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**Conference of the Parties to the Basel Convention  
on the Control of Transboundary Movements of  
Hazardous Wastes and Their Disposal  
Tenth meeting**

Cartagena, Colombia, 17–21 October 2011

Item 3 (c) (i) of the provisional agenda\*

**Matters related to the implementation of the Convention:  
legal, compliance and governance matters:  
Implementation and Compliance Committee**

**Report of the Committee for Administering the Mechanism for  
Promoting Implementation and Compliance of the Basel  
Convention and proposed work programme for the Committee  
for the period 2012–2013**

**Introduction**

1. By its decision IX/2, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal adopted a work programme for the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention for the period 2009–2011.
2. By paragraph 23 of the terms of reference of the Mechanism for Promoting Implementation and Compliance of the Basel Convention, the Committee is required to report to the Conference of the Parties at each of its ordinary meetings on the work that it has carried out to fulfil its functions under paragraphs 19 and 20 of the terms of reference. By paragraph 24 of the terms of reference, the Committee is required to report on any conclusions and/or recommendations that it has developed under paragraph 21 of the terms of reference (pertaining to general issues of compliance and implementation under the Convention) and on its suggestions for any future work that may be required on general issues of compliance and implementation, for the consideration and approval of the Conference of the Parties.

**I. Implementation**

3. During the triennium 2009–2011, the Committee held its seventh and eighth sessions: on 25 and 26 June 2009 and from 21 to 23 March 2011, respectively. The Committee also worked intersessionally by e-mail and held three informal consultations. It completed work outstanding on its 2007–2008 work programme as adopted by the Conference of the Parties in decision VIII/32. It also undertook a general review of the activities included in its 2009–2011 work programme, in addition to considering 10 specific submissions.

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\* UNEP/CHW.10/1.

4. The present report should be read in conjunction with the reports of the Committee's seventh and eighth sessions, which are available in documents UNEP/CHW.10/INF/9 and UNEP/CHW.10/INF/10 and which provide more comprehensive information about the Committee's work. In addition, document UNEP/CHW.10/INF/11 contains a selection of documents relevant to the Committee's work, providing additional information that may be useful to the Conference of the Parties when considering draft decisions proposed by the Committee.

5. Chapter II of the present report sets out a draft decision for consideration by the Conference of the Parties. It includes the Committee's conclusions and a recommendation in relation to several activities set out in the Committee's 2007–2008 and 2009–2011 work programmes.

## **A. Implementation of the work programme for the biennium 2007–2008: review of general issues of compliance and implementation**

### **1. National reporting**

6. At the time of the ninth meeting of the Conference of the Parties (23–27 June 2008), the Committee had yet to finalize its work on the development of guidance on how national reporting could be improved (UNEP/CHW.9/3). At its seventh session, the Committee considered a draft guidance document on improving national reporting by parties and decided that, once finalized, the document would be made available as part of what it termed a "national reporting training package" CD-ROM in the six official languages of the United Nations. In the intersessional period, the Committee approved the guidance document and developed the CD-ROM, which was distributed to participants at the seventh session of the Open-ended Working Group (10–14 May 2010, Geneva). The guidance document has been reproduced in document UNEP/CHW.10/INF/11, and copies of the CD-ROM are available from the Secretariat. With the production of this tool, the Committee completed its consideration of the national reporting element of its 2007–2008 work programme.

### **2. Illegal traffic**

7. The Committee continued and completed its consideration of this element of its 2007–2008 work programme at its seventh and eighth sessions. It has developed a directory of institutions offering activities aimed at improving capacity to detect, prevent and prosecute cases of illegal traffic. This directory, developed on the basis of responses to a questionnaire sent to relevant training institutions, focal points and the Basel Convention regional centres, is available on the Convention website.<sup>1</sup>

8. At its seventh and eighth sessions, the Committee also considered how it could work better with relevant organizations on improving information sharing and on capacity-building activities aimed at preventing and combating illegal traffic. Five organizations were invited to attend relevant discussions at the Committee's seventh session: the Green Customs Initiative of the United Nations Environment Programme, the TransFrontier Shipment of waste cluster of the European Union Network for the Implementation and Enforcement of Environmental Law, the World Customs Organization, the International Network for Environmental Compliance and Enforcement and the International Criminal Police Organization. Following discussions with these organizations, the Committee decided to develop specific suggestions on how it could work better with the five organizations to improve information sharing and capacity-building activities.

9. At its eighth session, the Committee considered a proposal by the Chair to establish a partnership on preventing and combating illegal traffic and discussed elements of an options paper prepared by the Secretariat (reproduced in document UNEP/CHW.10/INF/11). The Committee decided to recommend that the Conference of the Parties at its tenth meeting adopt a decision establishing such a partnership and requesting the Committee to develop detailed terms of reference. The draft decision is set out in chapter II of the present report.

## **B. Implementation of the work programme for the triennium 2009–2011: specific submissions regarding party implementation and compliance**

10. In line with decision IX/2, the Committee accorded priority to dealing with specific submissions regarding party implementation and compliance received in accordance with paragraph 9 of the Mechanism's terms of reference. At its eighth session, the Committee considered 10 submissions: one from a party with regard to its reporting obligations under the Convention, based on paragraph 9 (a) of the terms of reference, and nine submissions by the Secretariat with regard to parties facing possible difficulties with their reporting obligations, based on paragraph 9 (c) of the terms of reference.

<sup>1</sup> [www.basel.int/legalmatters/illetraffic/directory2009-07-13.doc](http://www.basel.int/legalmatters/illetraffic/directory2009-07-13.doc).

11. In considering the 10 submissions, the Committee agreed that each submission would be considered on its own merits with a view to determining the facts and root causes of the matter of concern and for the Committee to assist in its resolution, in line with paragraph 19 of the terms of reference. The Committee highlighted the importance of a dialogue between the Committee and the party identified in a submission in order for the Committee to understand the implementation and compliance difficulties faced by the party and the possible ways in which the Committee might assist in overcoming them. That dialogue was also in line with paragraph 19 of the terms of reference, which requires that advice, non-binding recommendations and information be provided by the Committee after coordination with the party concerned.

12. The Committee also addressed, as requested in decision IX/2, shortcomings and limitations in relation to the lack of specific submissions to the Committee with a view to developing recommendations for the consideration of the Conference of the Parties at its tenth meeting.

### **1. Submission by a party**

13. The Committee considered a submission by Oman (CHW/CC/9a/2009/1) that it had declared admissible following its seventh session. In line with paragraph 15 of the terms of reference, Oman was invited to participate in the Committee's consideration of the submission, but did not do so. The Committee adopted decision 8/1, which is set out in the report of its eighth session (reproduced as document UNEP/CHW.10/INF/10).

### **2. Submissions by the Secretariat**

14. At its seventh session, the Committee recalled its recommendation, agreed upon at its sixth session (28 and 29 February 2008) and reported to the Conference of the Parties at its ninth meeting (UNEP/CHW.9/3), that in applying paragraph 9 (c) of the terms of reference the Secretariat should focus on the two following criteria: cases where no national reports have been submitted by a party since the date of its adherence to the Convention; and cases where the information provided by a party required under part I of the national reports on competent national authority, focal point and legislation is incomplete, in accordance with paragraph 3 of Article 13 of the Convention. At its seventh session, the Committee recommended that the Secretariat should initiate consultations with the parties falling under the two criteria, focusing on reports due for 2006.

15. Following the Committee's seventh session, the Secretariat initiated consultations with nine parties that had never reported, 65 parties that had not submitted a report for 2006, and 22 parties that had not submitted a complete national report on part I of the revised questionnaire, as per the Committee's guidance. Attached to the Secretariat's letters was a questionnaire on difficulties faced by parties in fulfilling their reporting obligations. The parties were invited to complete and return this questionnaire.

16. The Secretariat reported on its progress during informal consultations held by the Committee. It indicated its willingness to make nine submissions to the Committee with regard to possible difficulties of the parties that had never reported, given that consultations with these parties, aimed at resolving their potential difficulties with their national reporting obligations, had not resolved the matter within the three-month deadline set in the terms of reference. On 12 November 2010, the Secretariat made submissions to the Committee with regard to Bhutan, Cape Verde, Eritrea, Guinea-Bissau, Liberia, Libyan Arab Jamahiriya, Nicaragua, Swaziland and Togo. Following receipt of Nicaragua's report for 2009, the Secretariat informed the Committee of this development on 3 February 2011, indicating that it was withdrawing its submission with regard to that party.

17. At its eighth session, the Committee considered nine submissions by the Secretariat concerning Bhutan (CHW/CC/9c/2010/1), Cape Verde (CHW/CC/9c/2010/2), Eritrea (CHW/CC/9c/2010/3), Guinea-Bissau (CHW/CC/9c/2010/4), Liberia (CHW/CC/9c/2010/5), Libyan Arab Jamahiriya (CHW/CC/9c/2010/6), Nicaragua (CHW/CC/9c/2010/7), Swaziland (CHW/CC/9c/2010/8) and Togo (CHW/CC/9c/2010/9). In line with paragraph 15 of the terms of reference, all the parties concerned were invited to participate in the Committee's consideration of the submission. Bhutan, Eritrea, Guinea-Bissau and Togo participated, in person or via teleconference, in the consideration of the relevant submission. The Committee adopted decisions 8/2–8/10 following its consideration of the submissions, as set out in the report of that session and reproduced in document UNEP/CHW.10/INF/10.

### 3. Shortcomings and limitations in relation to the lack of specific submissions

18. At its seventh session, the Committee decided to consider issues linked to the Committee's triggers,<sup>2</sup> and to the lack of resources to assist parties that were determined to be facing difficulties with implementation and compliance. Reports on both issues were developed during the intersessional period and considered by the Committee at its eighth session.

19. On the trigger issue, the Committee agreed to recommend that the Conference of the Parties at its tenth meeting adopt a decision amending the terms of reference by broadening the Secretariat trigger (through an amendment of paragraph 9 (c) of the terms of reference) and by providing the Committee, under specific circumstances, with the possibility of initiating consideration of individual parties' compliance difficulties (through the addition of a new paragraph 9 bis in the terms of reference). The Committee thus agreed to recommend that the Conference of the Parties at its tenth meeting consider adopting a decision on the matter. A report on the trigger issue is included in document UNEP/CHW.10/INF/11, and a draft decision is set out in chapter II of the present report (see section B of chapter II of the draft decision).

20. On the implementation fund issue, the Committee agreed that its consideration of the 10 specific submissions had highlighted a need for access to financial resources to address parties' compliance difficulties, in accordance with paragraph 20 of the terms of reference. The Committee thus agreed to recommend that the Conference of the Parties at its tenth meeting consider adopting a decision on the matter. A draft decision is set out in chapter II of the present report (see section A of chapter II of the draft decision).

## C. Implementation of the work programme for the triennium 2009–2011: review of general issues of compliance and implementation

21. For ease of reference, the Committee's work programme for 2009–2011, as set out in the annex to decision IX/2, is included as annex IV to the present report.

### 1. Monitoring, assessing and facilitating reporting under Article 13 of the Convention (table 1)

22. The Committee considered all the activities listed in table 1 of the Committee's 2009–2011 work programme. Activities (a), (b) and (d) of table 1 were considered at its seventh session, and activities (c)–(f) at its eighth session. The Committee recommends that decisions pertaining to activities (c) and (d) be adopted by the Conference of the Parties at its tenth meeting.

23. The Committee reviewed the information held by the Secretariat under Article 13 of the Convention (activity (a)) and noted with concern the declining trend in reporting. The Committee also considered and took note of a document prepared by the Secretariat setting out three lists, developed for information purposes, indicating those parties that had submitted complete reports for 2006, those that had submitted partial reports for 2006 and those that had not reported for 2006 (activity (b)).

24. The Committee considered activity (c), on assessing the status of reporting, identifying the difficulties faced by parties in fulfilling their national reporting obligations and their needs for assistance with regard to reporting, on the basis of a report prepared by a consultant, which has been reproduced in document UNEP/CHW.10/INF/11. The Committee decided to recommend that the Conference of the Parties at its tenth meeting adopt a decision on the matter. The draft decision is set out in chapter II of the present report (see paragraphs 18–24 in section A of chapter III of the draft decision).

25. In considering activity (d), on classifying and publishing parties' compliance performance with regard to the annual reporting obligations, the Committee made the following comments:

(a) Parties currently lack incentives fully to comply with their national reporting obligation (lack of technical assistance provided to developing countries and countries with economies in transition, lack of understanding of the usefulness of the information reported, lack of consequences in case of non-submission of national reports);

(b) Parties lack guidance as to what is expected from them (lack of a benchmark or model national report);

(c) The proposed classification will mean adjusting the way in which the tables on the status of national reporting posted on the Convention website are developed by the Secretariat for information purposes, since they do not currently take into account the answers to the sub-questions of

<sup>2</sup> In accordance with paragraph 9 of the mechanism's terms of reference, the current three trigger options are: a party self-trigger, a party-to-party trigger, and a Secretariat trigger limited to a party's difficulties in complying with its reporting obligation.

the revised questionnaire on transmission of information (in accordance with Articles 13 and 16 of the Convention);

(d) The purpose of the classification is to provide information on the timeliness and completeness of national reporting and to provide the Conference of the Parties with trends in reporting compliance. In addition, the classification is intended to serve as an incentive for parties to improve their reporting. As a first step, the classification will provide information without naming individual parties. Should the Committee be mandated to undertake this activity in its future programme of work, the classification would name individual parties;

(e) Classification of parties' compliance performance with regard to the annual reporting obligation should be a regular Committee activity and, as such, included in its work programme and undertaken annually. Should the Conference of the Parties at its tenth meeting adopt the benchmark or model national report developed by the Committee, the classification would be undertaken with reference to that benchmark or model report;

(f) Publication of the compliance performance is done by including the classification in the Committee's report to the Conference of the Parties, and by posting the information on the Convention website.

26. The Committee decided that, in undertaking activity (d), the Committee would classify parties on the basis of two criteria (timeliness and completeness of the report) and in the five following categories:

- (a) Fully reported and on time;
- (b) Fully reported (but late);
- (c) Reporting incomplete (but on time);
- (d) Reporting incomplete (and late);
- (e) Not reported.

27. The Committee also decided that the classification would be made on the basis of the following assumptions:

- (a) Information reported by parties is presumed to reflect reality, without prejudice to the Secretariat's quality control;
- (b) The completeness of national reports is reviewed on the basis of the answers provided by parties to all questions and sub-questions of the revised questionnaire on transmission of information (in accordance with Articles 13 and 16 of the Convention), with the exception of table 8B that is not mandatory;
- (c) Should the report contain answers that do not provide the information sought (such as "estimated data", "in preparation", "no data available" or "no information"), the party will not be considered to have fully reported.

28. On the basis of those comments, criteria, categories and assumptions, the Committee endorsed a table classifying parties' compliance performance with regard to the annual reporting obligation for the year 2006, on a regional basis. The table is set out in annex I to the present report. The Committee also decided to recommend that the Conference of the Parties at its tenth meeting adopt a decision on the matter. The draft decision is set out in chapter II of the present report (see paragraphs 12–17 in section A of chapter III of the draft decision).

29. In considering the development of further guidance documents on best practice on national reporting (activity (e)), the Committee decided to retain a consultant to develop a benchmark national report intended to guide parties on the content of the information to be reported under the Convention. Following a review of currently available guidance documents to identify any gaps and shortcomings, it decided that the development of further guidance documents on the process of developing national reports should be postponed. The benchmark report has been reproduced in document UNEP/CHW.10/INF/11, and the Conference of the Parties is invited to take note of it and encourage its use (see paragraph 11 in section A of chapter III of the draft decision).

30. Concerning activity (f), on the facilitation of exchange of information on best available practices and techniques on national reporting, the Committee requested the Secretariat to prepare a note presenting options on how to organize workshops on improving national reporting. The note has been reproduced in document UNEP/CHW.10/INF/11. The Committee welcomed the note, in particular: the preparatory work undertaken in advance of the workshop to identify parties' needs, the

invitation of one participant from the subregion and one participant from a developed country to share their good practices, the involvement of the Basel Convention regional centres in the planning and delivery of the workshop, the invitation of two participants per country so as to promote the sustainability of the training, the importance of inviting those individuals who, at the national level, had the responsibility of developing the national report, the provision of guidance on the elaboration of inventories in the subregions where inventories were lacking (such as the Caribbean subregion), the use of all available guidance documents on national reporting, and the proposed mechanism to follow up on the workshops. The Committee also agreed to include in its proposed work programme for 2012–2013 the development of electronic training tools and guidelines on how to undertake national inventories, based on the existing draft methodological guide on the subject.

## **2. Implementation of, and compliance with, specified obligations under the Convention (table 2)**

31. The Committee considered all the activities listed in table 2 of the Committee's 2009–2011 work programme. It recommends that decisions pertaining to most of the activities be adopted by the Conference of the Parties at its tenth meeting.

### **(a) Notification of national definitions of hazardous wastes under Article 3 of the Convention (activity (a))**

32. The Committee considered activity (a) at its seventh and eighth sessions. At its seventh session, the Committee received an oral report from the Secretariat on the status of notifications of national definitions of hazardous wastes and the discrepancies between information reported and notified, and requested the Secretariat to take steps in the intersessional period to update the information that it held. At its eighth session, the Secretariat reported to the Committee on the steps that it had taken and the results achieved. The Committee saw value in harmonizing the formats currently existing for parties to notify, pursuant to Article 3 and paragraph 2 (b) of Article 13 of the Convention, and to report, pursuant to paragraph 3 of Article 13 of the Convention, national definitions of hazardous wastes. It also welcomed any effort to ease the burden on parties to communicate information to other parties through the Secretariat. It requested the Secretariat to develop a harmonized standardized reporting format for transmitting information under Article 3 of the Convention and question 2 (c) of the revised questionnaire that combined the elements of the current standardized reporting format for transmitting information under Article 3 of the Convention and those of question 2 (c) of the revised questionnaire. It also decided to recommend that the Conference of the Parties at its tenth meeting adopt a decision on the matter, including adoption of the revised standardized reporting format. The draft decision is set out in chapter II of the present report (see paragraphs 25–31 in section B of chapter III of the draft decision).

### **(b) Notifications prohibiting the import or export of hazardous and other wastes (activity (b))**

33. The Committee considered activity (b) at its seventh and eighth sessions. At its seventh session, the Committee received an oral report from the Secretariat on the status of notifications prohibiting the import or export of hazardous wastes and the discrepancies between information reported and notified, and requested the Secretariat to take steps in the intersessional period to update the information that it held. At its eighth session, the Secretariat reported to the Committee on the steps that it had taken and the results achieved. As with the issue of national definitions, the Committee saw value in harmonizing the formats for parties to notify and to report import and export prohibitions. The Committee requested the Secretariat to develop a standardized reporting format for transmitting information under paragraphs 1 (a) and (b) of Article 4 and paragraphs 2 (c) and (d) of Article 13 of the Convention. The proposed format is identical in substance to the current questions 3(a)–(f) of the revised questionnaire on restrictions on transboundary movements of hazardous wastes and other wastes. The Committee also decided to recommend that the Conference of the Parties at its tenth meeting adopt a decision on the matter, including adoption of the standardized reporting format. The draft decision is set out in chapter II of the present report (see paragraphs 32–36 in section B of chapter III of the draft decision).

### **(c) Designation of competent authorities and focal points under Article 5 of the Convention (activities (c)–(e))**

34. The Committee considered activities (c) and (d) at its seventh session, and (c)–(e) at its eighth session. At its seventh session, the Committee considered a note by the Secretariat on the status of the designation of competent authorities and focal points. The Committee requested the Secretariat to take specific steps to invite parties to confirm the accuracy of the information notified to the Secretariat, to contact parties that had not designated a focal point and a competent authority, and to develop a report on difficulties faced by parties in designating a focal point and competent authorities. At its eighth session, the Secretariat reported to the Committee on the fulfilment of that request, indicating among

other things that, as at 10 December 2010, of 175 parties, 18 had not designated a competent authority and 10 had designated neither a focal point nor a competent authority. The Committee decided to recommend that the Conference of the Parties at its tenth meeting adopt a decision on the matter. The draft decision is set out in chapter II of the present report (see paragraphs 37–40 in section B of chapter III of the draft decision).

**(d) Control system for the transboundary movement of hazardous wastes (activity f)**

35. The Committee considered activity (f) at its eighth session, on the basis of a report prepared by a consultant and agreed on the recommendations made therein. The report has been reproduced in document UNEP/CHW.10/INF/11. The Committee decided to recommend that the Conference of the Parties at its tenth meeting adopt a decision on the matter. The draft decision is set out in chapter II of the present report (see paragraphs 41–45 in section B of chapter III of the draft decision).

**(e) Status of legislation and other legal or administrative measures (activity g)**

36. The Committee considered activity (g) at its eighth session, on the basis of a report prepared by a consultant. Following the session, the Committee agreed on the recommendations made in the report. The report has been reproduced in document UNEP/CHW.10/INF/11. The Committee decided to recommend that the Conference of the Parties at its tenth meeting adopt a decision on the matter. The draft decision is set out in chapter II of the present report (see paragraphs 46–51 in section B of chapter III of the draft decision).

**(f) Compliance and implementation status of specified obligations under articles 3–6 of the Convention (activity h)**

37. The Committee considered activity (h) at its eighth session on the basis of a note by the Secretariat and agreed that its implementation of the table 2 activities included in the 2009–2011 work programme reflected its fulfilment of the mandate set forth in activity (h). The Committee also agreed to submit to the Conference of the Parties at its tenth meeting, for information purposes, the table provided in the annex to the note by the Secretariat, with one amendment. The table has been reproduced in document UNEP/CHW.10/INF/11.

**(g) General information and guidance to facilitate, promote and aim to secure implementation of parties' obligations under articles 3–6 of the Convention (activity i)**

38. The Committee considered activity (i) at its eighth session and agreed to produce a leaflet explaining the control procedure under Article 6, in particular the *mutatis mutandis* provision, in addition to a leaflet with information on the implementation of the Committee's 2009–2011 work programme.

**D. Financial matters**

39. At its seventh and eighth sessions, the Committee received reports from the Secretariat on financial matters. The Committee's activities since the ninth meeting of the Conference of the Parties have been financed from voluntary contributions received from the Governments of Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. In addition, by its decision OEWG-VII/17, the Open-ended Working Group approved the programme budget for 2011, which allocated \$50,000 from the Trust Fund for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal to support the Committee's activities in 2011 (activity 4).

40. The Committee expressed its appreciation to donors for their support for the Committee's work. It also agreed to propose that up to three meetings of three days each should be included in the 2012–2013 work programme, that a budget line should be established for the purposes of the implementation fund, and that the Conference of the Parties at its tenth meeting adopt a programme budget for 2012–2013 that maintained the average annual operational budget for the Committee's activities at the 2009–2011 level in real terms. The Committee decided to recommend that the Conference of the Parties at its tenth meeting adopt a decision on the matter. The draft decision is set out in chapter II of the present report.

**E. Work programme for the biennium 2012–2013**

41. In line with paragraph 24 of the terms of reference, the Committee is to report on its suggestions for any future work that may be required on general issues of compliance and implementation, for the consideration and approval of the Conference of the Parties.

42. The Committee considered its draft work programme for the biennium 2012–2013 at and after its eighth session. A draft decision on the matter, for consideration by the Conference of the Parties, is set out in chapter II of the present report.

## II. Proposed action

43. The Conference of the Parties may wish to consider adopting a decision along the lines of the draft decision set out below.

*The Conference of the Parties,*

*Noting with appreciation* the report of the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention on its work and the recommendations made therein,<sup>3</sup>

*Welcoming* the work undertaken by the Committee since the ninth meeting of the Conference of the Parties and the completion of its 2007–2008 and 2009–2011 work programmes,

*Welcoming also* the submissions by Oman and the Secretariat, under paragraphs 9 (a) and 9 (c) respectively of the terms of reference of the Mechanism for Promoting Implementation and Compliance of the Basel Convention,

*Welcoming further* the Committee's consideration of these specific submissions with a view to determining the facts and root causes of the matter of concern and the Committee's assistance in resolving it,

*Taking note* of the decisions adopted by the Committee in relation to the specific submissions,

*Recognizing* the need to provide the Committee with sufficient funding to enable it to function effectively and to carry out its work programme,

### I

#### **Implementation of the work programme for the biennium 2007–2008: review of general issues of compliance and implementation**

1. *Takes note* of the guidance document on improving national reporting by parties<sup>4</sup> and of the national reporting training package CD-ROM available in the six official languages of the United Nations, and encourages parties to use them;

2. *Also takes note* of the directory of institutions offering activities aimed at improving capacity to detect, prevent and prosecute cases of illegal traffic<sup>5</sup> and encourages parties and relevant entities to provide updated information on its content;

3. *Decides* to establish a partnership on preventing and combating illegal traffic to bring together and improve coordination between relevant entities with a specific mandate to deliver capacity-building activities on preventing and combating illegal traffic, such as the World Customs Organization, the International Criminal Police Organization, the United Nations Environment Programme, individual parties, the Basel Convention regional and coordinating centres, networks and the Secretariat, with a focus on the development of tools and training materials, the hosting of workshops, and information exchange;

4. *Requests* the Committee, in the context of its 2012–2013 programme of work, to take the necessary steps to prepare, in cooperation with relevant entities and for the consideration of the Conference of the Parties at its eleventh meeting, detailed terms of reference for this partnership;

### II

#### **Implementation of the work programme for the triennium 2009–2011: specific submissions regarding party implementation and compliance**

##### **A. Implementation fund**

5. *Calls upon* all parties and others in a position to do so to make financial contributions to the implementation fund established by decision IX/2;

3 UNEP/CHW.10/9.

4 UNEP/CHW.10/INF/11.

5 [www.basel.int/legalmatters/illegaltraffic/directory2009-07-13.doc](http://www.basel.int/legalmatters/illegaltraffic/directory2009-07-13.doc).

6. *Adopts* directions, as set out in paragraph 7 of the present decision, on how the implementation fund may be used in the intersessional period between the tenth and eleventh meetings of the Conference of the Parties to assist parties in the context of the facilitation procedure set out in paragraphs 19 and 20 of the terms of reference of the Mechanism for Promoting Implementation and Compliance and in line with decision IX/2;

7. *Decides* that the resources in the implementation fund may be used to fund activities listed in the compliance action plans approved by the Committee, such as the elaboration of national inventories;

8. *Also decides* that such directions are without prejudice to future directions that the Conference of the Parties may adopt in subsequent meetings;

9. *Authorizes* the Committee to direct the use of the implementation fund in the intersessional period between the tenth and eleventh meetings of the Conference of the Parties in the context of the facilitation procedure as set out in paragraphs 19 and 20 of the terms of reference of the Mechanism for Promoting Implementation and Compliance and in accordance with the directions given by the Conference of the Parties;

#### **B. Submissions**

10. *Decides* to amend the terms of reference of the mechanism for promoting implementation and compliance by replacing the current paragraph 9 (c) with “The Secretariat, if, while acting pursuant to its functions under articles 13 and 16, it becomes aware of possible difficulties of any party in complying with its obligations under the Convention, provided that the matter has not been resolved within three months by consultation with the Party concerned.”;

11. *Also decides* to insert a new paragraph 9 bis in the terms of reference: “Where the Committee becomes aware of possible non-compliance by a Party with its obligations under the Convention that may have serious adverse consequences for the achievement of the objectives of the Convention, the Committee may, if a submission pursuant to paragraph 9 has not been made and is not likely to be made, request the party concerned to furnish the necessary information about the matter. Any reply and information in support shall be provided to the Committee within three months or such longer period as the circumstances of a particular case may require. The Committee shall consider the matter as soon as possible in the light of any reply that the Party may provide and in accordance with the provisions relating to the consideration of submissions in paragraphs 12–21, as applicable.”;

12. *Requests* the Secretariat to reflect the above changes in the terms of reference of the mechanism for promoting implementation and compliance;

### **III**

#### **Implementation of the work programme for the triennium 2009–2011: review of general issues of compliance and implementation**

##### **A. Monitoring, assessing and facilitating reporting under Article 13 of the Convention**

13. *Takes note* of the benchmark report developed by the Committee<sup>6</sup> and encourages parties to use it;

14. *Endorses* the criteria and categories identified by the Committee to classify and publish parties’ compliance performance with regard to their annual reporting obligations;

15. *Takes note* of the classification developed by the Committee, including the assumptions upon which the classification was based;<sup>7</sup>

16. *Expresses its appreciation* to parties that have submitted complete reports on time, and urges other parties to improve the timeliness and completeness of their national reports;

17. *Acknowledges* that parties currently lack incentives fully to comply with their national reporting obligations, stemming from a lack of capacity and lack of capacity-building activities provided to developing countries and countries with economies in transition, a lack of understanding of the usefulness of the information reported, and a lack of consequences in case of the non-submission of national reports;

18. *Acknowledges* that parties lack guidance as to what is expected of them, and that a benchmark national report could assist in resolving that situation;

<sup>6</sup> UNEP/CHW.10/INF/11.

<sup>7</sup> UNEP/CHW.10/9, paras. 26 and 27, and annex I.

19. *Decides* that the classification of parties' compliance performance with regard to their annual reporting obligations should be a regular activity of the Committee and, as such, included in its work programme and undertaken on an annual basis, with individual parties named in the Committee's report;

20. *Takes note* of the report on the status of reporting, identifying the difficulties faced by parties in fulfilling their national reporting obligations for 2006 and 2007 and their needs for assistance with regard to reporting and of the conclusions made therein;<sup>8</sup>

21. *Notes with concern* that the level of reporting appears to be declining;

22. *Notes* that, in general, the above-mentioned report on the status of reporting shows that parties provide fairly comprehensive responses in relation to part I of the revised questionnaire, with lower levels of reporting occurring in relation to part II, notably concerning data on the generation of hazardous and other wastes;

23. *Affirms* that the problem of non-reporting, incomplete reporting or late reporting is all the more serious because of the close link between the core obligations of the Convention and the obligation to submit national reports in accordance with paragraph 3 of Article 13 of the Convention;

24. *Considers* that workshops on national reporting have the potential to contribute to improving parties' implementation of and compliance with paragraph 3 of Article 13 of the Convention and that the Committee should continue guiding and reviewing the Secretariat's training activities on improving national reporting, their potential impact on the improvement of national reporting by parties, and lessons learned from training activities for the updating of existing or the development of new tools;

25. *Decides* to adopt the following national reporting targets as a way of measuring progress with the overall implementation of and compliance with paragraph 3 of Article 13 of the Convention: 30 per cent of reports due for 2010 are submitted in time (baseline: 13.3 per cent for the reports due for 2006); and 20 per cent of reports due for 2010 are submitted complete (baseline: 9 per cent for the reports due for 2006);

26. *Acknowledges* the value for the Committee of establishing a dialogue with other treaty bodies dealing with similar national reporting issues;

## **B. Implementation of, and compliance with, specified obligations under the Convention**

### **National definitions**

27. *Adopts* the revised standardized reporting format for transmitting information under Article 3 of the Convention and question 2 (c) of the revised questionnaire;<sup>9</sup>

28. *Decides* that information on a national definition reported to the Secretariat pursuant to question 2 (c) of the revised questionnaire on transmission of information through the designated focal point shall be considered as notified pursuant to Article 3 and paragraph 2 (b) of Article 13 of the Convention;

29. *Requests* the Secretariat to reflect in the revised questionnaire on transmission of information the changes brought about by the adoption of the revised standardized reporting format for transmitting information under Article 3 of the Convention and question 2 (c) of the revised questionnaire;

30. *Also requests* the Secretariat, subject to the availability of funding, to reflect these changes in its national reporting database, in the online national reporting database available on the Convention website, and in all relevant documents;

31. *Requests* parties that have not yet provided the Secretariat with any of the information required under Article 3 of the Convention to do so as soon as possible and to report any subsequent significant change in that information using the revised standardized reporting format for reporting under Article 3 of the Convention;

32. *Requests* the Secretariat to assist parties in ensuring that the information so notified is up to date, accurate and complete to facilitate parties' understanding of other parties' national definitions of hazardous wastes;

<sup>8</sup> UNEP/CHW.10/INF/11.

<sup>9</sup> UNEP/CHW.10/9, annex II.

33. *Also requests* the Secretariat to make available on its website the information received from parties pursuant to Article 3 of the Convention and, within available resources, to make such information available in the six official languages of the United Nations;

#### **Import and export prohibitions**

34. *Adopts* the standardized reporting format for transmitting information under paragraphs 1 (a) and (b) of Article 4 and paragraphs 2 (c) and (d) of Article 13 of the Convention;<sup>10</sup>

35. *Decides* that information on import and export prohibitions and restrictions reported to the Secretariat pursuant to questions 3 (a)–(f) of the revised questionnaire on transmission of information through the designated focal point shall be considered as notified pursuant to paragraphs 1 (a) and (b) of Article 4 and paragraphs 2 (c) and (d) of Article 13 of the Convention;

36. *Requests* parties that have not yet provided the Secretariat with any of the information required under paragraphs 1 (a) and (b) of Article 4 and paragraphs 2 (c) and (d) of Article 13 of the Convention to do so as soon as possible and to report any subsequent significant change in that information using the above-mentioned standardized reporting format;

37. *Requests* the Secretariat to assist parties in ensuring that the information so notified is up to date, accurate and complete to facilitate parties' understanding of other parties' import and export prohibitions;

38. *Also requests* the Secretariat to make available on its website the information received from parties pursuant to paragraphs 1 (a) and (b) of Article 4 and paragraphs 2 (c) and (d) of Article 13 of the Convention and, within available resources, to make such information available in the six official languages of the United Nations;

#### **Competent authorities and focal points**

39. *Reminds* parties of the importance of designating competent authorities and a focal point and of providing updated contact information for these entities in accordance with Article 5 of the Convention;

40. *Invites* Cape Verde, Comoros, Congo, Cook Islands, Eritrea, Guinea, Guinea-Bissau, Kazakhstan, Lao People's Democratic Republic, Liberia, Libyan Arab Jamahiriya, Malawi, Nauru, Saint Kitts and Nevis, Somalia, Tonga and Turkmenistan to comply with Article 5 of the Convention by designating a focal point and one or more competent authorities;

41. *Invites* parties, in particular those mentioned above, to communicate to the Secretariat any challenges that they face in designating competent authorities and a focal point and their needs for assistance in meeting these requirements;

42. *Encourages* those same parties to inform the Committee under paragraph 9 (a) of the terms of reference should they conclude that, their best efforts notwithstanding, they are or will be unable fully to implement or comply with their obligations under Article 5 of the Convention;

#### **Control system for the transboundary movement of hazardous wastes**

43. *Takes note* of the review of the control system for the transboundary movement of wastes (notification document and movement document) and the difficulties that parties face in implementing the system<sup>11</sup> and of the imbalance in the geographical distribution of the responses received from parties, in particular from Africa and from Asia and the Pacific;

44. *Requests* the Committee to update the guide to the control system approved in 1998,<sup>12</sup> taking into account the current difficulties faced by parties in implementing the said control system;

45. *Also requests* the Committee to work on providing further technical and legal clarity on the distinction between wastes and non-wastes (used or second-hand goods), and between hazardous and non-hazardous wastes;

46. *Further requests* the Committee to develop an interactive tool on the Convention website to make available to all parties the necessary information needed to complete the forms for the notification and movement documents and other relevant associated information;

47. *Appeals* to parties and members of the World Customs Organization Harmonized System Committee to finalize by 2014 the outstanding work on the identification of wastes subject to

10 Ibid., annex III.

11 UNEP/CHW.10/INF/11.

12 UNEP/CHW.4/5.

the Convention in the World Customs Organization Harmonized Commodity Description and Coding System;

### **Legislation**

48. *Takes note* of the report on the status of legislation and other legal or administrative measures and needs for assistance;<sup>13</sup>

49. *Decides* to establish, in the Committee's work programme, a legal framework programme as a means of implementation of the strategic goals and objectives of the Strategic Framework 2012–2021 for the implementation of the Basel Convention, and as a long-term strategy or mechanism of the Convention, for the review and assessment of national legislation to implement the provisions of the Convention, and to assist parties in the adoption of new legislation or the amendment of existing legislation;

50. *Endorses* the phases of the programme, as outlined in the report mentioned in paragraph 46 of the present decision;

51. *Invites* parties to cooperate with the Committee in the implementation of the phases of the programme;

52. *Invites* the conferences of the parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants to support this programme, initially by exploring whether and how the programme could be a joint activity of the three secretariats;

53. *Requests* the Secretariat to continue providing technical assistance to parties upon request for the development of national legislation and other measures (for example, through training sessions and workshops and legal advice);

## **IV**

### **Financial matters**

54. *Expresses its appreciation* to the Governments of Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland for providing support to the Committee's work during the triennium 2009–2011;

55. *Decides* to adopt a programme budget for 2012–2013 that maintains the average annual operational budget for the Committee's activities at the 2009–2011 level in real terms;

56. *Calls upon* parties and others in a position to do so to make financial or in kind contributions to enable the Committee to discharge its mandate;

57. *Decides* to allocate in the 2012–2013 programme budget some funding earmarked for the purposes of the implementation fund and funding for the purpose of covering the travel costs of parties identified in a submission to the Committee;

## **V**

### **Work programme for the biennium 2012–2013**

58. *Approves* the work programme of the Committee for 2012–2013 set out in the annex to the present decision;

59. *Requests* the Committee to establish priorities, work methods and schedules with regard to the issues identified in the work programme and to coordinate with the Open-ended Working Group, the Secretariat and the Basel Convention regional and coordinating centres to avoid duplication of activities;

60. *Also requests* the Committee to report to the Conference of the Parties at its eleventh meeting on the work that it has carried out to fulfil its functions in accordance with paragraphs 23 and 24 of the terms of reference;

61. *Calls upon* parties to make use of the mechanism for promoting implementation and compliance.

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13 UNEP/CHW.10/INF/11.

## Annex to decision X/[ ]

### Work programme for 2012–2013 of the Committee for Administering the Mechanism for Promoting Implementation and Compliance

#### I. Review of general issues of compliance and implementation under the Convention

Objective	Activity
<p>1. National reporting</p> <p>Improve timely and complete national reporting under paragraph 3 of Article 13 of the Convention</p>	<p>(a) Classify and publish parties' individual compliance performance with regard to the annual national reporting obligations for 2009–2011, based on the criteria, categories and targets approved by the Conference of the Parties at its tenth meeting;</p> <p>(b) Update the DVD entitled "Training tool for improving national reporting by parties to the Basel Convention" by adding the benchmark report, in the six official languages of the United Nations, and produce additional copies of the tool;</p> <p>(c) Develop guidance on the development of inventories;</p> <p>(d) Develop further electronic tools to improve national reporting, such as web-based seminars and online training courses;</p> <p>(e) Guide and review the Secretariat's training activities on improving national reporting, their potential impact on the improvement in national reporting by parties, and lessons learned from training activities for the updating of existing or the development of new tools;</p> <p>(f) Establish a dialogue with other multilateral environmental agreement compliance bodies dealing with national reporting issues.</p>
<p>2. National legislation</p> <p>Improve implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention</p>	<p>(a) In the context of the legal framework programme, review the self-evaluation by parties of how far their existing legal framework conforms to the checklist for the legislator;</p> <p>(b) Identify parties' needs for assistance, assess the adequacy of existing tools and training activities to meet those needs and develop a legal capacity-building strategy under the Convention to improve the implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention.</p>
<p>3. Illegal traffic</p> <p>Prevent and combat illegal traffic</p>	<p>(a) Develop, in cooperation with relevant entities and for the consideration of the Conference of the Parties at its eleventh meeting, detailed terms of reference for the partnership on preventing and combating illegal traffic;</p> <p>(b) Review parties' implementation of and compliance with the take-back provision set forth in paragraph 2 of Article 9 of the Convention, including the difficulties faced by parties, and develop a guidance document based on best practices and suggesting a harmonized approach to the implementation of this provision;</p> <p>(c) Guide and review the Secretariat's development of tools and training activities for Customs and other enforcement officials.</p>

Objective	Activity
<p>4. Terminology</p> <p>Improve implementation of and compliance with relevant provisions by clarifying their terminology</p>	<p>(a) Review the implementation of the Convention as it relates to the definition or interpretation of specific terminology of the Convention and a list of other relevant terms related to the implementation of the Convention, including:</p> <ul style="list-style-type: none"> <li>▪ Wastes/non-wastes;</li> <li>▪ Hazardous wastes/non-hazardous wastes;</li> <li>▪ Reuse;</li> <li>▪ Direct reuse;</li> <li>▪ Refurbishment;</li> <li>▪ Second-hand goods;</li> <li>▪ Used goods;</li> </ul> <p>(b) Recommend an interpretation of these terms in its report to the Conference of the Parties at its eleventh meeting.</p>
<p>5. Insurance, bond, guarantee</p> <p>Improve the implementation of and compliance with paragraph 11 of Article 6 of the Convention</p>	<p>Review parties' implementation of and compliance with paragraph 11 of Article 6 of the Convention, identify difficulties faced by parties in implementing and complying with this provision and provide guidance on how to improve the implementation of and compliance with this provision.</p>
<p>6. Control system</p> <p>Improve the implementation of and compliance with Article 6 of the Convention</p>	<p>(a) Update the guide to the control system adopted in 1998, taking into account the current difficulties faced by the countries in implementing the control system;</p> <p>(b) Develop an interactive tool on the Convention website to make available to all parties the information needed to complete the forms for the notification and movement documents and other relevant associated information.</p>

## II. Specific submissions regarding party implementation and compliance

1. The Committee shall accord priority to dealing with specific submissions regarding party implementation and compliance received or initiated in accordance with paragraph 9 [and 9 bis] of the terms of reference.
2. In line with the authorization from the Conference of the Parties, the Committee may recommend use of the implementation fund, subject to the availability of resources, to assist parties in the context of the facilitation procedure established under paragraph 20 of the Committee's terms of reference.

## Annex I

### Classification of parties' compliance performance with regard to their annual reporting obligations for the year 2006 as at 31 December 2010: regional grouping

<i>Region</i>	<i>Number of parties per region</i>	<i>Fully reported and on time</i>	<i>Fully reported but late</i>	<i>Incomplete reporting but on time</i>	<i>Incomplete reporting and late</i>	<i>No reporting</i>
Africa	44	—	—	2	18	24
Asia and the Pacific	43	—	2	3	13	25
Central and Eastern Europe	22	5	2	2	10	3
Latin America and the Caribbean	30	—	1	4	15	10
Western Europe and others	27	—	5	5	14	3
<b>Total</b>	<b>166</b>	<b>5</b>	<b>10</b>	<b>16</b>	<b>70</b>	<b>65</b>

**Annex II**

**Standardized reporting format for transmitting information under  
Article 3 of the Convention and question 2 (c) of the revised  
questionnaire**

	<p align="center"><b>Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal</b></p> <p align="center"><b>Notification of national definitions or significant change to national definitions pursuant to Article 3 of the Basel Convention</b></p> <p>(Information transmitted using this form shall be regarded as formal notification pursuant to Article 3 and shall be transmitted by the Secretariat of the Basel Convention to all parties and to signatories. Information transmitted annually under paragraph 3 of Article 13 may represent a notification in compliance with Article 3 if transmitted through the designated focal point. Such information shall be transmitted by the Secretariat of the Basel Convention to all parties and signatories.)</p>	
	<p><b>Country:</b></p> <p><b>Government entity completing the questionnaire:</b></p> <p><b>Address:</b></p> <p><b>Telephone No.:    Fax No.:</b></p> <p><b>Contact person:</b></p> <p><b>Title:</b></p> <p><b>Telephone No.:</b> (if different from above)</p> <p><b>E-mail:</b></p> <p><b>Date when form completed (D/M/Y):</b></p> <p><b>This report contains an updated national definition:    Yes: <input type="checkbox"/>    No <input type="checkbox"/></b></p>	

<b>National definition of hazardous wastes</b>		
<b>1</b>	<b>Is there a definition of hazardous waste in your national legislation?</b>	
	<b>Yes:</b> <input type="checkbox"/>	<b>No:</b> <input type="checkbox"/> (If no, do not complete the remainder of the form)
	<b>In preparation</b> <input type="checkbox"/>	
	If yes, please provide the text of the national definition of hazardous waste (Please attach the full text of the relevant legislation):	
<b>1a</b>	<b>Does your country regulate or control any additional wastes as hazardous that are not included in paragraph 1 (a) of Article 1 of the Basel Convention and would be controlled for the purpose of transboundary movements pursuant to paragraph 1 (b) of Article 1?</b>	
	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/> (If no, do not complete the remainder of the form)
	<b>In preparation</b> <input type="checkbox"/>	
	If yes, please specify those wastes (use additional space or an attachment, if required):	
<b>1b</b>	<b>Is this a significant change to the national definition that has been previously notified to the Secretariat of the Basel Convention pursuant to paragraph 3 of Article 3?</b>	
	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>
<b>1c</b>	<b>What is the source or basis of this definition?</b>	
	<b>Basel Convention</b> <input type="checkbox"/>	<b>OECD-Council Acts</b> <input type="checkbox"/>
	<b>EU Waste Law</b> <input type="checkbox"/>	
	<b>National</b> <input type="checkbox"/>	<b>Other</b> <input type="checkbox"/> (specify under remarks)
	<b>Remarks, if necessary:</b>	
<b>2</b>	<b>Does the national definition of hazardous waste cover wastes other than those listed in annexes I, II and VIII of the Basel Convention?</b>	
	<b>Yes:</b> <input type="checkbox"/>	<b>No:</b> <input type="checkbox"/>
	If yes, please tick the box or boxes below indicating the list or lists containing such wastes and, in the table below or as an attachment, list the wastes.	
	<b>WCO-HS</b> <input type="checkbox"/>	<b>OECD</b> <input type="checkbox"/>
	<b>EU-Waste List</b> <input type="checkbox"/>	
	<b>National</b> <input type="checkbox"/> (specify under remarks)	<b>Other</b> <input type="checkbox"/> (specify under remarks)
	<b>General remarks, if any</b>	



**Annex III**

**Standardized reporting format for transmitting information under paragraphs 1 (a) and (b) of Article 4 and paragraphs 2 (c) and (d) of Article 13 of the Convention (import and export prohibitions)**

	<p align="center"><b>Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal</b></p> <p align="center"><b>Notification of restrictions on transboundary movements of hazardous wastes and other wastes pursuant to articles 4 and 13 of the Basel Convention</b></p> <p>(Information reported using this form shall be regarded as a formal notification pursuant to paragraph 1 of Article 4 and paragraph 2 of Article 13 and shall be transmitted by the Secretariat of the Basel Convention to all parties and to signatories. Information transmitted annually under paragraph 3 of Article 13 may represent a notification under paragraphs 1 (a) and (b) of Article 4 and paragraphs 2 (c) and (d) of Article 13 of the Convention if transmitted through the designated focal point. Such information shall be transmitted by the Secretariat of the Basel Convention to all parties and signatories.)</p>	
	<p><b>Country:</b></p> <p><b>Government entity completing the questionnaire:</b></p> <p><b>Address:</b></p> <p><b>Telephone No.:    Fax No.:</b></p> <p><b>Contact person:</b></p> <p><b>Title:</b></p> <p><b>Telephone No.:</b> <b>(if different from above)</b></p> <p><b>E-mail:</b></p> <p><b>Date when form completed (D/M/Y):</b></p>	

<b>Restrictions on transboundary movements of hazardous wastes and other wastes</b>	
<b>1.</b>	<b>Has the amendment to the Basel Convention (decision III/1) been implemented in your country?</b> Yes [ ]      No [ ]      In preparation [ ]
	<b>Remarks</b>
<b>2.</b>	<b>Are there any restrictions on the export of hazardous wastes and other wastes for final disposal (Annex IV A) in your country?</b> Yes [ ]      No [ ]      In preparation [ ]
<b>(i)</b>	<b>Specify relevant legislation and its entry into force:</b>
<b>(ii)</b>	<b>Specify the country or region and/or waste that would be covered by this restriction:</b>
<b>(iii)</b>	<b>Remarks:</b>
<b>3.</b>	<b>Are there any restrictions on the export of hazardous wastes and other wastes for recovery (Annex IV B) in your country?</b> Yes [ ]      No [ ]      In preparation [ ]
	<b>If yes, please provide the following:</b>
<b>(i)</b>	<b>Specify relevant legislation and its entry into force:</b>
<b>(ii)</b>	<b>Specify the country or region and/or waste that would be covered by this restriction:</b>
<b>(iii)</b>	<b>Remarks:</b>

<p><b>4.</b></p>	<p><b>Are there any restrictions on the import of hazardous wastes and other wastes for final disposal (Annex IV A) in your country?</b></p> <p>Yes [ ]      No [ ]      In preparation [ ]</p> <p><b>If yes, please provide the following:</b></p> <p><b>(i) Specify relevant legislation and its entry into force:</b></p> <p><b>(ii) Specify the country or region and/or waste that would be covered by this restriction:</b></p> <p><b>(iii) Remarks:</b></p>
<p><b>5.</b></p>	<p><b>Are there restrictions on the import of hazardous wastes and other wastes for recovery (Annex IV B) in your country?</b></p> <p>Yes [ ]      No [ ]      In preparation [ ]</p> <p><b>If yes, please provide the following:</b></p> <p><b>(i) Specify relevant legislation and its entry into force:</b></p> <p><b>(ii) Specify the country or region and/or waste that would be covered by this restriction:</b></p> <p><b>(iii) Remarks:</b></p>
<p><b>6.</b></p>	<p><b>Are there restrictions on the transit of hazardous wastes and other wastes through your country?</b></p> <p>Yes [ ]      No [ ]      In preparation [ ]</p> <p><b>If yes, please provide the following:</b></p> <p><b>(i) Specify relevant legislation and its entry into force:</b></p> <p><b>(ii) Specify the country or region and/or waste that would be covered by this restriction:</b></p> <p><b>(iii) Remarks:</b></p>

## Annex IV

### Annex to decision IX/2

#### Work programme for 2009–2011 of the Committee for Administering the Mechanism for Promoting Implementation and Compliance

### I. Review of general issues of compliance and implementation under the Convention

1. During the biennium 2009–2011 the Committee for Administering the Mechanism for Promoting Implementation and Compliance shall review the general issues identified in tables 1 and 2 below in accordance with paragraph 21 of the terms of reference for the mechanism contained in the annex to decision VI/12 of the Conference of the Parties and in accordance with the priorities and budget decided by the Conference of the Parties at its ninth meeting.
2. In doing so the Committee shall take full account of previous discussions and decisions by Basel Convention bodies on relevant issues and shall also take account of its mandate to complement the work performed by other bodies of the Basel Convention and by the Basel Convention regional centres.
3. The Committee shall also continue to monitor any developments on other issues addressed under its earlier work programmes.
4. In undertaking the review of general issues of compliance, the Committee may refer to, and cooperate with, all sources of information and expertise set forth in paragraph 22 of the terms of reference, including through collaboration with regional and international bodies with monitoring and enforcement responsibilities in respect of hazardous wastes.

**Table 1: Monitoring, assessing and facilitating reporting under article 13 of the Basel Convention**

Objective	Activity
Ensure and improve effective and complete national reporting.	(a) Review information held by the Secretariat under article 13 of the Convention. (b) Compile: <ol style="list-style-type: none"> <li>(i) A list of Parties which have submitted annual reports;</li> <li>(ii) A list of Parties which have not submitted annual reports;</li> <li>(iii) A list of Parties which have submitted complete reports;</li> <li>(iv) A list of Parties which have submitted reports that are obviously only partially complete.</li> </ol> (c) Assess the status of reporting, identifying the difficulties faced by Parties in fulfilling their national annual reporting obligations and their needs for assistance with respect to reporting. (d) Classify and publish Parties' compliance performance with respect to the annual national reporting obligations. (e) Develop further guidance documents on best practices in national reporting, including mechanisms for coordination among relevant governmental and other entities, procedures for the collection and exchange of information, data collection techniques and technical resources and relevant methods necessary to optimize the completion of national reports. (f) Promote and facilitate the exchange of information on best available practices and best available techniques between developed countries and developing countries, including countries with economies in transition, on development of national reporting.

**Table 2: Implementation of, and compliance with, specified obligations under the Basel Convention**

Objective	Activity
Ensure and improve implementation of, and compliance with, specified obligations under articles 3, 4, 5 and 6 of the Convention.	<ul style="list-style-type: none"> <li>(a) Review notifications transmitted by Parties to the Secretariat on national definitions of hazardous waste under Article 3 of the Convention.</li> <li>(b) Review notifications transmitted by Parties which prohibit the import of hazardous wastes or other wastes for disposal, and those which prohibit or do not permit the export of hazardous wastes and other wastes, under paragraphs 1 (a) and (b) of article 4 of the Convention.</li> <li>(c) Review Parties' compliance with the duty to designate competent authorities and focal points under article 5 of the Convention.</li> <li>(d) Compile: <ul style="list-style-type: none"> <li>(i) A list of Parties which have designated competent authorities and focal points;</li> <li>(ii) A list of Parties which have not designated competent authorities or focal points.</li> </ul> </li> <li>(e) Identify difficulties faced by Parties in designating competent authorities and focal points and their needs for assistance to meet this requirement.</li> <li>(f) Review and assess the application of the control system for the transboundary movement of wastes (notification document and movement document) and the difficulties that Parties face in implementing the system.</li> <li>(g) Review the status of existing national legislation and other legal or administrative measures, including implementation regulations, and identify needs for assistance.</li> <li>(h) Assess the compliance and implementation status of specified obligations of the Parties under articles 3, 4, 5 and 6 of the Basel Convention and publish the conclusions resulting from such assessment.</li> <li>(i) Provide general information and guidance on the Basel Convention website, or through publications, to facilitate, promote, and aim to secure the implementation of Parties' obligations under articles 3, 4, 5 and 6 of the Convention. The Secretariat may identify to the Committee those difficulties in implementation that Parties have frequently identified in their communications with the Secretariat.</li> </ul>

## II. Specific submissions regarding Party implementation and compliance

5. The Committee shall give priority to dealing with specific submissions regarding Party implementation and compliance received in accordance with paragraph 9 of the terms of reference.

6. At the time of the convening of the sixth session of the Committee on 28 February 2008, the Committee had not received any specific submissions from Parties. In the light of this fact the Committee shall address existing shortcomings and limitations in relation to the lack of specific submissions to the Committee, as described in the Committee's report for the ninth meeting of the Conference of the Parties, with a view to developing recommendations for the consideration of the Conference of the Parties at its tenth meeting on appropriate actions to address those shortcomings and limitations. In undertaking this element of its work programme, the Committee may refer to the sources of information set forth in paragraph 22 of its terms of reference.