

No. 30160

**AUSTRIA
and
GERMANY**

Exchange of letters constituting an agreement pursuant to article 11 of the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal (with aide-mémoire and annexes). Vienna, 12 January 1993, and Bonn, 16 February 1993

Authentic text: German.

Registered by Austria on 29 July 1993.

**AUTRICHE
et
ALLEMAGNE**

Échange de lettres constituant un arrangement conforme aux dispositions de l'article 11 de la Convention de Bâle au sujet du contrôle des mouvements transfrontières de déchets dangereux et de leur élimination (avec aide-mémoire et annexes). Vienne, 12 janvier 1993, et Bonn, 16 février 1993

Texte authentique : allemand.

Enregistré par l'Autriche le 29 juillet 1993.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE FEDERAL MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF AUSTRIA AND THE FEDERAL MINISTER OF THE ENVIRONMENT, NATURE CONSERVATION AND NUCLEAR SAFETY OF THE FEDERAL REPUBLIC OF GERMANY PURSUANT TO ARTICLE 11 OF THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL²

ÉCHANGE DE LETTRES CONSTITUANT UN ARRANGEMENT¹ ENTRE LE MINISTRE FÉDÉRAL DES AFFAIRES ÉTRANGÈRES DE LA RÉPUBLIQUE D'AUTRICHE ET LE MINISTRE FÉDÉRAL DE L'ENVIRONNEMENT, DE LA PROTECTION DE LA NATURE ET DE LA SÛRETÉ DES RÉACTEURS DE LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE CONFORME AUX DISPOSITIONS DE L'ARTICLE 11 DE LA CONVENTION DE BÂLE AU SUJET DU CONTRÔLE DES MOUVEMENTS TRANSFRONTIÈRES DE DÉCHETS DANGEREUX ET DE LEUR ÉLIMINATION²

I

[GERMAN TEXT — TEXTE ALLEMAND]

DER BUNDESMINISTER FÜR AUSWÄRTIGE ANGELEGENHEITEN

Wien, am 12. Jänner 1993

Sehr geehrter Herr Bundesminister!

Im Einvernehmen mit der Bundesministerin für Umwelt, Jugend und Familie der Republik Österreich beehre ich mich, Ihnen im Sinne des als Beilage angeschlossenen Aide Mémoires folgende Vereinbarung nach Artikel 11 des Basler Übereinkommens über die Kontrolle der grenzüberschreitenden Verbringung gefährlicher Abfälle und ihrer Entsorgung vorzuschlagen:

„Bis zur Ratifikation des Basler Übereinkommens durch die Bundesrepublik Deutschland findet bei grenzüberschreitenden Verbringungen von Abfällen zwischen der Republik Österreich und der Bundesrepublik Deutschland wie bisher das in den beiden Staaten jeweils geltende Recht Anwendung. Änderungen dieses Rechts werden unverzüglich mitgeteilt.

Zuständige Behörde in Österreich ist das Bundesministerium für Umwelt, Jugend und Familie. Das Gesetz, das von der österreichischen

¹ Came into force on 1 May 1993, i.e., the first day of the month following the exchange of the notifications (of 16 February and 23 April 1993) by which the Parties had notified each other of the completion of the national requirements, in accordance with the provisions of the said letters.

² United Nations, *Treaty Series*, vol. 1673, No. I-28911.

¹ Entré en vigueur le 1^{er} mai 1993, soit le premier jour du mois ayant suivi l'échange des notifications (des 16 février et 23 avril 1993) par lesquelles les Parties s'étaient notifié l'accomplissement des formalités internes requises, conformément aux dispositions desdites lettres.

² Nations Unies, *Recueil des Traités*, vol. 1673, n° I-28911.

[TRANSLATION]

THE FEDERAL MINISTER FOR FOREIGN AFFAIRS

Vienna, 12 January 1993

Sir,

Together with the Federal Minister for the Environment, Youth and Family of the Republic of Austria, I have the honour to propose to you, as set forth in the attached aide-mémoire, the following Agreement pursuant to article 11 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal:¹

“Until the Basel Convention is ratified by the Federal Republic of Germany, the legislation in force in both countries shall continue to apply in the case of transboundary movements of wastes between the Republic of Austria and the Federal Republic of Germany. Notice of amendments to this legislation shall be given without delay.

“The competent authority in Austria shall be the Federal Ministry for the Environment, Youth and Family. The Act to be applied by the Austrian authority shall be the Waste Management Act, Federal Law Gazette (BGBl.) No. 325/1990, in the version currently in force.

“Should you agree to this proposal, this letter and your letter in reply expressing your acceptance shall constitute an agreement pursuant to article 11 of the Basel Convention. It shall enter into force on the first day of the month following the month in which both countries have notified each other, through the diplomatic channel, that the national requirements in this regard have been met.”

I should be grateful if you would confirm your agreement with the contents of this letter.

May I ask you to inform me, in your reply, what legislation will be applied by the German authorities and which are the competent German authorities to be notified in the case of transboundary movements. Would you please enclose this list with your letter of reply, in the form of an annex.

Accept, Sir, etc.

Dr ALOIS MOCK

Dr Klaus Töpfer
Federal Minister for the Environment,
Nature Conservation and Nuclear Safety
Bonn

¹ United Nations, *Treaty Series*, vol. 1673, No. I-28911.

AIDE-MÉMOIRE

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal became international law on 5 May 1992. It thus created a new situation as regards transboundary movements of hazardous wastes, which are regulated under the Basel Convention, between the Republic of Austria and the Federal Republic of Germany.

Since the Federal Republic of Germany has yet to ratify the Basel Convention, but the Republic of Austria will shortly become a Party to the Convention, transboundary movements of hazardous wastes between the Federal Republic of Germany and the Republic of Austria which are subject to approval may temporarily be carried out only on the basis of a bilateral agreement.

In view of the already existing high administrative and technical standards in the Republic of Austria and the Federal Republic of Germany, which guarantee in each receiving country the environmentally sound disposal of wastes crossing the boundaries between the two countries, pursuant to the Basel Convention, and in view of the proven practices in effect for years between the two countries, a bilateral agreement of the kind referred to shall therefore be concluded between the two countries.

[TRANSLATION]

FEDERAL MINISTER FOR THE ENVIRONMENT, NATURE CONSERVATION
AND NUCLEAR SAFETY

Bonn, 16 February 1993

Sir,

I have the honour to acknowledge receipt of your letter of 12 January 1993, in which you, together with the Federal Minister for the Environment, Youth and Family of the Republic of Austria, propose an Agreement pursuant to article 11 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal between the Federal Minister for the Environment, Nature Conservation and Nuclear Safety of the Federal Republic of Germany and the Federal Minister for Foreign Affairs of the Republic of Austria.

Further, I have the honour to inform you that I accept your proposal; accordingly your letter and this letter in reply constitute an Agreement pursuant to article 11 of the Basel Convention.

With this letter, all of the prerequisites for the entry into force of this Agreement have been fulfilled in accordance with the laws of the Federal Republic of Germany. A list of the legislation to be applied by the German authorities as well as the names and addresses of the competent German authorities to be informed in the case of transboundary movements of wastes are appended in Annexes 1 and 2.

Accept, Sir, etc.

Dr KLAUS TÖPFER

Dr Alois Mock
Federal Minister for Foreign Affairs
Vienna

ANNEX 1

LIST OF THE LEGISLATION TO BE APPLIED BY THE GERMAN AUTHORITIES

1. Act concerning the avoidance and disposal of wastes (Waste Management Act) of 27 August 1986 (Federal Law Gazette (BGBl) I, p. 1410, corrected p. 1501, last amended by the Act respecting the Unification Treaty of 23 September 1990, Federal Law Gazette II, p. 885)
2. Regulation governing the identification of wastes pursuant to Section 2, Paragraph 2 of the Waste Management Act (Waste Identification Regulation) of 3 April 1990 (Federal Law Gazette I, p. 614)
3. Regulation governing the identification of residual substances pursuant to Section 2, Paragraph 3 of the Waste Management Act (Residual Substance Identification Regulation) of 3 April 1990 (Federal Law Gazette I, p. 631, corrected p. 862)
4. Regulation governing the collection and transport as well as the monitoring of wastes and residual substances (Waste and Residual Substance Monitoring Regulation) of 3 April 1990 (Federal Law Gazette I, p. 648)
5. Regulation governing the transboundary movements of wastes (Waste Movement Regulation) of 18 November 1988 (Federal Law Gazette I, p. 2126, corrected p. 2418)

ANNEX 2

MONITORING AND CONTROL IN THE COMMUNITY OF TRANSBOUNDARY
MOVEMENTS OF HAZARDOUS WASTES (84/631/EEC)*Amendments*

FEDERAL REPUBLIC OF GERMANY

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Schlossstrasse 1-3
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Fax: (0721) 135-6211

Regierungspräsidium Freiburg
Kaiser-Joseph-Strasse 167
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Regierungspräsidium Tübingen
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(District Administration, Tübingen)
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Fax: (07071) 757-3190

Bavaria

Regierung von Oberbayern
Maximilianstrasse 39
8000 Munich 22

(District Administration, Upper Bavaria)
Tel.: (089) 2176-1

Regierung von Niederbayern
Regierungsplatz 540
8300 Landshut

(District Administration, Lower Bavaria)
Tel.: (0871) 808-01

Regierung der Oberpfalz
Emmeramsplatz 8-9
8400 Regensburg

(District Administration, Upper Palatinate)
Tel.: (0941) 564-0

Regierung von Oberfranken
Ludwigstrasse 20
8580 Bayreuth

(District Administration, Upper Franconia)
Tel.: (0921) 604-1

Regierung von Mittelfranken
Promenade 27
8800 Ansbach

(District Administration, Middle Franconia)
Tel.: (0981) 3-0

Regierung von Unterfranken
Petersplatz 9
8700 Würzburg

(District Administration, Lower Franconia)
Tel.: (0931) 380-1

Regierung von Schwaben
Fronhof 10
8900 Augsburg

(District Administration, Swabia)
Tel.: (0821) 327-01

Berlin

Senator für Stadtentwicklung
und Umweltschutz
Lentzeallee 12-14
1000 Berlin 33

(Senator for Urban Development
and Environmental Protection)
Tel.: (030) 82 98-200
Fax: (030) 82 98-290

Brandenburg

Ministerium für Umwelt,
Naturschutz und Raumordnung
des Landes Brandenburg
Albert-Einstein-Strasse 42-46
O-1561 Potsdam

(Ministry for the Environment, Nature
Conservation and Regional Planning
of the State of Brandenburg)

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Free and Hanseatic City of Bremen

Senator für Umweltschutz
und Stadtentwicklung
Am Wall 177
2800 Bremen 1

Senator for Environmental Protection
and Urban Development)

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Fax: (0421) 361-6013

Bremer Entsorgungsbetriebe
Hinter dem Ansgarikirchhof 14
2800 Bremen 1

(Bremen Waste Management Works)

Tel.: (0421) 590-6960
Fax: (0421) 24 48 04

Stadtgemeinde Bremerhaven
Magistrat der Stadt Bremerhaven
Umweltschutzamt
Postfach 21 03 60
2800 Bremerhaven 21

(Municipality of Bremerhaven
Municipal Authority of the City
of Bremerhaven Environmental
Protection Office)

P.O. Box 21 03 60
Tel.: (0471) 590-20 45
Fax: (0471) 590 29 81

Free and Hanseatic City of Hamburg

Umweltbehörde Amt für Umweltschutz
- Abfallwirtschaft und
Entsorgungsplanung -
Postfach 26 11 51
2000 Hamburg 26

(Environment Authority
Office for Environmental Protection
- Waste Management and Disposal Planning -)

P.O. Box 26 11 51
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Regierungspräsidium Giessen
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Regierungspräsidium Kassel
Steinweg 6
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Für die Untertage-Deponie
Herfa-Neurode
Hessisches Oberbergamt
6200 Wiesbaden

(For the Herfa-Neurode
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Mecklenburg-Western Pomerania

Umweltministerium des Landes
Mecklenburg-Vorpommern
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of Mecklenburg-Western Pomerania)

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and Nature
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- Staatliches Amt für Umwelt
und Natur
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Parkstrasse 46
O-2530 Rostock-Warnemünde
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and Nature
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- Regierungspräsidium Detmold
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- (District Administration, Detmold)
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- Regierungspräsidium Düsseldorf
Cecilienallee 2
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- (District Administration, Düsseldorf)
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- Regierungspräsidium Köln
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Rhineland-Palatinate

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Saarland

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