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**Committee Administering the Mechanism  
for Promoting Implementation and Compliance  
Fifteenth meeting**

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Item 5 (b) (i) of the provisional agenda\*

**Review of general issues of compliance and  
implementation under the Convention:  
illegal traffic: scoping exercise**

## **Illegal traffic**

### **Scoping exercise<sup>1</sup>**

#### **Note by the Secretariat**

As is mentioned in the note by the Secretariat on illegal traffic (UNEP/CHW/CC.15/4), the annex to the present note sets out a report scoping the extent of illegal traffic on the basis of the information provided in table 9 of the national reports transmitted by Parties for the years 2018 and 2019 with a view to estimating: how many cases of illegal traffic there are; with respect to which wastes; in which regions; and how they were resolved; ascertaining whether table 9 would benefit from adjustments to facilitate access to and analysis of the information transmitted by Parties about cases of illegal traffic; identifying discrepancies in the information reported by Parties on cases that could constitute illegal traffic and making recommendations based on the outcome of the review; and ascertaining whether the form for reporting confirmed cases of illegal traffic would benefit from adjustments and making recommendations based on the outcome of the review.

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\* UNEP/CHW/CC.15/1.

<sup>1</sup> This document has not been formally edited.

## **Annex**

### **Report on scoping the extent of illegal traffic**

## Table of Contents

<b>Executive Summary</b> .....	4
<b>I. Introduction</b> .....	<b>5</b>
<b>II. Methodology</b> .....	<b>5</b>
<b>III. Analysis</b> .....	<b>6</b>
A. Introductory comments .....	6
B. Cases of illegal traffic closed in the reporting year 2018 and 2019 .....	6
C. Wastes that are subject to illegal traffic .....	11
D. Regions that suffer from illegal traffic .....	11
E. How cases of illegal traffic were resolved .....	12
F. Would reviewing table 9 of the national reporting format benefit from adjustments to facilitate access to and analysis of the information transmitted by Parties about cases of illegal traffic.....	13
G. Identifying discrepancies in the information reported by Parties on cases that could constitute illegal traffic .....	14
H. Would reviewing the form for reporting confirmed cases of illegal traffic benefit from adjustments .....	14
<b>IV. Conclusion and recommendations</b> .....	<b>15</b>
A. Conclusions .....	15
B. Recommendations .....	16

## Executive Summary

1. The Committee Administering the Mechanism for Promoting Implementation and Compliance with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (ICC) was mandated by the fifteenth meeting of the Conference of the Parties to the Basel Convention to undertake a scoping exercise of the extent of illegal traffic based on the information provided in table 9 of the national reports transmitted for the years 2018 and 2019, to review table 9 of the national reporting format to ascertain whether it would benefit from adjustments to facilitate access to and analysis of the information transmitted by Parties about cases of illegal traffic, to identify discrepancies in the information reported by Parties, and to review the form for reporting confirmed cases of illegal traffic.

2. The assessment of the national reports shows that a majority of the Parties report that they have had no illegal shipments closed in the calendar year. Half of the Parties having reported closed cases of illegal traffic were from the Western Europe and Other Governments (WEOG) region, almost one third were from the Eastern Europe region, some reports were from the Group of Latin America and the Caribbean (GRULAC) and Asia and Pacific region, and none were from the African region. Due to the imbalanced reporting between the regions, the conclusions of the report are not comprehensive. Based on the information reported, the majority of exports come from WEOG Parties and the largest number of reported imports or planned imports are to Parties in the African region.

3. The information provided on the waste codes is too diverse and a comprehensive assessment of the different waste streams constituting cases of illegal traffic is therefore complicated. It can nevertheless be concluded that the two main waste streams were waste electrical and electronic equipment and their parts, and end-of-life vehicles and their parts.

4. An assessment of the measures that have been taken as a result of cases of illegal traffic was challenging due to the variety of ways in which such measures are described. The majority of the cases of illegal traffic were resolved either by taking the waste back to exporting Parties or by not allowing the shipment to leave the country of export. Only few cases of illegal traffic led to punishments. There were few reported incidences of imprisonment and probation, and the reported fines were rather modest.

5. Table 9 of the national reporting format consist of the following columns: country of export and country of import, waste code, type of waste, amount (metric tons), identification of the reason for illegality (possible reference to relevant Articles of Convention and national legislation), responsible for illegality, measures taken including any punishment imposed. Most of the difficulties in analysing the information reported by Parties stem from the way in which Parties fill in table 9.

6. The review of the information reported by Parties and of the format of table 9 shows that there is room for adjustments to table 9 in order to facilitate access to and analysis of the information transmitted by Parties about cases of illegal traffic. In addition, although there is a manual for national reporting, Parties are not always following that guidance and in some cases the information provided in the manual could be more specific. Finally, it would be useful to continue the scoping exercise next biennium also with a view to monitoring the trends of the illegal shipments taking into account the scoping exercise undertaken by the Committee for the year 2017 and the present scoping exercise.

## I. Introduction

7. By decision BC-15/17, the fifteenth meeting of the Conference of the Parties to the Basel Convention adopted the work programme of the Committee administering the Mechanism for Promoting Implementation and Compliance (Committee) for the biennium 2022-2023, whereby it requested the Committee to undertake a number of activities aimed at preventing and combating illegal traffic, including by:

- (a) Undertaking a scoping exercise of the extent of illegal traffic with a view to estimating:
  - (i) how many cases of illegal traffic there are;
  - (ii) with respect to which wastes;
  - (iii) in which regions; and
  - (iv) how they were resolved;

- (b) Reviewing table 9 of the national reporting format to ascertain whether it would benefit from adjustments to facilitate access to and analysis of the information transmitted by Parties about cases of illegal traffic;

- (c) Identifying discrepancies in the information reported by Parties on cases that could constitute illegal traffic and make recommendations based on the outcome of the review;

- (d) Reviewing the form for reporting confirmed cases of illegal traffic<sup>1</sup> to ascertain whether it would benefit from adjustments and make recommendations based on the outcome of the review.

8. The mandate for this work builds on the work of the Committee under its 2020-2021 work programme,<sup>2</sup> and in particular the report on scoping the extent of illegal traffic considered by the Committee during its fourteenth meeting<sup>3</sup>.

## II. Methodology

9. This report is based on the national reports transmitted by Parties for the reporting years 2018 and 2019.

10. Since 2016, Parties have to report annually, as an integral part of the reporting obligation under paragraph 3 of Article 13 of the Convention, “Cases of illegal traffic which have been closed in the reporting year” in table 9 of the national reporting format.<sup>4</sup>

11. For the purposes of the present report<sup>5</sup>, the information provided by Parties in table 9 of the reporting format, including the attached files containing information regarding illegal traffic for the years 2018 and 2019 were analyzed to get an estimation of the number of cases of illegal traffic, the wastes that are subject to illegal traffic, the regions that suffer from illegal traffic and how cases of illegal traffic have been resolved.

12. Table 9 of reporting format and the information reported by the Parties were also assessed to ascertain whether table 9 would benefit from adjustments to facilitate access to and analysis of the information transmitted by Parties about cases of illegal traffic, to identify discrepancies in the

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<sup>1</sup> The form for reporting confirmed cases of illegal traffic is available at [www.basel.int/Procedures/ReportingonIllegalTraffic/tabid/1544/Default.aspx](http://www.basel.int/Procedures/ReportingonIllegalTraffic/tabid/1544/Default.aspx).

<sup>2</sup>

<http://www.basel.int/Implementation/LegalMatters/Compliance/WorkProgramme/20202021/tabid/8023/Default.aspx>.

<sup>3</sup> UNEP/CHW/C C.14/4/Add.1.

<sup>4</sup> The format is available at:

<http://www.basel.int/Countries/NationalReporting/Formatandmanualsfornationalreporting/tabid/8754/Default.aspx>

Parties can nonetheless continue to use the form for reporting confirmed cases of illegal traffic at any time during the calendar year.

<sup>5</sup> For the purpose of the scoping exercise undertaken under its 2020-2021 work programme, the Committee took into account, in addition to information reported in table 9, information from international organizations or entities with a mandate regarding preventing and combating illegal traffic. The analysis of the information received however led to the conclusion that the information collected from organisations did not help much in getting a clearer regional picture of illegal traffic and of how cases were resolved (see paragraphs 26 to 33 of the annex to document UNEP/CHW/C C.14/4/Add.1).

information reported by Parties on cases that could constitute illegal traffic and to review the form for reporting confirmed cases of illegal traffic<sup>6</sup> to ascertain whether it would benefit from adjustments.

### III. Analysis

#### A. Introductory comments

13. The report analyses the information on cases of illegal traffic transmitted by individual Parties in table 9 of the national reports for 2018 and 2019. The information transmitted by each Party has not been verified either by the Secretariat or with other Parties. The information presented by each individual Party in the national reporting format is without prejudice to the views of any other Parties or States concerned about the application of the Basel Convention, the existence and extent of treaty relations, and whether any of the transboundary movements in question constitutes illegal traffic.

14. As at 1 January 2021<sup>7</sup>, 107 Parties out of the 183 Parties required to do so transmitted their national report for 2018: 24 reports were transmitted by Parties in the WEOG region, 21 from the Eastern Europe region, 19 from GRULAC, 24 from the Asia and Pacific region, and 19 from the Africa region.

15. As at 1 January 2022<sup>8</sup>, 110 Parties out of the 183 Parties required to do so transmitted their national report for 2019: 24 reports were transmitted by Parties in the WEOG region, 21 from the Eastern Europe region, 19 from GRULAC, 25 from the Asia and Pacific region, and 21 from the Africa region.

16. To fill in table 9, Parties need to provide, among other things, the following information:

- (a) Were cases of illegal traffic closed in the reporting year?;
- (b) If yes, please specify for each case:
  - (i) Country of export;
  - (ii) Country of import;
  - (iii) Waste code (Fill in the code from Annex VIII, II or IX or, if this is not possible, Annex I code or the national code);
  - (iv) Type of waste (Not required to fill in, if you have provided the waste code);
  - (v) Amount (in metric tons);
  - (vi) Identification of the reason for illegality;
  - (vii) Responsible for illegality;
  - (viii) Measures taken including any punishment imposed.

#### B. Cases of illegal traffic closed in the reporting years 2018 and 2019

17. The majority of reporting Parties (70% of the respondents for 2018 and 75% for the year 2019)<sup>9</sup> indicated that there were no cases of illegal traffic closed in the reporting year. 30 Parties reported that there were cases of illegal traffic closed in the reporting year for 2018<sup>10</sup> and 26 Parties reported that there were cases of illegal traffic closed in the reporting year for 2019.<sup>11</sup> Three Parties did

<sup>6</sup> The form for reporting confirmed cases of illegal traffic is available at [www.basel.int/Procedures/ReportingonIllegalTraffic/tabid/1544/Default.aspx](http://www.basel.int/Procedures/ReportingonIllegalTraffic/tabid/1544/Default.aspx)

<sup>7</sup> The national report for 2018 was due by 31 December 2019. Subsequently to the cut-off date of 1 January 2021, one Party, Nigeria, transmitted its national report.

<sup>8</sup> The national report for 2019 was due by 31 December 2020. Subsequently to the cut-off date of 1 January 2022, three Parties transmitted their national report: Lesotho, Nigeria and Uzbekistan.

<sup>9</sup> Throughout this report, percentage points are rounded up or down to the nearest full percentage point.

<sup>10</sup> These Parties are Austria, Belgium, Brazil, Bulgaria, Canada, China, Croatia, Czechia, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Italy, Latvia, Mexico, Norway, Oman, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, State of Palestine, Sweden, United Kingdom of Great Britain and Northern Ireland.

<sup>11</sup> These Parties are Belgium, Brazil, Canada, China, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Luxembourg, Malta, Norway, Poland, Slovakia, Slovenia, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland.

not provide a response to the question for the 2018 report<sup>12</sup> and two Parties for the 2019 report.<sup>13</sup> Figure 1 shows how Parties responded to the question as to whether there were closed cases of illegal traffic.

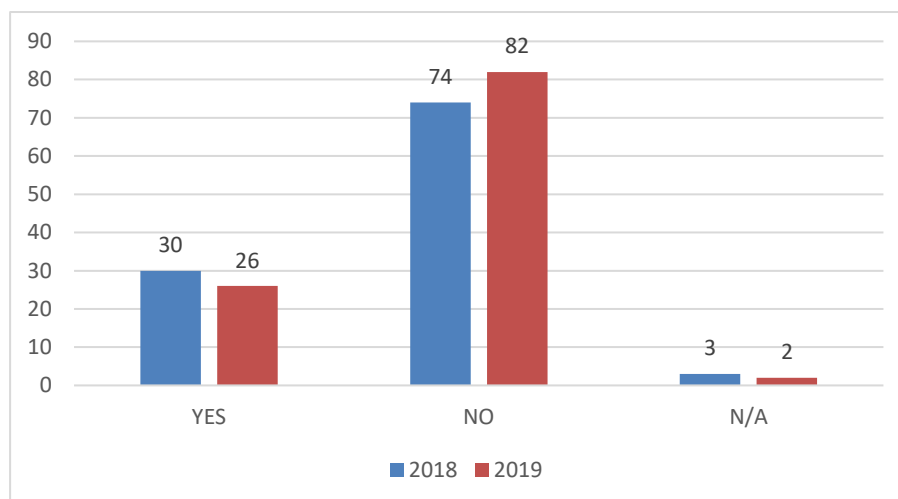


Figure 1: Parties' responses to the question "Were cases of illegal traffic closed in the reporting year?"

18. Half of the Parties having reported closed cases of illegal traffic for 2018 were from the WEOG region (15 Parties), one third were from the Eastern European region (10 Parties), 3 Parties equally from GRULAC and the Asia and Pacific region, and none were from the African region. The geographical distribution of answers was similar for the reporting year 2019: more than half were from the WEOG region (15 Parties), 6 were from the Eastern European region, 3 were from GRULAC, 1 were from the Asia and Pacific region and none were from the African region.

19. The majority of Parties who responded that they had cases of illegal traffic closed in the reporting year also provided the information requested in the reporting format relating to: country of export; country of import; waste code; type of waste; amount (in metric tons); identification of the reason for illegality; responsible for illegality; measures taken including any punishment imposed. Many Parties uploaded a table instead of filling in table 9. Some of the Parties used the excel template for table 9, while others used another format or type of file (word or pdf).

20. In total, there were 914 reported closed cases of illegal traffic for 2018 and 1098 cases for 2019. The majority of closed cases of illegal shipments were reported by 7 Parties. Among those 7 Parties, most (5) were from the WEOG region (Belgium, France, Germany, Sweden and United Kingdom), one was from the Eastern European region (Poland) and one from the Asia and Pacific region (China).

21. Some of the Parties who are also Member States of the European Union (EU) are reporting illegal shipments according to the EU regulation. The information provided in the reporting format for the identification of the reason for illegality is diverse, often referring to articles in the EU regulation and therefore it was not possible for the purpose of this report to assess whether all the illegal shipment cases constitute illegal traffic pursuant to Article 9 of the Basel Convention.

<sup>12</sup> The Parties that did not respond to the question for 2018 are Algeria, Ethiopia and Japan.

<sup>13</sup> The Parties that did not respond to the question for 2019 are Algeria and Romania.

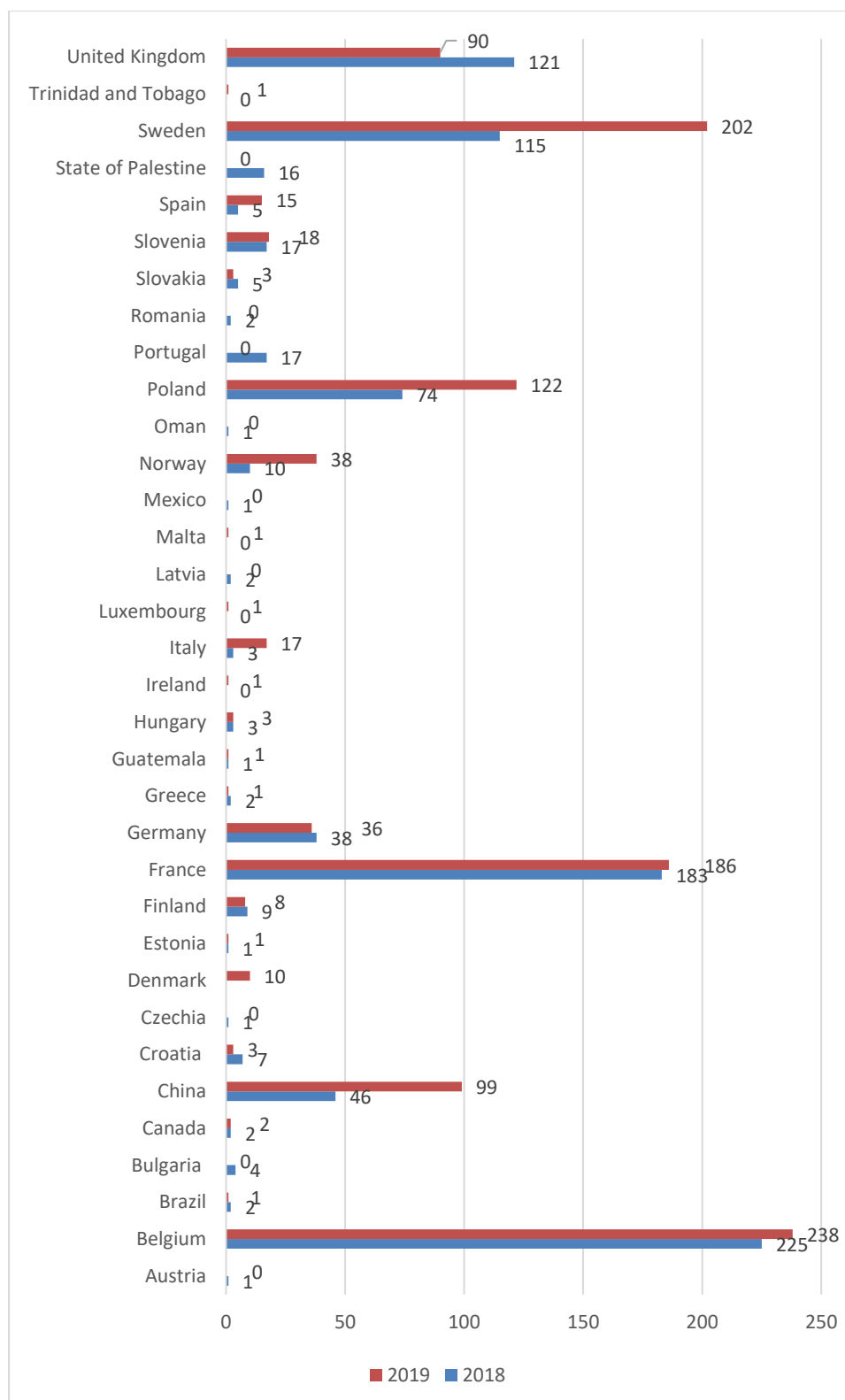


Figure 2: Number of cases of illegal traffic reported per Party.

22. In most cases the countries of export are from the WEOG region, while the countries of import are more diverse. However, there are slightly more African countries identified as importing countries followed by countries in the WEOG region, Asia and Pacific region, and Eastern European region. There are only few instances where countries from the GRULAC region are identified either as exporting or importing country (see figures 3A and 3B).



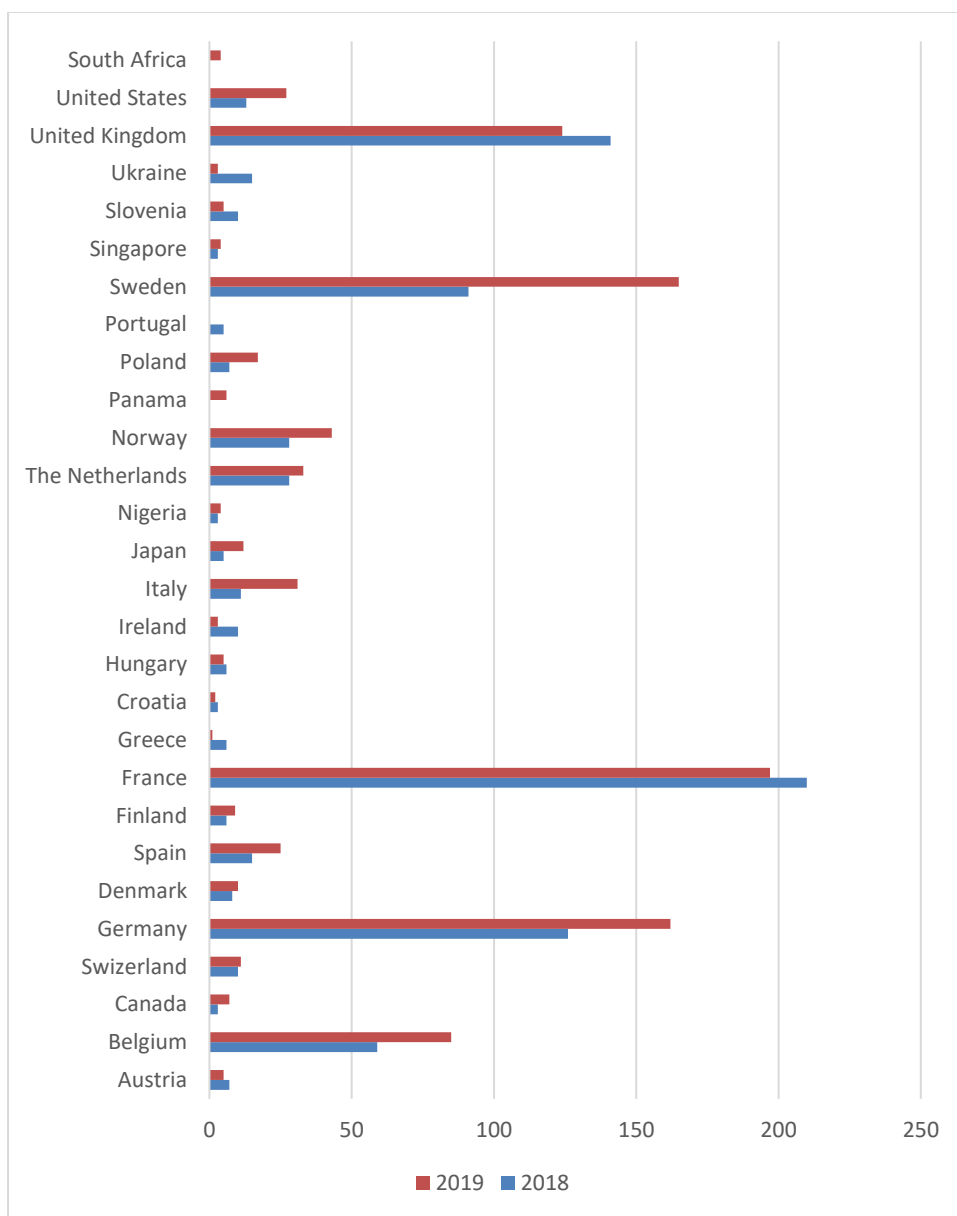


Figure 3A: Countries of export for reported cases of illegal traffic<sup>14</sup>.

<sup>14</sup> Countries that reported two or less cases per reporting year are excluded from the chart.

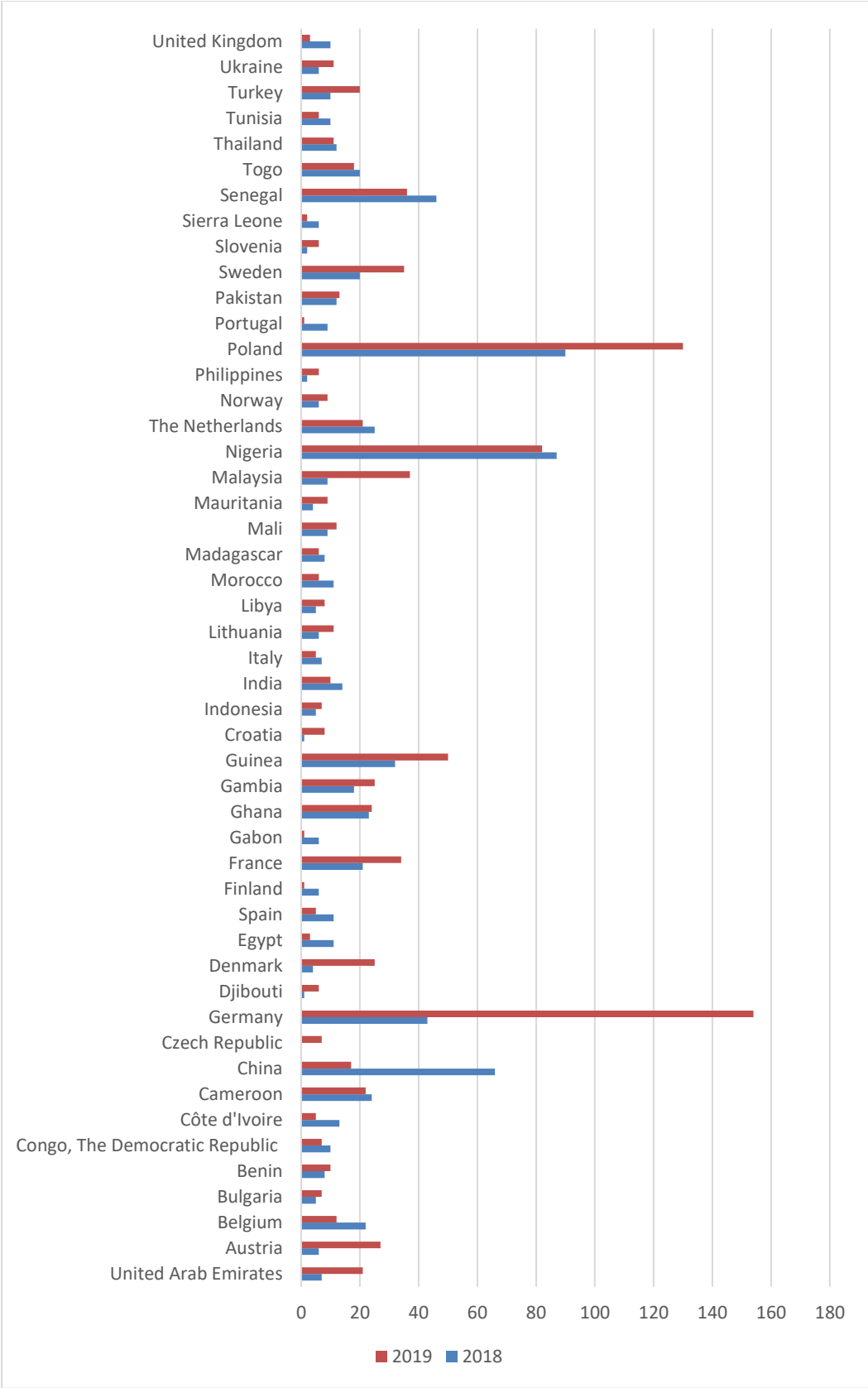


Figure 3B: Countries of import for reported cases of illegal traffic<sup>15</sup>.

<sup>15</sup> Countries that reported five or less cases per reporting year are excluded from the chart.

### C. Wastes that are subject to illegal traffic

23. There are inconsistencies in the way the type of waste subject to illegal traffic is reported in table 9, which sets limitations to developing comprehensive statistics. The instructions for filling in the information regarding the waste code is as follows: “Fill in the code from Annex VIII, II or IX or, if this is not possible, Annex I code or the national code”. Accordingly, there are different codes used in table 9 to describe the waste. There are also instances in which the type of waste is not identified or there is just the description of the waste. Also, some Parties<sup>16</sup>, instead of completing table 9 or the excel template for table 9, upload an attachment based on a format of their own that is distinct from the template of table 9. Although the information provided is usually consistent with the information required pursuant to table 9, extraction and compilation would require additional resources. This means that it was not possible for the purpose of this report to compile and assess the waste data in a consistent manner, and it is therefore only possible to get a general global view of the wastes that are subject to illegal traffic as reported in table 9.

24. Among the cases of illegal traffic, the two main waste streams were waste electrical and electronic equipment and their parts (indicated for 311 of the 914 reported cases for the year 2018, and for 313 of the 1098 cases for the year 2019) and end-of-life vehicles and their parts (indicated for 124 of the 914 reported cases for 2018 and for 113 of the 1098 cases for 2019). Many illegal shipments consisted of mixed parts of waste electrical and electronic equipment and of end-of-life vehicles (indicated for 30 of the 914 reported cases for 2018, and for 37 of the 1098 cases for 2019). Plastic waste<sup>17</sup> was also reported quite frequently with 77 cases for 2018 and 137 cases for 2019. Other wastes that were reported frequently were lead-acid batteries and other batteries, used toner cartridges, construction waste, and municipal waste.

25. Many Parties also reported illegal shipments of wastes listed in Annex IX to the Basel Convention (e.g., tyres, paper, metals), which are principally not covered by the Convention and therefore its provisions on illegal traffic<sup>18</sup>. However, as it was not possible to determine whether the waste shipments reported with Annex IX waste codes fell within the scope of the Basel Convention or not, they were included in the report (indicated for 135 of the 914 reported cases for 2018, and for 117 of the 1098 cases for 2019).

### D. Regions that suffer from illegal traffic

26. As indicated above, the most exports of illegal shipments were reported to come from the WEOG region. However, the most reports of illegal shipments are also from WEOG region. In addition, even though the African countries are most often the destination countries, the countries in the WEOG region are also destination countries. There is less data from other regions and therefore the estimation of which regions suffer from illegal shipments is not comprehensive. For example, there were no cases of illegal shipments reported by African Parties, and only few Parties from the GRULAC and Asia and Pacific regions (3 respectively) reported that cases of illegal traffic had been closed in 2018 and 2019. Bearing this in mind, figure 4 shows, that:

(a) The vast majority of illegal exports come from WEOG countries; there are much fewer illegal exports of wastes from the Eastern European and Asia and Pacific regions and a minimal number of illegal exports coming from the Africa and GRULAC regions;

(b) The largest number of reported illegal imports or planned imports are to the African countries, with slightly fewer illegal imports to the WEOG, Eastern European and Asia and Pacific regions;

(c) For the reporting year 2019 there is a notable increase in the illegal shipments for import into the Asia and Pacific and the Eastern European regions compared to 2018, whilst there is slight decrease in illegal shipments for import into the African region.

<sup>16</sup> In 2018: Sweden, Portugal, State of Palestine, Finland, Belgium. In 2019: Sweden, Belgium.

<sup>17</sup> Plastic waste is also listed in Annex IX, however, due to the importance of the waste stream, it was considered separately from other Annex IX waste streams.

<sup>18</sup> Wastes listed in Annex IX to the Basel Convention may be covered by the provision of the Convention in case they have hazardous property pursuant to the Annex III to the Basel Convention.

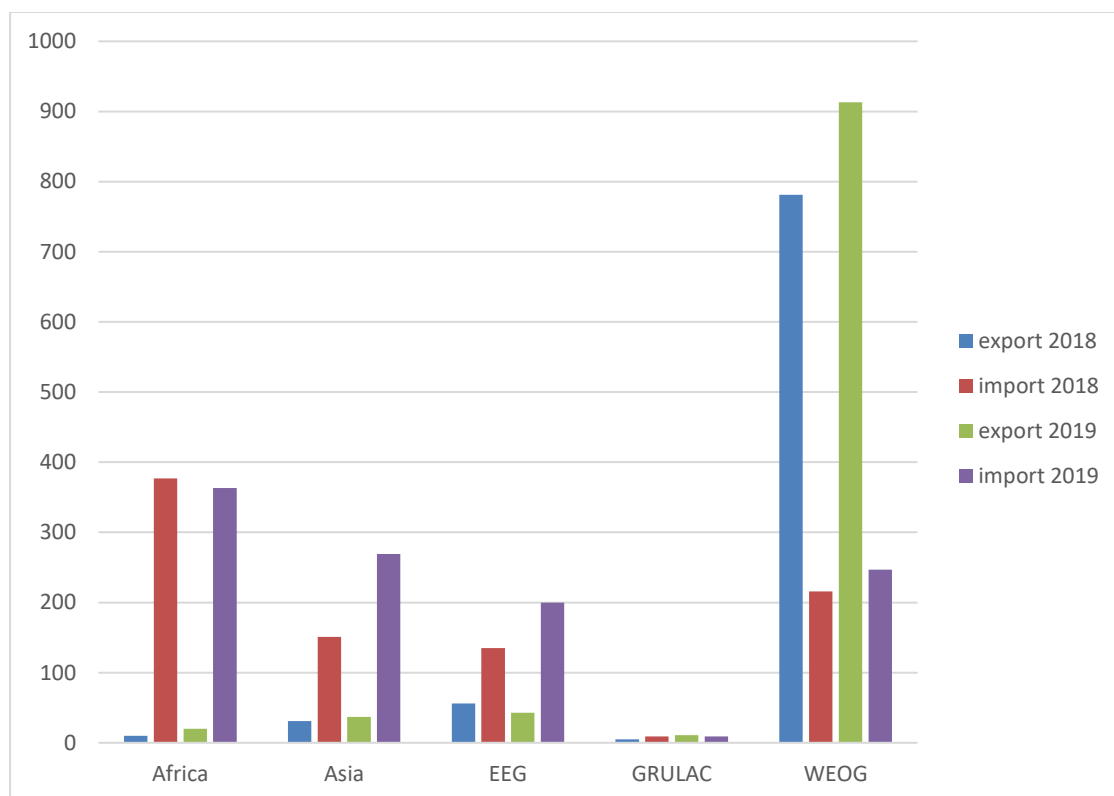


Figure 4: Regions of import and export for illegal traffic for 2018 and 2019.

## E. How cases of illegal traffic were resolved

27. In table 9 of the reporting format, there is open text field for Parties to provide information on the measures taken including any punishment imposed. As a consequence, the description of measures differs from Party to Party and an assessment thereof is not straightforward. For example, some Parties indicate that there was a take back procedure, or that the shipment did not leave the country of export, while others describe the penalty or the legislative procedure that took place. The latter approach does not necessarily mean that the waste left the country of export or that the take back procedure was not implemented.

28. The majority of the cases of illegal traffic were resolved by the waste being taken back to exporting countries or the shipment not being allowed to leave the country of export (see figure 5<sup>19</sup>). Less used measures, but also quite often mentioned, were legal proceedings, warnings, disposal in another country and acceptance of the wastes<sup>20</sup>. Few cases of illegal traffic led to punishments. In 2018 there were two reported incidences of imprisonment, however these cases were combined with other infringements and did not solely consist of cases of illegal traffic. Also, there were two reported cases of probation. The reported fines are rather modest: combined for the years 2018 and 2019 only four reported fines exceeded USD 50,000, and seven reported fines were between USD 5,000 and USD 50,000, with the vast majority of fines appearing to be below USD 5,000. There were also many cases where the scope of the penalty (e.g., number of years in prison or amount of the fine) was not specified. In many cases either a warning was issued, or no measure was taken, or it was indicated that the proceedings were ongoing even though only closed cases of illegal traffic are to be reported.

<sup>19</sup> There are more resolutions and punishments than reported cases because, in some instances cases were resolved in more than one way.

<sup>20</sup> Subsequent acceptance of the wastes took place mainly in 2 types of cases: in some cases, the notification or movement documents were amended, and in other cases there were functionality tests and the shipment turned out to be non-waste shipment.

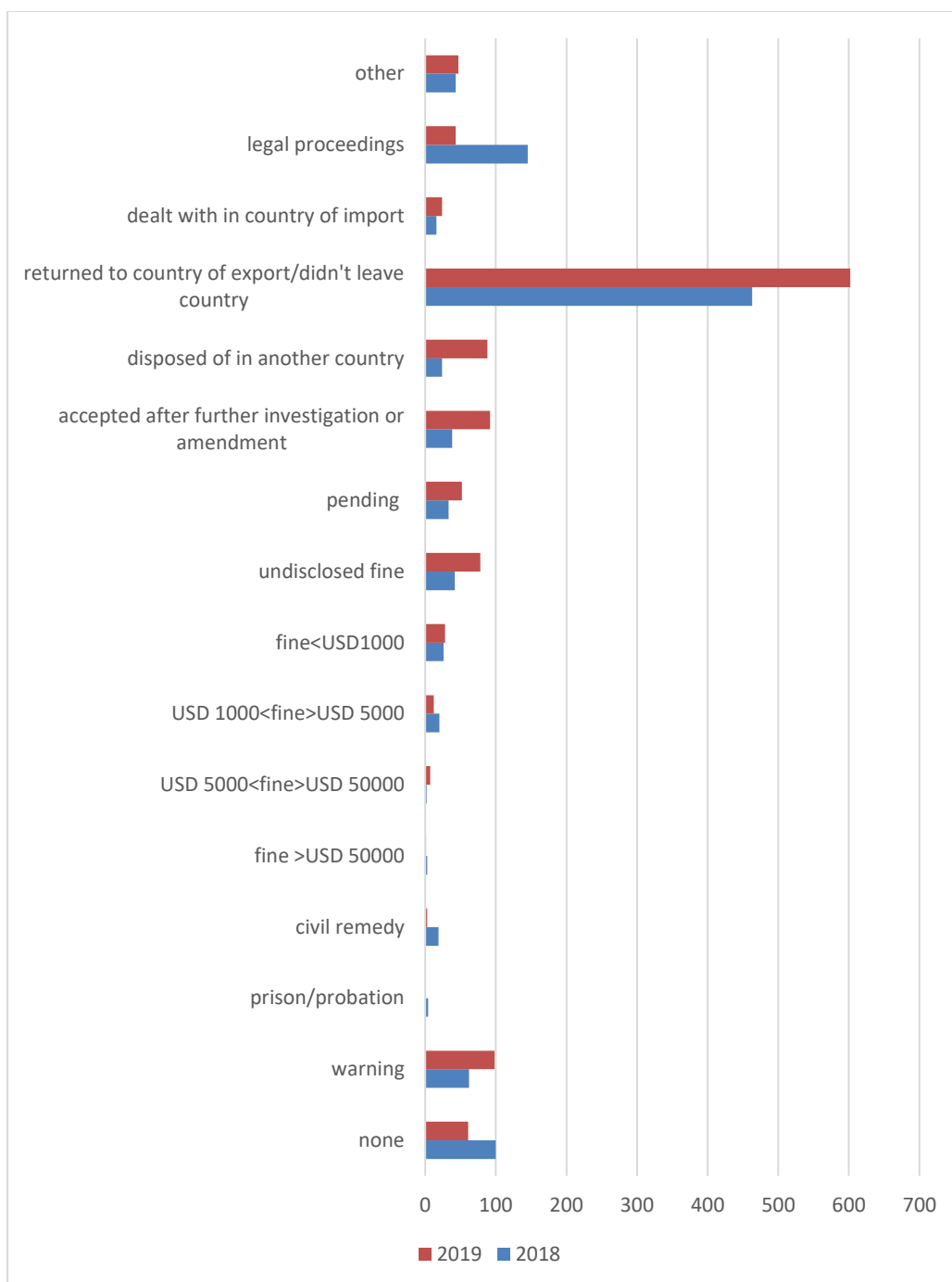


Figure 5: How cases of illegal traffic were resolved/punished

**F. Would reviewing table 9 of the national reporting format benefit from adjustments to facilitate access to and analysis of the information transmitted by Parties about cases of illegal traffic**

29. Table 9 of the national reporting format adopted by the Conference of the Parties<sup>21</sup> consists of the following columns: country of export and country of import, waste code, type of waste, amount (metric tons), identification of the reason for illegality (possible reference to relevant Articles of Convention and national legislation), responsible for illegality, measures taken including any punishment imposed.

30. In table 9 in the electronic reporting system as well as in the excel template for table 9, the country of export and the country of import are displayed in two different columns. While in the

<sup>21</sup> Format for national reporting under the Basel Convention (for use by Parties for the year 2018 and onwards) Secretariat of the Basel Rotterdam and Stockholm Convention, October 2019.

format itself the country of export and import are displayed in the same column. There are some Parties who are not filling table 9 nor using the excel template for table 9 and instead are using a table where the country of export and the country of import are listed in the same cell, which makes it more time consuming to analyse the information.

31. In the manual for completing the format for national reporting under the Basel Convention<sup>22</sup> there are many instructions on how to fill in table 9. Those instructions are very helpful, but they are not always followed. For example, not all Parties use ISO codes to fill in the columns for identifying the importing and exporting countries as suggested by the manual.
32. In the column for the waste code, Parties are instructed to use a code from Annex VIII, II or IX of the Basel Convention and if this is not possible, a code from Annex I of the Basel Convention or the national code. Assessing the information provided by Parties in table 9, there are many cases where the national code is provided even though there is a corresponding waste code in Annex VIII of the Basel Convention i.e., for instance waste electrical and electronic equipment.
33. The reported amount of waste should be filled in in metric tons. There are different ways in which the amount of waste is inserted by Parties. Some Parties report the amount in kg, but some report pieces or containers i.e., 2 vehicles, one container.
34. In the manual for completing the format for national reporting the instructions on how to identify the reason for illegality are that the Party should base itself on the definition of illegal traffic set out in Article 9 of the Basel Convention and any additional national legislation. Other than this, the text field for submitting this information is open. The information provided in this column by Parties is very diverse and often Parties refer to national legislation instead of the provisions of the Basel Convention. When there is a reference to national legislation, usually there is only a reference to an article and not the content of the article mentioned. Therefore, it is difficult to determine the reasons for the illegality.
35. With regards to the measures taken in the country as a result of the case of illegal traffic, including any punishment imposed, there are no specific instructions in the manual but instead some examples. The way Parties are providing information on the measures they have taken is varied, which makes it complicated to analyse the information provided. Accordingly, only a very generic overview of the measures that are taken can be provided.

## **G. Identifying discrepancies in the information reported by Parties on cases that could constitute illegal traffic**

36. Not all Parties report cases of illegal traffic by filling in table 9 of the electronic reporting system. Many Parties add an attachment instead. Some of them are using the template as requested but there are also Parties who attach other forms and other types of files (word, pdf.)
37. Many Parties report the waste code as unidentified or use the national waste code, while the others report according to the Annexes VIII, IX and II to the Basel Convention.
38. The ways in which Parties describe the reasons of the illegal traffic is diverse, often referring only to national legislation. If a shipment is considered to constitute a case of illegal traffic according to some Parties' national legislation, it may not be considered a case of illegal traffic by other Parties or even under the Basel Convention.
39. Finally, the measures taken regarding the illegal shipments are described in various ways. Some Parties accept the shipment when the paperwork is improved or after the equipment or parts of equipment are tested for their functionality.

## **H. Would reviewing the form for reporting confirmed cases of illegal traffic benefit from adjustments**

40. Most of the difficulties in analysing the information reported by Parties are based on the way Parties fill in table 9. However, there are some columns that might benefit from adjustments.
41. In tables 4 and 5 of the national reporting format, which are to be used to report import and exports of wastes, the waste codes are divided into three subcolumns. It makes it clear that first you need to choose the waste code from Annex VIII, II or IX to Basel Convention and if this is not possible then you choose from a code in Annex I to Basel Convention or a national code.

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<sup>22</sup>

<http://www.basel.int/Countries/NationalReporting/Formatandmanualsfornationalreporting/tabid/8754/Default.aspx>.

42. The identification of the reason for illegality could also benefit from adjustments for example by dividing the column into two subcolumns: one about the reasons as described in paragraph 1 Article 9 of the Basel Convention (i.e. (a) without notification pursuant to the provisions of this Convention to all States concerned; or (b) without the consent pursuant to the provisions of this Convention of a State concerned; or (c) with consent obtained from States concerned through falsification, misrepresentation or fraud; or (d) that does not conform in a material way with the documents; or (e) that results in deliberate disposal (e.g., dumping) of hazardous wastes or other wastes in contravention of this Convention and of general principles of international law,) and one about the reasons according to national legislation.

43. The column to report the measures taken including any punishment imposed is also too generic and the range of replies is too wide. Here too it may be useful to divide the column in two subcolumns: one about what happened to the wastes (e.g., taken back, not exported, disposed of in the country of import or exported to another Party for disposal) and one about what happened to those responsible for the illegal traffic (e.g., punishment).

## IV. Conclusion and recommendations

### A. Conclusions

44. To better understand the reasons and dynamics behind the illegal shipments, valid statistics and assessments are crucial. In order to receive comprehensive and comparable data from the Parties, it is necessary to make the reporting as understandable and simple as possible.

45. To summarise the key points that emerge from the national reports for 2018 and 2019:

(a) 107 and 110 Parties, out of the 183 Parties required to do so, transmitted their national report for 2018 and 2019 respectively;

(b) 70% of the 107 and 75% of the 110 Parties indicated that there were no cases of illegal traffic closed in the reporting year;

(c) Half of the Parties having reported closed cases of illegal traffic for 2018 were from the WEOG region (15 Parties), one third were from the Eastern Europe region (10 Parties), 3 Parties each were from the GRULAC and the Asia and Pacific regions, and none were from the African region. The geographical distribution of answers was similar for the reporting year 2019: more than half of the cases were reported by Parties from the WEOG region (15 Parties), 6 were from the Eastern European region, 3 were from GRULAC, 1 were from the Asia and Pacific region and none were from the African region;

(d) There were 914 reported closed cases of illegal traffic in 2018, and 1098 such cases in 2019;

(e) There are limitations to developing meaningful statistics about the types of waste that are subject to illegal traffic, but it is possible to conclude that the two main waste streams were waste electrical and electronic equipment and their parts (indicated for 311 of the reported cases for the year 2018, and 317 for the year 2019) and end-of-life vehicles and their parts (indicated for 124 of the reported cases for 2018, and 113 for 2019). Many illegal shipments consisted of mixed parts of waste electrical and electronic equipment and of end-of-life vehicles. Other wastes that were reported frequently were plastic waste, lead-acid batteries and other batteries, used toner cartridges, construction waste, and municipal waste. Some Parties also reported illegal shipments of wastes listed in the annex IX to the Basel Convention (e.g., tyres, paper, metals). For the year 2018, 135 illegal shipments of such wastes were reported and for the year 2019, 117;

(f) There is an imbalance in reporting from region to region, which makes it difficult to get a comprehensive understanding of which regions are affected by illegal traffic. Based on the information at hand, the following conclusions can be drawn:

- (i) The majority of illegal exports come from WEOG countries;
- (ii) There are much fewer illegal exports of waste from the Eastern European and the Asia and Pacific regions, and a minimal number of exports coming from the African and the GRULAC regions;
- (iii) The largest number of reported illegal imports or planned imports are to the African countries, with slightly fewer illegal imports to the WEOG, Eastern European and Asia Pacific regions;

(iv) For the reporting year 2019 there is a notable increase in the illegal shipments for import into the Asia Pacific and the Eastern European regions compared to 2018, whilst there is slight decrease in illegal shipments for import into the African region;

(g) The majority of cases of illegal traffic were resolved either by taking the waste back to exporting countries or by not allowing the shipment to leave the country of export. Less used methods, but also quite often mentioned, were legal proceedings, warnings, disposal in another country and the acceptance of the waste subsequently to corrections in the paperwork. Only few cases of illegal traffic led to punishments. In 2018 there were two cases reported incidences of imprisonment and two reported cases of probation. The reported fines were rather modest: combined for the years 2018 and 2019 only four reported fines exceeding USD 50,000, and seven reported fines were between USD 5,000 and USD 50,000, with the vast majority of fines appearing to be below USD 5,000;

(h) Table 9 of the national reporting format consists of the following columns: country of export and country of import, waste code, type of waste, amount (metric tons), identification of the reason for illegality (possible reference to relevant Articles of Convention and national legislation), responsible for illegality, measures taken including any punishment imposed. Most of the difficulties in analyzing the information reported by Parties are based on the way Parties fill in table 9. However, in all those columns there is some room for adjustments.

## **B. Recommendations**

46. While this report is principally a scoping exercise, the Committee could consider addressing recommending to the Conference of the Parties that, in order to facilitate access to and analysis of the information transmitted by Parties about cases of illegal traffic, it decides to initiate a review and revision of table 9 of the reporting format as well as of the manual for completing the format for national reporting taking into account the information set out in the scoping exercises considered by the Committee pursuant to its 2020-2021 and 2022-2023 work programmes<sup>23</sup> and the Committee's findings<sup>24</sup>.

47. The Committee may also wish to welcome that in order to facilitate the compilation and analysis of data on closed cases of illegal traffic, the Secretariat will, going forward, require that, should a Party prefer uploading an external file rather than completing table 9, that file be an excel sheet following the format of table 9.

48. The Committee may further consider including in its proposed work programme for 2024-2025 that it:

(a) Review the information provided in table 9 of the national reports transmitted for the years 2020 and 2021 with a view to estimating: (i) how many cases of illegal traffic there are; (ii) with respect to which wastes; (iii) in which regions; (iv) how they were resolved; and (v) what are the trends since 2017; and making recommendations based on the outcome of the review;

(b) Assess the reasons for which Parties do not complete or have difficulties in completing table 9 of the reporting format and what measures could be recommended to the Conference of the Parties towards improving the rate of completion of table 9 as well as the quality of information provided therein.

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<sup>23</sup> UNEP/CHW/CC.14/4/Add.1 and UNEP/CHW/CC.15/4/Add.1.

<sup>24</sup> For the Committee's findings during its fourteenth meeting, see paragraphs 39 to 42 of the report of the 29 June–3 July 2020 sessions of that meeting (UNEP/CHW/CC.14/8).