

ICC Illegal traffic - Philippines

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BCFP_PH

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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

DAO 1994-28: Interim Guidelines for the Importation of Recyclable Materials Containing Hazardous Substances

DAO 2013-22: Revised Procedures and Standards for the Management of Hazardous Wastes

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

DAO 1994-28 and 2013-22 stipulate that it shall be the responsibility of the exporter to retrieve/return the waste when denied entry by the Government of the Philippines.

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

DAO 1994-28: Interim Guidelines for the Importation of Recyclable Materials Containing Hazardous Substances

DAO 2013-22: Revised Procedures and Standards for the Management of Hazardous Wastes

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.

1 case in 2014: Importation of mixed or heterogenous scrap plastic

Limiting condition as provided in Annex A, Category 2 of DAO 1994-28 which allows importation of solid plastic materials with the condition that "no importation of heterogeneous and assorted scrap plastic materials shall be allowed".

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

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):
Environment Canada stated that under their regulation, they do not capture household wastes.

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).

-congestion in the port area
-health and environmental risks posed by the prolonged storage of the wastes
-costs of storage and disposal were borne by the government

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).

Not answered

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 answered

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.

-the use of all diplomatic means to address the issue
-domestic regulation of Canada does not capture household wastes

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.

Not answered

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:

Philippines

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

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