

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