

BC-11/10: National legislation, notifications, enforcement of the Convention and efforts to combat illegal traffic

The Conference of the Parties,

Recalling decision BC-10/13 and noting that the present decision relates to implementation of section E on combating illegal traffic more effectively and section F on assisting developing countries that are facing specific challenges with regard to prohibiting the import of hazardous wastes of decision BC-10/3 on the Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention,

1. *Expresses* its appreciation to those parties that have provided funding for the activities of the Secretariat aimed at assisting parties in implementing and enforcing the Convention;
2. *Welcomes* the implementation and enforcement activities undertaken by the Secretariat;¹
3. *Also welcomes* the active engagement of enforcement organizations and networks in preventing and combating illegal traffic in hazardous wastes and other wastes, and invites those organizations and networks to continue their collaboration with the Secretariat on activities aimed at assisting parties to prevent and combat illegal traffic;
4. *Urges* parties to fulfil their obligations set out in paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention, including by updating or developing stringent legislation on the control of transboundary movements of hazardous wastes, and by incorporating into their national legislation appropriate sanctions or penalties for illegal traffic in hazardous wastes and other wastes;
5. *Encourages* parties to continue to provide the Secretariat with the texts of national legislation and other measures adopted by them to implement and enforce the Convention;
6. *Requests* the Secretariat to continue to maintain a collection of national legislation and other measures adopted by parties to implement the Convention, including measures for preventing and punishing illegal traffic, and to continue to make this collection available on the Convention website;
7. *Also requests* the Secretariat to provide parties, upon request, with legal and policy advice on matters pertaining to the implementation and enforcement of the Convention, including on the development and updating of national legislation or other measures, such as measures to protect themselves from unwanted imports of wastes;
8. *Encourages* parties:
 - (a) To improve cooperation and coordination among entities working at the national level to prevent and combat illegal traffic in hazardous wastes and other wastes, including through the development of cooperative agreements between those entities;
 - (b) To train enforcement personnel so as to build their capacity to better prevent, identify and manage cases of illegal traffic in hazardous wastes and other wastes and to provide appropriate incentives and remove possible disincentives for enforcement entities to prevent and combat illegal traffic in hazardous wastes and other wastes;
 - (c) To promote and participate actively in activities undertaken by enforcement organizations and networks such as the World Customs Organization, the International Criminal Police Organization, the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes, the transfrontier shipments of waste cluster of the European Union Network for the Implementation and Enforcement of Environmental Law, the Regional Enforcement Network Project to Combat Illegal Trade in Harmful Chemicals and Hazardous Waste in Asia, the International Network for Environmental Compliance and Enforcement and the Green Customs Initiative;

¹ Paragraphs 8–22 of document UNEP/CHW.11/12 and paragraphs 17–27 of document UNEP/CHW.11/3.

(d) To raise the awareness of all relevant stakeholders, including those in the shipping industry, and waste generators and disposers about illegal traffic in hazardous wastes and other wastes and about applicable national legal frameworks;

9. *Invites* parties to share information, through the Secretariat, on the activities undertaken pursuant to paragraph 8 of the present decision and on best practices in preventing and combating illegal traffic and to report confirmed cases of illegal traffic to the Secretariat using the prescribed form for confirmed cases of illegal traffic;

10. *Requests* the Secretariat to continue to provide assistance in the identification of cases of illegal traffic to parties upon request and to collect and make available on the Convention website the forms for reporting confirmed cases of illegal traffic that are submitted as well as information and examples of best practices in preventing and combating illegal traffic;

11. *Also requests* the Secretariat to continue to cooperate with enforcement organizations and networks, to promote cooperation between such organizations and networks and to stimulate the formation of enforcement networks in particular with other enforcement organizations or in regions where such networks do not currently exist;

12. *Requests* parties that have not yet provided the Secretariat with any of the information on national definitions, including national lists, of hazardous wastes required under Article 3 and paragraph 2 (b) of Article 13 of the Convention as well as any of the information on import or export restrictions or prohibitions required under paragraphs 1 (a) and (b) of Article 4 and paragraphs 2 (c) and (d) of Article 13 of the Convention to do so as soon as possible and to report any subsequent significant change in that information using the standardized reporting format;

13. *Requests* the Secretariat to continue its proactive approach to the collection and dissemination of information mentioned in the paragraph above, to assist parties in ensuring that the information so notified is up to date, accurate and complete and, within available resources, to make such information available in the six official languages of the United Nations;

14. *Also requests* the Secretariat, subject to availability of funding, to develop tools and organize enforcement training activities, in collaboration with the Basel Convention regional and coordinating centres, the secretariats of other relevant multilateral environmental agreements and other international organizations, agencies or programmes, to assist parties, particularly developing-country parties and parties with economies in transition, to develop national legislation and other measures to implement and enforce the Convention and to prevent and punish illegal traffic;

15. *Further requests* the Secretariat to report on these matters to the Conference of the Parties at its twelfth meeting.