

Implementation of and compliance with paragraph 4 of Article 6 of the Basel Convention on transit

Questionnaire for Parties

I. National or regional legal framework pertaining to the implementation of paragraph 4 of Article 6 of the Basel Convention

1. a. Has your country enacted laws, regulations, policies, procedures and other measures that embody the provision set forth in paragraph 4 of Article 6 of the Basel Convention?

- No

Remark: Due to absence of transit of the hazardous waste through Bangladesh; we did not feel the necessity to enact a law which covers the issue of transit.

II. Definition of "transit" at the national level

The Basel Convention defines "State of transit" as "any State, other than the State of export or import, *through which* a movement of hazardous or other wastes is planned or takes place" (*emphasis added*).

2. a. Does your country have a definition of "transit"?

- Yes

Definition: 'state of transit' means any state through which a movement of hazardous substances or hazardous wastes is taken place or planned, but other than the state of export or import of hazardous substances or hazardous wastes (Original in Bangla, unofficial English translation is provided).

2. b. In your country, which of the following instances would fall within the meaning of "transit"?

- A ship transporting wastes covered by the Basel Convention enters the **Exclusive Economic Zone (EEZ)**;

- A ship transporting wastes covered by the Basel Convention calls at a port, **without offloading the wastes**, and leaves for a different port of discharge;
- A ship transporting wastes covered by the Basel Convention calls at a port, with **offloading and reloading of the wastes on a different transporter** (eg. truck, train) destined for a different country;
- A transporter other than a ship (eg. truck, train) transporting wastes covered by the Basel Convention enters and leaves the territory **without offloading the wastes**;
- A transporter other than a ship (eg. truck, train) transporting wastes covered by the Basel Convention enters the territory, **offloads and reloads the wastes** and leaves the territory;
- A transporter other than a ship (e.g. truck, train) transporting wastes covered by the Basel Convention enters the territory, **offloads and reloads the wastes on a different transporter** that then leaves the territory.

2. c. **Would any answer above be different in the event a ship or transporter acted due to force majeure?**

Yes

Remarks: If any accident occurs then the competent authority need to be notified for taking mitigating measures to overcome or minimize the impact; the competent authority shall involve all relevant local authorities to minimize the challenges.

2. d. **Does the definition of “transit” include temporal elements, e.g. is the amount of time needed to go “through” your country relevant?**

Yes

Remarks: As a competent authority we shall ensure safe transit of the wastes. At the same time we would like to see the waste be transported to destination country to reduce the chances of any kind of accident occur in the transit country.

2. e. **Do Customs have a responsibility in determining at the national level whether a “transit”, as defined under the Basel Convention, has occurred or may occur?**

Yes

Remarks: Local Civil Administration, Police Administration, Fire Service, Department of Explosive and Port Authority will be involved in case of force majeure.

**The responsibility of Customs and interaction with the Basel Convention
Competent Authority:**

Basel Convention Competent Authority, in this case Department of Environment (DoE), Bangladesh has a good network with Customs Department. If they identify any suspicious or hazardous substances, they ask for DoE's clearance before discharging the product.

III. Other aspects of paragraph 4 of Article 6

3. a. Has your country decided to not consent totally or partially to the transit of hazardous wastes and other wastes?

No

3. b. Has your country decided not to require prior written consent, either generally or under specific circumstances, for transit transboundary movements of hazardous wastes or other wastes?

No

3. c. Paragraph 4 of Article 6 ab initio reads: "Each State of transit which is a Party shall promptly acknowledge to the notifier receipt of the notification. It may subsequently respond to the notifier in writing, within 60 days, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. The State of export shall not allow the transboundary movement to commence until it has received the written consent of the State of transit." (emphasis added).

- A trans-boundary movement cannot commence following the 60 days deadline if no written consent was received from the State of transit.

**IV. Experience in implementing paragraph 4 of Article 6 of the Basel Convention:
challenges and best practices**

4. a. Does your country have experience as a "transit" country?

No

4. b. Can your country share best practices with respect to the implementation of paragraph 4 of Article 6 of the Basel Convention?

No

4. c. Has your country faced any difficulties in implementing the provision in paragraph 4 of Article 6 of the Basel Convention?

No

4. d. Is your country aware of any difficulties faced by stakeholders (e.g. generators, transporters, disposers) involved in transit transboundary movements with the implementation of paragraph 4 of Article 6 of the Basel Convention?

Yes

Remarks: Lack of clarity or understanding creates difficulties for stakeholders.

4. e. Has your country been able to overcome difficulties stated under sections 4. c. and 4. d. above?

No

4. f. Would you have suggestions to the Committee on how to improve the implementation of paragraph 4 of Article 6 of the Basel Convention, whether at the national or global level (eg. development of guidance, information sharing, technical assistance)?

- Capacity building enhancement programs would be needed for the implementation of paragraph 4 of Article 6 of the Basel Convention especially for the developing country like Bangladesh;
- As a developing country, Bangladesh has no experiences to deal with the hazardous waste movement on transit issue. So Knowledge sharing like the best practice in developed country to implement this issue would be helpful also;
- Technical assistance would be essential for the enforcement of provisions for strict control of trans-boundary movements of hazardous wastes in the national or global level;