

ICC Implementation of Article 11 – Myanmar

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Language

System language

1. Submitting Party:

Country:

MM

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

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Title:

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3. 1. Has your country entered into any of the following article 11 agreements or arrangements?

A bilateral agreement (please specify below the name and date)

No

A bilateral arrangement (please specify below the name and date)

No

A regional or multilateral agreement (please specify below the name and date)

No

A regional or multilateral arrangement (please specify below the name and date)

No

None of the above

4. 2. Is your country planning on entering an Article 11 agreement or arrangement?

Yes (If yes, please specify below the planned name, scope and States concerned)

Not answered

*** No ***

5. 3. In your view and/or practice, how is an “agreement” different to an “arrangement”?

"Agreement" is a negotiated and legally enforceable understanding between two or more organizations/ parties.

"Arrangement" is a final settlement, adjustment by agreement.

6. 4. What form has the arrangement or agreement taken?

Treaty

Exchange of letters

Project or programme

Other (please specify)

Not answered

7. 5. Within your country, which entities and stakeholders have been involved in the drafting of the arrangement or agreement?

Executive Branch (e.g. Competent Authorities)

Legislative Branch

Stakeholders (e.g. generators, exporters, importers, disposers)

Other (please specify)

Not answered

8. 6. If your country has entered into an article 11 agreement or arrangement that has not been notified to the Secretariat or does not appear on the Convention website, 2 please name the agreement or arrangement and supply a copy.

Name of the agreement or arrangement

Not answered

Attachment

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9. 7(a). Export to a non-Party

Name of the agreement or arrangement

Not answered

The purpose of entering the arrangement or agreement is to enable exports of hazardous wastes or other wastes to a non-Party (Article 4 paragraph 5)?

Please specify for what reason/s the exports take place with that non-Party:

Your country, in its capacity as State of export, does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmental sound and efficient manner (Article 4 paragraph 9 (a) of the Basel Convention)

The wastes in question as required as a raw material for recycling or recovery industries in the State of import (Article 4 paragraph 9 (b) of the Basel Convention)

The export in question is in accordance with other criteria decided by the Parties (Article 4 paragraph 9 (c) of the Basel Convention)

Please specify if the export in question is in accordance with other criteria

Not answered

10. 7(b). Import from non-Party

Name of the agreement or arrangement

Not answered

The purpose of entering the arrangement or agreement is to enable imports of hazardous wastes or other wastes from a non-Party (Article 4 paragraph 5)

Please specify for what reason/s the imports take place with that non-Party:

Your country, as State of import, has the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmental sound and efficient manner (Article 4 paragraph 9 (a) of the Basel Convention)

The wastes in question as required as a raw material for recycling or recovery industries in your country, the State of import (Article 4 paragraph 9 (b) of the Basel Convention)

The import in question is in accordance with other criteria decided by the Parties (Article 4 paragraph 9 (c) of the Basel Convention)

Please specify if the import in question is in accordance with other criteria

Not answered

11. 7(c). Other

Name of the agreement or arrangement

Not answered

The purpose of entering the arrangement or agreement is to agree with one or more other Parties on additional requirements, consistent with the provisions of the Basel Convention and in accordance with the rules of international law, pertaining to transboundary movements of hazardous wastes or other wastes in order better to protect human health and the environment (Article 4 paragraph 11)

The arrangement or agreement was entered for other purposes (please elaborate)

12. 8. Please provide for each agreement or arrangement your country has entered into information on the States with which your country has entered it:

Name of the agreement or arrangement

Not answered

Not answered

13. 9. Please provide for each agreement or arrangement your country has entered information on the scope of the agreement or arrangement:

Name of the agreement or arrangement

Not answered

9(a). Waste

All wastes falling within the scope of the Basel Convention

Only specific wastes falling within the scope of the Basel Convention (please specify using annexes I, II, VIII, IX and the specific wastes constituents/streams listed therein, or hazardous wastes pursuant to Article 1 (1) (b))

Not answered

Wastes falling within the scope of the Basel Convention and wastes that do not fall within the scope of the Basel Convention

9(b). Disposal operations

All disposal operations listed in Annex IV to the Basel Convention

Only specific disposal operations listed in Annex IV to the Basel Convention (please specify)

Not answered

Disposal operations listed in Annex IV to the Basel Convention and other disposal operations

9(c). Transboundary movement

Any future transboundary movement falling within the scope of the agreement or arrangement

Only specific transboundary movements (i.e. ad hoc)

9(d). Other

Please provide any other relevant information pertaining to the scope of the agreement or arrangement:

Not answered

14. 10. For each agreement or arrangement your country has entered, please provide an estimate of the transboundary movements that took place on a yearly basis over the last five years

Name of the agreement or arrangement

Not answered

Not answered

15. 11. With respect to any Article 11 agreement or arrangement, please give a brief explanation of how you ensure (or would ensure) that the agreement or arrangement:

a. does not derogate from the environmentally sound management of hazardous wastes and other wastes, as required by the Convention; and

b. stipulates provisions that are not less environmentally sound than those provided for by the Convention, taking into account the interests of developing countries.

Not answered

16. 12. More specifically, which provisions of the Basel Convention need in your view to be reflected in the arrangement or agreement:

As a general rule, all the provisions of the Convention pertaining to the control of transboundary movements of hazardous wastes and other wastes and their disposal

*** Only specific provisions of the Convention pertaining to the control of transboundary movements of hazardous wastes and other wastes and their disposal as set out in (please tick all boxes that apply): ***

*** Article 1 (Scope of the Convention) ***

*** Article 2 (Definitions) ***

*** Article 3 (National definitions of Hazardous Wastes) ***

*** Article 4 (General obligations) ***

*** Article 6 (Transboundary movements between Parties) ***

*** Article 7 (Transboundary movement from a Party through States which are not Parties) ***

*** Articles 8 (Duty to reimport) ***

*** Article 9 (Illegal traffic) ***

The following provisions of the Convention pertaining to the control of transboundary movements of hazardous wastes and other wastes and their disposal do not need, in your view, to be reflected in the agreement or arrangement (please specify):

Not answered

17. 13. In your view, subject to the entry into force of the ban amendment, would article 11 apply “notwithstanding the provisions of Article 4A”?

*** Yes, a Party listed in Annex VII to the Basel Convention that is bound by the amendment could enter an article 11 agreement or arrangement with a non-annex VII State ***

No, a Party listed in Annex VII to the Basel Convention that is bound by the ban amendment

Please elaborate your response:

Not answered

18. 14. What challenges have you experienced in the development of any Article 11 agreement or arrangement (e.g. lack of clarity as to the requirements set out in Article 11), and how have you addressed those challenges?

There is no experience.

19. 15. What challenges have you experienced in the application of any Article 11 agreement or arrangement (e.g. incomplete agreement/arrangement, differing interpretations of its content, lack of dispute resolution clauses), and how have you addressed those challenges?

There is no experience.

20. 16. Please give examples of good practice with respect to the development and application of Article 11 agreements or arrangements.

There is no experience.

21. 17. In addition to the answers you have already given, is there any other experience that you have that would assist the ICC in promoting the implementation of and compliance with Article 11?

Yes (please elaborate)

Not answered

*** No ***

22. 18. Would you have suggestions to the ICC on how to improve the implementation of Article 11 of the Basel Convention, whether at the national, regional or global level (e.g. development of guidance, information sharing, technical assistance)?

Yes (please elaborate)

Not answered

*** No ***

23. 19. Are you aware of or has your country developed guidance on the implementation of Article 11?

Yes, (please provide a link to or attach the guidance)

Not answered

Attachment:

No file uploaded

*** No ***

24. 20. Are there any particular issues that Article 11 guidance could cover?

No

25. 21. Please add any additional information or comments pertaining to Article 11 agreements and arrangements that are not included in answers to the above questions.

We will cooperate and collaborate with the other parties and secretariat for the implementation on Article 11.