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**Committee for Administering the Mechanism  
for Promoting the Implementation and Compliance  
of the Basel Convention**  
**Eleventh meeting**  
Geneva, 22–24 September 2014

## **Report of the eleventh meeting of the Basel Convention Implementation and Compliance Committee (Geneva, 22–24 September 2014)<sup>1</sup>**

### **I. Opening of the meeting**

1. The eleventh meeting of the Implementation and Compliance Committee (hereinafter ‘the Committee’) was held from 22 to 24 September 2014 at the International Environment House/Maison Internationale de l’Environnement, Geneva, Switzerland. Ms. Jimena Nieto, Chair of the Committee, opened the meeting at 10.00 a.m. She welcomed Committee members and highlighted it was the first time that the Committee was holding a three-day meeting, which was a recognition by the Conference of the Parties of the importance of its work. She said that although the meeting was the last meeting before the twelfth meeting of the Conference of the Parties, members would need to complete their work after the meeting, working by electronic means. On behalf of the Committee, she expressed her appreciation to Japan and Switzerland that provided funding for the meeting and also to those Committee members that were making in-kind contributions to the Committee by taking the lead on specific activities of the work programme of the Committee, in particular Ms. Anne Daniel.
2. Ms. Kerstin Stendahl, Executive Secretary *ad interim* of the Basel Convention, then delivered opening remarks. She said that the number of specific submissions before the Committee was a positive development that would be seen as one of the legacies of its Chair. She highlighted that the cooperation by the parties concerned by a submission with the Committee, despite the challenges they faced otherwise, was also encouraging. Referring to the consultations with the ninth meeting of the Open-ended Working Group (16–19 September 2014, Geneva, Switzerland), she said these had shown the great level of interest of parties in the work of the Committee, in particular on reporting. She invited the Committee to think about its possible interaction with the special programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm Conventions, the Minamata Convention, and the Strategic Approach to International Chemicals Management (hereinafter the special programme), recently established by the United Nations Environment Assembly (UNEA) of the United Nations Environment Programme (UNEP). She concluded by emphasizing the importance of the contribution the Committee would be making to the success of the twelfth meeting of the Conference of the Parties.
3. The following members were present:

#### Africa Group

Mr. Ahou Florent BOTTO (Côte d’Ivoire)

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<sup>1</sup> This document has not been formally edited.

Mr. Adel SHAFEI (Egypt), Vice Chair

Asia Pacific Group

Mr. Shunichi HONDA (Japan), Vice Chair

Mr. Mohammed Oglah Hussein KHASHASHNEH (Jordan)

Mr. Zulkifli bin Abdul RAHMAN (Malaysia)

Central and Eastern European Group

Ms. Anahit ALEKSANDRYAN (Armenia)

Mr. Djordje VUKOTIC (Serbia)

Mr. Felix ZAHARIA (Romania), Rapporteur

Latin America and Caribbean Group

Ms. YadiraGonzález COLUMBIE (Cuba), serving as alternate to Mr. Enrique Moret

HERNANDEZ (Cuba)

Ms. Jimena NIETO (Colombia), Chair

Western Europe and Others Group

Ms. Anne DANIEL (Canada), Vice Chair

Mr. Mark GOVONI (Switzerland)

Ms. Marie-Pierre MEGANCK (France)

4. Sessions dealing with specific submissions were attended by representatives of the following parties concerned by a submission: Bhutan, Cabo Verde, Central African Republic, Eritrea, Guinea-Bissau, Liberia, Palau, Swaziland and Togo. Sessions dealing with the review of general issues of implementation and compliance were attended by two observers from Cameroon and Malaysia. The list of participants to the eleventh meeting of the Committee is set out in document UNEP/CHW/CC.11/INF/7.

## **II. Organizational matters**

### **A. Adoption of the agenda**

5. The Committee adopted the following agenda, on the basis of the provisional agenda set out in document UNEP/CHW/CC.11/1:

1. Opening of the meeting.
2. Organizational matters:
  - (a) Adoption of the agenda;
  - (b) Organization of work.
3. Specific submissions regarding party implementation and compliance:
  - (a) Implementation fund;
  - (b) Specific submissions:
    - (i) Submission regarding Afghanistan;
    - (ii) Submission regarding Bhutan;
    - (iii) Submission by Central African Republic;
    - (iv) Submission regarding Cabo Verde;
    - (v) Submission regarding Eritrea;
    - (vi) Submission regarding Guinea-Bissau;
    - (vii) Submission regarding Liberia;
    - (viii) Submission regarding Libya;

- (ix) Submission by Oman;
  - (x) Submission regarding Palau;
  - (xi) Submission regarding Somalia;
  - (xii) Submission regarding Swaziland;
  - (xiii) Submission regarding Togo;
  - (c) Evaluation of the amendment to paragraph 9 (c) of the terms of reference;
  - (d) Legal framework programme.
4. Review of general issues of compliance and implementation under the Convention:
- (a) National reporting:
    - (i) Individual compliance performance;
    - (ii) Guidance on the development of inventories;
    - (iii) Additional guidance and tools pertaining to inventories;
    - (iv) Dialogue with other compliance bodies;
  - (b) National legislation: strategies to promote full legislative implementation;
  - (c) Illegal traffic: guidance on the take-back provision;
  - (d) Insurance, bond, guarantee;
  - (e) Control system:
    - (i) Guide to the control system;
    - (ii) Interactive tool;
  - (f) Manual for the implementation of the Basel Convention and Checklist for the Legislator.
5. Work programme for 2016–2017.
6. Venue and date of the twelfth meeting of the Committee.
7. Other matters.
8. Adoption of the report of the eleventh meeting.
9. Closure of the meeting.

## **B. Organization of work**

6. The Committee considered the tentative schedule of the meeting proposed in document UNEP/CHW/CC.11/INF/1 and agreed to consider jointly agenda items 3 (d) on the legal framework programme and 4 (b) on national legislation: strategies to promote full legislative implementation.
7. The Committee considered the requests by a representative of Cameroon and a representative of Malaysia to attend the meeting as observers. The Committee agreed to the attendance of both representatives during the open sessions of the Committee, namely sessions dealing with the review of general issues of implementation and compliance.

## **III. Specific submissions regarding party implementation and compliance**

### **A. Implementation fund**

8. The Committee considered the information contained in document UNEP/CHW/CC.11/2 including its annex setting out a report on the operation of the implementation fund in light of the experience of the Committee and other developments. Introducing the report, the lead Committee member Mr. Felix Zaharia invited the Committee to be mindful of the need for the Committee and the Executive Board of the special programme to identify modalities to work together and make best use of scarce financial resources. In the ensuing discussions, one Committee member highlighted the importance to clarify how the special programme could benefit the Committee, bearing in mind that

the scope of the implementation fund was broader than institutional strengthening and the fact that the special programme would serve agreements and institutions in addition to the Basel Convention. Referring to the mandate to review the operation of the implementation fund, another member said that while the resources from the fund had been used it remained to be seen how successful these had been in assisting with the resolution of the compliance matters. She thus suggested that a further review of the operation of the implementation fund take place in the context of the 2016–2017 work programme of the Committee.

9. Concluding its consideration of the item, the Committee requested the Secretariat to transmit to UNEP the report on the operation of the implementation fund in light of the experience of the Committee and other developments, set out in the annex to document UNEP/CHW/CC.11/2. The Committee also requested the Secretariat to transmit to the Conference of the Parties at its twelfth meeting part II of the report, which provides information on the experience of the Committee with the implementation fund, to support the meeting in reviewing the operation of the implementation fund. The Committee also agreed to recommend that the Conference of the Parties at its twelfth meeting decide that:

(a) In relation to the implementation fund, the Committee shall make recommendations to the Executive Secretary on the allocation of the available resources from the implementation fund in the period between the twelfth and thirteenth 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 of the Basel Convention; and

(b) The resources are intended to fund activities listed in the compliance action plans elaborated by the party concerned in its submission and approved by the Committee.

10. The Committee agreed to include in the 2016–2017 work programme of the Committee that it:

(a) Develop recommendations for the attention of the Executive Board of the special programme on priority areas for institutional strengthening under the Basel Convention and that the Committee consider other options for cooperation with the special programme; and

(b) Review the operation of the implementation fund in the light of the experience of the Committee and other developments, including with respect to the special programme.

## B. Specific submissions

11. The Committee considered the information set out in document UNEP/CHW/CC.11/3. The Committee had before it self-submissions by two parties, Central African Republic and Oman, and eleven submissions by the Secretariat concerning Afghanistan, Bhutan, Cabo Verde, Eritrea, Guinea-Bissau, Liberia, Libya, Palau, Somalia, Swaziland and Togo. Ten submissions aim at resolving parties' implementation and compliance difficulties with their national reporting obligation under paragraph 3 of Article 13 of the Basel Convention, while three submissions aim at resolving parties' implementation and compliance difficulties with their obligation to designate a focal point and one or more competent authorities in accordance with Article 5 of the Basel Convention. The Secretariat reminded the Committee that Palau and Somalia had, prior to the meeting, transmitted the required information to the Secretariat about their designation of a focal point and competent authority and that, as a consequence, the Secretariat had withdrawn the submissions pertaining to these two parties. The Secretariat further informed the Committee that consultations initiated with Turkmenistan with respect to the lack of designation of a competent had not yet been successful. Finally the Secretariat informed the Committee that there was a balance of about \$ 70,000 in the implementation fund.

12. In line with paragraph 15 of the terms of reference, all thirteen parties were invited to participate in the consideration by the Committee of the submission concerning their country.

### 1. Submission regarding Afghanistan

13. The Committee considered the submission regarding Afghanistan (CHW/CC/9c/2014/3) on the basis of the information set out in documents UNEP/CHW/CC.11/3 and UNEP/CHW/CC.11/3/Add.1. Following its consideration of the submission the Committee adopted decision CC-11/1: Submission regarding Afghanistan. The decision is set out in annex I to the present report.

## **2. Submission regarding Bhutan**

14. The Committee considered the submission regarding Bhutan (CHW/CC/9c/2010/1) on the basis of the information set out in documents UNEP/CHW/CC.11/3 and UNEP/CHW/CC.11/3/Add.2 as well as information provided orally by the Secretariat on recent developments. A representative of Bhutan participated by teleconference in the consideration of the submission. Following its consideration of the submission the Committee adopted decision CC-11/2: Submission regarding Bhutan. The decision is set out in annex I to the present report.

## **3. Submission by Central African Republic**

15. The Committee considered the submission by Central African Republic (CHW/CC/9A/2014/1) on the basis of the information set out in documents UNEP/CHW/CC.11/3 and UNEP/CHW/CC.11/3/Add.3 as well as information provided orally by the Secretariat on recent developments. A representative of Central African Republic participated in the consideration of the submission. Following its consideration of the submission the Committee adopted decision CC-11/3: Submission by Central African Republic. The decision is set out in annex I to the present report.

## **4. Submission regarding Cabo Verde**

16. The Committee considered the submission regarding Cabo Verde (CHW/CC/9c/2010/2) on the basis of the information set out in documents UNEP/CHW/CC.11/3 and UNEP/CHW/CC.11/3/Add.4/Rev.1 as well as information provided orally by the Secretariat on recent developments. A representative of Cabo Verde participated in the consideration of the submission. Following its consideration of the submission the Committee adopted decision CC-11/4: Submission regarding Cabo Verde. The decision is set out in annex I to the present report.

## **5. Submission regarding Eritrea**

17. The Committee considered the submission regarding Eritrea (CHW/CC/9c/2010/3) on the basis of the information set out in documents UNEP/CHW/CC.11/3 and UNEP/CHW/CC.11/3/Add.5 as well as information provided orally by the Secretariat on recent developments. Representatives of Eritrea participated by teleconference in the consideration of the submission. Following its consideration of the submission the Committee adopted decision CC-11/5: Submission regarding Eritrea. The decision is set out in annex I to the present report.

## **6. Submission regarding Guinea-Bissau**

18. The Committee considered the submission regarding Guinea-Bissau (CHW/CC/9c/2010/4) on the basis of the information set out in documents UNEP/CHW/CC.11/3 and UNEP/CHW/CC.11/3/Add.6 as well as information provided orally by the Secretariat on recent developments. A representative of Guinea-Bissau participated in the consideration of the submission. Following its consideration of the submission the Committee adopted decision CC-11/6: Submission regarding Guinea-Bissau. The decision is set out in annex I to the present report.

## **7. Submission regarding Liberia**

19. The Committee considered the submission regarding Liberia (CHW/CC/9c/2010/5) on the basis of the information set out in documents UNEP/CHW/CC.11/3 and UNEP/CHW/CC.11/3/Add.7. A representative of Liberia participated by teleconference in the consideration of the submission. Following its consideration of the submission the Committee adopted decision CC-11/7: Submission regarding Liberia. The decision is set out in annex I to the present report. In its decision the Committee, among other things, welcomes the willingness of Liberia to submit its national reports for 2012 and 2013 by the end of 2014; invites Liberia by the end of 2014, to elaborate a voluntary compliance action plan to assist Liberia in identifying the matter of concern as well as ways to resolve it; and decides to consider, by 15 January 2015, whether to recommend to the Conference of the Parties that it issue a cautionary statement.

## **8. Submission regarding Libya**

20. The Committee considered the submission regarding Libya (CHW/CC/9c/2010/6) on the basis of the information set out in documents UNEP/CHW/CC.11/3 and UNEP/CHW/CC.11/3/Add.8/Rev.1 as well as information provided orally by the Secretariat on recent

developments. Due to cuts in electricity in this country, a representative of Libya was unable to participate by teleconference in the consideration of the submission. Following its consideration of the submission the Committee adopted decision CC-11/8: Submission regarding Libya. The decision, which was drafted taking into account the current special circumstances in Libya, is set out in annex I to the present report.

**9. Submission by Oman**

21. The Committee considered the submission of Oman (CHW/CC/9a/2009/1) on the basis of the information set out in documents UNEP/CHW/CC.11/3 and UNEP/CHW/CC.11/3/Add.9 as well as information provided orally by the Secretariat on recent developments. The Committee also heard an oral report from Committee member Mr. Adel Shafei and Secretariat representative Mr. David Ogden, on their 10 June 2014 mission to Oman, at the invitation of that party. Following its consideration of the submission the Committee adopted decision CC-11/9: Submission by Oman. The decision is set out in annex I to the present report.

**10. Submission regarding Palau**

22. The Committee considered the submission regarding Palau (CHW/CC/9c/2014/2) on the basis of the information set out in documents UNEP/CHW/CC.11/3 and UNEP/CHW/CC.11/3/Add.10 as well as information provided orally by the Secretariat on recent developments. A representative of Palau participated by teleconference in the consideration of the submission. Following its consideration of the submission the Committee adopted decision CC-11/10: Submission regarding Palau. The decision is set out in annex I to the present report. In its decision, the Committee, among other things, welcomes the transmission by Palau on 22 August 2014 of the revised form for notification of designation of country contacts, which provides the required information pertaining to the designation of a focal point and a competent authority in accordance with article 5 of the Convention; and concludes that the matter of concern as set out in the submission has been resolved.

**11. Submission regarding Somalia**

23. The Committee considered the submission regarding Somalia (CHW/CC/9c/2014/1) on the basis of the information set out in documents UNEP/CHW/CC.11/3 and UNEP/CHW/CC.11/3/Add.11 as well as information provided orally by the Secretariat on recent developments. Following its consideration of the submission the Committee adopted decision CC-11/11: Submission regarding Somalia. The decision is set out in annex I to the present report. In its decision, the Committee, among other things, welcomes the transmission by Somalia, on 17 August 2014, of the notification of designation of country contacts, which provides the required information pertaining to the designation of a focal point and a competent authority in accordance with article 5 of the Convention; and concludes that the matter of concern as set out in the submission has been resolved.

**12. Submission regarding Swaziland**

24. The Committee considered the submission regarding Swaziland (CHW/CC/9c/2010/8) on the basis of the information set out in documents UNEP/CHW/CC.11/3 and UNEP/CHW/CC.11/3/Add.12 as well as information provided orally by the Secretariat on recent developments. A representative of Swaziland participated in the consideration of the submission. Following its consideration of the submission the Committee adopted decision CC-11/12: Submission regarding Swaziland. The decision is set out in annex I to the present report.

**13. Submission regarding Togo**

25. The Committee considered the submission regarding Togo (CHW/CC/9c/2010/9) on the basis of the information set out in documents UNEP/CHW/CC.11/3 and UNEP/CHW/CC.11/3/Add.13 as well as information provided orally by the Secretariat on recent developments. A representative of Togo participated in the consideration of the submission. Following its consideration of the submission, the Committee adopted decision CC-11/13: Submission regarding Togo. The decision is set out in annex I to the present report.

**C. Evaluation of the amendment to paragraph 9 (c) of the terms of reference**

26. The Committee considered the information contained in document UNEP/CHW/CC.11/4 including a report prepared by the Secretariat evaluating the effectiveness of the amendment to paragraph 9 (c) of the terms of reference as well as recommendations with respect thereto for the

consideration of the Committee. When considering the item, the Committee noted that the Secretariat's use of the extended trigger with respect to possible difficulties of any party in complying with its obligations under Article 5 was valuable: while 11 parties had yet to designate a focal point and competent authority at the time of the tenth meeting of the Committee, the subsequent consultations by the Secretariat with these parties and submissions to the Committee had resulted in only two parties being in that situation at the time of the eleventh meeting of the Committee. The Committee also noted that the Secretariat had yet to make use of the extended trigger with respect to possible difficulties of any party in complying with its obligations under paragraph 1 of Article 3, paragraph 1 of Article 4 and paragraph 2 of Article 13 of the Convention.

27. One Committee member referred to the use of the Secretariat trigger and the Secretariat's past practice to seek the views of the Committee before making a submission to the Committee. The Committee agreed that such practice was welcome and invited the Secretariat to continue this approach in the future.

28. The Committee agreed to recommend to the Conference of the Parties at its twelfth meeting that it:

(a) Confirm the amendment to paragraph 9 (c) of the terms of reference adopted by the Conference of the Parties at its tenth meeting and extended by the Conference of the Parties at its eleventh meeting, with respect to possible difficulties of any party in complying with its obligations under Article 5 and paragraph 3 of Article 13 of the Convention; and

(b) Extend, for the period between the twelfth and fourteenth meetings of the Conference of the Parties, the amendment to paragraph 9 (c) of the terms of reference adopted by the Conference of the Parties at its tenth meeting and extended by the Conference of the Parties at its eleventh meeting, with respect to possible difficulties of any party in complying with its obligations under paragraph 1 of Article 3, paragraph 1 of Article 4 and paragraph 2 of Article 13 of the Convention.

#### **D. Legal framework programme**

29. The Committee considered this agenda item jointly with agenda item 4 (b) on national legislation: strategies to promote full legislative implementation. The Committee considered the information contained in document UNEP/CHW/CC.11/5, including a note prepared by the Secretariat under the leadership of the lead Committee member Mr. Felix Zaharia reviewing whether the legal framework needed further refining and what steps could be taken to make the programme more effective. Introducing the note, the lead Committee member said that although he agreed with the recommendations set out in the note he questioned whether there was a need for the programme.

30. Committee members agreed that the phases of the programme, if it was to be retained at all, would need to be adjusted and that its scope should be limited to specific submissions and continue to be upon a Party's request. The Committee thus agreed to recommend to the twelfth meeting of the Conference of the Parties that:

(a) The legal framework programme as established by decision BC-10/11 should be discontinued given that the terms of reference of the Mechanism for Promoting the Implementation and Compliance of the Basel Convention provide a sufficient basis for the Committee to consider and assist in the resolution of implementation and compliance difficulties associated with a Party's lack of adequate legal framework; and

(b) Should the Conference of the Parties decide to maintain the legal framework programme as established, the programme should be based on the following phases:

(i) Phase 1: Determination of the facts

The party is invited to review its legislation, using the revised Checklist for the Legislator and the updated manual for the implementation of the Basel Convention, as well as other relevant guidance developed under the authority of the Conference of the Parties, with a view to identifying possible gaps and needs to fully legislatively implement the Basel Convention at the national level. The outcome of the review is considered by the Committee. In the event the party is not in a position to review its legislation, the Committee may provide the party with advice, recommendations and information in accordance with paragraph 19 of the terms of reference with a view to assisting the party to undertake this review.

## (ii) Phase 2: Determination of the root causes of the matter of concern

Based on the outcome of the review of legislation, any additional information provided by the party concerned or information collected by the Committee in accordance with paragraph 22 of the terms of reference, the Committee determines the root causes of the matter of concern, for instance the causes for the lack of legislation implementing the Basel Convention, or for the lack of such adequate legislation.

## (iii) Phase 3: Assistance in resolving the matter of concern

Following the determination of the facts and root causes of the matter of concern, the Committee may, after coordination with that Party, provide advice, non-binding recommendations and information in accordance with paragraph 19 of the terms of reference. In particular, the Committee may consider providing advice, recommendations and information directed at the party's competent authorities, legal drafters, policy makers, parliamentarians and other relevant government officials responsible for the development and enactment of legislation. Such recommendations may also be directed to the Secretariat, for instance recommending that the Secretariat prioritize the provision of legal and technical advice or the provision of technical assistance to the party concerned. The Committee may also elaborate a voluntary compliance action plan in accordance with paragraphs 19 (c) of the terms of reference.

## (iv) Phase 4: Review of the legislation developed and enacted by the party

The Committee may recommend follow up arrangements including the review of the legislation developed and enacted by the party, in the context of paragraph 19 of the terms of reference.

## (v) Phase 5: Additional measures

The Committee may recommend additional measures to the Conference of the Parties in accordance with paragraph 20 of the terms of reference. Such additional measures may include a recommendation that the Conference of the Parties decide that technical assistance should be prioritized for the party concerned by the submission.

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

31. Introducing the sessions of the meeting pertaining to the review of general issues of compliance and implementation under the Convention, the Chair of the Committee highlighted that there was a balance of approximately USD 70,000 from a contribution from the European Union available for the Committee to undertake activities of its 2014–2015 work programme. Following discussions, the Committee agreed that these financial resources would be used for the design, layout and publication, both in electronic format and in print, of the four guidance documents expected to be adopted by the twelfth meeting of the Conference of the Parties, and that the use of any balance would be considered by the Committee after the twelfth meeting of the Conference of the Parties.

### **A. National reporting**

#### **1. Individual compliance performance**

32. The Committee considered the information contained in document UNEP/CHW/CC.11/6, including its annex I setting out the classification of parties' compliance performance with regard to the annual reporting obligation for 2012 and its annex II setting out observations and recommendations elaborated under the guidance of the lead Committee member Ms. Anne Daniel. When introducing the document, the Secretariat highlighted that the classification was based on 55 reports received from parties, out of the 177 reports due for 2012, that no report appeared to have been submitted complete and on time and that nine parties, including at least one party per region, appeared to have transmitted complete reports but late. The Secretariat also provided an oral report on the discussions that had taken place during the ninth meeting of the Open-ended Working Group on the draft revised reporting format<sup>2</sup> proposed by the small intersessional working group mandated to revise that format. She said that the format was not finalized during that meeting and that the small

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<sup>2</sup> Document UNEP/CHW/OEWG.9/INF/15.

intersessional working group would continue its work and submit its outcome to the twelfth meeting of the Conference of the Parties for consideration and possible adoption.

33. The lead Committee member explained that, as agreed during the tenth meeting of the Committee, a preliminary classification of the 55 reports had also been made in light of the draft revised reporting format proposed by the small intersessional working group and that this exercise had shown that the results of the classification would have been similar.

34. In the ensuing discussions, one Committee member expressed his profound disappointment with the outcome of the classification and the low level of reporting, and said the Conference of the Parties needed to address this matter. The Committee then considered the recommendations set out in annex II to document UNEP/CHW/CC.11/6 and agreed to:

(a) Note with concern that the national reporting targets for the year 2012 approved by the Conference of the Parties at its eleventh meeting have not been met;

(b) Note also that even with the improvements to the reporting format proposed by the small intersessional working group to the ninth meeting of the Open-ended Working Group, these targets would not have been met;

(c) Note further with concern that, as of 15 September 2014, 106 parties have not submitted their report for the year 2012;

(d) Include in the proposed work programme of the Committee for 2016–2017 the following activity: classify and, as appropriate, publish parties' individual compliance performance with regard to their annual national reporting obligations for 2013 and 2014, based on the criteria and categories adopted by the Conference of the Parties at its tenth meeting,<sup>3</sup> and using the targets approved by the Conference of the Parties at its twelfth meeting;

(e) Recommend that the Conference of the Parties, at its twelfth meeting:

(i) Note with concern that the national reporting targets for the year 2011 and 2012 approved by the Conference of the Parties at its eleventh meeting have not been met;

(ii) Also note with concern that, as of 15 September 2014, 91 parties have not submitted their report for the year 2011 and that, as of 15 September 2014, 106 parties have not submitted their report for the year 2012;

(iii) Acknowledge 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;

(iv) Agree, as a way of measuring progress in the overall implementation of and compliance with paragraph 3 of Article 13 of the Convention, on the following interim targets: 30 per cent<sup>4</sup> of reports due for 2013 and for subsequent years are submitted in time; and 20 per cent<sup>5</sup> of reports due for 2013 and for subsequent years are submitted complete;

(f) Request the Secretariat to:

(i) Publish on the Convention's website the information set out in the annex I to document UNEP/CHW/CC.11/6 pertaining to the classification of parties' compliance performance with regard to the annual reporting obligation for 2012 as well as the information set out in the annexes I to V to document UNEP/CHW/CC.10/5, updated to 15 September 2014, pertaining to the classification of parties' compliance performance with regard to the annual reporting obligation for 2011, along with an explanatory note;

(ii) Make the information mentioned in (i) available to parties through a communication with an invitation to comment by 15 November 2014;

(iii) Update the classifications based on the comments received and submit them to the twelfth meeting of the Conference of the Parties, for information;

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<sup>3</sup> Decision BC-10/11, paragraph 18 that refers to paragraph 26 of document UNEP/CHW.10/9/Rev.1.

<sup>4</sup> Baseline: 15 per cent for the reports due for 2010.

<sup>5</sup> Baseline: 0.6 per cent for the reports due for 2010.

- (iv) Prepare a draft decision for the consideration of the twelfth meeting of the Conference of the Parties based on the recommendations by the Committee set out in paragraph (e) above.

## **2. Guidance on the development of inventories**

35. The Committee considered the information contained in document UNEP/CHW/CC.11/7, including the annex setting out a draft methodological guide on the development of inventories of hazardous wastes and other wastes under the Basel Convention (8 May 2014), elaborated under the guidance of the lead Committee member Mr. Adel Shafei, and document UNEP/CHW/CC.11/INF/2 setting out comments received from parties and others on an earlier version of the draft methodological guide. Introducing the documents, the Secretariat said that the draft guide had been consulted with the Open-ended Working Group during its ninth meeting at what time it was well received, as reflected in its decision OEWG-9/7: Consultation with the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Convention<sup>6</sup>. She added that one specific comment had been made by the European Union and its member States that underlined that the final draft of the guide should reflect the revised reporting format to be adopted by the twelfth meeting of the Conference of the Parties. The Secretariat reported that it was fundraising for the translation of the draft guide so as to enable its submission to the twelfth meeting of the Conference of the Parties in the six languages of the United Nations.

36. In the ensuing discussions, the lead Committee member indicated that countries in his region were already using the draft guide and that it would contribute to improving the completeness of national reports. The Committee agreed to take into account the comment from the European Union and its member States and requested the Secretariat to prepare, under the guidance of the lead Committee member, a revised draft accordingly, for endorsement by the Committee through electronic means and subsequent submission to the twelfth meeting of the Conference of the Parties for consideration and adoption. The Committee also requested the Secretariat to continue its fundraising efforts so as to enable that all the guidance documents under preparation by the Committee for consideration and adoption by the twelfth meeting of the Conference of the Parties be made available in the six languages of the United Nations.

## **3. Additional guidance and tools pertaining to inventories**

37. The Secretariat made an oral report to the Committee on the matter of additional guidance and tools pertaining to inventories, mentioning efforts by the Secretariat to develop software for managing data entry and a proposal to the twelfth meeting of the Conference of the Parties that it request the Secretariat to develop additional waste stream specific guidance. The Committee welcomed these initiatives.

## **4. Dialogue with other compliance bodies**

38. The Committee considered the information contained in document UNEP/CHW/CC.11/8, including lessons learned from the dialogue with other multilateral environmental agreements compliance bodies that took place during the tenth meeting of the Committee and, based on these lessons learned, proposals on improving the timeliness and completeness of national reporting under paragraph 3 of Article 13 of the Basel Convention. The Chair of the Committee welcomed the document and said that the Compliance Committee of the Cartagena Protocol to the Convention on Biological Diversity was planning on convening a similar dialogue.

39. Following its review of the individual proposals set out in the document, the Committee agreed that some could not be applied while others were premature. Concluding its consideration of the item, the Committee agreed to take note of the proposals and to include in the proposed 2016–2017 work programme of the Committee that it consider what additional steps could be taken to improve the timeliness and completeness of national reporting and, on the basis of this consideration, elaborate a plan recommending actions, incentives and other measures towards that end.

## **B. National legislation: strategies to promote full legislative implementation**

40. The Committee considered this agenda item jointly with agenda item 3 (d) on the legal framework programme. The Committee considered the information contained in document UNEP/CHW/CC.11/9, including a report on strategies to promote full legislative implementation of the Basel Convention among its parties prepared by a consultant under the leadership of the lead

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<sup>6</sup> Document UNEP/CHW/OEWG.9/15.

Committee members Ms. Anne Daniel and Mr. Mohammed Khashashneh. Following an introduction of the report by Ms. Daniel, the Committee considered the conclusions set out therein. The Committee agreed to recommend to the twelfth meeting of the Conference of the Parties that it:

- (a) Invite parties to use the manual for the implementation of the Basel Convention including its checklist for the legislator, to be considered for adoption by the twelfth meeting of the Conference of the Parties, when evaluating their legislation with a view to achieving full legislative implementation, and that the Conference of the Parties formally withdraw the Model National Legislation<sup>7</sup>;
- (b) Remind parties to share, through the Secretariat, texts of national legislation and other regulatory measures adopted by them to implement and enforce the provisions of the Basel Convention or to make use of question 1 (c) of the revised reporting format<sup>8</sup>, should it be retained, to transmit such texts to the Secretariat; and
- (c) Request the Secretariat to provide legal advice and technical assistance to parties, upon request, in enacting and reviewing implementing legislation.

41. In addition, the Committee agreed to include in the proposed 2016–2017 work programme of the Committee that it regularly update the guidance on legal matters it has developed (e.g. manual for the implementation of the Basel Convention, guide to the control system, guidance of the illegal traffic take-back provision), based on periodic feedback from users, suggestions from stakeholders and in light of decisions by the Conference of the Parties, for consideration and possible adoption by the Conference of the Parties.

### C. Illegal traffic: guidance on the take-back provision

42. The Committee considered the information contained in document UNEP/CHW/CC.11/10, including the annex setting out draft guidance on the implementation of the Basel Convention illegal traffic take-back provision (8 May 2014), elaborated under the guidance of the lead Committee members Mr. Adel Shafei and Mr. Shunichi Honda, and document UNEP/CHW/CC.11/INF/3 setting out comments received from parties and others on an earlier version of the guidance. Introducing the documents, the Secretariat said that the draft guidance had been consulted with the Open-ended Working Group during its ninth meeting at what time it was well received, as reflected in its decision OEWG-9/7: Consultation with the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Convention<sup>9</sup>. She added that specific comments had been made at that time by Argentina, Canada as well as the European Union and its member States.

43. In the ensuing discussions, the Committee agreed to take into account the drafting suggestion put forward by the European Union and its member States. Referring to the comment by Canada, which suggested that the guidance be expanded to instances falling within the scope of paragraphs 3 and 4 of Article 9 of the Convention, the Committee noted that the mandate given by the Conference of the Parties was limited to paragraph 2 of that provision and agreed to include the expansion of the guidance in the proposed 2016–2017 work programme of the Committee. The Committee then exchanged views on the comments from Argentina<sup>10</sup>. It was noted that the ultimate goal of the guidance was to help ensure the environmentally sound management of wastes as well as to allow that action in contravention to the Convention, namely illegal traffic, would be punished. Adequate involvement of the concerned competent authorities and monitoring of the take back were thus of critical importance. It was also noted that paragraph 2 of Article 9 also provides that, should the take back be impracticable, the State of export has to ensure that the wastes in question are otherwise disposed of in accordance with the Convention. Concluding its consideration of this item, the Committee agreed to request the lead Committee members to prepare a revised version of the guidance taking into account the drafting suggestion from the European Union and its member States and reflecting the comments made by Argentina, for endorsement by the Committee through electronic means and subsequent submission to the twelfth meeting of the Conference of the Parties for consideration and adoption.

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<sup>7</sup> Adopted by decision III/6.

<sup>8</sup> Document UNEP/CHW/OEWG.9/INF/15.

<sup>9</sup> Document UNEP/CHW/OEWG.9/15.

<sup>10</sup> Document UNEP/CHW/CC.11/INF/3.

## D. Insurance, bond, guarantee

44. The Committee considered the information contained in document UNEP/CHW/CC.11/11 including its annex setting out a report on the implementation of paragraph 11 of Article 6 of the Basel Convention pertaining to insurance, bond or other guarantee for transboundary movements of hazardous wastes and other wastes. The lead Committee member, Mr. Mark Govoni, introduced the report, highlighting the high number of responses received from parties to a questionnaire seeking their views on the matter. Based on the responses received, he noted the strong interest expressed by parties in the development of guidance and suggested that such guidance be developed by the Committee in cooperation with the expert working group on environmentally sound management that was concurrently developing a manual on insurance and liability as part of its initial short term work items.

45. One Committee member noted that the variety of ways in which parties implemented paragraph 11 of Article 6 of the Basel Convention reflected the fact that such implementation is not always mandatory. She cautioned against developing guidance that could be seen as imposing only one way of implementing the provision. The Secretariat then introduced the work of the expert working group on environmentally sound management saying the group was working towards the development of a practical manual on insurance and liability to be considered during its third meeting in January 2015 and then submitted to the Conference of the Parties at its twelfth meeting.

46. In the ensuing discussions, several Committee members expressed concerns about possible duplication and exchanged views on how to avoid it. Concluding its consideration of the item, the Committee agreed to provide by 1 December 2014 comments on the draft manual under development by the expert working group on environmentally sound management, which would then be consolidated by the Secretariat and submitted to that group through its members Mr. Shafei and Mr. Khashashneh. The Committee also agreed to include in the proposed 2016–2017 work programme of the Committee that, taking into account developments on environmentally sound management during the twelfth meeting of the Conference of the Parties, it consider possible steps to improve the implementation of paragraph 11 of Article 6 of the Convention for consideration and possible adoption by the thirteenth meeting of the Conference of the Parties.

## E. Control system

### 1. Guide to the control system

47. The Committee considered the information contained in document UNEP/CHW/CC.11/12 including the annex setting out a revised draft guide to the control system (8 May 2014) elaborated under the guidance of the lead Committee member Ms. Daniel and document UNEP/CHW/CC.11/INF/5 setting out comments received from parties and others on an earlier version of the guide. Introducing the documents, the Secretariat said that the draft guidance had been consulted with the Open-ended Working Group during its ninth meeting at what time it was well received, as reflected in its decision OEWG-9/7: Consultation with the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Convention<sup>11</sup>. She added that detailed drafting suggestions had been transmitted at that time by the European Union and its member States.

48. Following its consideration of the item, the Committee agreed to request the lead Committee member to prepare a revised version of the guide taking into account as far as possible the comments from the European Union and its member States, for endorsement by the Committee through electronic means and subsequent submission to the twelfth meeting of the Conference of the Parties for consideration and adoption.

### 2. Interactive tool

49. The Committee considered the information contained in document UNEP/CHW/CC.11/13 and agreed to request the Secretariat to finalize the development of the interactive tool on the control system by the time of the twelfth meeting of the Conference of the Parties.

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<sup>11</sup> Document UNEP/CHW/OEWG.9/15.

## **F. Manual for the implementation of the Basel Convention and Checklist for the Legislator**

50. The Committee considered the information contained in document UNEP/CHW/CC.11/14 including the annex setting out an updated manual for the implementation of the Basel Convention (24 June 2014) elaborated under the guidance of the lead Committee members Ms. Daniel and Mr. Khashashneh. Introducing the document, the Secretariat said that the draft updated manual had been consulted with the Open-ended Working Group during its ninth meeting at what time it was well received. She mentioned that, in its decision OEWG-9/7: Consultation with the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Convention<sup>12</sup>, the Open-ended Working invited the Committee to consider preparing a revised version of the manual for the implementation of the Convention, taking into account comments received during the ninth meeting of the Open-ended Working Group, inviting comments thereon from parties and others and finalizing the manual taking into account comments received, for consideration and possible adoption by the Conference of the Parties at its twelfth meeting. The Secretariat added that specific comments and drafting suggestions had been transmitted at that time by the European Union and its member States.

51. Following its consideration of the item, the Committee agreed to request one of the lead Committee members, Ms. Daniel, to prepare a revised version of the manual taking into account as far as possible the comments from the European Union and its member States, for endorsement by the Committee through electronic means. Parties and others would then be invited to provide comments by 31 October 2014 on the revised version of the manual and the Committee would finalize the manual taking into account comments received for consideration and possible adoption by the Conference of the Parties at its twelfth meeting.

## **V. Work programme for 2016–2017**

52. The Committee considered the draft work programme 2016–2017 set out in the annex to document UNEP/CHW/CC.11/15. The draft work programme 2016–2017 of the Committee to be submitted for consideration and possible adoption by the Conference of the Parties at its twelfth meeting is set out in annex II to the present report.

## **VI. Venue and date of the twelfth meeting of the Committee**

53. The Committee heard an oral report from the Secretariat on the possible date and venue of the twelfth meeting of the Committee and expressed its preference for the meeting to be held back-to-back to and after the tenth meeting of the Open-ended Working Group, possibly in May 2016.

## **VII. Other matters**

54. No other matters were raised by Committee members.

## **VIII. Adoption of the report of the eleventh meeting**

55. The Committee agreed that the report would be prepared by 9 October 2014 for the review by the Chair and the Rapporteur, and that Committee members would be invited to provide comments thereon by 3 November 2014. The report of the meeting would then be finalized by the Secretariat and adopted by the Committee by electronic means.

## **IX. Closure of the meeting**

56. In concluding the meeting, the Chair said that the Committee had made good use of the three days of meeting and that it had worked in a very efficient manner. She expressed the view that the Committee had achieved good outcomes that would be helpful for parties to better implement and comply with the Convention. She also said that the Committee was helping in setting important precedents in relation to the implementation fund. She concluded by highlighting that this was the last

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<sup>12</sup> Document UNEP/CHW/OEWG.9/15.

meeting of the Committee she would be chairing and expressed her gratitude to Committee members for the trust they had given since 2011.

57. The Chair thanked Committee members and the Secretariat for their work and closed the meeting at 12.15 p.m. on Wednesday, 24 September 2014.

## Annex

### Decisions adopted by the Implementation and Compliance Committee at its eleventh meeting

- CC-11/1: Submission regarding Afghanistan
- CC-11/2: Submission regarding Bhutan
- CC-11/3: Submission by Central African Republic
- CC-11/4: Submission regarding Cabo Verde
- CC-11/5: Submission regarding Eritrea
- CC-11/6: Submission regarding Guinea-Bissau
- CC-11/7: Submission regarding Liberia
- CC-11/8: Submission regarding Libya
- CC-11/9: Submission by Oman
- CC-11/10: Submission regarding Palau
- CC-11/11: Submission regarding Somalia
- CC-11/12: Submission regarding Swaziland
- CC-11/13: Submission regarding Togo

#### **CC-11/1: Submission regarding Afghanistan**

*The Committee,*

*Welcoming* the submission by the Secretariat to the Committee regarding Afghanistan concerning possible difficulties faced by this Party to comply with its obligations under article 5 of the Convention pertaining to the designation of a focal point and one or more competent authorities (CHW/CC/9c/2014/3),

*Noting* that the matter was not resolved within three months by consultation by the Secretariat with Afghanistan,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Concludes* that Afghanistan is facing difficulties in complying with its obligations under article 5 of the Convention pertaining to the designation of a focal point and one or more competent authorities and expresses its concern about this situation;

2. *Regrets* the lack of participation of Afghanistan during the eleventh meeting of the Committee and *invites* Afghanistan to communicate with the Committee, through the Secretariat;

3. *Declares* its commitment to assist Afghanistan in addressing the difficulties that it experiences in complying with its obligations under article 5 of the Convention;

4. *Decides* to request the Secretariat to provide Afghanistan with information about the role of a focal point and of a competent authority as a means of providing general assistance in accordance with paragraph 19 of the terms of reference;

5. *Invites* Afghanistan to designate before 31 December 2014 a focal point and one or more competent authorities and to transmit to the Secretariat, by that same deadline, the completed revised form for notification of designation of contact(s);

6. *Requests* the Secretariat to communicate this decision to the Basel Convention Regional Centres in the Asia region, such as in Tehran, Jakarta and Beijing;

7. *Requests* also the Secretariat to continue its communications with and support to Afghanistan and to report to the Committee as appropriate;
8. *Decides* to keep this matter under review.

#### **CC-11/2: Submission regarding Bhutan**

*The Committee,*

*Recalling* the submission by the Secretariat to the Committee regarding Bhutan concerning possible difficulties faced by this party to comply with its reporting obligation under Article 13 paragraph 3 of the Convention (CHW/CC/9c/2010/1),

*Recalling* also decisions 8/2, 9/2 and 10/2,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Welcomes* the signature by Bhutan and the Secretariat on 20 June 2014 of an agreement pertaining to the implementation of the compliance action plan of Bhutan with the support of resources from the implementation fund;
2. *Regrets* the lack of transmission by Bhutan of its national report for 2012
3. *Welcomes* the willingness of Bhutan to participate in a one-on-one online training session on national reporting before the end of 2014;
4. *Expresses* its appreciation for the cooperation of Bhutan with the Committee during its eleventh meeting and for its continued commitment to ensure the implementation of its obligations under the Basel Convention, including through the implementation of its compliance action plan in accordance with the agreement signed with the Secretariat;
5. *Welcomes* the willingness of Bhutan to submit its national reports for 2012 and 2013 by the end of 2014, a complete national report for 2014 by 31 August 2015, and subsequent national reports complete and on time;
6. *Requests* the Secretariat to continue its communications with and support to Bhutan and to report to the Committee as appropriate;
7. *Decides* to keep this matter under review.

#### **CC-11/3: Submission by Central African Republic**

*The Committee,*

*Welcoming* the submission by Central African Republic to the Committee in which it concludes that, despite its best efforts, it is unable to fully implement and comply with its obligations under article 13 paragraph 3 of the Convention (CHW/CC/9a/2014/1),

*Recalling* decision BC-11/8 whereby the Conference of the Parties authorizes the Committee to make recommendations to the Executive Secretary on the use of the implementation fund in the intersessional period between the eleventh and twelfth 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, to fund activities listed in the compliance action plans approved by the Committee;

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Expresses* its appreciation to Central African Republic for its submission to the Committee, and for its cooperation during the eleventh meeting of the Committee, that illustrates its commitment to ensure the implementation of its obligations under the Basel Convention;
2. *Acknowledges* that Central African Republic is unable to comply with its reporting obligations under Article 13 paragraph 3 of the Convention, and expresses its concern about this situation;
3. *Declares* its commitment to assist Central African Republic in addressing the difficulties that it experiences in complying with its reporting obligations;

4. *Welcomes* the participation by Central African Republic in two workshops on national reporting organized by the Secretariat in cooperation with the Basel Convention Regional Centre for English-speaking countries in Africa and the Basel Convention Regional Centre for French-speaking countries in Africa in May 2011 and July 2014, respectively;
5. *Welcomes* the willingness of Central African Republic to continue participating in training activities on national reporting, including by electronic means;
6. *Welcomes also* the willingness of Central African Republic to submit its national report for 2013 by the end of 2014;
7. *Welcomes further* the transmission by Central African Republic of terms of reference for the preparation of the Basel Convention report<sup>1</sup> which assisted the Committee in determining the root causes of the matter of concern as well as measures to resolve the matter of concern;
8. *Approves* the elements of the compliance action plan set out in the annex to this decision and *recommends* that the Executive Secretary use, subject to their availability, resources in the implementation fund of up to USD 50,000 for the purpose of covering costs associated with the implementation of the activities listed therein;
9. Consequently, and in accordance with its obligations under Article 13 of the Convention, *invites* Central African Republic to submit to the Secretariat its national report for 2014 by the end of 2015, and subsequent national reports complete and in time;
10. *Requests* the Secretariat to communicate this decision to the Basel Convention Regional Centre for French-speaking countries in Africa;
11. *Requests* also the Secretariat to continue its communications with and support to Central African Republic and to report to the Committee as appropriate;
12. *Decides* to keep this matter under review.

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<sup>1</sup> UNEP/CHW/CC.11/3/Add.3, annex I.

**Annex to Decision CC-11/3****Voluntary Compliance Action Plan****Objective:**

- Restore Central African Republic's compliance with its reporting obligations under Article 13, paragraph 3 of the Basel Convention.

**Specific objectives:**

- Transmit the national reports of the Central African Republic for 2014 and subsequent years to the Secretariat in full and on time.

<b>Actions</b>	<b>Responsible authority</b>	<b>Indicative timeline for implementation of the actions</b>	<b>Indicator of achievement</b>	<b>Comments</b>
<b>Area of intervention 1: Legal, institutional and policy frameworks</b>				
<ul style="list-style-type: none"> <li>- Identify key stakeholders involved in the management of hazardous wastes and other wastes;</li> <li>- Undertake an assessment of the legal and institutional frameworks including possible gaps to implement the Basel Convention in order to enable compliance with the reporting obligations;</li> <li>- Establish/take the necessary legal and institutional mechanisms/measures to ensure sustainability of compliance with national reporting obligations.</li> </ul>	Ministry of Environment, Ecology and Sustainable Development	24 months	<ul style="list-style-type: none"> <li>- Key stakeholders involved in the management of hazardous wastes and other wastes identified;</li> <li>- Assessment report on the legal and institutional frameworks available;</li> <li>- Necessary legal and institutional mechanisms/measures established/taken.</li> </ul>	
<b>Area of intervention 2: Development of an inventory of hazardous wastes and other wastes</b>				
<ul style="list-style-type: none"> <li>- Undertake an assessment of the steps already taken to develop an inventory of hazardous wastes and other wastes, and of their outcomes;</li> <li>- Establish a methodology for the inventory, through consultations with stakeholders;</li> <li>- Implementation of the methodology through the development of an</li> </ul>	Ministry of Environment, Ecology and Sustainable Development	24 months	<ul style="list-style-type: none"> <li>- Assessment report on the steps already taken to develop an inventory available;</li> <li>- Methodology for the inventory developed;</li> <li>- An inventory, using the</li> </ul>	

<b>Actions</b>	<b>Responsible authority</b>	<b>Indicative timeline for implementation of the actions</b>	<b>Indicator of achievement</b>	<b>Comments</b>
inventory; - Complete the Basel Convention questionnaire for national reporting for 2014 and subsequent years.			methodology developed, is carried out. - The Basel Convention questionnaire for national reporting for 2014 and subsequent years are completed and transmitted to the Secretariat.	
<b>Area of intervention 3: Awareness-raising, training and information exchange</b>				
- Conduct awareness-raising and training activities on the Basel Convention (with a focus on development of inventories and/or ESM of hazardous wastes and other wastes)	Ministry of Environment, Ecology and Sustainable Development	12 months	- Awareness raising and training activities on the Basel Convention (with a focus on development of inventories and/or ESM of hazardous wastes and other wastes) are conducted.	

#### **CC-11/4: Submission regarding Cabo Verde**

*The Committee,*

*Recalling* the submission by the Secretariat to the Committee regarding Cabo Verde concerning possible difficulties faced by this party to comply with its reporting obligation under paragraph 3 of Article 13 of the Convention (CHW/CC/9c/2010/2),

*Recalling* also decisions 8/3, 9/3, 10/3 and 10/3/Add.1,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Welcomes* the participation by Cabo Verde in a workshop on national reporting organized by the Secretariat in cooperation with the Basel Convention Regional Centre for French-speaking countries in Africa in July 2014;

2. *Welcomes* the transmission by Cabo Verde of the Revised Questionnaire on “Transmission of Information” (in accordance with Articles 13 & 16 of the Basel Convention) - National Report for 2012<sup>2</sup>;

3. *Notes* with appreciation that Cabo Verde has provided answers to all questions and tables 4 and 5 of part I of the questionnaire and that it has explained that it had no data available to be able to complete tables 6 (export), 7 (import) and 8A (generation) of part II of the questionnaire;

4. *Welcomes* the signature by Cabo Verde and the Secretariat on 5 September 2014 of an agreement pertaining to the implementation of the compliance action plan of Cabo Verde with the support of resources from the implementation fund;

5. *Expresses* its appreciation for the cooperation of Cabo Verde with the Committee during its eleventh meeting and for its continued commitment to ensure the implementation of its obligations under the Basel Convention, including through the implementation of its compliance action plan;

6. *Requests* the Secretariat to communicate this decision to the Basel Convention Regional Centre for French-speaking countries in Africa;

7. *Requests* also the Secretariat to continue its communications with and support to Cabo Verde and to report to the Committee as appropriate;

8. *Decides* to keep this matter under review.

#### **CC-11/5: Submission regarding Eritrea**

*The Committee,*

*Recalling* the submission by the Secretariat to the Committee regarding Eritrea concerning possible difficulties faced by this party to comply with its reporting obligation under paragraph 3 of Article 13 of the Convention (CHW/CC/9c/2010/3),

*Recalling* also decisions 8/4, 9/4 and 10/4,

*Noting* once again that Eritrea remains in the situation of having never submitted a national report pursuant to paragraph 3 of Article 13 of the Convention,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Welcomes* the transmission by Eritrea to the Secretariat of updated information pertaining to its focal point, pursuant to Articles 5 and 13 paragraph 2 of the Convention;

2. *Expresses* its appreciation for the cooperation of Eritrea with the Committee during its eleventh meeting which assisted the Committee in determining the facts and root causes of the matter of concern;

3. *Expresses* its concern about the continued lack of transmission of national reports under paragraph 3 of Article 13 of the Convention;

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<sup>2</sup> UNEP/CHW/CC.11/3/Add.4/Rev.1, annex II.

4. Welcomes the willingness of Eritrea to elaborate a voluntary compliance action plan to assist in resolving the matter of concern before 28 February 2015;

5. Welcomes also the efforts by Eritrea to communicate with the Secretariat and to participate in training activities on national reporting in advance of the eleventh meeting of the Committee;

6. Welcomes the willingness of Eritrea to submit its national reports for 2012 and 2013 by the end of 2014;

7. Requests the Secretariat to continue its communication with and support to Eritrea and to report to the Committee as appropriate;

8. Decides to keep this matter under review.

#### **CC-11/6: Submission regarding Guinea-Bissau**

The Committee,

Recalling the submission by the Secretariat to the Committee regarding Guinea-Bissau concerning possible difficulties faced by this party to comply with its reporting obligation under paragraph 3 of Article 13 of the Convention (CHW/CC/9c/2010/4),

Recalling also decisions 8/5, 9/5, 10/5 and 10/5.Add.1,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

The Committee,

1. Welcomes the participation by Guinea-Bissau in a workshop on national reporting organized by the Secretariat in cooperation with the Basel Convention Regional Centre for French-speaking countries in Africa in July 2014;

2. Regrets the lack of transmission by Guinea-Bissau of the Revised Questionnaire on “Transmission of Information” (in accordance with Articles 13 & 16 of the Basel Convention) - National Report for 2012;

3. Welcomes the progress towards the signature by Guinea-Bissau and the Secretariat of an agreement pertaining to the implementation of the compliance action plan of Guinea-Bissau with the support of resources from the implementation fund and invites prompt signature of the agreement;

4. Expresses its appreciation for the cooperation of Guinea-Bissau with the Committee during its eleventh meeting and for its continued commitment to ensure the implementation of its obligations under the Basel Convention, including through the implementation of its compliance action plan;

5. Welcomes the willingness of Guinea-Bissau to submit its national reports for 2012 and 2013 by the end of 2014;

6. Requests the Secretariat to communicate this decision to the Basel Convention Regional Centre for French-speaking countries in Africa;

7. Requests also the Secretariat to continue its communications with and support to Guinea-Bissau and to report to the Committee as appropriate;

8. Decides to keep this matter under review.

#### **CC-11/7: Submission regarding Liberia**

The Committee,

Recalling the submission by the Secretariat to the Committee regarding Liberia concerning possible difficulties faced by this party to comply with its reporting obligation under paragraph 3 of Article 13 of the Convention (CHW/CC/9c/2010/5),

Recalling also decisions 8/6, 9/6 and 10/6,

*Noting* that Liberia remains in the situation of having never submitted a national report pursuant to paragraph 3 of Article 13 of the Convention,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Expresses* its appreciation for the cooperation of Liberia with the Committee during its eleventh meeting;

2. *Welcomes* the designation by Liberia of a competent authority;

3. *Expresses* its concern about the continued lack of transmission of national reports;

4. *Regrets* the lack of elaboration of a voluntary compliance action plan by Liberia to assist in resolving the matter of concern as well as the lack of participation in a one-on-one training session on national reporting as proposed by the Secretariat;

5. *Welcomes* the willingness of Liberia to submit its national reports for 2012 and 2013 by the end of 2014;

6. *Invites* Liberia by the end of 2014, to elaborate a voluntary compliance action plan to assist Liberia in identifying the matter of concern as well as ways to resolve it;

7. *Decides* to consider, by 15 January 2015, whether to recommend to the Conference of the Parties that it issue a cautionary statement;

8. *Requests* the Secretariat to continue its communications with and support to Liberia and to report to the Committee as appropriate;

9. *Decides* to keep this matter under review.

#### **CC-11/8: Submission regarding Libya**

The Committee,

*Recalling* the submission by the Secretariat to the Committee regarding Libya concerning possible difficulties faced by this party to comply with its reporting obligation under paragraph 3 of Article 13 of the Convention (CHW/CC/9c/2010/6),

*Recalling* also decisions 8/7, 9/7 and 10/7,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Welcomes* the transmission by Libya of the Revised Questionnaire on “Transmission of Information” (in accordance with Articles 13 & 16 of the Basel Convention) - National Report for 2012<sup>3</sup>;

2. *Notes* with appreciation that Libya has provided answers to all questions and tables of part I of the questionnaire, as well as incomplete responses to table 6 (export) and 8A (generation), and complete responses to tables 7 (import), 9 (incident) and 10 (accident) of part II of the questionnaire;

3. *Expresses* its appreciation for the attempts of Libya to cooperate with the Committee during its eleventh meeting;

4. *Notes* that, due to current circumstances, Libya is facing difficulties in complying with its reporting obligations under paragraph 3 of Article 13 of the Convention;

5. *Notes* also that, due to current circumstances in Libya, the United Nations Environment Programme (UNEP), as part of its post conflict environmental assessment work, is not in a position to provide the assistance sought by Libya;

6. *Invites* Libya to liaise with the Secretariat with a view to enhancing the quality of its responses to the questionnaire, to participate in training activities on national reporting, including by electronic means, and to make all efforts to transmit its national report for 2013 by the end of 2014;

7. *Requests* the Secretariat to communicate this decision to the Basel Convention Regional Centre for the Arab States in Egypt and to the Executive Director of UNEP;

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<sup>3</sup> UNEP/CHW/CC.11/3/Add.8/Rev.1, annex II.

8. *Requests* therefore the Executive Secretary to continue to liaise with the Executive Director of UNEP to support Libya in addressing its difficulties in complying with the Basel Convention;

9. *Requests* the Secretariat to continue its communications with and support to Libya and to report to the Committee as appropriate;

10. *Decides* to keep this matter under review.

#### **CC-11/9: Submission by Oman**

*The Committee,*

*Recalling* the submission by Oman to the Committee in which Oman concludes that, despite its best efforts, it is unable to fully implement and comply with its obligations under Article 13 paragraph 3 of the Convention (CHW/CC/9a/2009/1),

*Recalling* also decisions 8/1, 9/1 and 10/1,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Welcomes* the participation by Oman in two workshops on national reporting organized by the Basel Convention Regional Centre for the Arab States in Egypt, with the cooperation of the Secretariat, in March and July 2014;

2. *Welcomes* also the implementation by Oman of the first element of its approved compliance action plan, namely the mission by a Committee member and the Secretariat to Oman, at the request of this Party, on 10 June 2014 with a view to securing the support of the necessary governmental authorities towards restoring compliance with the national reporting obligation and *expresses* its appreciation for the success of the mission;

3. *Regrets* the lack of transmission by Oman of the Revised Questionnaire on “Transmission of Information” (in accordance with Articles 13 & 16 of the Basel Convention) - National Report for 2012;

4. *Notes* that Oman has yet to provide updated information to the Secretariat pertaining to changes regarding the designation of its focal point pursuant to Article 5 of the Convention;

5. *Regrets* the lack of participation of Oman during the eleventh meeting of the Committee and *invites* Oman to communicate with the Committee, through the Secretariat, and to provide as a matter of priority updated information to the Secretariat pertaining to changes regarding the contact person within its focal point pursuant to Article 13 (2) (a) of the Convention;

6. *Invites* Oman to transmit its national reports for 2012 and 2013 by the end of 2014 and to continue the implementation of its approved compliance action plan;

7. *Requests* the Secretariat to communicate this decision to the Basel Convention Regional Centre for Arab-speaking countries in Egypt;

8. *Requests* the Secretariat to continue its communications with and support to Oman and to report to the Committee as appropriate;

9. *Decides* to keep this matter under review.

#### **CC-11/10: Submission regarding Palau**

*The Committee,*

*Welcoming* the submission by the Secretariat to the Committee regarding Palau concerning possible difficulties faced by this Party to comply with its obligations under article 5 of the Convention pertaining to the designation of a focal point and one or more competent authorities (CHW/CC/9c/2014/2),

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Welcomes* the transmission by Palau on 22 August 2014 of the revised form for notification of designation of country contacts, which provides the required information pertaining to

the designation of a focal point and a competent authority in accordance with article 5 of the Convention;

2. *Concludes* that the matter of concern as set out in the submission has been resolved.

#### **CC-11/11: Submission regarding Somalia**

*The Committee,*

*Welcoming* the submission by the Secretariat to the Committee regarding Somalia concerning possible difficulties faced by this Party to comply with its obligations under article 5 of the Convention pertaining to the designation of a focal point and one or more competent authorities (CHW/CC/9c/2014/1),

*Noting* that the matter was not resolved within three months by consultation by the Secretariat with Somalia,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Welcomes* the transmission by Somalia on 17 August 2014 of the notification of designation of country contacts, which provides the required information pertaining to the designation of a focal point and a competent authority in accordance with article 5 of the Convention;

2. *Concludes* that the matter of concern as set out in the submission has been resolved.

#### **CC-11/12: Submission regarding Swaziland**

*The Committee,*

*Recalling* the submission by the Secretariat to the Committee regarding Swaziland concerning possible difficulties faced by this party to comply with its reporting obligation under paragraph 3 of Article 13 of the Convention (CHW/CC/9c/2010/8),

*Recalling* also decisions 8/9, 9/8, 10/8 and 10/8/Add.1,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Welcomes* the progress towards the signature by Swaziland and the Secretariat of an agreement pertaining to the implementation of the compliance action plan of Swaziland with the support of resources from the implementation fund and *invites* prompt signature of the agreement;

2. *Expresses* its appreciation for the cooperation of Swaziland with the Committee during its eleventh meeting and for its continued commitment to ensure the implementation of its obligations under the Basel Convention, including through the implementation of its compliance action plan;

3. *Welcomes* the willingness of Swaziland to submit its national report for 2013 by the end of 2014;

4. *Requests* the Secretariat to communicate this decision to the Basel Convention Regional Centre for English-speaking countries in Africa;

5. *Requests* also the Secretariat to continue its communications with and support to Swaziland and to report to the Committee as appropriate;

6. *Decides* to keep this matter under review.

**CC-11/13: Submission regarding Togo**

The Committee,

*Recalling* the submission by the Secretariat to the Committee regarding Togo concerning possible difficulties faced by this party to comply with its reporting obligation under paragraph 3 of Article 13 of the Convention (CHW/CC/9c/2010/9),

*Recalling* also decisions 8/10, 9/9 and 10/9,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Welcomes* the progress achieved by Togo in implementing the elements of its approved compliance action plan;

2. *Welcomes* also the participation of Togo in a workshop on national reporting organized by the Secretariat in cooperation with the Basel Convention Regional Centre for French-speaking countries in Africa in July 2014, during which Togo shared with other Parties its experience in resolving its implementation and compliance difficulties with its reporting obligation;

3. *Welcomes further* the transmission by Togo of the Revised Questionnaire on “Transmission of Information” (in accordance with Articles 13 & 16 of the Basel Convention) - National Report for 2012;

4. *Expresses* its appreciation for the cooperation of Togo with the Committee during its eleventh meeting;

5. *Welcomes* the willingness of Togo to transmit to the Secretariat its national report for 2013 by the end of 2014 and to continue its implementation of the elements of its approved compliance action plan in accordance with the agreement signed with the Secretariat;

6. *Requests* the Secretariat to continue its communications with and support to Togo and to report to the Committee as appropriate;

7. *Decides* to keep this matter under review.

## Annex II

### **Draft Work Programme for the 2016–2017 biennium 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
<b>1. National reporting</b> Improve timely and complete national reporting under paragraph 3 of Article 13 of the Convention	(a) Classify and, as appropriate, publish parties' individual compliance performance with regard to their annual national reporting obligations for 2013 and 2014 as available based on the criteria and categories adopted by the Conference of the Parties at its tenth meeting, <sup>1</sup> and using the targets approved by the Conference of the Parties at its twelfth meeting;  (b) Consider what additional steps could be taken to improve the timeliness and completeness of national reporting and, on the basis of this consideration elaborate a plan recommending actions, incentives and other measures towards that end;  (c) Revise the Committee's Guidance on improving national reporting in light of the new reporting format.
<b>2. Illegal traffic</b> Prevent and combat illegal traffic	Develop, including through consultations with the Open-ended Working Group, guidance on the implementation of paragraphs 3 and 4 of Article 9 of the Convention and integrate it in the guidance on the take-back provision under paragraph 2 of Article 9, for consideration and possible adoption by the Conference of the Parties at its thirteenth meeting.
<b>3. National legislation</b> Improve implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention	Consider what additional steps could be taken to improve implementation and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention.
<b>4. Insurance, bond, guarantee</b> Improve the implementation of and compliance with paragraph 11 of Article 6 of the Convention	Taking into account developments on environmentally sound management during the twelfth meeting of the Conference of the Parties, consider possible steps to improve the implementation of paragraph 11 of Article 6 of the Convention for consideration and possible adoption by the thirteenth meeting of the Conference of the Parties.

<sup>1</sup> Decision BC-10/11, paragraph 18, that refers to paragraph 26 of document UNEP/CHW.10/9/Rev.1.

<b>Objective</b>	<b>Activity</b>
<b>5. Control system</b>  Improve the implementation of and compliance with Article 6 of the Convention	Consider what additional steps could be taken to improve implementation and compliance with Article 6 of the Convention.
<b>6.</b>  Improve the implementation of and compliance with obligations under the Convention	<ul style="list-style-type: none"> <li>(a) Develop recommendations to the attention of the Executive Board of the UNEP special programme on priority areas for institutional strengthening under the Basel Convention and consider other options for cooperation with the special programme;</li> <li>(b) Regularly update the guidance on legal matters the Committee has developed (e.g. Manual for the implementation of the Basel Convention, Guide to the control system, Guidance of the illegal traffic take-back provision), based on periodic feedback from users, suggestions from stakeholders and in light of decisions by the Conference of the Parties, for consideration and possible adoption by the Conference of the Parties.</li> </ul>

## 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 of the terms of reference.
2. In relation to the implementation fund, the Committee shall make recommendations to the Executive Secretary on the allocation of the available resources from the implementation fund in the period between the twelfth and thirteenth 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 of the Basel Convention. The resources are intended to fund activities listed in the compliance action plans elaborated by the party concerned in its submission and approved by the Committee. In addition, the Committee shall review the operation of the implementation fund in the light of the experience of the Committee and other developments, including with respect to the special programme.
3. In relation to the amendment of paragraph 9 (c) of the terms of reference, the Committee shall provide to the Conference of the Parties at its fourteenth meeting a report on its evaluation of the effectiveness of the amendment mentioned in paragraph [ ]<sup>2</sup> of the present decision, including recommendations.

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<sup>2</sup> The paragraph number will be inserted upon finalization of document UNEP/CHW.12/9 to which the draft work programme will be annexed.