

ICC Illegal traffic - Bangladesh

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Language

System language

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

Bangladesh has imposed ban on the import of all sorts of wastes in the Import Policy Order 2012-2015. Restrictions have also been imposed by the Hazardous Waste and Ship Breaking Waste Management Rules 2011, promulgated under Bangladesh Environment Conservation Act, 1995 (Amendment in 2010).

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

Not answered

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

Not answered

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

Not answered

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

Not answered

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

No specific guidelines or such National provision is there for implementation of paragraph 4 of Article 9 of the Basel Convention. Under Hazardous Waste and Ship Breaking Waste Management Rules 2011, paragraph 3 of Article 9 of the Basel Convention issues have been addressed but paragraph 4 of Article 9 of the Basel Convention issues not addressed.

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.

- Bangladesh Eastern Refinery (state owned refinery) imported Tetra Ethyl Lead from England, following Basel Convention provision. Condition was included that after use of the chemicals, exporting country shall take it back for recycling. This condition was followed by England.

- In another case, imported Gama-ray was not taken back by Exporting Country (Russia)

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):

When any Hazardous chemical/waste is imported from the country parties of Basel convention, Exporter usually sends a Prior Informed Consent (PIC) notification to competent authority of importing country (Director General, Department of Environment). A PIC committee headed by Additional Director General (ADG) takes decision based on National legislations, guidelines and International Convention including Basel Convention. Sometimes, when the National PIC Committee don't give consent to import the wastes or chemicals; some unscrupulous businessmen/importer imports the same chemicals through other bordering countries and bring those through land border/check posts which are comparatively less regulated, this is unofficially explained by some importers.

Please also elaborate on any box you have ticked

Not answered

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):

Since, there are no other provisions of domestic legal or institutional framework to implement and enforce paragraph 4 of Article 9 of the Basel Convention, the concerned officials/custom officials who are responsible, face difficulty in identifying hazardous chemicals as they are not trained or sensitized on handling such products. Sometimes attempts are made to import hazardous wastes in other names/HS code.

Please also elaborate on any box you have ticked

-Continuation of "Other difficulties:

In cases of Ozone Depleting Substances (ODS) under Montreal Protocol, DoE has a ODS cell. They have trained concerned officials, customs officials, coast guards, police, Border Guards Bangladesh and Ministry of Environment and Forest and DoE officials. Five (05) Training programs and one (01) awareness workshop have been arranged and 300 customs officials are trained. Border Dialogues between customs officials and ODS officials of Bangladesh and other bordering countries have been arranged. This has helped to improve coordination between DoE & Customs officials to control illegal traffic to some extent. They also give ODS identifier to concerned Officials.

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):

Bangladesh lacks specialized expertise and institutional capacity to trace illegal traffic

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

Not answered

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).

Numbebrs of known cases of illegal traffic of hazardous wastes are insignificant. So, no major difficulties faced so far.

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).

N/A

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).

No specific guidelines or such National provision is within the country which is helpful 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).

Nevertheless, Hazardous Waste and Ship breaking Waste Management Rules & Import Policy Order is followed in case of illegal traffic if traced.

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.

- Supports Pilot project on the Inventory of Hazardous Waste Generation in selected south Asian countries (Piloting may start in Bangladesh);
- Hazardous Waste Management in Industry Within the context of integrated life cycle approach;
- Capacity Building through International Training on Implementation of Hazardous Waste Minimization: Cleaner Production project.

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.

Bangladesh has developed following rules and guidelines and other aspects which are helpful 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):

- Hazardous Waste and Ship breaking Waste Management Rules, 2011;
- Import Policy Order, 2012-2015;
- Hazardous waste has been defined (section-2, Bangladesh Environment Conservation Act, 1997 (amended in 2010) and
- National Chemical profile, 1996 (update necessary)

17. 9. Does your country transmit to the Secretariat the “Form for confirmed cases of illegal traffic” (available at <http://archive.basel.int/legalmatters/illegtraffice/illegtrafform.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.

N/A

19. Submitting Party:

Submitting Party:

Bangladesh

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

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