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**Committee for Administering the Mechanism
for Promoting the Implementation and Compliance
of the Basel Convention**
Tenth meeting
Paris, 5–6 December 2013

Report of the tenth meeting of the Basel Convention Implementation and Compliance Committee (Paris, 5–6 December 2013)

I. Opening of the meeting

1. The tenth meeting of the Implementation and Compliance Committee (hereinafter ‘the Committee’) was held at the Direction Générale de la Prévention des Risques, Ministère de l’Ecologie, du Développement Durable et de l’Energie, Grande Arche - Paroi Nord 92055 La Défense Cedex, Paris, France, on 5 and 6 December 2013. Ms. Jimena Nieto, Chair of the Committee, opened the meeting at 9.00 a.m. She welcomed Committee members reminded them that the tenth meeting of the Committee came in addition to what had been approved by the Conference of the Parties in the 2012–2013 programme budget and expressed her appreciation both to Japan, whose financial contribution made the meeting possible, and to France, the host of the meeting.

2. Ms. Kerstin Stendhal, Deputy Executive Secretary of the Basel Convention, then delivered opening remarks. She in turn thanked Japan and France and also expressed her appreciation to the European Union and its member States for its financial support to the work programme of the Committee. Reflecting on the compliance-related decisions adopted by the eleventh meeting of the Conference of the Parties she said these were all in all very good news for the Committee. She highlighted the decision to extend the duration of the Committee’s meeting to three days, and the ongoing financial support of several parties to the implementation fund. She also said that the Committee was showing leadership in organizing a dialogue with the compliance bodies of other multilateral environmental agreements (hereinafter ‘MEAs’) as it would offer opportunities to learn from each other.

3. Ms. Marie Pierre Meganck, Committee member, welcomed participants on behalf of the host of the meeting.

4. The following members were present:

Africa Group

Mr. Ahou Florent BOTTO (Côte d’Ivoire)
Mr. Adel SHAFEI (Egypt)

Asia Pacific Group

Mr. Shunichi HONDA (Japan), Vice Chair
Mr. Mohammed Oglah Hussein KHASHASHNEH (Jordan)

Central and Eastern European States

Ms. Anahit ALEKSANDRYAN (Armenia)
Mr. Djordje VUKOTIC (Serbia)
Mr. Felix ZAHARIA (Romania), Rapporteur

Latin American and Caribbean States

Mr. Wilehaldo Cruz BRESSANT (Mexico)
Mr. Enrique Moret HERNANDEZ (Cuba)
Ms. Jimena NIETO (Colombia), Chair

Western Europe and Others Group

Ms. Anne DANIEL (Canada), Vice Chair
Mr. Mark GOVONI (Switzerland)
Ms. Marie-Pierre MEGANCK (France)

5. Sessions dealing with specific submissions were attended by representatives of the following parties concerned by a submission: Bhutan, Cabo Verde, Guinea-Bissau, Liberia, Libya, Oman, Swaziland and Togo, The session pertaining to the dialogue with other compliance bodies was attended by Chairs of compliance bodies as well as Secretariat representatives of the following MEAs : Kyoto Protocol to the United Nations Framework Convention on Climate Change (Kyoto Protocol to the UNFCCC), Cartagena Protocol on Biosafety to the Convention on Biological Diversity (Cartagena Protocol), Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol), Convention on the International Trade of Endangered Species of Wild Fauna and Flora (CITES), London Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Protocol), Convention on Environmental Impact Assessment in a Transboundary Context (ESPOO), and International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRA). In addition, Kobe University Research Institute on Multilateral Environment Agreements (KURIM) was represented by an observer during the open sessions of the Committee. The list of participants to the tenth meeting of the Committee is set out in document UNEP/CHW/CC.10/INF/7.

II. Organizational matters

A. Adoption of the agenda

6. The agenda proposed in document UNEP/CHW/CC.10/1 was adopted without amendment.

B. Organization of work

7. The Committee agreed to work on the basis of the tentative schedule of the meeting proposed in document UNEP/CHW/CC.10/INF/1/Rev.1.

8. The Committee considered the request by KURIM to be represented by an observer during the meeting. The Chair explained the different rules with respect to the admission of observers. She said that sessions dealing with general issues of implementation and compliance are open to observers unless decided otherwise by the Committee, and that sessions dealing with specific submissions are closed to observers unless decided otherwise by the Committee and the party concerned by the submission. She reminded members that, in accordance with paragraph 26 of the terms of reference of the Mechanism for promoting implementation and compliance with the obligations under the Basel Convention (hereinafter 'terms of reference'), "(t)he Committee, any party of others involved in its deliberations shall protect the confidentiality of the information received in confidence". Committee members agreed to the attendance of the representative of KURIM during the open sessions of the Committee as well as, subject to the concurring agreement of Togo, during the consideration of the submission concerning that party. Following a question by a Committee member, the Chair clarified that this decision was not intended to set any precedent and that the Committee would consider any future request for admission by an observer on a case-by-case basis.

III. Specific submissions regarding party implementation and compliance

A. Implementation fund

9. The Committee considered the information contained in document UNEP/CHW/CC.10/2 setting out information on the status of resources in the implementation fund on the basis of contributions received from Colombia, Japan, Norway and Switzerland, the new mandate of the Committee with respect to the use of those resources, and the decision by the Conference of the Parties to review at its twelfth meeting the operation of the implementation fund in light of the experience of the Committee and other developments¹. The Secretariat indicated that Norway had recently made a further contribution of USD 30,000 to the implementation fund and explained that, at the time of the meeting, some USD 130,000 were available in the implementation fund. Committee members expressed their appreciation to those parties having made contributions to the implementation fund. The Committee agreed to request the Secretariat, under the leadership of Committee member Mr. Zaharia, to prepare a report on the operation of the implementation fund in the light of the experience of the Committee and other developments, for its consideration at its eleventh meeting.

B. Specific submissions

10. The Chair declared closed the sessions pertaining to the consideration of specific submissions.

11. The Committee had before it one self-submission by a party, Oman, and eight submissions by the Secretariat concerning Bhutan, Cabo Verde², Eritrea, Guinea-Bissau, Liberia, Libya, Swaziland and Togo. All nine submissions aim at resolving parties' implementation and compliance difficulties with their national reporting obligation under paragraph 3 of Article 13 of the Basel Convention. In line with paragraph 15 of the terms of reference, all nine parties were invited to participate in the consideration by the Committee of the submission concerning their country. The Secretariat indicated that all but one party, Eritrea, had accepted this invitation.

12. In considering the submissions, the Committee agreed that there would be value in reviewing the way the Committee provides guidance to parties invited to develop a voluntary compliance action plan, for instance by reviewing the proposed template for the action plan.

1. Submission by Oman

13. The Committee considered the submission of Oman (CHW/CC/9a/2009/1) on the basis of the information set out in documents UNEP/CHW/CC.10/3 and UNEP/CHW/CC.10/3/Add.1. A representative of Oman participated in the consideration of the submission. Following its consideration of the submission the Committee adopted decision CC-10/1: Submission by Oman. The decision is set out in the annex to the present report.

2. Submission regarding Bhutan

14. The Committee considered the submission regarding Bhutan (CHW/CC/9c/2010/1) on the basis of the information set out in documents UNEP/CHW/CC.10/3 and UNEP/CHW/CC.10/3/Add.2. A representative of Bhutan participated in the consideration of the submission. Following its consideration of the submission the Committee adopted decision CC-10/2: Submission regarding Bhutan. The decision is set out in the annex to the present report.

3. Submission regarding Cabo Verde

15. The Committee considered the submission regarding Cabo Verde (CHW/CC/9c/2010/2) on the basis of the information set out in documents UNEP/CHW/CC.10/3 and UNEP/CHW/CC.10/3/Add.3. A representative of Cabo Verde participated in the consideration of the submission. Following its consideration of the submission the Committee adopted decision CC-10/3: Submission regarding Cabo Verde. The decision is set out in the annex to the present report. In its decision, the Committee, among other things, decided to consider the approval of the voluntary compliance plan of Cabo Verde before the eleventh meeting of the Committee and, subject to its approval, to recommend that the Executive

¹ Decision BC-11/8, paragraph.

² Cape Verde changed its name to "Cabo Verde" as of 25 October 2013.

Secretary use, subject to their availability, resources in the implementation fund for the purpose of covering costs associated with the implementation of the activities listed in the compliance action plan approved by the Committee. Decision CC-10/3/Add.1, adopted before the eleventh meeting of the Committee, is set out in the annex to document UNEP/CHW/CC.10/14/Add.1.

4. Submission regarding Eritrea

16. The Committee considered the submission regarding Eritrea (CHW/CC/9c/2010/3) on the basis of the information set out in documents UNEP/CHW/CC.10/3 and UNEP/CHW/CC.10/3/Add.4. Following its consideration of the submission the Committee adopted decision CC-10/4: Submission regarding Eritrea. The decision is set out in the annex to the present report. The Committee regretted that Eritrea did not attend the meeting and agreed that if Eritrea did not cooperate with the Committee it would have to consider at its eleventh meeting whether to recommend to the Conference of the Parties that it issue a cautionary statement.

5. Submission regarding Guinea-Bissau

17. The Committee considered the submission regarding Guinea-Bissau (CHW/CC/9c/2010/4) on the basis of the information set out in documents UNEP/CHW/CC.10/3 and UNEP/CHW/CC.9/10/Add.5. A representative of Guinea-Bissau participated in the consideration of the submission. Following its consideration of the submission the Committee adopted decision CC-10/5: Submission regarding Guinea-Bissau. The decision is set out in the annex to the present report. In its decision, the Committee, among other things, decided to consider the approval of the voluntary compliance plan of Guinea-Bissau before the eleventh meeting of the Committee and, subject to its approval, to recommend that the Executive Secretary use, subject to their availability, resources in the implementation fund for the purpose of covering costs associated with the implementation of the activities listed in the compliance action plan approved by the Committee. Decision CC-10/5/Add.1, adopted before the eleventh meeting of the Committee, is set out in the annex to document UNEP/CHW/CC.10/14/Add.1.

6. Submission regarding Liberia

18. The Committee considered the submission regarding Liberia (CHW/CC/9c/2010/5) on the basis of the information set out in documents UNEP/CHW/CC.10/3 and UNEP/CHW/CC.10/3/Add.6. A representative of Liberia participated in the consideration of the submission. Following its consideration of the submission the Committee adopted decision CC-10/6: Submission regarding Liberia. The decision is set out in the annex to the present report.

7. Submission regarding Libya

19. The Committee considered the submission regarding Libya (CHW/CC/9c/2010/6) on the basis of the information set out in documents UNEP/CHW/CC.10/3 and UNEP/CHW/CC.10/3/Add.7. Two representatives of Libya participated in the consideration of the submission. Following its consideration of the submission the Committee adopted decision CC-10/7: Submission regarding Libya. The decision is set out in the annex to the present report. The Committee was made aware of the special situation concerning Libya and drafted its decision accordingly.

8. Submission regarding Swaziland

20. The Committee considered the submission regarding Swaziland (CHW/CC/9c/2010/8) on the basis of the information set out in documents UNEP/CHW/CC.10/3 and UNEP/CHW/CC.10/3/Add.8. A representative of Swaziland participated in the consideration of the submission. The Committee congratulated the representative of Swaziland for the thorough presentation of the situation and for Swaziland's efforts to restore compliance. Following its consideration of the submission the Committee adopted decision CC-10/8: Submission regarding Swaziland. The decision is set out in the annex to the present report. In its decision, the Committee, among other things, decided to consider the approval of the voluntary compliance plan of Swaziland before the eleventh meeting of the Committee and, subject to its approval, to recommend that the Executive Secretary use, subject to their availability, resources in the implementation fund for the purpose of covering costs associated with the implementation of the activities listed in the compliance action plan approved by the Committee. Decision CC-10/8/Add.1, adopted before the eleventh meeting of the Committee, is set out in the annex to document UNEP/CHW/CC.10/14/Add.1.

9. Submission regarding Togo

21. The Committee considered the submission regarding Togo (CHW/CC/9c/2010/9) on the basis of the information set out in documents UNEP/CHW/CC.10/3 and UNEP/CHW/CC.10/3/Add.9. A representative of Togo participated in the consideration of the submission. The Chair invited Togo to consider the attendance of a representative of KURIM during the consideration of the submission regarding Togo, to which the representative of Togo agreed. The Chair therefore invited the representative of KURIM to join the session.

22. Following its consideration of the submission, the Committee adopted decision CC-10/9: Submission regarding Togo. The decision is set out in the annex to the present report.

C. Evaluation of the amendment to paragraph 9 (c) of the terms of reference

23. The Chair declared open the sessions pertaining to the remaining sub-items of agenda item 3, namely the evaluation of the amendment to paragraph 9 (c) of the terms of reference which expanded the bases upon which the Secretariat can trigger the procedures, and the legal framework programme.

24. The Secretariat made an oral report to the Committee on the evaluation of the amendment to paragraph 9 (c) of the terms of reference. In its report, the Secretariat noted that the expanded secretariat trigger had not been used to date. It also provided information on the status of designation by parties of focal points and competent authorities in accordance with Article 5 of the Basel Convention, noting that 7 parties have not designated a focal point and that 11 parties have not designated a competent authority. The Secretariat also reminded the Committee that it had been mandated by the eleventh meeting of the Conference of the Parties to provide to the Conference of the Parties at its twelfth meeting a report on its evaluation of the effectiveness of the amendment to paragraph 9 (c) of the terms of reference, including recommendations.

25. The Committee welcomed the information provided by the Secretariat and supported the initiation by the Secretariat of consultations with the parties facing possible difficulties in complying with their obligations under Article 5 of the Basel Convention, as the condition precedent to its exercise of the expanded trigger.

26. With respect to the amendment to paragraph 9 (c) of the terms of reference, one Committee member noted the different objectives of the obligations listed therein. She expressed the view that implementation or compliance difficulties associated with Article 5 pertaining to the designation of competent authorities and focal points clearly have an impact on other parties, therefore there are grounds for issues of non-compliance with Article 5 to be submitted by the Secretariat. On the other hand, compliance with the obligations to transmit to the Secretariat national definitions of hazardous wastes or import/transit/export restrictions and prohibitions, is primarily in the interest and within the knowledge of the party with the obligation to transmit the information. Therefore, a submission to the Committee would most likely be made by the party itself on the basis of its own difficulties in complying with these obligations. Following discussions, the Committee requested the Secretariat to prepare a report evaluating the effectiveness of the amendment as well as recommendations with respect thereto for its consideration at its eleventh meeting.

D. Legal framework programme

27. The Committee considered the information contained in document UNEP/CHW/CC.10/4. When introducing the document, the Secretariat explained that the legal framework programme had been established by the tenth meeting of the Conference of the Parties³ as part of the specific submissions mandate of the Committee. The Committee, however, in its report to the tenth meeting of the Conference of the Parties⁴, had recommended that the programme be established as part of its mandate to review general issues of implementation and compliance. As a result, it was understood that the programme needed to be reviewed and its approach possibly adjusted.

28. In considering the matter, one Committee member suggested that the programme could be amended in a way that it could be initiated not only through a self-submission by a party but also by a party having concern or affected by a failure to comply with and/or implement the obligations of the

³ Decision BC-10/11.

⁴ Document UNEP/CHW.10/9/Rev.1.

Convention by another party with whom it is directly involved under the Convention. The Committee agreed to request the Secretariat to prepare, under the leadership of Committee member Mr. Zaharia, a review of whether the Committee's legal framework programme needs further refining, including proposals on how to make the programme more effective, for its consideration at its eleventh meeting.

IV. Review of general issues of compliance and implementation under the Convention

A. National reporting

1. Individual compliance performance

29. The Committee considered the information contained in document UNEP/CHW/CC.10/5, including the annexes setting out the classification of parties' compliance performance with regard to the annual reporting obligation for 2011. When introducing the document, the Secretariat reminded the Committee that the classification was a continuation of a similar activity undertaken with respect to the national reporting obligation for 2009 and 2010 and that further classifications had been mandated by the eleventh meeting of the Conference of the Parties with respect to the national reporting obligation for 2012 and 2013. The Secretariat mentioned that the reporting targets approved by the eleventh meeting of the Conference of the Parties⁵ had not been met and that among the 77 parties that had transmitted a national report, out of the 174 parties required to do so, only one party had transmitted its report complete and on time.

30. In its discussions, the Committee noted the link between the classification activity and the work of the small intersessional working group (hereinafter 'SIWG') mandated by the eleventh meeting of the Conference of the Parties to review and revise the national reporting format⁶. The Secretariat therefore provided a report on the work of the SIWG so far and said the SIWG was expected to complete its work by March 2014 for consideration by the Open-ended Working Group at its ninth meeting and subsequently by the Conference of the Parties at its twelfth meeting. The Committee exchanged views on the possibility of taking into account the forthcoming revised reporting format in the classification activity and agreed to reconsider the matter at its eleventh meeting. Committee member Ms. Daniel agreed to take the lead on this element of the work programme of the Committee.

31. In conclusion, the Committee noted with concern that the national reporting targets for the year 2011 approved by the Conference of the Parties at its eleventh meeting had not been met. The Committee requested the Secretariat to prepare the classification of individual compliance performance by parties with regard to their annual reporting obligation for 2012 for its consideration during its eleventh meeting. The Committee also agreed to bring to the attention of the Chair of the SIWG the results of its deliberations.

2. Guidance on the development of inventories

32. The Committee considered the information contained in document UNEP/CHW/CC.10/6, including the annex setting out a draft methodological guide on the development of inventories of hazardous wastes and other wastes under the Basel Convention (October 2013), and document UNEP/CHW/CC.10/INF/2 setting out comments received from parties and others on an earlier version of the draft methodological guide.

33. Committee members saw value in seeking further input from parties and others on the draft methodological guide. The Committee therefore requested the Secretariat to make the draft guide available to parties and others with an invitation to comment by 31 January 2014. The Committee also requested the Secretariat to prepare by 31 March 2014 revised draft guidance on the development of inventories of hazardous wastes and other wastes under the Basel Convention reflecting the outcome of the discussions during the tenth meeting of the Committee as well as further comments received from Committee members, parties and others, for the consideration of the Open-ended Working Group at its ninth meeting and the consideration of the Committee at its eleventh meeting. Mr. Adel Shafei agreed to take the lead on this activity of the work programme of the Committee.

⁵ Paragraph 9 of decision BC-11/8: 30 per cent of reports due for 2011 and for subsequent years are submitted in time; and 20 per cent of reports due for 2011 and for subsequent years are submitted complete.

⁶ Decision BC-11/7.

3. Additional guidance and tools pertaining to inventories

34. The Secretariat made an oral report to the Committee on the matter of additional guidance and tools pertaining to inventories. The Secretariat reminded the Committee that it had been mandated by the eleventh meeting of the Conference of the Parties to analyze whether additional guidance or tools should be developed for the purpose of developing and maintain inventories for consideration and possible adoption by the Conference of the Parties at its twelfth meeting. The Committee requested the Secretariat to prepare, for its consideration at its eleventh meeting, proposals for the development of such guidance and tools in light of the progress achieved in the finalization of the guidance on the development of inventories.

4. Dialogue with other compliance bodies

35. In the framework of its mandate to improve timely and complete national reporting, the Committee held a half-a-day session on a dialogue with other MEA compliance bodies on Friday 6 December 2013, on the basis of documents UNEP/CHW/CC.10/7 and UNEP/CHW/CC.10/INF/3.

36. In her opening remarks for the session, the Chair invited the participants to share their experiences in dealing with compliance issues and to identify challenges and lessons learned pertaining to compliance with the national reporting obligation as well as other obligations. Ms. Nieto then presented the main features of the Basel Convention Implementation and Compliance Committee, in particular its double mandate pertaining to general as well as individual compliance issues, and the extension of the Secretariat trigger. She also referred to the Committee's practice with respect to resolving individual compliance issues with the national reporting obligation.

37. In his introduction of the compliance procedures of the ITPGRA, Mr. René Lefebvre, Chair of the Compliance Committee, highlighted two specific features: the Committee is mandated to review reports submitted by parties; and a party may submit statements and questions concerning the implementation of its own obligations. In responding to a question, he explained that it was unclear whether the review of reports could lead to the consideration by the Committee of individual cases of non-compliance.

38. Ms. Maria Socorro Manguiat, UNFCCC Secretariat, made a presentation on the Kyoto Protocol Compliance Committee, with an emphasis on compliance by parties included in Annex B to the Kyoto Protocol with their obligations. She said that the facilitative branch of the Committee had not been active prior to the first commitment period (2008–2012) but that the enforcement branch of the Committee has been adopting decisions with automatic effect since the first commitment period. Among the challenges identified, she mentioned the issue of communication between the expert review teams, which prepare reports of a technical nature, and the enforcement branch. She also said that efforts had been made to increase transparency in the proceedings of the enforcement branch. In responding to a question she explained that the enforcement branch had not seen fit to apply the principle of common but differentiated responsibilities in its proceedings as all Annex B parties had undertaken the same substantive and reporting obligations.

39. The President of the Implementation Committee of the Montreal Protocol, Mr. Janusz Kozakiewicz, explained that, in practice, cases of non-compliance are identified by the Secretariat in its report to the Committee on reports received from parties. As a first step, the Committee makes recommendations to the party concerned. Later, if necessary, the Meeting of the Parties may adopt a decision setting benchmarks for restoring compliance. He said that parties are usually not invited to meetings of the Committee, which are closed. Mr. Gilbert Bankobeza, Montreal Protocol Secretariat, added that there were no persistent cases of non-compliance under the Protocol: all cases have been restored due to the facilitative approach used by the Committee and with high rates of compliance explained by the access to financial assistance.

40. Mr. Frederik Haag, International Maritime Organization, introduced the London Protocol compliance procedures that provide for consideration of both individual and systemic non-compliance issues. He said the Compliance Group had so far only considered the latter including through the review of reports transmitted by parties to the Secretariat. He added that the lack of adequate legislation implementing the Protocol's requirements had been highlighted as a factor for non-compliance with the reporting obligation.

41. Ms. Marceil Yeater, CITES Secretariat, explained that compliance with the reporting obligation is driven more by the threat of sanctions, such as listing on the Convention website or trade suspension,

than access to financial resources. She mentioned that work is under way to review the reporting requirements under CITES, with discussions over the development of an illegal trade report, as well as what to do with information that is reported, for instance analytical work. She also informed participants about efforts to streamline reporting requirements and to link to other biodiversity-related MEAs.

42. An introduction to the ESPOO compliance regime was made by Ms. Vensa Kola Planinšič Chair of Implementation Committee, and Ms. Aphrodite Smagadi, United Nations Economic Commission for Europe. Ms. Planinšič explained that the reporting obligation under the Convention was not yet in force however the Meeting of Parties had expressed its strong wish for parties to report. She explained that the reporting format had been developed by the Implementation Committee and that a review of the questionnaires received was undertaken by the Committee every two to three years. She explained the review process and its primarily facilitative nature, although a declaration of non-compliance or caution was possible. Ms. Smagadi provided additional information on the role of the Secretariat, including the review of reports, the preparation of a list of possible issues that could indicate non-compliance and correspondence with parties prior to an issue going before the Committee.

43. The Chair of the Committee then invited Committee member Ms. Daniel in her capacity as co-chair of the contact group on compliance matters during the sixth meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants and the sixth meeting of the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade to provide an update on the compliance negotiations under the Stockholm Rotterdam conventions. Ms. Daniel explained that outstanding issues under the Stockholm Convention included the underlying principles, a third trigger, and possible measures by the Conference of the Parties. Under the Rotterdam Convention, outstanding issues included decision making and a third trigger. She said that compliance matters had been considered in a simultaneous way during the last meetings of the Conferences of the Parties⁷.

44. Participants then discussed the third trigger issue. Ms. Nieto, in her capacity as Chair of the Biosafety Protocol Compliance Committee explained that the Conference of the Parties acting as the Meeting of the Parties to the Protocol had recently⁸ decided to allow the Secretariat to draw the attention of the Committee to possible cases of individual non-compliance. Mr. Lefeber explained that, in the context of the ITPGRA, the previously mentioned mandate for the Committee to review reports submitted by parties and the possibility for a party to submit to the Committee statements and questions concerning the implementation of its own obligations had been elaborated as a way to overcome resistance by some parties to a third trigger.

45. The Chair then provided a brief overview of the way compliance had been addressed in the framework of the negotiations of the Minamata Convention on Mercury, explaining that this MEA is unique in the sense that Article 15 already sets out the main features, including its nature, mandate, membership of the Committee, trigger and decision making.

46. Concluding the session, the Chair said the dialogue had evidenced the similarities and differences between the various compliance regimes. She said common issues included: parties' "reporting fatigue" and efforts to therefore facilitate reporting, including through an analysis of whether and how far synergies between various MEAs can be achieved with respect to national reporting ...; the relationship between the development of the reporting format and the review of compliance with the reporting obligation; and the strong focus on facilitative outcomes although only some MEAs provided access to financial assistance. In terms of differences, she mentioned that the Kyoto Protocol compliance regime had unique features that were not replicated in other MEAs and the fact that only some MEAs explicitly provided for the possibility of sanctions in case of non-compliance. Her main conclusion was that knowing about each other and learning from one another was useful, and that these goals had been achieved through the dialogue. She said that she felt all participants would benefit from a continued dialogue and that a future session could focus on a separate set of issues. She said the Committee would consider whether to hold a second dialogue during its eleventh meeting and invited all MEA representatives to also consider convening a meeting for the dialogue to continue.

⁷ The eleventh meeting of the Conference of the Parties to the Basel Convention (BC COP-11), the sixth meeting of the Conference of the Parties to the Rotterdam Convention (RC COP-6) and the sixth meeting of the Conference of the Parties to the Stockholm Convention (SC COP-6) were held back-to-back from 28 April to 10 May 2013, in Geneva.

⁸ Decision BS-V/1.

47. Following the conclusion of the dialogue, the Committee considered the action proposed in document UNEP/CHW/CC.10/7. The Committee agreed to request the Secretariat to develop a proposal on improving the timeliness and completeness of national reporting under paragraph 3 of Article 13 of the Convention for consideration at its eleventh meeting. The proposal could include possible action by parties to the Basel Convention, the Conference of the Parties, the Secretariat and others and take into account the discussions held during its session on the dialogue with compliance bodies as well as further communications with these compliance bodies and secretariats of the relevant agreements following the tenth meeting of the Committee. The Committee also agreed to consider in the intersessional period whether to hold a further session on the dialogue with compliance bodies during its eleventh meeting, subject to the availability of funding.

48. Concluding the consideration of this item, one Committee member made reference to the United Nations Environment Programme (UNEP) discussions on the special programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the future Minamata Convention and the Strategic Approach for International Chemicals management and said that the establishment of chemicals and wastes units would contribute to improving compliance with the reporting obligations.

B. National legislation

49. The Committee considered the information contained in document UNEP/CHW/CC.10/8. The Committee agreed to request the Secretariat to prepare, taking into account views expressed by Committee members during its tenth meeting and during the intersessional period, a report on strategies to promote full legislative implementation of the Basel Convention among its parties for its consideration during its eleventh meeting. The Committee also highlighted the link between the expansion of the checklist for the legislator and another activity of the 2014–2015 work programme of the Committee, namely the updating of the Manual for the Implementation of the Convention, and decided to consider both activities jointly⁹.

C. Illegal traffic: Guidance on the take-back provision

50. The Committee considered the information contained in document UNEP/CHW/CC.10/9 including the annex setting out draft guidance on the implementation of the Basel Convention illegal traffic take-back provision (paragraph 2 of Article 9) and document UNEP/CHW/CC.10/INF/4 setting out comments received from parties and others on an earlier version of the draft guidance.

51. Committee members saw value in seeking further input from parties and others on the draft guidance. The Committee therefore requested the Secretariat to make the draft guidance available to parties and others with an invitation to comment by 31 January 2014. The Committee also requested the Secretariat to prepare by 31 March 2014 revised draft guidance on the implementation of the Basel Convention illegal traffic take-back provision (paragraph 2 of Article 9) reflecting the outcome of the discussions during the tenth meeting of the Committee as well as further comments received from Committee members, parties and others, for the consideration of the Open-ended Working Group at its ninth meeting and the consideration of the Committee at its eleventh meeting. Committee members Mr. Honda and Mr. Shafei agreed to continue to co-lead this activity of the work programme of the Committee.

D. Insurance, bond, guarantee

52. The Committee considered the information contained in document UNEP/CHW/CC.10/10 including the annex to it that sets out the information held by the Secretariat on the implementation of paragraph 11 of Article 6 of the Convention. The Chair reminded participants that although some Committee members had expressed differing views about the importance of this activity of the work programme of the Committee, some parties had, during the eleventh meeting of the Conference of the Parties, expressed the view that it required the attention of the Committee. Committee members exchanged views on whether enough information was currently available for the Committee to consider whether it should develop guidance on how to implement this provision of the Convention and whom to seek such information from, for instance insurance companies.

⁹ See section IV F. of the present report.

53. The Committee agreed to the action proposed in document UNEP/CHW/CC.10/10, namely to request the Secretariat, under the leadership of Committee member Mr. Govoni and within available resources:

- (a) To develop a questionnaire with a view to collecting information on how parties are implementing paragraph 11 of Article 6, including challenges associated with this implementation and possible ways to overcome them;
- (b) To send the questionnaire to parties, Basel Convention Regional Centres and other relevant stakeholders inviting responses by 31 March 2014;
- (c) To publish on the website of the Convention the responses received to the questionnaire;
- (d) To compile the information received and prepare a report that includes recommendations pertaining to the development of guidance on how to implement paragraph 11 of Article 6, for the consideration of the Committee during its eleventh meeting.

E. Control system

1. Guide to the control system

54. The Committee considered the information contained in document UNEP/CHW/CC.10/11 including the annex setting out a revised guide to the control system (instruction manual for use by those persons involved in transboundary movements of hazardous wastes) and document UNEP/CHW/CC.10/INF/5 setting out comments received from parties and others on an earlier version of the guide.

55. Committee members saw value in seeking further input from parties and others on the revised guide. The Committee therefore requested the Secretariat to make the revised guide available to parties and others with an invitation to comment by 31 January 2014. The Committee also requested the Secretariat to prepare by 31 March 2014 a revised guide to the control system reflecting the outcome of the discussions during the tenth meeting of the Committee as well as further comments received from Committee members, parties and others, for the consideration of the Open-ended Working Group at its ninth meeting and the Committee at its eleventh meeting. Committee member Ms. Daniel agreed to continue leading this activity of the work programme of the Committee.

2. Interactive tool

56. The Committee considered the information contained in document UNEP/CHW/CC.10/12. Committee members agreed to request the Secretariat to continue its work with respect to the development of the interactive tool on the control system and to report back to the eleventh meeting of the Committee on progress achieved.

F. Manual for the implementation of the Basel Convention

57. The Committee considered the information contained in document UNEP/CHW/CC.10/13 in conjunction with the activity of the work programme of the Committee to consider an expansion of the checklist for the legislator¹⁰. Committee members discussed the possible structure of the updated manual for the implementation of the Basel Convention and agreed to use as a basis the structure of the manual for the implementation of the Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and Their Disposal, which provides guidance on an article-by-article basis. The Committee also agreed that the expanded checklist for the legislator would build on the updated version of the manual.

58. The Committee agreed to the action proposed in document UNEP/CHW/CC.10/13, to request the Secretariat, subject to the availability of voluntary financial contributions, based on the outcome of the discussions during the tenth meeting of the Committee, taking into account progress achieved in updating the guide to the control system and bearing in mind the need to avoid duplication between the two documents, to develop an updated manual for the implementation of the Convention for the consideration of the Open-ended Working Group during its ninth meeting and the Committee during its eleventh meeting. Committee members Ms. Daniel and Mr. Khashashneh agreed to co-lead the

¹⁰ See section IV B. of the present report.

development of the updated manual for the implementation of the Convention as well as the expansion of the checklist for the legislator.

V. Venue and date of the eleventh meeting of the Committee

59. The Committee heard an oral report from the Secretariat on the date and venue of the eleventh meeting of the Committee and agreed to hold the meeting on 22–24 September 2014 in Geneva, following the ninth meeting of the Open-ended Working Group.

VI. Other matters

60. Committee member Mr. Honda, in his capacity as Vice chair of the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE)¹¹, presented a brief report of the first meeting of ENFORCE (Bangkok, Thailand, 18–19 November 2013)¹².

VII. Adoption of the report of the tenth meeting

61. The Committee agreed that the report would be prepared by 19 December 2013 for the review by the Chair and the Rapporteur, and that Committee members would be invited to provide comments thereon in January 2014. The report of the meeting would then be finalized by the Secretariat and adopted by the Committee by electronic means.

VIII. Closure of the meeting

62. In concluding the meeting, the Chair informed Committee members that she was planning on holding three online consultations before the eleventh meeting of the Committee. She urged Committee members to participate in these.

63. The Chair thanked Committee members and the Secretariat for their work and closed the meeting at 5.00 p.m. on Friday, 6 December 2013.

¹¹ The terms of reference of ENFORCE are set out in the annex I to decision BC-11/8.

¹² The report of the meeting is available at :
<http://www.basel.int/Implementation/LegalMatters/IllegalTraffic/Meetings/Bangkok,Thailand18to19November2013/tabid/3458/mctl/ViewDetails/EventModID/8927/EventID/420/xmid/10855/Default.aspx>

Annex

Decisions adopted by the Implementation and Compliance Committee at its tenth meeting¹

- CC-10/1: Submission by Oman
- CC-10/2: Submission regarding Bhutan
- CC-10/3: Submission regarding Cabo Verde
- CC-10/4: Submission regarding Eritrea
- CC-10/5: Submission regarding Guinea-Bissau
- CC-10/6: Submission regarding Liberia
- CC-10/7: Submission regarding Libya
- CC-10/8: Submission regarding Swaziland
- CC-10/9: Submission regarding Togo

CC-10/1: Submission by Oman

The Committee,

Recalling the submission by Oman to the Committee in which Oman concludes that, despite its best efforts, it is unable to fully implement or comply with its obligations under Article 13 paragraph 3 of the Convention (CHW/CC/9a/2009/1),

Recalling also decisions 8/1 and 9/1,

Recalling further decision BC-11/8 whereby the Conference of the Parties authorizes the Committee to make recommendations to the Executive Secretary on the use of the implementation fund in the intersessional period between the eleventh and twelfth meetings of the Conference of the Parties in the context of the facilitation procedure set out in paragraphs 19 and 20 of the terms of reference, to fund activities listed in the compliance action plans approved by the Committee;

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Welcomes* the submission by Oman of part I of the Revised Questionnaire on “Transmission of Information” (in accordance with Articles 13 & 16 of the Basel Convention) - National Report for 2011²;
2. *Notes* with appreciation that Oman has provided answers to all questions and tables of part I of the questionnaire for 2011;
3. *Welcomes* also the updated designations by Oman of its competent authority and focal point, pursuant to Article 5 of the Convention;
4. *Welcomes* further the submission by Oman of elements of a voluntary compliance action plan³ which assisted the Committee in determining the root causes of the matter of concern as well as measures to resolve the matter of concern;
5. *Expresses* its appreciation for the cooperation of Oman with the Committee during its tenth meeting and for its commitment to ensure the implementation of its obligations under the Basel Convention;

¹ Decision CC-10/3/Add.1: Submission regarding Cabo Verde, decision CC-10/5/Add.1: Submission regarding Guinea-Bissau, and decision CC-10/8/Add.1: Submission regarding Swaziland are set out in the annex to document UNEP/CHW/CC.10/14/Add.1.

² UNEP/CHW/CC.10/3/Add.1, annex II.

³ UNEP/CHW/CC.10/3/Add.1, annex III.

6. *Welcomes* the willingness of Oman to participate in training activities on national reporting, including by electronic means as well as the workshop on national reporting organized by the Basel Convention Regional Centre for the Arab States in Egypt in December 2013, and to submit to the Secretariat before the eleventh meeting of the Committee its national report for 2012;

7. *Recommends* that Oman cooperate with the Basel Convention Regional Centre for the Arab States in Egypt;

8. *Approves*, without prejudice to further measures the Committee may decide in the future, the following activities of the compliance action plan of Oman:

(a) Identification of the key stakeholders whose involvement is required for restoring compliance with the national reporting obligation;

(b) Assessment of Oman's legal framework, including possible gaps to fully implement the Basel Convention;

(c) Identification of steps already taken to develop an inventory of hazardous and other wastes and of their outcome, and preliminary assessment of gaps towards the development of a sustainable inventory for the purpose of national reporting;

(d) Additional elements proposed by Oman such as a mission by a Committee member and the Secretariat to Oman with a view to securing the support of the necessary governmental authorities towards restoring compliance with the national reporting obligation;

9. *Recommends* that the Executive Secretary use, subject to their availability, resources in the implementation fund of up to USD 20,000 for the purpose of covering costs associated with the implementation of the activities listed in paragraph 8 of the present decision;

10. *Requests* the Secretariat to communicate this decision to the Basel Convention Regional Centre for Arab-speaking countries in Egypt;

11. *Requests* the Secretariat to continue its communications with and support to Oman and to report to the Committee as appropriate;

12. *Decides* to keep this matter under review.

CC-10/2: Submission regarding Bhutan

The Committee,

Recalling the submission by the Secretariat to the Committee regarding Bhutan concerning possible difficulties faced by this party to comply with its reporting obligation under Article 13 paragraph 3 of the Convention (CHW/CC/9c/2010/1),

Recalling also decisions 8/2 and 9/2,

Recalling further decision BC-11/8 whereby the Conference of the Parties authorizes the Committee to make recommendations to the Executive Secretary on the use of the implementation fund in the intersessional period between the eleventh and twelfth meetings of the Conference of the Parties in the context of the facilitation procedure set out in paragraphs 19 and 20 of the terms of reference, to fund activities listed in the compliance action plans approved by the Committee;

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Welcomes* the submission by Bhutan of part I of the Revised Questionnaire on "Transmission of Information" (in accordance with Articles 13 & 16 of the Basel Convention) - National Report for 2010 and 2011⁴;

2. *Notes* that Bhutan has provided incomplete responses to part I of the questionnaires for 2010 and 2011;

⁴ UNEP/CHW/CC.10/3/Add.2, annex II.

3. *Notes* also that Bhutan has not made use of the funding approved by the Committee in its decision 9/2 for the purpose of covering costs associated with the approved elements of Bhutan's compliance action plan;
4. *Expresses* its appreciation for the cooperation of Bhutan with the Committee during its tenth meeting and for its continued commitment to ensure the implementation of its obligations under the Basel Convention;
5. *Welcomes* the willingness of Bhutan to participate in training activities on national reporting, including by electronic means, and to submit to the Secretariat before the eleventh meeting of the Committee its national report for 2012;
6. *Recommends* that Bhutan cooperate with a Basel Convention Regional Centre in the Asian region;
7. *Recommends* that the Executive Secretary use, subject to their availability, resources in the implementation fund of up to USD 50,000 for the purpose of covering costs associated with the implementation of the activities listed in the compliance action plan approved by the Committee in its decision 9/2, namely:
 - (a) Training on the development of inventories;
 - (b) The establishment of the methodology for the inventory (including systems and databases);
 - (c) The development of an inventory;
8. Consequently, and in accordance with its obligations under Article 13 of the Convention, *invites* Bhutan to submit to the Secretariat its national report for 2013 by the end of 2014, and subsequent national reports complete and in time;
9. *Requests* the Secretariat to communicate this decision to the Basel Convention regional centres in the Asian region;
10. *Requests* the Secretariat to continue its communications with and support to Bhutan and to report to the Committee as appropriate;
11. *Decides* to keep this matter under review.

CC-10/3: Submission regarding Cabo Verde

The Committee,

Recalling the submission by the Secretariat to the Committee regarding Cabo Verde concerning possible difficulties faced by this party to comply with its reporting obligation under paragraph 3 of Article 13 of the Convention (CHW/CC/9c/2010/2),

Recalling also decisions 8/3 and 9/3,

Noting that Cabo Verde remains in the situation of having never submitted a national report pursuant to paragraph 3 of Article 13 of the Convention,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Welcomes* the designation by Cabo Verde of a competent authority and focal point, pursuant to Article 5 of the Convention;
2. *Expresses* its concern about the continued lack of transmission of national reports under paragraph 3 of Article 13 of the Convention;
3. *Expresses* its appreciation for the cooperation of Cabo Verde with the Committee during its tenth meeting, which assisted the Committee in determining the facts and root causes of the matter of concern;
4. *Expresses* also its appreciation for the commitment of Cabo Verde to ensure the implementation of its obligations under the Basel Convention;

5. *Concludes* that Cabo Verde is facing difficulties in complying with its reporting obligations under paragraph 3 of Article 13 of the Convention, and expresses its concern about this situation;
6. *Reiterates* its commitment to assist Cabo Verde in addressing the difficulties that it experiences in complying with its reporting obligations under paragraph 3 of Article 13 of the Convention;
7. *Decides* to provide Cabo Verde with information about the general guidance on national reporting available under the Convention as a means of providing general assistance in accordance with paragraph 19 of the terms of reference;
8. *Welcomes* the willingness of Cabo Verde to participate in training activities on national reporting, including by electronic means, and to submit to the Secretariat before the eleventh meeting of the Committee its national report for 2012;
9. *Recommends* that Cabo Verde cooperate with the Basel Convention Regional Centre for French-speaking countries in Africa;
10. *Invites* Cabo Verde to elaborate, with the assistance of the Secretariat, before 31 March 2014, a voluntary compliance action plan to assist Cabo Verde in identifying the matter of concern as well as ways to resolve it;
11. *Decides* to consider the approval of the voluntary compliance plan before the eleventh meeting of the Committee and, subject to its approval, to recommend that the Executive Secretary use, subject to their availability, resources in the implementation fund for the purpose of covering costs associated with the implementation of the activities listed in the compliance action plan approved by the Committee;
12. *Requests* the Secretariat to communicate this decision to the Basel Convention Regional Centre for French-speaking countries in Africa;
13. *Requests* the Secretariat to continue its communications with and support to Cabo Verde and to report to the Committee as appropriate;
14. *Decides* to keep this matter under review.

CC-10/4: Submission regarding Eritrea

The Committee,

Recalling the submission by the Secretariat to the Committee regarding Eritrea concerning possible difficulties faced by this party to comply with its reporting obligation under paragraph 3 of Article 13 of the Convention (CHW/CC/9c/2010/3),

Recalling also decisions 8/4 and 9/4,

Noting once again that Eritrea remains in the situation of having never submitted a national report pursuant to paragraph 3 of Article 13 of the Convention,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Welcomes* the designation by Eritrea of a competent authority and focal point, pursuant to Article 5 of the Convention;
2. *Expresses* its concern about the continued lack of transmission of national reports under paragraph 3 of Article 13 of the Convention;
3. *Regrets* the lack of cooperation by Eritrea towards the elaboration of a voluntary compliance action plan to assist Eritrea in resolving the matter of concern and *invites* Eritrea, as matter of priority and before the eleventh meeting of the Committee, to communicate with the Committee, through the Secretariat, and to elaborate a voluntary compliance action plan to assist Eritrea in identifying the matter of concern as well as ways to resolve it;
4. *Notes* that the Committee will consider at its eleventh meeting whether to recommend to the Conference of the Parties that it issue a cautionary statement;

5. *Requests* the Secretariat to explore ways to ensure communication with and support to Eritrea and to report to the Committee as appropriate;
6. *Decides* to keep this matter under review.

CC-10/5: Submission regarding Guinea-Bissau

The Committee,

Recalling the submission by the Secretariat to the Committee regarding Guinea-Bissau concerning possible difficulties faced by this party to comply with its reporting obligation under paragraph 3 of Article 13 of the Convention (CHW/CC/9c/2010/4),

Recalling also decisions 8/5 and 9/5,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Welcomes* the designation by Guinea-Bissau of a competent authority, pursuant to Article 5 of the Convention;
2. *Welcomes* also the submission by Guinea-Bissau of the Revised Questionnaire on “Transmission of Information” (in accordance with Articles 13 & 16 of the Basel Convention) - National Reports for 2010 and 2011⁵;
3. *Notes* that Guinea-Bissau has provided incomplete responses to parts I and II of the questionnaires for 2010 and 2011;
4. *Expresses* its appreciation for the cooperation of Guinea-Bissau with the Committee during its tenth meeting, which assisted the Committee in determining the facts and root causes of the matter of concern;
5. *Expresses* also its appreciation for the commitment of Guinea-Bissau to ensure the implementation of its obligations under the Basel Convention;
6. *Welcomes* the willingness of Guinea-Bissau to participate in training activities on national reporting, including by electronic means, and to submit to the Secretariat before the eleventh meeting of the Committee its national report for 2012;
7. *Recommends* that Guinea-Bissau cooperate with the Basel Convention Regional Centre for French-speaking countries in Africa;
8. *Invites* Guinea-Bissau to elaborate, with the assistance of the Secretariat, before 31 March 2014, a voluntary compliance action plan to assist Guinea-Bissau in identifying the matter of concern as well as ways to resolve it;
9. *Decides* to consider the approval of the voluntary compliance plan before the eleventh meeting of the Committee and, subject to its approval, to recommend that the Executive Secretary use, subject to their availability, resources in the implementation fund for the purpose of covering costs associated with the implementation of the activities listed in the compliance action plan approved by the Committee;
10. *Requests* the Secretariat to communicate this decision to the Basel Convention regional centre for French-speaking countries in Africa;
11. *Requests* the Secretariat to continue its communications with and support to Guinea-Bissau and to report to the Committee as appropriate;
12. *Decides* to keep this matter under review.

⁵ UNEP/CHW/CC.10/3/Add.5, annexes II and III.

CC-10/6: Submission regarding Liberia

The Committee,

Recalling the submission by the Secretariat to the Committee regarding Liberia concerning possible difficulties faced by this party to comply with its reporting obligation under paragraph 3 of Article 13 of the Convention (CHW/CC/9c/2010/5),

Recalling also decisions 8/6 and 9/6,

Regretting that Liberia has not answered the invitation from the Committee to communicate with it,

Noting that Liberia remains in the situation of having never submitted a national report pursuant to paragraph 3 of Article 13 of the Convention,

Noting also that Liberia has not yet designated a competent authority pursuant to Article 5 of the Convention,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Expresses* its appreciation for the cooperation of Liberia with the Committee during its tenth meeting;
2. *Expresses* its concern about the continued lack of transmission of national reports as well as the lack of designation of a competent authority and *expresses* its conviction that this failure may contribute to the matter of concern;
3. *Welcomes* the willingness of Liberia to designate as a matter of priority a competent authority pursuant to Article 5 of the Convention;
4. *Concludes* that Liberia is facing difficulties in complying with its reporting obligations under paragraph 3 of Article 13 of the Convention;
5. *Reiterates* its commitment to assist Liberia in addressing the difficulties that it is experiencing in complying with its reporting obligations under paragraph 3 of Article 13 of the Convention;
6. *Decides* to provide Liberia with information about the general guidance on national reporting available under the Convention as a means of providing general assistance in accordance with paragraph 19 of the terms of reference;
7. *Welcomes* also the willingness of Liberia to participate in training activities on national reporting, including by electronic means, and to submit to the Secretariat before the eleventh meeting of the Committee its national report for 2012;
8. *Recommends* that Liberia cooperate with a Basel Convention regional centres in the African region;
9. *Invites* Liberia, as matter of priority and before the eleventh meeting of the Committee to communicate with the Committee, through the Secretariat, and to elaborate a compliance action plan to assist Liberia in identifying the matter of concern as well as ways to resolve it;
10. *Notes* that the Committee will consider at its eleventh meeting whether to recommend to the Conference of the Parties that it issue a cautionary statement;
11. *Requests* the Secretariat to communicate this decision to the Basel Convention regional centres in the African region;
12. *Requests* the Secretariat to continue its communications with and support to Liberia and to report to the Committee as appropriate;
13. *Decides* to keep this matter under review.

CC-10/7: Submission regarding Libya

The Committee,

Recalling the submission by the Secretariat to the Committee regarding Libya concerning possible difficulties faced by this party to comply with its reporting obligation under paragraph 3 of Article 13 of the Convention (CHW/CC/9c/2010/6),

Recalling also decisions 8/7 and 9/7,

Noting that Libya remains in the situation of having never submitted a national report pursuant to paragraph 3 of Article 13 of the Convention,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Welcomes* the updated designations by Libya of its competent authority and focal point, pursuant to Article 5 of the Convention;
2. *Expresses* its appreciation for the cooperation of Libya with the Committee during its tenth meeting, which assisted the Committee in determining the facts and root causes of the matter of concern;
3. *Concludes* that due to current circumstances Libya is facing difficulties in complying with its reporting obligations under paragraph 3 of Article 13 of the Convention;
4. *Reiterates* its commitment to assist Libya in addressing the difficulties that it experiences in complying with its reporting obligations under paragraph 3 of Article 13 of the Convention;
5. *Decides* to provide Libya with information about the general guidance on national reporting available under the Convention as a means of providing general assistance in accordance with paragraph 19 of the terms of reference;
6. *Welcomes* also the willingness of Libya to participate in training activities on national reporting, including by electronic means, and submit to the Secretariat before the eleventh meeting of the Committee its national report for 2012;
7. *Recommends* that Libya cooperate with the Basel Convention Regional Centre for the Arab States in Egypt;
8. *Requests* the Secretariat to communicate this decision to the Basel Convention Regional Centre for the Arab States in Egypt;
9. *Takes note* of the request for assistance by Libya to the Executive Director of the United Nations Environment Programme (UNEP) as part of UNEP's post conflict environmental assessment work;
10. *Requests* therefore the Executive Secretary to liaise with the Executive Director of UNEP to support Libya in addressing its difficulties in complying with the Basel Convention;
11. *Requests* the Secretariat to continue its communications with and support to Libya and to report to the Committee as appropriate;
12. *Decides* to keep this matter under review.

CC-10/8: Submission regarding Swaziland

The Committee,

Recalling the submission by the Secretariat to the Committee regarding Swaziland concerning possible difficulties faced by this party to comply with its reporting obligation under paragraph 3 of Article 13 of the Convention (CHW/CC/9c/2010/8),

Recalling also decisions 8/9 and 9/8,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

1. *Welcomes* the designation by Swaziland of its competent authority and focal point, pursuant to Article 5 of the Convention;
2. *Welcomes* also the submission by Swaziland of part I of the Revised Questionnaire on “Transmission of Information” (in accordance with Articles 13 & 16 of the Basel Convention) - National Reports for 2011⁶;
3. *Notes* with appreciation that Swaziland has provided answers to all questions and tables of part I of the questionnaire for 2011;
4. *Expresses* its appreciation for the cooperation of Swaziland with the Committee during its tenth meeting, which assisted the Committee in determining the facts and root causes of the matter of concern;
5. *Expresses* also its appreciation for the commitment of Swaziland to ensure the implementation of its obligations under the Basel Convention;
6. *Concludes* that Swaziland, despite facing difficulties, is making progress towards complying with its reporting obligations under paragraph 3 of Article 13 of the Convention;
7. *Reiterates* its commitment to assist Swaziland in addressing the difficulties that it experiences in complying with its reporting obligations under paragraph 3 of Article 13 of the Convention;
8. *Decides* to provide Swaziland with information about the general guidance on national reporting available under the Convention as a means of providing general assistance in accordance with paragraph 19 of the terms of reference;
9. *Welcomes* also the willingness of Swaziland to participate in training activities on national reporting, including by electronic means, and submit to the Secretariat before the eleventh meeting of the Committee its national report for 2012;
10. *Recommends* that Swaziland cooperate with the Basel Convention Regional Centre for English-speaking African countries in South Africa;
11. *Invites* Swaziland to elaborate, with the assistance of the Secretariat, before 31 March 2014, a voluntary compliance action plan to assist Swaziland in identifying the matter of concern as well as ways to resolve it;
12. *Decides* to consider the approval of the voluntary compliance plan before the eleventh meeting of the Committee and, subject to its approval, to recommend that the Executive Secretary use, subject to their availability, resources in the implementation fund for the purpose of covering costs associated with the implementation of the activities listed in the compliance action plan approved by the Committee;
13. *Requests* the Secretariat to communicate this decision to the Basel Convention Regional Centre for English-speaking African countries in South Africa;
14. *Requests* the Secretariat to continue its communications with and support to Swaziland and to report to the Committee as appropriate;
15. *Decides* to keep this matter under review.

CC-10/9: Submission regarding Togo

The Committee,

Recalling the submission by the Secretariat to the Committee regarding Togo concerning possible difficulties faced by this party to comply with its reporting obligation under paragraph 3 of Article 13 of the Convention (CHW/CC/9c/2010/9),

Recalling also decisions 8/10 and 9/9,

Without prejudice to future decisions by the Committee related to this or other specific submissions,

⁶ UNEP/CHW/CC.10/3/Add.8, annex II.

1. *Welcomes* the submission by Togo of part I of the Revised Questionnaire on “Transmission of Information” (in accordance with Articles 13 & 16 of the Basel Convention) - National Reports for 2010 and 2011⁷;
2. *Welcomes* the willingness of Togo to submit to the Secretariat before the eleventh meeting of the Committee a complete part I of its national reports for 2010 and 2011;
3. *Welcomes* the progress made with respect to part II of the national report through the implementation of the compliance action plan and *invites* Togo to pursue its efforts to achieve compliance;
4. *Expresses* its appreciation for the cooperation of Togo with the Committee during its tenth meeting;
5. *Welcomes* the willingness of Togo to submit to the Secretariat before the eleventh meeting of the Committee its national report for 2012;
6. *Requests* the Secretariat to continue its communications with and support to Togo and to report to the Committee as appropriate;
7. *Decides* to keep this matter under review.

⁷ UNEP/CHW/CC.10/3/Add.9, annexes II and III.