

# ICC Illegal traffic - Nepal

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Submitted on

9/4/2015 12:10:41 PM

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

Not answered

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

The Hazardous Waste Management regulation is in the final stage of approval under Environment Protection Act, 2053 (1997)

## 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

Nepal has for the first time defined "Hazardous Wastes" in Solid Waste Management Act, 2068 (2011) and has made a provision regarding chemical pesticides (Chapter 44 of Act). This initiative of Government of Nepal was the aftermath of Nepal being Party to Basel and Stockholm Conventions. Some specific Laws and Regulations in line with 9 (4) of Basel Convention are either under discussion (for example, new Pesticide Act) or at the final stage of approval (for example, Hazardous Substances Management Regulations).

Nepal has recently banned the import and use of asbestos and has also signed the Minamata Convention in 2014 to get involved in the global initiative of Mercury Management

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

Not answered

**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.

In December 2011 Nepal sent 74.5 metric tons of Obsolete Pesticides (45% of which was POPs pesticides) to Germany for Environmentally Sound Disposal, which took place in March/April 2012.

In March 2014, 600 kg of PCBs contaminated sludge, generated during PCBs dechlorination / decontamination, was taken by a Romanian disposal company to Romania for disposal, as specified in the TOR of the disposal Project.

**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):

There is no safe disposal facility in our Country.

Please also elaborate on any box you have ticked

Due to the lack of appropriate regulation and capacity of authorities and stakeholders the identification, assessment, safe disposal, penalization is difficult.

**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

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).**

No identification of such events upto now, may be due to the lack of knowledge or capacity of authorities.

**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).**

No identification of such events upto now, may be due to the lack of knowledge or capacity of authorities.

**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).**

Not available

**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.**

More support is needed both technically and financially.

**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.**

1. Guidelines for Environmentally sound management of PCBs in Nepal was developed during the implementation of medium sized project.

2. Nepal has set the standard of 90 ppm for Lead (Pb) in paints ( as defined by GAELP)

3. Nepal has set the Maximum Residual Limits (MRL) for DDT in certain food items  
( Ministry of Agricultural Development / Department of Food Technology and Quality Control)

**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.**

Not answered

**19. Submitting Party:**

Submitting Party:

Nepal

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

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