (i) (a) of the Convention which are destined for operations according to Annex IV B to States not listed in Annex VII. Such transboundary movements shall not be prohibited unless the wastes in question are characterized as hazardous under the Convention.</p>	<p>Insert new Article 4 A:</p> <p>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 movements shall not be prohibited unless the wastes in question are characterized as hazardous under the Convention.</p>
<p>French text</p> <p>Insérer le nouvel article 4 A :</p> <p>2. Chacune des Parties énumérées à l'annexe VII devra avoir éliminé progressivement au 31 décembre 1997 et interdire à partir de cette date tous les mouvements transfrontières de déchets dangereux relevant de l'article 1 i) a) de la Convention vers des États non énumérés à l'annexe VII, lorsque ces déchets doivent faire l'objet d'opérations visées à l'annexe IV B. Les mouvements transfrontières de ce type ne seront interdits que si ces déchets sont définis comme dangereux par la Convention.</p>	<p>Texte français</p> <p>Insérer le nouvel article 4 A :</p> <p>2. Chacune des Parties énumérées à l'annexe VII devra avoir éliminé progressivement au 31 décembre 1997 et interdire à partir de cette date tous les mouvements transfrontières de déchets dangereux relevant de l'alinéa a) du paragraphe 1 de l'article premier de la Convention vers des États non énumérés à l'annexe VII, lorsque ces déchets doivent faire l'objet d'opérations visées à l'annexe IV B. Les mouvements transfrontières de ce type ne seront interdits que si ces déchets sont définis comme dangereux par la Convention.</p>
<p>Annex VII :</p> <p>Parties et autres États membres de l'OCDE, CE, Liechtenstein.</p>	<p>Annexe VII :</p> <p>Parties et autres États qui sont membres de l'OCDE, CE, Liechtenstein.</p>
<p>Spanish text</p> <p>Insértese un nuevo artículo 4 A:</p> <p>2. Cada una de las partes enumeradas en el anexo VII deberá interrumpir gradualmente hasta el 31 de diciembre de 1997 y prohibir desde esa fecha en adelante todos los movimientos transfronterizos de desechos peligrosos contemplados en el apartado a) del inciso i) del artículo 1 del Convenio que estén destinados a las operaciones previstas en el anexo IV B hacia los Estados no enumerados en el anexo VII. Dicho movimiento transfronterizo sólo quedará prohibido si los desechos de que se trata han sido caracterizados como peligrosos con arreglo a lo dispuesto en el Convenio.</p>	<p>Texte espagnol</p> <p>Insértese un nuevo artículo 4 A:</p> <p>2. Cada una de las partes enumeradas en el anexo VII deberá interrumpir gradualmente hasta el 31 de diciembre de 1997 y prohibir desde esa fecha en adelante todos los movimientos transfronterizos de desechos peligrosos contemplados en el apartado a) del párrafo I del artículo 1 del Convenio que estén destinados a las operaciones previstas en el anexo IV B hacia los Estados no enumerados en el anexo VII. Dicho movimiento transfronterizo sólo quedará prohibido si los desechos de que se trata han sido caracterizados como peligrosos con arreglo a lo dispuesto en el Convenio.</p>

UNEP/CHW.3/35  
Distr. GENERAL  
28 November 1995  
ORIGINAL: ENGLISH

Third Meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

Geneva, 18-22 September 1995

**DECISIONS ADOPTED BY THE THIRD MEETING OF THE  
CONFERENCE OF THE PARTIES TO THE BASEL CONVENTION**

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**Decision III/1  
Amendment to the Basel Convention**

The Conference,

Recalling that at the first meeting of the Conference of the Parties to the Basel Convention, a request was made for the prohibition of hazardous waste shipments from industrialized countries to developing countries;

Recalling decision II/12 of the Conference;

Noting that:

- the Technical Working Group is instructed by this Conference to continue its work on hazard characterization of wastes subject to the Basel Convention (decision III/12);
- the Technical Working Group has already commenced its work on the development of lists of wastes which are hazardous and wastes which are not subject to the Convention;
- those lists (document UNEP/CHW.3/Inf.4) already offer useful guidance but are not yet complete or fully accepted;
- the Technical Working Group will develop technical guidelines to assist any Party or State that has sovereign right to conclude agreements or arrangements including those under Article 11 concerning the transboundary movement of hazardous wastes.

1. Instructs the Technical Working Group to give full priority to completing the work on hazard characterization and the development of lists and technical guidelines in order to submit them for approval to the fourth meeting of the Conference of the Parties;
2. Decides that the Conference of the Parties shall make a decision on a list(s) at its fourth meeting;
3. Decides to adopt the following amendment to the Convention:

"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 4A:

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(i)(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 characterised as hazardous under the Convention.

Annex VII

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

## LAVORI PREPARATORI

*Camera dei deputati* (atto n. 1665):

Presentato dal Ministro degli affari esteri (FRATTINI) il 17 settembre 2008.

Assegnato alla III commissione (Affari esteri), in sede referente, il 18 settembre 2008, con pareri delle commissioni I, VIII e XIV.

Esaminato dalla III commissione il 18 e 23 settembre 2008.

Esaminato in aula e approvato il 24 settembre 2008.

*Senato della Repubblica* (atto n. 1055):

Assegnato alla 3<sup>a</sup> commissione (Affari esteri), in sede referente, il 30 settembre 2008, con pareri delle commissioni 1<sup>a</sup>, 13<sup>a</sup> e 14<sup>a</sup>.

Esaminato dalla 3<sup>a</sup> commissione il 2 ed 8 ottobre 2008.

Esaminato in aula e approvato il 9 ottobre 2008.

**08G0192**

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