



**Committee Administering the Mechanism
for Promoting Implementation and Compliance
Thirteenth meeting**

Geneva, 7–10 September 2018

Item 4 (a) (v) of the provisional agenda*

**Review of general issues of compliance and
implementation under the Convention:
national reporting: additional steps to improve
the timeliness and completeness of national reporting**

National reporting

Additional steps to improve the timeliness and completeness of national reporting¹

Note by the Secretariat

As referred in document UNEP/CHW/CC.13/4, a draft report on the status of reporting and how to improve the timeliness and completeness of reporting is set out in the annex to the present note, for the consideration of the Committee. The Committee may wish to request the Secretariat, under the guidance of the lead members, to finalize the report in light of the discussions held during its thirteenth meeting for the consideration by the Conference of the Parties at its fourteenth meeting and to develop recommendations for improving the timeliness and completeness of national reporting for the consideration and possible adoption by the Conference of the Parties at its fourteenth meeting.

* UNEP/CHW/CC.13/1.

¹ This document has not been formally edited.

Annex

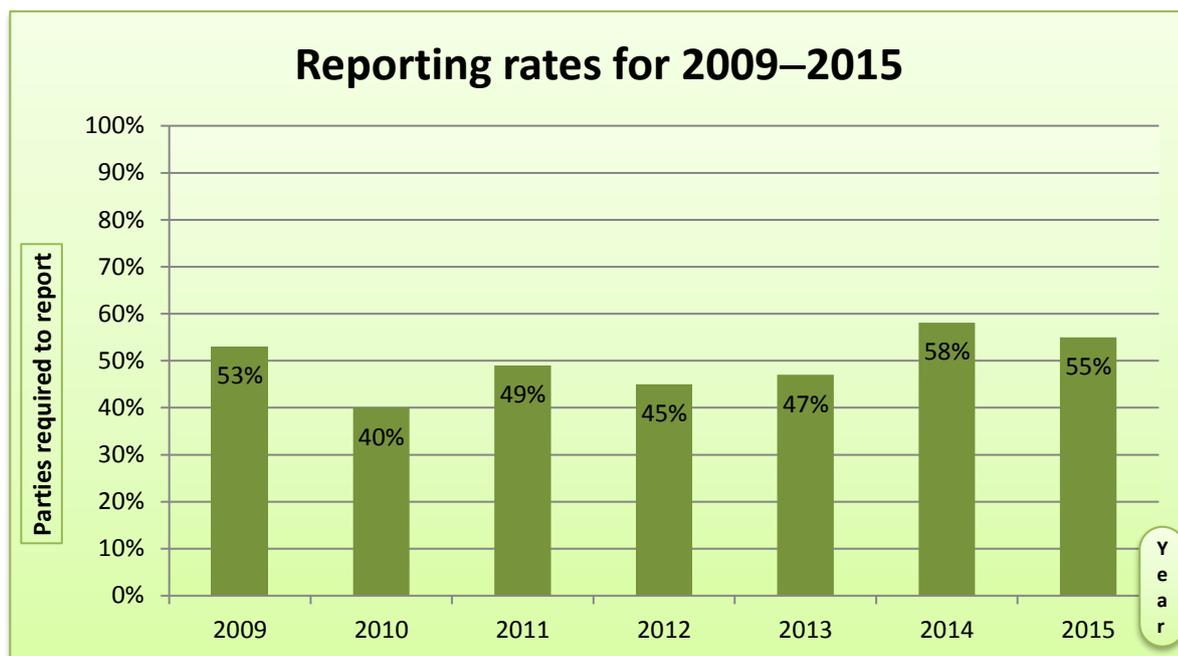
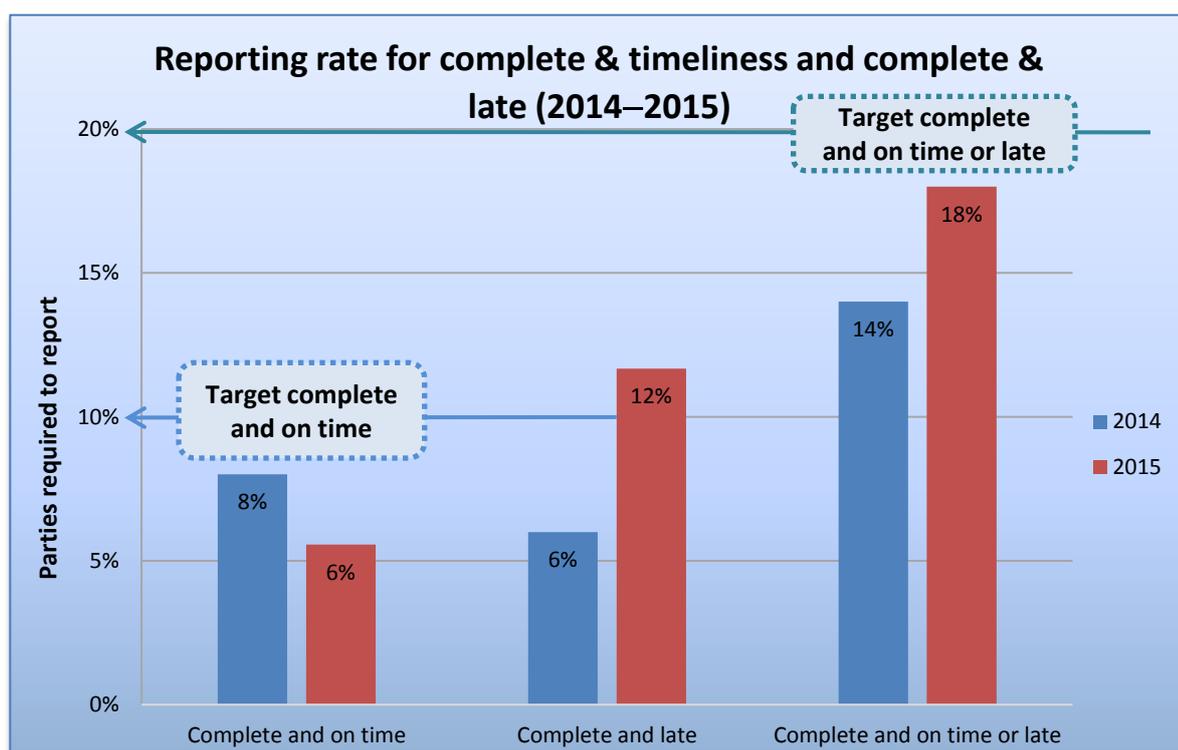
Report on the status of reporting and how to improve the timeliness and completeness of reporting

I. Introduction

1. This report was prepared by the Secretariat under the guidance on the lead members of the Committee, Mr. Tampushi Leonard (Kenya), Mr. Ali Al-Ghamdi (Saudi Arabia), Mr. Juan Simonelli (Argentina), and Mr. Marcus Schroeder (Germany), to support the development by the Committee of recommendations for improving the timeliness and completeness of national reporting, as mandated by decision BC-13/9.
2. Paragraph 3 of Article 13 of the Convention requires Parties to transmit, through the Secretariat, to the Conference of the Parties, before the end of each calendar year, a report on the previous calendar year containing a range of information pertaining to the implementation of the Convention. For reports pertaining to years prior to 2016, Parties are to use a reporting format that includes two parts: Part I is to provide information of a legal and institutional nature; and part II is to provide qualitative and quantitative data and information pertaining to the generation, transboundary movements and disposal of wastes covered by the Convention. For reports pertaining to the year 2016 and onwards, Parties are to use a revised reporting format which brings adjustments and improvements to the reporting format, including: identification of the questions/tables that are optional to complete, and clearer options for the answers that can be provided.
3. The information provided below is primarily based on the reporting format for the years prior to 2016. It presents a summary of the status of reporting using the classification of compliance performance made by the Committee. It then summarizes the reasons for lack of reporting as well as measures to improve reporting that were considered, recommended or adopted in the past in the framework of the Convention. A conclusion sets out possible directions towards the development of recommendations for improving the timeliness and completeness of national reporting.

II. Status of reporting

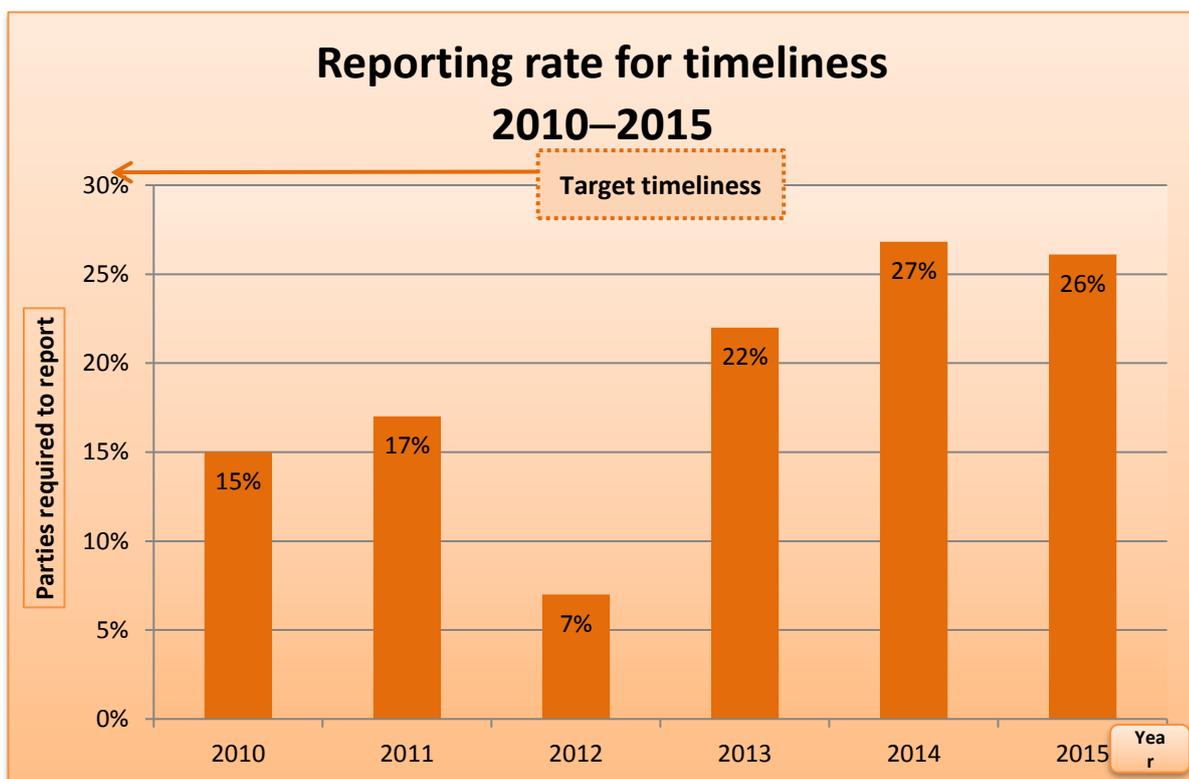
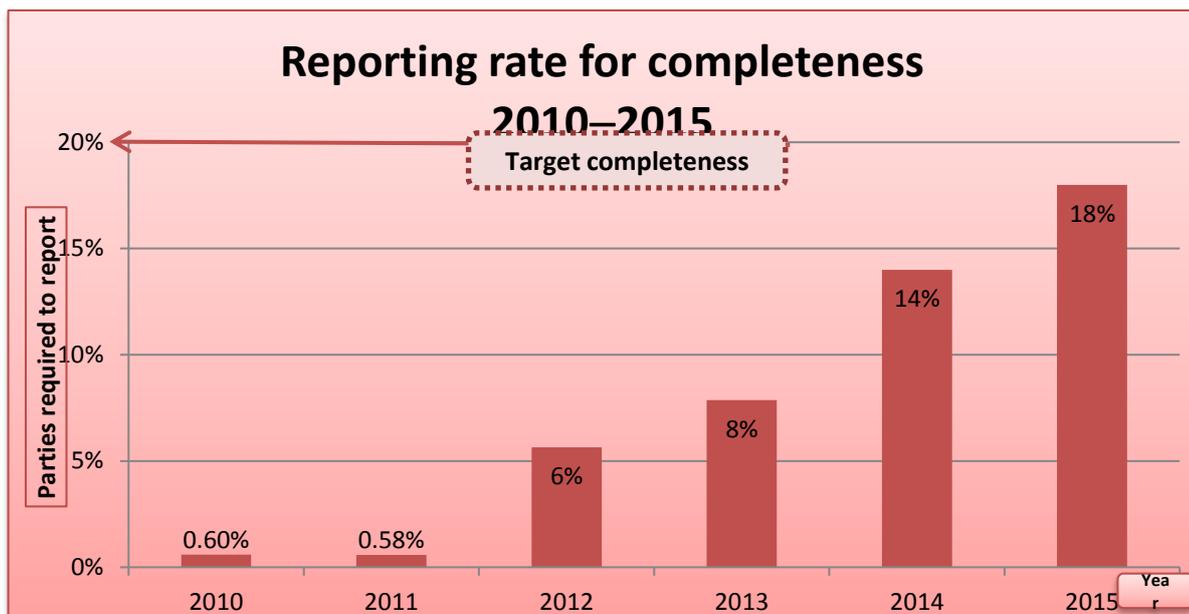
4. As mandated by the Conference of the Parties since its tenth meeting, the Committee has undertaken a classification of compliance performance with the national reporting obligation, starting with the national reports for 2009. The three tables below provide an overview as at 15 June 2018 of the reporting rates over the years, including with respect to their timeliness and completeness, based on the targets set by the Conference of the Parties.

Table 1: Overall reporting rates for the years 2009–2015¹**Table 2: Reporting rates for complete and on time or late reports (2014–2015)²**

¹ By decision BC-10/11, the Conference of the Parties for the first time requested the Committee to classify parties compliance performance with national reporting, starting with the year 2009. This mandate was then extended by decisions BC-11/8, BC-12/7 and BC-13/9, with slight adjustments to the mandate of the Committee.

² The classification in table 2 is based on the targets decided by the Conference of the Parties in its thirteenth meeting. In its decision BC-13/9, the Conference of the Parties set the following interim targets: 10 per cent of reports due for 2014 and 2015 are complete and submitted on time; and 20% of reports due for 2014 and 2015 are complete as submitted but late.

Table 3: Reporting rates for complete or timely reports (2010–2015)³



³ In its decisions BC-11/8 and BC-12/7, the Conference of the Parties had set a 20% reporting target for completeness of national reports and a 30% reporting target for timeliness of national reports, starting with the year 2010. For information and comparison purposes, the present tables show the evolution of the compliance performance for 2014, using the targets used between 2010 and 2013.

III. Reasons for lack of reporting

5. Based on a variety of sources of information,⁴ the reasons for lack of reporting can be grouped under three categories: the reporting format, reasons pertaining to national circumstances, and lack of perceived benefits of reporting or consequences of lack of reporting.

A. Reporting format

6. Between 40 and 58% of Parties transmitted a report over the period 2009–2015. The reporting format in itself cannot primarily explain lack of reporting, but it can explain the transmission of incomplete reports. For years prior to 2016, more specifically years 2011 to 2015, the main questions/tables to not have been completed by Parties include:

- (a) Question 4a(ii): Information on any other forms which are used and/or accepted;
- (b) Table 1: Bilateral, multilateral or regional agreements;
- (c) Table 5: Sources of financial assistance;
- (d) Table 7: Import of hazardous wastes and other wastes in the specific year;
- (e) Table 8A: Total Amount of Generation of hazardous wastes and other wastes;
- (f) Table 9: Disposals which did not proceed as intended;
- (g) Table 10: Accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes.

7. The first classifications of Parties' individual compliance performance with regard to the national reporting obligations for 2009–2011 led the Conference of the Parties, at its eleventh meeting in 2013 to initiate a review and revision of the reporting format with a particular focus on streamlining and simplifying the content and structure of the reporting format.

8. A revised reporting form to be used from 2016 onwards was adopted during the twelfth meeting of the Conference of the Parties, and amended during the thirteenth meeting of the Conference of the Parties (see section IV. B. below). For the reports due for 2016 and onwards:

- (a) Question 4a(ii) (*now 4 a (ii)*) has clearer options for the answers that can be provided;
- (b) Table 1 has been simplified;
- (c) Table 5 has been deleted;
- (d) Table 6 (*now table 4*) has clearer options for answers but remains substantively similar;
- (e) Table 7 (*now table 5*) has clearer options for answers but remains substantively similar;
- (f) Table 8A (*now table 6*) has become optional;
- (g) Table 9 (*now table 7*) has clearer options for the answers that can be provided;
- (h) Table 10 (*now table 8*) has clearer options for the answers that can be provided.

9. The new format is expected to facilitate the transmission of complete reports from the year 2016 and onwards. 90 Parties out of the 180 Parties with an obligation to transmit a report for 2016 (50 per cent of Parties) transmitted their national report for the year 2016. 67 Parties, or 37 per cent of the Parties, transmitted their report on time, namely by 31 December 2017. This is an improvement compared to previous years. As mentioned in document UNEP/CHW/CC.13/4, based on the preliminary assessment of the reports for 2016 transmitted as at 15 June 2018, it would appear that it is

⁴ These include: Parties' responses to a Committee questionnaire made available in 2006 and 2010 (Documents UNEP/CHW/CC/4/2 and UNEP/CHW/CC/8/14); decision BC-10/11; the evaluation forms and information gathered during 4 regional workshops organized by the Secretariat in 2011–2012 (Document UNEP/CHW/CC.9/7); the tables "overview of completeness of answers to each question and subquestion of the national report" used in the context of the classification of compliance performance with national reporting for 2011–2015; the information gathered by the Committee in the context of the consideration of specific submissions (Bhutan, Cabo Verde, Central African Republic, Eritrea, Guinea Bissau, Liberia, Oman, Swaziland, Togo); the dialogue with other MEA compliance bodies during the tenth meeting of the Committee (Document UNEP/CHW/CC.11/8); the Secretariat day-to-day operations and technical assistance activities (webinars, workshops); and the 2009 and 2017 Secretariat consultations with Parties pursuant to paragraph 9 (c) of the terms of reference of the Committee.

likely that 10 per cent of reports would be deemed complete and transmitted on time, and it is likely that 20 per cent of reports would be deemed transmitted complete, whether on time or late.

10. In conclusion, the adoption of the revised reporting format may have led to an increase in the timeliness of transmission of reports, but has yet to lead to an increase in the overall reporting rate. In addition, even though the preliminary assessment points towards improvements in the completeness of reports, only a classification of compliance performance undertaken by the Committee would provide a more accurate picture of the timeliness and completeness of national reporting for the years 2016 and onwards. Such a classification is expected to be undertaken by the Committee under its 2020–2021 work programme.

B. Reasons pertaining to national circumstances

11. The following broad categories of reasons for lack of reporting due to national circumstances have been identified, bearing in mind that the reasons may overlap with one another.

12. First, the lack of availability of data and information can explain a lack of reporting. This may be due to the lack of an inventory of waste generated and moved across borders, difficulties in coordinating collection of data and information from various sources, or a lack of awareness of the stakeholders holding the data and information to be collected for reporting purposes.

13. Second, inadequate legal and institutional frameworks can explain a lack of reporting. This may be due to a lack of legal framework adequately implementing (e.g. with respect to a waste definition and the classification of wastes) and enforcing the Convention, a lack of adequate institutional framework (e.g. lack of mechanisms to develop and maintain national registries of waste generators and licensed disposers, or a lack of mechanism to adequately track transboundary movements).

14. Third, a lack of capacity at the national level can explain a lack of reporting. This may be due to limited staff in the entity responsible for coordinating the collection of data and information and for completing the national report, deficiencies in the area of information technology and support systems to manage information and data, or financial constraints.

C. Lack of perceived benefits or consequences

15. In its decision BC-11/10, the Conference of the Parties acknowledged that many Parties do not fully comply with their national reporting obligations, stemming from a lack of capacity and a 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. This conclusion was based not only of feedback received from Parties but also on lessons learned by the Committee in the context of its dialogue with compliance bodies of other multilateral environmental agreements.⁵

IV. Measures to improve timeliness and completeness of reporting

16. A range of measures have been undertaken under the Convention with a view to improving the completeness and timeliness of reporting. In addition, action has been taken by individual Parties, Basel Convention regional centres or through the UNEP special programme on institutional strengthening.

17. As the governing body of the Convention, the Conference of the Parties keeps under continuous review and evaluation the effective implementation of the Convention, including paragraph 3 of Article 13 on national reporting. The paragraphs below summarize the tasks entrusted to subsidiary bodies and the Secretariat with respect to national reporting and their outcome.

A. Implementation and Compliance Committee

18. As mandated by successive decisions of the Conference of the Parties, the Committee has undertaken a wide range of activities aimed at improving the timeliness and completeness of national reporting under paragraph 3 of Article 13 of the Convention in the context of its mandate to review general issues of implementation and compliance. Such activities include:

- (a) Monitoring and classifying individual compliance performance with the national reporting obligation;
- (b) Monitoring the Secretariat technical assistance activities aimed at improving national reporting;

⁵ See document UNEP/CHW/CC.11/8.

- (c) Identifying and analyzing the reasons for lack of or incomplete reporting;
- (d) Developing recommendations on how to improve compliance performance;
- (e) Recommending targets for national reporting;
- (f) Developing guidance documents (benchmark report, guidance on improving national reporting, guidance on the development of inventories);
- (g) Developing training tools (DVD training tool for improving national reporting by Parties to the Basel Convention);
- (h) Holding a dialogue with other compliance bodies and drawing lessons from their experience in improving the timeliness and completeness of national reporting;
- (i) Organizing a side event during the twelfth meeting of the Conference of the Parties celebrating Parties that transmitted a complete report on time and exchanging lessons learned;
- (j) Assisting in the resolution of implementation and compliance difficulties faced by individual parties with the national reporting obligation in the framework of the Committee's specific submission procedures.

19. In addition, the Committee has:

- (a) Encouraged the Secretariat, subject to the availability of resources, to consider initiating consultations with Parties that have not submitted a report since 2009;
- (b) Recommended that the technical assistance programme to be prepared by the Secretariat for the consideration of the thirteenth meeting of the Conference of the Parties include a combination of webinars on how to complete the reporting questionnaire and subregional workshops aimed at improving national reporting which would also tackle the linkages with having in place adequate national legal frameworks and the development of inventories.

20. Recommendations that were made by the Committee but not adopted by the Conference of the Parties include:⁶

- (a) Encouraging the Committee to promote information exchange with the special programme through the Executive Secretary and the representative of the Bureau of the Conference of the Parties to the Basel Convention in their capacity as observers at the meetings of the Executive Board;
- (b) Amending paragraph 20 of the terms of reference of the Committee by adding a new subparagraph (c) as follows: "(c) Deciding upon additional measures as a last resort in case a Party has not submitted its national report for two or more years since the report due for 2016."
- (c) Publishing information on Parties' individual compliance with their annual national reporting obligations for 2014 and 2015;
- (d) Developing recommendations on how best to make use of the information contained in the national reports as a means of improving timeliness and completeness of national reporting under paragraph 3 of Article 13 of the Basel Convention.

21. Under its specific submissions mandate, the Committee has so far considered 11 submissions pertaining to implementation and compliance difficulties with paragraph 3 of Article 13 of the Basel Convention. Two submissions were made by individual Parties, and nine submissions were made by the Secretariat, pursuant to paragraph 9 (c) of the terms of reference of the Committee. As at 31 October 2018, [XX] matters have been resolved.

22. As mentioned above, the Committee, during its twelfth meeting, encouraged the Secretariat, subject to the availability of resources, to consider initiating consultations with Parties that had not submitted a report since 2009. In March 2017, consultations were initiated with 46 Parties that had not transmitted a national report since 2009. As at 31 October 2018, [9]⁷ of those Parties had transmitted one or more national reports to the Secretariat, [8]⁸ Parties had informed the Secretariat of the difficulties they faced with the national reporting obligations, and 8 Parties⁹ had submitted a project

⁶ See document UNEP/CHW.13/9.

⁷ Brunei, Guinea, Iceland, Lebanon, Maldives, Marshall Islands, Saudi Arabia and Trinidad and Tobago.

⁸ Brunei, Burkina Faso, Chad, Cook Islands, Ghana, Marshall Islands.

⁹ Cameroon, Democratic People's Republic of Korea, Ghana, India, Kiribati, Maldives, The Former Yugoslav Republic of Macedonia and The Gambia.

proposal to the UNEP special programme on institutional strengthening, 6 of which¹⁰ were accepted and are currently being implemented. Accordingly, as at 31 October 2018, [38]¹¹ Parties have not transmitted a report since 2009, two of which have never transmitted a report.¹²

B. Small Intersessional Working Group on reporting

23. By its decision BC-11/7, the Conference of the Parties decided to include a review and revision of the reporting format in the work programme of the Open-ended Working Group for 2014–2015 and to establish a small intersessional working group (SIWG), operating by electronic means, to take this work forward, with a particular focus on streamlining and simplifying the content and structure of the reporting format.

24. By its decision BC-12/6, the Conference of the Parties adopted the revised format for national reporting as submitted by the small intersessional working group on national reporting for use by Parties in reporting for the year 2016 and later years¹³ and decided to extend the mandate of the small intersessional working group on national reporting to the development of an electronic user manual for the electronic reporting system and the revised format for national reporting in the six official languages of the United Nations.

25. By its decision BC-13/9, the Conference of the Parties adopted revisions to questions 1a and 3 of the revised reporting format adopted by the Conference of the Parties at its twelfth meeting,¹⁴ as proposed by the Committee. In addition, by its decision BC-13/7, the Conference of the Parties took note of the manual for completing the format for national reporting under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal¹⁵ and the user manual for the electronic reporting system under the Basel Convention,¹⁶ developed by the SIWG on reporting.

C. Secretariat

26. Parties' national reports are to be transmitted to the Secretariat. Activities undertaken by the Secretariat with the potential to contribute to improving the timeliness and completeness of national reporting under paragraph 3 of Article 13 of the Convention include:

- (a) Routine advice provided by the Secretariat to individual Parties upon their request;
- (b) Sharing of information pertaining to national reports on the website of the Convention;
- (c) Support to subsidiary bodies towards the development of guidance manuals;
- (d) The development of publications (e.g. Waste Without Frontiers);
- (e) Technical assistance activities (most recently webinars and workshops¹⁷);
- (f) The development of the electronic reporting system;
- (g) The initiation of consultations pursuant to paragraph 9 (c) of the terms of reference of the Committee (see above, section IV. A).

¹⁰ Benin, Ghana, India, Kiribati, The Former Yugoslav Republic of Macedonia and The Gambia.

¹¹ Among these Parties, 34 have not reported since 2008, 31 (including Ghana, Kiribati and The Gambia) have not reported since 2007, and 27 (including Benin, India and FYR Macedonia) have not reported since 2006.

¹² Gabon and Democratic People's Republic of Korea

¹³ UNEP/CHW.12/INF/16/Rev.1, annex I.

¹⁴ UNEP/CHW.13/9/Add.2/Rev.1, annexes I and III.

¹⁵ UNEP/CHW.13/INF/20/Rev.1.

¹⁶ UNEP/CHW.13/INF/21.

¹⁷ During the 2016/2017 biennium, the Secretariat organized two webinar sessions on national reporting using the new electronic reporting system in English in November 2016; and webinar sessions on national reporting for the Basel Convention with the new electronic reporting system (two sessions in English and the remaining sessions in French, Spanish, Arabic and Russian) in October–November 2017. No financial support was made available for face-to-face regional or country-specific activities aimed at assisting Parties either transmit national reports or develop legal frameworks to implement the Basel Convention. One has to look even further back for face-to-face and other activities undertaken by the Secretariat to support Parties with the transmission of national reports. The latest workshops and other activities were organized in cooperation with the Basel Convention regional centres (BCRCs). These include a 6-8 July 2014 workshop organized by the BCRC in Senegal targeting reporting under both the Basel and the Stockholm conventions, and a 23 June 2014 online training during the workshop on the implementation of the Basel Convention for Arab-speaking Countries organized by the BCRC in Egypt.

D. Other entities

27. Other entities that may assist Parties to transmit timely and complete reports include the Basel Convention Regional and Coordinating centres (BCRCs) and the UNEP special programme on institutional strengthening.
28. BCRCs' core functions include assisting developing countries and countries with economies in transition, through capacity-building for environmentally sound management, to achieve the fulfilment of the objectives of the Convention. Various meetings of the Conference of the Parties have requested the BCRCs to provide assistance to developing countries and other countries to meet their reporting and other obligations.
29. BCRCs routinely collaborate with the Secretariat in providing assistance to the Parties with respect to national reporting and the development of legal frameworks. Specific information on the type of activities, beneficiary countries, dates and other details that were held in the past are available on the website of the Convention.¹⁸ The activities that the BCRCs have included in their business plans for the past and upcoming biennium are also available on the website of the Convention.¹⁹
30. The objective of the special programme is to support country-driven 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. The terms of reference of the special programme provide that it is expected that strengthened national institutions would have the capacity to promote the effective implementation of the Basel Convention and that the activities funded may encompass "strengthening institutional capacity to improve progress reporting and performance evaluation capabilities".²⁰
31. There are currently 24 projects implemented under the special programme.²¹ The projects have varied scopes, some of which cover the implementation of the Basel Convention and may lead to an improvement in the timeliness and completeness of reporting.

V. Recommendations to improve timeliness and completeness of reporting

32. In conclusion, a variety of steps have been taken in the framework of the Basel Convention to improve national reporting. Some of these have already born fruit, for instance the successful outcome of the consideration of [XX] submissions by the Committee. The impact of other steps on the reporting rates is yet to be determined, for instance with regards to the revised reporting format or the projects funded through the UNEP special programme.
33. Taken together, however, the steps taken so far have yet to lead to significant improvements to the overall rate of reporting, which remains at 50 per cent, with more than a third of Parties not having transmitted a report since 2006.
34. In considering recommendations to improve the timeliness and completeness of reporting, the Committee may consider the following elements:
- (a) The Committee could recommend that the Conference of the Parties entrust it to consider how the recent developments within the United Nations, more specifically the adoption by the General Assembly of the resolution A/RES/72/279 on repositioning the UN Development System may provide opportunities for Parties to include support for the implementation of the Basel Convention, including the national reporting obligation, in their United Nations Development Assistance Framework. (Lack of reporting is a systemic implementation and compliance issue that concerns primarily developing countries);
 - (b) The Committee could recommend that the Conference of the Parties continue to mandate the Committee to monitor progress by Parties with the transmission of reports, for instance on the basis of reporting targets set by the Conference of the Parties and the classification of compliance

¹⁸ <http://www.basel.int/Partners/RegionalCentres/BusinessPlans/tabid/2336/Default.aspx>.

¹⁹ <http://www.basel.int/Partners/RegionalCentres/ActivityReports/tabid/2992/Default.aspx>.

²⁰ UNEA resolution I/5.

²¹ Afghanistan, Argentina, Belarus, Benin, Brazil, China, Ecuador, Dominican Republic, Former Yugoslav Republic of Macedonia, Ghana, Iraq, India, Kenya, Kiribati, Kyrgyz Republic, Moldova, Nigeria, Papua New Guinea, The Gambia, Serbia, Tanzania, Uganda, Ukraine and Vietnam. See <http://drustage.unep.org/chemicalsandwaste/special-programme/projects-database>.

performance. This monitoring will enable measurement of the impact of the revised reporting format used for 2016 and onwards;

(c) The Committee could recommend that the Conference of the Parties request the Secretariat to continue, within available resources, to provide support to Parties upon request with the transmission of complete reports. The Secretariat should also expand the number of proposed activities under the technical assistance plan aimed at supporting Parties transmit national reports, including country-level activities, targeting both the development of inventories and the development of adequate legal and institutional frameworks;

(d) The Committee could recommend that the Conference of the Parties that the Committee be entrusted to monitor the activities undertaken by or with the support of the Basel Convention regional and coordinating centres, the United Nations Environment Programme and other entities aimed at assisting Parties to transmit national reports under the Convention;

(e) The Committee could recommend that the Conference of the Parties encourage Parties not transmitting national reports complete and on time that seek support from the UNEP special programme to include in their project proposal a specific deliverable on the transmission of reports pursuant to paragraph 3 of Article 13 of the Convention. Concurrently, the Committee could recommend that the Conference of the Parties invite UNEA to consider requesting the Executive Board to adjust the project application forms and the project application guidelines so as to ensure the inclusion of the transmission of national reports and of other mandatory information to the Secretariat of the Basel Convention as deliverables in project proposals;

(f) The Committee could remind the Conference of the Parties at its fourteenth meeting that it may consider amending paragraph 20 of the terms of reference of the Committee by adding a new subparagraph (c) as follows: “(c) Deciding upon additional measures as a last resort in case a Party has not submitted its national report for two or more years since the report due for 2016.”;

(g) The Committee could recommend that the Conference of the Parties at its fourteenth meeting entrust the Committee under its 2020–2021 work programme: to develop recommendations on how best to make use of the information contained in the national reports as a means of improving timeliness and completeness of national reporting under paragraph 3 of Article 13 of the Basel Convention; and to identify the negative impact to the Convention and its Parties resulting from the lack of reporting or incomplete reporting, for instance if lack of reporting is an indication of lack of implementation of other obligations under the Convention such as those pertaining to the control of exports and imports of hazardous wastes and other wastes, pursuant to Article 6;

(h) The Committee could remind the Conference of the Parties at its fourteenth meeting of the importance of the transmission of national reports to measure progress towards achieving the sustainable development goals (SDGs), in particular using indicator 12.4.1 (number of Parties to international multilateral environmental agreements on hazardous waste, and other chemicals that meet their commitments and obligations in transmitting information as required by each relevant agreement) and indicator 12.4.2 (hazardous waste generated per capita and proportion of hazardous waste treated, by type of treatment);

(i) The Committee could remind the Conference of the Parties at its fourteenth meeting of the importance of access to funding through the implementation fund for Parties concerned by a submission to restore compliance with the national reporting obligation and recommend that that adequate levels of financial resources be made available to that effect;

(j) The Committee could bring to the attention of the Conference of the Parties at its fourteenth meeting the number of submissions to the Committee that the Secretariat could be in a position to make due to possible difficulties faced by Parties with their national reporting obligations;

(k) The Committee could encourage the Secretariat to make an adequate number of submissions to the Committee as a follow up to its 2017 consultations with 46 Parties not having transmitted a report since 2009, starting with the two Parties that have never transmitted a report;

(l) The Committee could encourage the Secretariat to undertake further outreach and awareness activities on the importance of national reporting.