

ICC Implementation & compliance with Article 9 – UNITED KINGDOM

Submitted on
Language

7/5/2018 12:36:14 PM
System language

1. Submitting Party (country name):

GB

2. Contact information

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3. 1.1 In your country, is information about potential or confirmed cases of illegal traffic collected?

*** Yes ***

No

4. If yes, please specify how:

*** Through an established system where responsibilities of entities are clearly established ***

On an ad hoc basis
Other (please specify)
Not answered

5. If no, please specify why:

Lack of adequate legal framework to prevent and punish illegal traffic
Lack of assignment of responsibility to an entity to collect such information
Other (please specify)
Not answered

6. 1.2 In your country, how is information about potential or confirmed cases of illegal traffic usually brought to the attention of the designated Basel Convention Competent Authorities or Focal Point?

*** Through communication with Competent Authorities in other Parties ***

*** Through communication with enforcement entities within your country (eg. Customs, police, environmental inspectors, port authorities) ***

Through the press

Other (please specify)

Through communication with NGOs

7. 1.3 In your country, do you see challenges for Competent Authorities or the Focal Point to have access to information on potential or confirmed cases of illegal traffic?

*** Yes ***

No

8. If yes, please indicate why:

*** Lack of cooperation at the international level ***

Lack of communication and coordination between entities at the national level

*** Lack of adequate legal framework to enforce the provisions of the Basel Convention ***

*** Lack of awareness of enforcement entities about the provisions of the Basel Convention ***

Lack of technical capacity to detect cases of illegal traffic

Other (please specify)

Not answered

9. 1.4 In the last 5 years, to your knowledge have there been cases of transboundary movement of hazardous wastes and/or other wastes involving your country which were deemed to be illegal

Yes

No

10. If yes, please indicate the number of cases of illegal traffic:

between 1 and 5

between 6 and 10

between 11 and 20

*** more than 20 ***

11. 1.5 Has information about these cases been transmitted to the Secretariat using the form for confirmed cases of illegal traffic or the national reporting format?

*** Yes ***

No

12. If no, please specify why:

Competent Authority and/or Focal Point does/do not have access to the information

Transmission of information would not necessarily achieve the objectives of the Convention

Other (please specify)

Not answered

13. 1.6 Is information about cases of illegal traffic transmitted to other entities at the international level?

*** Yes ***

No

14. If yes, please specify which ones:

BCRC

*** Regional organization (please specify) ***

European Commission via EU reporting requirements.

Competent authorities of destination through intelligence dissemination.

United Nations body (please specify)

Not answered

15. 2.1 Can your country share best practices with respect to the implementation of Article 9 of the Basel Convention?

*** Yes ***

No

16. If yes, please elaborate:

*** Adequate domestic legal and institutional framework implementing Article 9 of the Basel Convention and complementing it as necessary to enable its enforcement (eg. penalties in case of illegal traffic) ***

Awareness of stakeholders involved in transboundary movements (eg. generator, exporter, transporter, importer and disposer) of the relevant provisions of the Basel Convention pertaining to the control of such movements and illegal traffic;

*** Training activities for enforcement entities, for instance integration of the Basel Convention in the national training or educational curricula of Customs, police, prosecutors, the judiciary and other enforcement entities; ***

Establishment of environmental units within enforcement entities;

*** Clear assignment of responsibilities between all the entities involved in the enforcement of Article 9 of the Basel Convention, and adequate communication or coordination mechanisms among them; ***

Other best practices

Please elaborate on the nature of the "other best practice" and on any box you have ticked

Not answered

17. 2.2. Has your country faced any difficulties in implementing the provision in Article 9 of the Basel Convention ?

*** Yes ***

No

18. (i) Domestic difficulties :

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

*** Lack of clarity about what is deemed to be illegal traffic at the national level; ***

Lack of clarity with respect to the applicable rules;

*** Lack of understanding of the distinction between waste and non-waste at the national level; ***

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);

Lack of access to adequate information about possible cases of transboundary movements of hazardous wastes or other wastes deemed to be illegal traffic

Lack of awareness among relevant entities within the country involved in preventing and combating illegal traffic about the requirements of Article 9 (e.g customs, port authorities, etc.);
Lack of coordination/cooperation at the national level among relevant entities involved in transboundary movements of hazardous and other wastes;
Other difficulties
Please elaborate on the nature of the “other difficulties” and on any box you have ticked
There have been some difficulties in establishing whether an export is illegal under the Basel Convention as well as in the repatriation of illegal shipments.

19. (ii) International cooperation difficulties :

Lack of information on other Parties’ definition or understanding of what is deemed to be illegal traffic;
Lack of harmonized definition or understanding of the meaning of ‘waste’, ‘hazardous waste’ and ‘other waste’;
*** Lack of shared understanding among Parties of how to implement Article 9 of the Convention; ***
*** 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 paragraphs 2, 3 and 4 of Article 9;
Other difficulties
Please elaborate on the nature of the “other difficulties” and on any box you have ticked
Lack of clarity on other Party’s procedures for deciding on what constitutes an illegal import of waste, and how these decisions are reached

20. 2.3. Is your country aware of any difficulties faced by stakeholders (e.g. generators, exporters, transporters, importers, disposers, etc.) involved in transboundary movements of waste with the implementation of Article 9 of the Basel Convention?

*** Yes ***

No

21. If yes , provide the nature of the difficulties encountered

Costs of repatriation, and making the party responsible act (i.e. another actor in the chain).

There can be classification disputes between Y46 and green list waste, primarily waste paper. The complaint is that there is not enough clear guidance

22. 2.4 Have the guidance documents developed under the Convention pertaining to preventing and combating illegal traffic (<http://www.basel.int/Implementation/Publications/GuidanceManuals/tabid/2364/Default.aspx#>) been disseminated, transposed in national legislation or are they being used in your country?

(i) Guidance on the implementation of the Basel Convention provisions dealing with illegal traffic (paragraphs 2, 3 and 4 of Article 9):

Has it been disseminated?

*** Yes ***

No

23. Has it been transposed in legislation?

Yes
* No *

24. Is it used?

* Yes *
No
I don't know

25. (ii) Instruction Manual on the Prosecution of Illegal Traffic of Hazardous Wastes or Other Wastes

Has it been disseminated?

Yes
No

26. Has it been transposed in legislation?

Yes
* No *

27. Is it used?

Yes
No
* I don't know *

28. (iii) Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Waste:

Has it been disseminated?

Yes
No

29. Has it been transposed in legislation?

Yes
* No *

30. Is it used?

Yes
No
I don't know

31. (iv) If the guidance documents are used, please elaborate on how you disseminated them and how useful they have been for your country:

Not answered

32. (v) If not , please elaborate on why:

Not answered

33. 2.5 Have the training tools developed by the Secretariat pertaining to preventing and combating illegal traffic been disseminated, transposed in national legislation or are they being used in your country?

(i) Interactive Manual for Customs on hazardous chemicals and wastes under the Basel, Rotterdam and Stockholm conventions (<http://www.basel.int/Implementation/Publications/TrainingManuals/tabid/2363/Default.aspx>)

Has it been disseminated?

Yes

*** No ***

34. Has it been transposed in legislation?

Yes

No

35. Is it used?

Yes

No

*** I don't know ***

36. (ii) Basel Convention Training Manual on Illegal Traffic for Customs and Enforcement Agencies (

<http://www.basel.int/Implementation/Publications/TrainingManuals/tabid/2363/Default.aspx>)

Has it been disseminated?

Yes

*** No ***

37. Has it been transposed in legislation?

Yes

No

38. Is it used?

Yes

*** No ***

I don't know

39. (iii) E-learning module for law enforcement officers on hazardous chemicals and wastes under the Basel, Rotterdam and Stockholm Conventions (

<http://synergies.pops.int/Implementation/TechnicalAssistance/ToolsandMethodologies/Elearningmoduleforlawenforcement/tabid/3534/language/en-US/Default.aspx>)

Has it been disseminated?

Yes

*** No ***

40. Has it been transposed in legislation?

Yes

No

41. Is it used?

Yes

*** No ***

I don't know

42. (iv) If the tools are used, please elaborate on how you disseminated them and how useful they have been for your country:

Not answered

43. (v) If no, please elaborate on why:

These training tools appear more specific to enforcement agencies based at ports of exit, etc, which is not applicable for all the UK competent authorities' ways of working on illegal waste traffic, especially where the CA works on an intelligence led approach to identify non-compliance

44. What steps would you suggest could be taken to improve implementation of Article 9 of the Basel Convention, whether at the national or global level?

Please indicate the order of priority:

	Very low	Low	Medium	High	Very high
Establishment of coordinating mechanisms between Competent Authorities and enforcement entities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Review and strengthening of legal and institutional framework implementing the Basel Convention,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

in particular whether it embodies the necessary provisions of the Convention pertaining to illegal traffic				<input checked="" type="checkbox"/>	
Further prioritization of preventing and combating illegal traffic as a policy priority at the national level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Better understanding the drivers of illegal traffic and the scope of the problem	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengthening of the Secretariat's and the BCRCs' technical assistance activities (please specify below the areas of assistance needed and the nature of the activities sought eg, country-specific, workshop, webinar)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Review of the ENFORCE terms of reference (annex to decision BC-11/8) with a view to strengthening this partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development further guidance documents at the global level (please specify below the scope of such guidance)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Broader dissemination of existing guidance and technical assistance tools developed under the Convention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greater access to information on the work of organizations with a mandate on preventing and combating illegal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

traffic

Strengthening of international cooperation among international organizations with a mandate in preventing and combating illegal traffic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Learning from possible lessons under other multilateral environmental agreements with trade control regimes (eg. CITES; Montreal Protocol, Cartagena Protocol)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

45. If Other , please specify below:

Improved communications between importing and exporting competent authorities around internal procedures for dealing with illegal waste traffic.

46. Please add any additional information or comments pertaining to the implementation of Article 9 of the Basel Convention that is not included in answers to the above questions.

Article 9 doesn't deal effectively with exports of notifiable waste illegally exported under less strict controls (in the UK, as green list waste). If exported under green-list controls, there are no Financial Guarantees, exposing competent authorities to financial risk due to poor evidence chains, badly completed forms, etc.