

# ICC Illegal traffic - Algeria

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Language

fr-FR

## 1. 1. a. Has your country enacted laws, regulations, policies, procedures and other measures that embody the provision set forth in paragraph 3 of Article 9 of the Basel Convention?

No

**\* Yes \***

If yes, please provide the name of the relevant piece of legislation, regulation, policy, procedures or other measure

Loi n°01-19 du 12 décembre 2001 relative à la gestion, au contrôle et à l'élimination des déchets.

Please also provide a copy of such relevant national provision implementing paragraph 3 of Article 9 (in English) or, alternatively, outline the main elements of the national provision implementing paragraph 3 of Article 9 of the Basel Convention

Chapitre 2/Mouvement des déchets de la Loi n°01-19 du 12 décembre 2001 relative à la gestion, au contrôle et à l'élimination des déchets:

Art. 25. - L'importation des déchets spéciaux dangereux est strictement interdite. Les modalités d'application des dispositions du présent article sont définies par voie réglementaire.

Art. 27. - Lorsque des déchets sont introduits sur le territoire national d'une manière illicite, le ministre chargé de l'environnement doit enjoindre à leur détenteur ou leur transporteur d'assurer leur retour vers le pays d'origine dans un délai fixé par le ministre.

Si le contrevenant ne s'exécute pas, le ministre chargé de l'environnement peut prendre toutes dispositions utiles pour assurer le retour de ces déchets à la charge du contrevenant.

If possible attach a copy

No file uploaded

If no, please indicate any reason for the lack of enactment of laws, regulations, policies, procedures and other measures embodying the provision set forth in paragraph 3 of Article 9 of the Basel Convention

Les modalités d'application des dispositions de l'article 25 sont définies par voie réglementaire (un texte est en cours de préparation).

## 2. 1. b. Has your country enacted laws, regulations, policies, procedures and other measures that embody the provision set forth in paragraph 4 of Article 9 of the Basel Convention?

**\* No \***

Yes

If yes, please provide the name of the relevant piece of legislation, regulation, policy, procedures or other measure

Loi n°01-19 du 12 décembre 2001 relative à la gestion, au contrôle et à l'élimination des déchets ne prévoit pas le cas où la responsabilité n'est pas imputée à l'une ou l'autre des parties.

Please also provide a copy of such national provision implementing paragraph 4 of Article 9 (in English) or, alternatively, outline the main elements of the national provision implementing paragraph 4 of Article 9 of the Basel Convention

par contre contre une disposition existe pour le cas d'une exportation illégale:

Art. 28. - Lorsque des déchets sont exportés de manière contraire aux dispositions de la présente loi, le ministre chargé de l'environnement doit enjoindre au producteur ou aux personnes ayant contribué à l'exportation d'assurer leur retour sur le territoire

national.

En cas d'inexécution, il prend toutes dispositions utiles pour assurer ce retour à la charge des participants à l'opération.

If possible attach a copy

No file uploaded

If no, please indicate any reason for the lack of enactment of laws, regulations, policies, procedures and other measures embodying the provision set forth in paragraph 4 of Article 9 of the Basel Convention

ce cas sera pris en charge dans le cadre des modalités d'application par voie réglementaire des dispositions de l'article 25 (un texte es en cours de préparation).

**3. 2. a. Does your country have experience dealing with cases where paragraph 3 of Article 9 of the Basel Convention has been applied?**

**\* No \***

Yes

If yes, provide the number of cases in the last 5 years, and if possible in the last 10 years, and provide details on the more relevant cases that occurred in the last five years.

Not answered

**4. 2. b. Does your country have experience dealing with cases where paragraph 4 of Article 9 of the Basel Convention has been applied?**

**\* No \***

Yes

If yes, provide the number of cases in the last 5 years, and if possible in the last 10 years, and provide details on the more relevant cases that occurred in the last five years.

Not answered

**5. 3. a. Has your country faced any difficulties in implementing the provision in paragraph 3 of Article 9 of the Basel Convention?**

**\* No \***

Yes

If yes, provide the nature of the difficulty encountered:

**6. (i) Domestic difficulties:**

Lack of or inappropriate domestic legal or institutional framework to implement and enforce paragraph 3 of Article 9 of the Basel Convention;

Lack of access to adequate information about possible cases of transboundary movements of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the importer or disposer;

**\* Challenges in identifying that a transboundary movement of hazardous wastes or other wastes may be a case of illegal traffic as defined by paragraph 1 of Article 9 (constitutive elements); \***

Challenges in concluding that the illegal traffic is the result of the conduct on the part of the importer or disposer and/or identification of the relevant importer or disposer;

**\* Lack of awareness of relevant entities that should be involved in combating illegal traffic; \***

Lack of awareness by importers or disposers about the requirements of the Basel Convention;

Lack of cooperation by importers or disposers in complying with the requirements set out in paragraph 3 of Article 9 of the Basel Convention;

Lack of coordination/cooperation at the national level among relevant entities involved in combating illegal traffic;

Difficulty to dispose of the waste in an environmentally sound manner;

Other difficulties (Please specify):

Please also elaborate on any box you have ticked

se référer à l'article 25 de la loi 01-19 du 12 décembre 2001 portant interdiction d'importation de déchets dangereux.

## 7. (ii) International cooperation difficulties:

Difficulties in communicating and cooperating with other States concerned by the case of illegal traffic (State of transit, State of export);

Lack of shared understanding among States concerned of how to operationalize paragraph 3 of Article 9;

**\* Lack of guidance on how to operationalize paragraph 3 of Article 9; \***

Other difficulties (Please specify):

Please also elaborate on any box you have ticked

Not answered

## 8. 3. b. Has your country faced any difficulties in implementing the provision in paragraph 4 of Article 9 of the Basel Convention?

**\* No \***

Yes

If yes, provide the nature of the difficulty encountered:

## 9. (i) Domestic difficulties:

Lack of or inappropriate domestic legal or institutional framework to implement and enforce paragraph 4 of Article 9 of the Basel Convention;

Lack of access to adequate information about possible cases of transboundary movements of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the importer or disposer;

Challenges in identifying that a transboundary movement of hazardous wastes or other wastes may be a case of illegal traffic as defined by paragraph 1 of Article 9 (constitutive elements);

**\* Challenges in concluding that the responsibility for illegal the traffic cannot be assigned either to the exporter or generator or to the importer or disposer; \***

Challenges in identifying the States concerned (State of transit, State of export);

Lack of awareness of relevant entities that should be involved in combating illegal traffic;

Lack of awareness/cooperation by importers or disposers;

Lack of coordination/cooperation at the national level among relevant entities involved in combating illegal traffic;

Difficulty to dispose of the waste in an environmentally sound manner;

Other difficulties (Please specify):

Please also elaborate on any box you have ticked

Not answered

## 10. (ii) International cooperation difficulties:

Difficulties in communicating/cooperating with the relevant entities from the States concerned (State of transit, State of export);

Difficulties in identifying or communicating with exporter or generator;

**\* Lack of shared understanding of how to operationalize paragraph 4 of Article 9; \***

**\* Lack of guidance on how to operationalize paragraph 4 of Article 9; \***

**\* Differences in the level of "evidence" required that there might be a case of illegal traffic justifying the application of paragraph 4 of Article 9; \***

**\* Lack of an adequate mechanism to handle cooperation difficulties between Parties (NB: Existing mechanisms include the role of the Secretariat under Article 16 (1) (i), a submission to the Implementation and Compliance committee, the verification procedure under Article 19 and the settlement of disputes under Article 20); \***

Other difficulties (Please specify):

Please also elaborate on any box you have ticked

Not answered

## 11. 4. Has your country been able to overcome difficulties stated under sections 3.a. and 3.b. above?

No

Yes

If yes, explain how

pas de cas de trafic illicite avérés.

**12. 5. a. Please indicate consequences your country has faced as a result of difficulties encountered with the implementation of paragraph 3 of Article 9 of the Basel Convention (e.g. leaking of containers causing pollution; containers damaged by accident or storms; costs of storage or disposal borne by your country).**

pas de cas avéré d'importation illicite.

**13. 5. b. Please indicate consequences your country has faced as a result of difficulties encountered with the implementation of paragraph 4 of Article 9 of the Basel Convention (e.g. leaking of containers causing pollution; containers damaged by accident or storms; costs of storage or disposal borne by your country).**

pas de cas avéré où la responsabilité des parties difficile à déterminer (absence de cas d'importation ou d'exportation illicite)

**14. 6. Please share examples of best practices your country or countries in your region have developed and used to implement and comply with the provisions set forth in paragraphs 3 and 4 of Article 9 of the Basel Convention (eg. existing mechanisms or arrangements in place).**

il est à noter que la constitution du dossier d'exportation est soumise aux dispositions de l'article 26 de la loi 01- 19 du 12 décembre 2001 qui stipule:

Art. 26. - L'exportation et le transit des déchets spéciaux dangereux sont prohibés vers les pays qui en interdisent l'importation et vers les pays qui n'ont pas interdit cette importation en l'absence de leurs accords spécifiques et écrits.

Dans tous les cas, les opérations mentionnées au présent article sont soumises à l'autorisation préalable du ministre chargé de l'environnement.

Cette autorisation n'est attribuée que si des conditions sont remplies.

**15. 7. Please share lessons learned (both negative and positive) that the Committee may wish to take into account in the development of guidance on the implementation of paragraphs 3 and 4 of Article 9 of the Basel Convention.**

une étroite collaboration se fait avec les services des douanes en terme de contrôle du "document de mouvement" et des positions tarifaires des déchets considérés.

**16. 8. Please list and, if possible, share guidance documents or training materials developed at the national, regional or global level that you may be aware of that is aimed at assisting Parties implement these provisions.**

- loi 01-19 du 12 décembre 2001 relative à la gestion, au contrôle et à l'élimination des déchets.
- Décret exécutif n° 06-104 du 28 février 2006 fixant la nomenclature des déchets, y compris les déchets spéciaux dangereux.
- Décret exécutif n°04-409 du 14 décembre 2004 fixant les modalités de transport des déchets spéciaux dangereux.
- Décret exécutif n° 05-315 du 10 septembre 2005 fixant les modalités de déclaration des déchets spéciaux dangereux.
- Arrêté interministériel fixant les caractéristiques du document de mouvement des déchets spéciaux dangereux
- Arrêté interministériel fixant les modalités d'octroi de l'autorisation de transport de déchets spéciaux dangereux, le contenu du dossier de demande d'autorisation ainsi que ses caractéristiques techniques.
- Arrêté interministériel fixant les caractéristiques techniques des étiquettes des emballages des déchets spéciaux dangereux.

**17. 9. Does your country transmit to the Secretariat the "Form for confirmed cases of illegal traffic" (available at <http://archive.basel.int/legalmatters/illegtraff/ilegtrafform.pdf>)?**

**\* No \***

Yes

**18. Please add any additional information or comments pertaining to the implementation of the**

**provisions set forth in paragraphs 3 and 4 of Article 9 of the Basel Convention that is not included in answers to the above questions.**

une instance de coordination au niveau du Secrétariat est nécessaire pour l'interprétation consensuelle par les Parties des modalités d'application opérationnelle des dispositions de ces deux articles et faciliter de la sorte une meilleure transposition au niveau national.

**19. Submitting Party:**

Submitting Party:  
autorité compétente et point focal

**20. Contact details of the person who completed the questionnaire:**

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