

Implementation of and compliance with paragraph 4 of Article 6 of the Basel Convention on transit

Questionnaire for Stakeholders

Introduction

Background

By its Decision BC-12/7, the Conference of the Parties to the Basel Convention, at its twelfth meeting, adopted the work programme for the biennium 2016-2017, whereby the Committee for Administering the Mechanism for Promoting Implementation and Compliance with the Basel Convention (ICC) was requested to improve the implementation of and compliance with Article 6 of the Convention by considering what additional steps could be taken to improve the implementation of and compliance with that provision.

Within this mandate, the Committee has agreed to undertake activities more specifically aimed at improving paragraph 4 of Article 6 on transit. To assist the Committee with its work, Parties are invited to provide information about their experiences in implementing paragraph 4 of Article 6 of the Basel Convention by responding to this questionnaire, including the difficulties faced by Parties and possible ways to overcome them. Information collected from Parties will be used as a basis for the development of recommendations to the Conference of the Parties on way to improve the implementation of this provision.

Paragraph 4 of Article 6 reads as follows:

“Each State of transit which is a Party shall promptly acknowledge to the notifier receipt of the notification. It may subsequently respond to the notifier in writing, within 60 days, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. The State of export shall not allow the transboundary movement to commence until it has received the written consent of the State of transit. However, if at any time a Party decides not to require prior written consent, either generally or under specific conditions, for transit transboundary movements of hazardous wastes or other wastes, or modifies its requirements in this respect, it shall forthwith inform the other Parties of its decision pursuant to Article 13. In this latter case, if no response is received by the State of export within 60 days of the receipt of a given notification by the State of transit, the State of export may allow the export to proceed through the State of transit.”

Instructions for completing and submitting the questionnaire

Questionnaires are to be submitted to the Secretariat no later than **31 January 2016**. Any substantive questions pertaining to this questionnaire may be addressed to Mrs. Juliette Voinov Kohler (juliette.kohler@brsmeas.org). Any IT questions pertaining to this questionnaire may be addressed to Mr. Julien Hortonedá (julien.hortonedá@brsmeas.org).

We thank you in advance for your kind cooperation.

The Implementation and Compliance Committee

Implementation of and compliance with paragraph 4 of Article 6 of the Basel Convention on transit

Questionnaire for Stakeholders

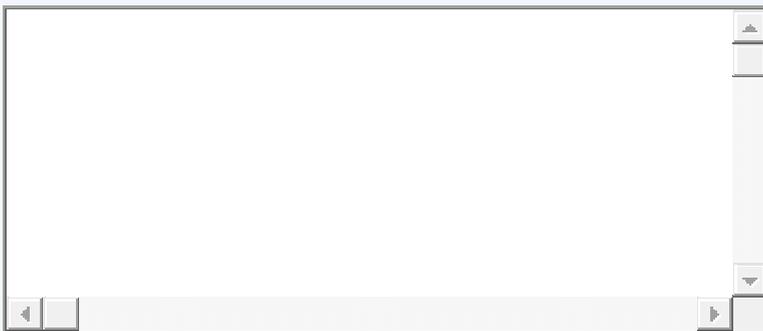
I. National or regional legal framework pertaining to the implementation of paragraph 4 of Article 6 of the Basel Convention

1. a. Are you aware of the legal requirements within the country/ies you operate with respect to their implementation of paragraph 4 of Article 6 of the Basel Convention?

No

Yes

If **no**, please provide information on the reasons for this.

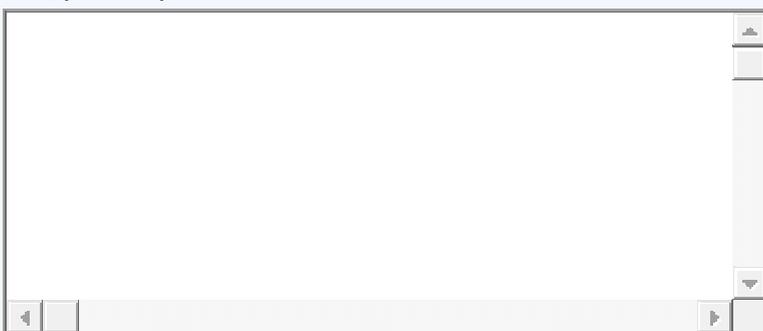
A large, empty text input field with a light gray border and a vertical scrollbar on the right side, intended for providing reasons for a 'no' answer to question 1.a.

1. b. The Basel Convention defines “State of transit” as “any State, other than the State of export or import, *through which* a movement of hazardous or other wastes is planned or takes place” (*emphasis added*). Are you aware of the definition of “state of transit” within the country/ies you operate?

No

Yes

If **no**, please provide information on the reasons for this.

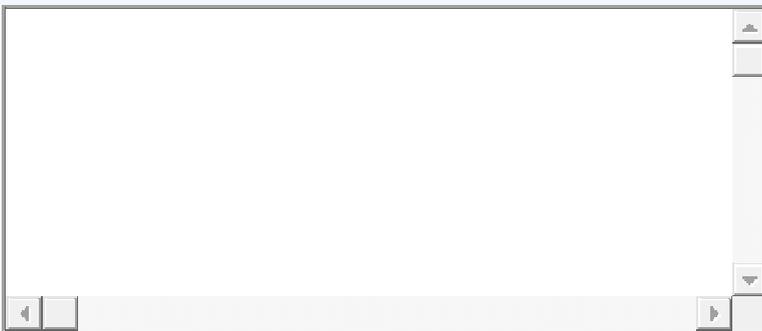
A large, empty text input field with a light gray border and a vertical scrollbar on the right side, intended for providing reasons for a 'no' answer to question 1.b.

1. c. Paragraph 4 of Article 6 ab initio reads: “Each State of transit which is a Party shall promptly acknowledge to the notifier receipt of the notification. It **may** subsequently respond to the notifier in writing, within 60 days, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. The State of export **shall not allow the transboundary movement to commence until it has received the written consent** of the State of transit.” (emphasis added).

Please provide information on your understanding of paragraph 4 of Article 6 ab initio:

- A transboundary movement cannot commence following the 60 days deadline if no written consent was received from the State of transit
- A transboundary movement can commence following the 60 days deadline if no written consent was received from the State of transit
- Other.

If you have a different understanding of paragraph 4 of Article 6 ab initio, please elaborate.



Implementation of and compliance with paragraph 4 of Article 6 of the Basel Convention on transit

Questionnaire for Stakeholders

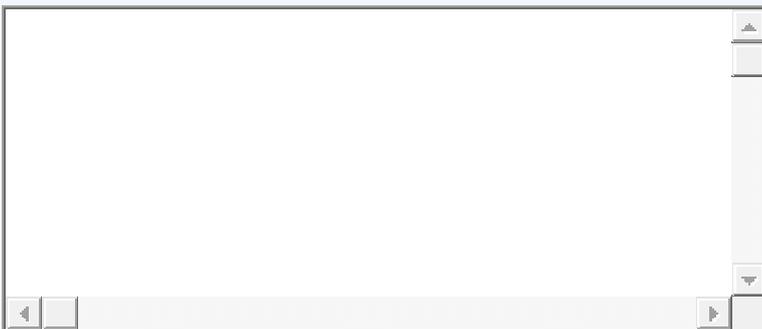
II. Experience with transits: challenges and best practices

2. a. Does your organization have experience with “transit” transboundary movements of hazardous and other wastes?

No

Yes

If **yes**, please provide information on how often on average your organization has been involved in such movements in the last five years

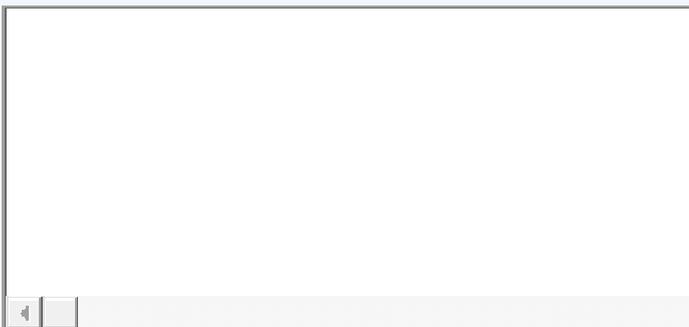


2. b. Can your organization share **best practices** with respect to transit transboundary movements of hazardous and other wastes?

No

Yes

If **yes**, please elaborate



2. c. Has your organization faced any **difficulties** with transit transboundary movements of hazardous and other wastes?

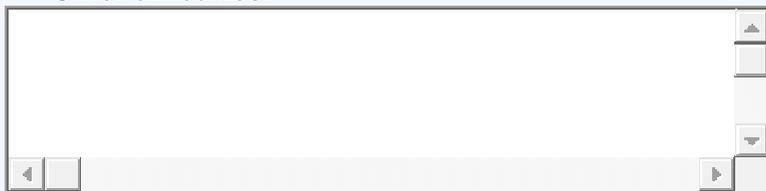
No

Yes

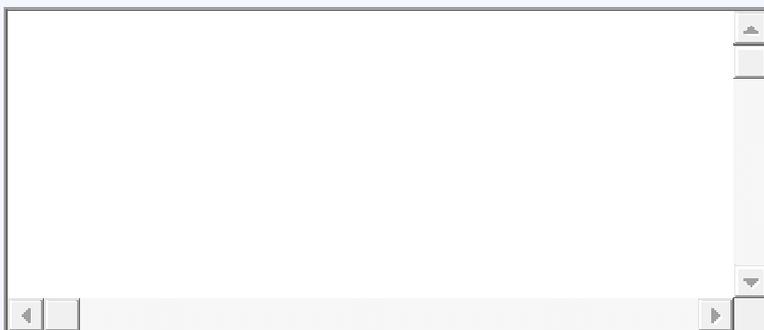
If **yes**, provide the nature of the difficulties encountered:

- Lack of information on Parties' definition or understanding of "transit";
- Lack of harmonized definition or understanding of the meaning of "transit" at the global level;
- Lack of shared understanding among Parties of how to implement paragraph 4 of Article 6 ab initio;
- Difficulty in receiving a response (consent or denial to the proposed movement) from all transit States;
- Difficulties associated with a change in a transit State subsequently to the initiation of the movement and to secure a response (consent or denial to the proposed movement) from a new transit State;
- Lack of awareness among relevant entities within the country involved in transit transboundary movements of hazardous and other wastes about the requirements of paragraph 4 of Article 6 (e.g. Customs, port authorities);

Other difficulties:

A rectangular text input field with a vertical scrollbar on the right and horizontal scrollbars at the top and bottom.

Please also elaborate on any box you have ticked

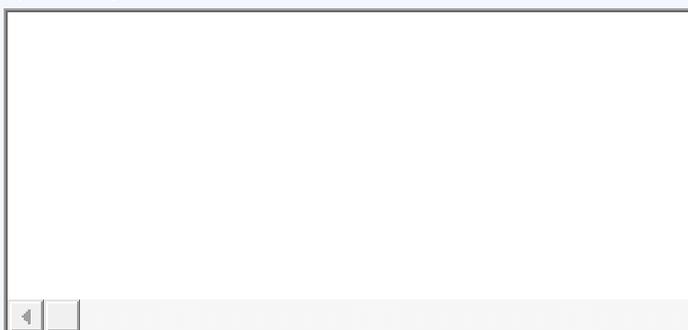
A large rectangular text input field with a vertical scrollbar on the right and horizontal scrollbars at the top and bottom.

2. d. Has your organization been able to **overcome** any of the difficulties stated above?

No

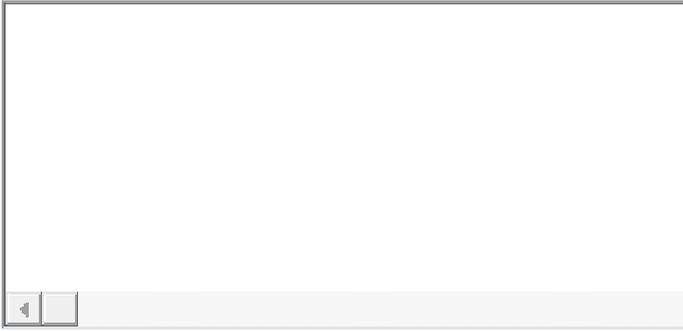
Yes

If **yes**, explain how

A rectangular text input field with a vertical scrollbar on the right and horizontal scrollbars at the top and bottom.

2. e. Would you have **suggestions** to the Committee on how to improve the implementation of

paragraph 4 of Article 6 of the Basel Convention, whether at the national or global level (eg. development of guidance, information sharing, technical assistance)?

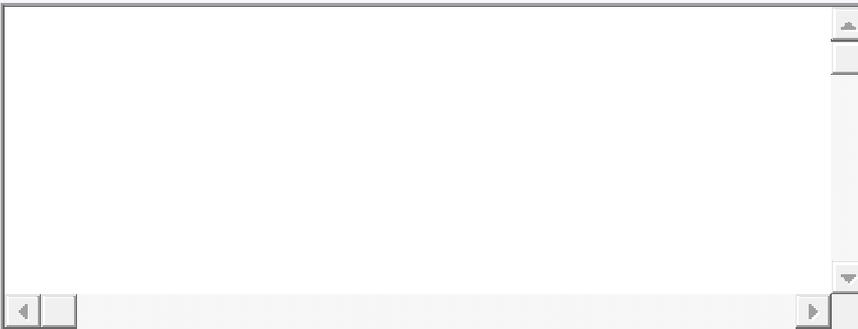


Implementation of and compliance with paragraph 4 of Article 6 of the Basel Convention on transit

Questionnaire for Stakeholders

III. Other relevant information

Please add any additional information or comments pertaining to the implementation of the provisions set forth in paragraph 4 of Article 6 of the Basel Convention that is not included in answers to the above questions.

A large, empty text input field with a scroll bar on the right side and navigation arrows at the bottom. The field is currently blank, intended for the respondent to provide additional information or comments.

Implementation of and compliance with paragraph 4 of Article 6 of the Basel Convention on transit

Questionnaire for Stakeholders

IV. Submitter information

Submitting Stakeholder:

Organization:

Contact details of the person who completed the questionnaire:

Name:

Title:

Department:

Address:

Country:

Telephone:

Fax:

E-mail: