**Questionnaire to collect information from Parties on their activities to enhance coordination and increase the flow of information between their competent authorities and enforcement entities, and between themselves and the Secretariat**

**Introduction**

By Decision BC-15/17, the fifteenth meeting of the Conference of the Parties to the Basel Convention (COP-15) adopted the work programme of the Committee Administering the Mechanism for Promoting Implementation and Compliance with the Basel Convention (ICC) for the biennium 2022–2023, whereby it requested the ICC to undertake a number of activities, building on previous activities undertaken by the ICC, aimed at improving implementation of and compliance with obligations pertaining to preventing and combating illegal traffic in hazardous wastes and other wastes, including monitoring the activities undertaken by Parties to enhance coordination and increase the flow of information between their competent authorities and enforcement entities, and between themselves and the Secretariat.

To assist the ICC with its work, Parties are invited to provide information about their experience with enhancing coordination and increasing the flow of information between competent authorities and enforcement entities, and between themselves and the Secretariat. The information collected will be used as a basis for the development of recommendations to the Conference of the Parties to improve implementation of and compliance with Article 9 of the Convention.

**Instructions for completing and submitting the questionnaire**

The ICC encourages focal points to seek the cooperation of competent authorities as well as of entities involved in the enforcement of the Basel Convention in completing this questionnaire.

Questionnaires are to be submitted to the Secretariat no later than [XX] Any substantive questions pertaining to this questionnaire may be addressed to Mrs Juliette Voinov Kohler (juliette.kohler@un.org). Any IT questions pertaining to this questionnaire may be addressed to [XX].

We thank you in advance for your kind cooperation.

The Implementation and Compliance Committee

**Background**

The mandate for this questionnaire builds on the work of the Implementation and Compliance Committee (ICC) conducted under its 2018–2019 work programme,[[1]](#footnote-1) which indicated that further work needed to be done to coordinate the implementation of and compliance with Article 9 at the national level. For example, Parties’ responses to a 2018 ICC questionnaire[[2]](#footnote-2) revealed that the establishment of coordinating mechanisms between competent authorities and enforcement entities was considered to be of the highest priority. In addition, under the ICC work programme 2020–2021 a questionnaire was sent to international organizations and entities with a mandate regarding preventing and combating illegal traffic with the aim to support the development of a better understanding of the challenges at hand and how to overcome them. The answers to the questionnaire showed that there was support for further work to enhance national coordination mechanisms, thereby increasing the flow of information within Parties and with the Secretariat. Also important was the establishment of coordination mechanisms or procedures at the national level between competent authorities and enforcement entities; that enforcement operations be prepared and implemented in close cooperation with competent authorities; and the development of joint guidance and tools targeting competent authorities and enforcement entities.

This questionnaire aims to monitor the activities that Parties have been taken to enhance coordination and increase the flow of information between their competent authorities and enforcement entities, and between themselves and the Secretariat.

1. **Enhancing coordination and increase the flow of information between competent authorities and enforcement entities**
	1. **Coordination mechanisms**
		1. In your country, are there coordination mechanisms between competent authorities and enforcement entities to exchange information or collaborate regarding possible cases of illegal traffic?

[ ] Yes [ ] No

If yes, please proceed to questions 1.1.2-1.1.7.

If no, please specify why (e.g. lack of legal basis) in the box below and proceed to question 1.1.8

* + 1. What is the basis for establishing a coordination mechanism between competent authorities and enforcement entities?

[ ] Required by and regulated by law

[ ] Official agreements between authorities/entities (e.g. MoU)

[ ]  Informal agreements between authorities/entities

[ ] Other (please specify)

If possible, please add links or other supporting information on the establishment of the coordination mechanisms

* + 1. Which authorities are involved in the coordination mechanisms?

[ ]  Focal point

[ ]  Competent Authority/ies

[ ]  Port authorities

[ ]  Environmental inspectorate

[ ]  Customs

[ ]  Police

[ ]  Prosecutor’s office

[ ]  Judges

[ ]  Regional/local authorities

[ ]  Other (please specify)

* + 1. What is the nature of the coordination?

[ ]  Information exchange (e.g. on suspected cases of illegal traffic, seizures or requests for international cooperation)

[ ]  Trainings

[ ]  Enforcement operations

[ ]  Development of domestic approaches or policies on preventing and combating illegal traffic (e.g. risk management, enforcement strategies)

[ ]  Development of international policies on preventing and combating illegal traffic (e.g. in preparation for a meeting of the Conference of the Parties)

[ ]  Development of standard operating procedures or modus operandi involving competent authorities and enforcement entities

[ ]  Development of joint awareness raising or training materials

[ ]  High-level meetings

[ ]  Other (please specify)

* + 1. Is there a specific focus to the coordination efforts?

[ ]  Mainly illegal imports

[ ]  Mainly illegal exports

[ ]  Mainly illegal transits

[ ]  Equally illegal exports, imports and transits

[ ]  Mainly prevention of illegal traffic

[ ]  Mainly dealing with the consequences of cases of illegal traffic (e.g. take back)

[ ]  Equally preventing and dealing with the consequences of cases of illegal traffic

* + 1. Are coordinating mechanisms reviewed periodically?

[ ] Yes (please specify how often)

[ ]  No

* + 1. How well do the coordination mechanisms work?

[ ]  The information exchange and collaboration between authorities/entities is generally satisfactory

[ ]  The coordination mechanisms would benefit from some improvements (please specify the improvements)

[ ]  The coordination mechanisms do not work properly (please specify why)

* + 1. In your country do you plan to establish coordination mechanisms between competent authorities and enforcement entities to exchange information or collaborate regarding possible cases of illegal traffic?

[ ] Yes [ ] No

* + 1. Are there other kinds of information exchange or collaboration between competent authorities and enforcement entities regarding possible cases of illegal traffic?

[ ] Yes [ ] No

* 1. **Activities to enhance coordination**

1.2.1. Have there been activities to enhance coordination between the competent authorities and enforcement entities in your country in the past three years?

[ ] Yes [ ] No

If yes, please elaborate what kind of activities have been undertaken using the table below:

|  |  |  |  |
| --- | --- | --- | --- |
| Type of activity(e.g. training, seminar, pilot project, enforcement operation, development of policies, development of training materials, consultations, high-level meeting) | Entities involved(e.g. Competent Authorities, Environmental inspectorates, Customs, Police, Prosecutors, Judges, Port Authorities, other) | Number of participants | Weblink to additional information on the activity |
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* + 1. Did you collect any feedback from the participants on your activity(ies)

[ ] Yes [ ] No

If yes, please describe the feedback:

|  |  |
| --- | --- |
| Activity | Feedback |
|  |  |

* + 1. Based on the activities your country has undertaken what are the best practices in enhancing the coordination between the competent authorities and enforcement entities?
		2. Do you plan to undertake activities to enhance coordination between the competent authorities and enforcement entities in the next year?

[ ] Yes [ ] No

If yes, please elaborate what kind of activities you plan to undertake using the table below:

|  |  |  |  |
| --- | --- | --- | --- |
| Type of activity(e.g. training, seminar, pilot project, enforcement operation, development of policies, development of training materials, consultations, high-level meeting) | Anticipated entities involved(e.g. Competent Authorities, Environmental inspectorates, Customs, Police, Prosecutors, Judges, Port Authorities, other) | Anticipated number of participants | Weblink to additional information on the activity |
|  |  |  |  |
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* + 1. Has your country undertaken in the last three years activities that are not directly aimed at enhancing coordination between the competent authorities and enforcement entities but have contributed to enhancing such coordination?

[ ] Yes [ ] No

If yes, please elaborate using the table below:

|  |  |  |  |
| --- | --- | --- | --- |
| Type of activity | Entities involved(e.g. Competent Authorities, Environmental inspectorates, Customs, Police, Prosecutors, Judges, Port Authorities, other) | Number of participants | Weblink to additional information on the activity |
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1. **Enhancing coordination and increase the flow of information between your country and the Secretariat**

2.1 Are you aware that each Party is to report to the Secretariat confirmed or closed cases of illegal traffic?

[ ] Yes [ ] No

2.2 In your country, when is a case of illegal traffic considered “closed” or “confirmed”?

2.3. Has your country reported to the Secretariat over the last 5 years confirmed or closed cases of illegal traffic?

[ ]  Yes (please specify)

[ ]  By filling in table 9 of the national reporting format

[ ]  By transmitting the form for confirmed cases of illegal traffic (see www.basel.int/Implementation/LegalMatters/IllegalTraffic/CasesofIllegalTraffic/tabid/3424/Default.aspx)

[ ]  No

2.4 In your country, is there a mechanism in place to ensure that confirmed or closed cases of illegal traffic are reported to the Secretariat?

[ ]  Yes (please specify the mechanism) [ ]  No (please explain why)

2.5 Do you have suggestions on how to improve the reporting to the Secretariat of confirmed or closed cases of illegal traffic?

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1. See http://www.basel.int/Implementation/LegalMatters/Compliance/WorkProgramme/20182019/tabid/6099/Default.aspx. [↑](#footnote-ref-1)
2. The questionnaire and the 50 responses from Parties received thereto are available at: http://www.basel.int/Implementation/LegalMatters/Compliance/GeneralIssuesActivities/Activities201819/Illegaltraffic/tabid/7435/Default.aspx. [↑](#footnote-ref-2)