

# ICC Transit – Sao Tome and Principe

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Language

System language

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

**\* No \***

Yes

If yes, please provide the name of the relevant piece of legislation, regulation, policy, procedures or other measure

Not answered

Please also provide the text of such relevant national provision implementing paragraph 4 of Article 6 (in English) or, alternatively, outline the main elements of the national provision implementing paragraph 4 of Article 6 of the Basel Convention

Not answered

If possible attach a copy or indicate where this can be downloaded

No file uploaded

Not answered

If no, please indicate any reason for the lack of enactment of laws, regulations, policies, procedures and other measures embodying the provision set forth in paragraph 4 of Article 6 of the Basel Convention

El país, firmou el convenio en 2013, todavía no hemos implementado ninguna actividad dirigida a la aplicación del Convenio de Basilea.

Sin embargo, necesitamos de asistencia técnica para comenzar las actividades de aplicación de la Convención.

## 2. 2. a. Does your country have a definition of “transit”?

No

**\* Yes \***

If yes, provide the definition.

El Decreto n.º 12 /2009, en el artículo n.º 66, define el Tránsito como:

1. Se llama tránsito aduanero del régimen aduanero en el que una mercancía desde el extranjero, o viajar al extranjero, se transporta de un punto a otro del territorio aduanero en el control aduanero y con suspensión del pago de derechos e impuestos costumbres.
2. El tránsito aduanero internacional es la operación de tránsito que se produce cuando las estaciones de salida y destino son las fronteras del territorio aduanero del país.
3. El tránsito aduanero nacional es la operación de tránsito que se produce en todos los demás casos no clasificados como tránsito internacional, entre la oficina de partida y un destino turístico.

## 3. 2. b. In your country, which of the following instances would fall within the meaning of “transit”?

A ship transporting wastes covered by the Basel Convention enters the Exclusive Economic Zone (EEZ) 1 ;

A ship transporting wastes covered by the Basel Convention enters territorial waters (territorial sea or internal waters);

A ship transporting wastes covered by the Basel Convention enters the free zone ;

A ship transporting wastes covered by the Basel Convention calls at a port, without offloading the wastes, and leaves for a different port of discharge;

A ship transporting wastes covered by the Basel Convention calls at a port, with offloading and reloading of the wastes on the same ship, and leaves the port for a different port of discharge;

A ship transporting wastes covered by the Basel Convention calls at a port, with offloading and reloading of the wastes on a different ship destined for a different port of discharge;

A ship transporting wastes covered by the Basel Convention calls at a port, with offloading and reloading of the wastes on a different transporter (eg. truck, train) destined for a different country;

A transporter other than a ship (eg. truck, train) transporting wastes covered by the Basel Convention enters and leaves the territory without offloading the wastes;

A transporter other than a ship (eg. truck, train) transporting wastes covered by the Basel Convention enters the territory, offloads and reloads the wastes and leaves the territory;

A transporter other than a ship (e.g. truck, train) transporting wastes covered by the Basel Convention enters the territory, offloads and reloads the wastes on a different transporter that then leaves the territory;

**\* Other instances. \***

Please describe any such other instances in which a “transit” is deemed to take place (e.g. activities such as storage or repackaging of the wastes)

A reexportação de mercadorias que não saíram debaixo da acção aduaneira designa-se por trânsito indirecto.

El país No Tiene un marco jurídico para el transporte de residuos o el movimiento transfronterizo de residuos peligrosos

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

**\* No \***

Yes

If yes, please explain what would amount to “force majeure” in your country and how it would impact the meaning of “transit” and the implementation of paragraph 4 of Article 6.

Not answered

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

**\* No \***

Yes

If yes, please elaborate.

Not answered

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

No

**\* Yes \***

Other entity has this responsibility (Please specify which)

If yes, please explain the responsibility of Customs and how they interact with the Basel Convention Competent Authority

La Dirección - General de Aduanas es el servicio central de la Secretaría de Hacienda, cuyo principal propósito de estudiar, promover, coordinar la aplicación de medidas y aduaneros acciones de política relacionados con la organización, gestión y mejora de la Administración de Aduanas de la República Democrática de Santo Tomé y Recoger príncipe y la recaudación de derechos de aduana y otros cargos establecidos por la legislación aduanera es también el control ejercicio responsable del territorio aduanero nacional con fines económicos impuestos y ya la protección de la sociedad, en particular en el contexto de la seguridad económica, la salud pública y la protección del patrimonio arte y cultura; ejercicio de la justicia fiscal, las competencias que le atribuye la ley o los reglamentos; garantizar la correcta aplicación de los acuerdos y tratados internacionales y otras normas aplicables en la zona aduanera, y participar en la lucha contra el tráfico ilícito de estupefacientes y sustancias psicotrópicas, armas y explosivos, para blanquear los capitales, en estrecha colaboración con las organizaciones nacionales, extranjeras e internacionales dedicados para estas áreas.

La operación, organización, habilidades, se rigen por el Decreto Ley nº 53/2006, y las actividades y aspectos aduaneros se armonizan y sistematizada en la Ley del Código Aduanero Decreto 39/2009.

En este momento no hay una interacción directa con la Dirección General de Aduanas y la autoridad competente dentro del marco de

la convección Basilea, los pasos futuros que se hagan.

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

**\* No \***

Yes

If yes, please provide information on your country's restriction or ban of transit transboundary movements of hazardous wastes or other wastes

Not answered

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

**\* No \***

Yes

If yes, please provide information on the scope of your country's decision and whether this information was notified to the Secretariat

Not answered

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

Please provide information on your country's understanding and implementation of paragraph 4 of Article 6 ab initio:

**\* A transboundary movement cannot commence following the 60 days deadline if no written consent was received from the State of transit; \***

A transboundary movement can commence following the 60 days deadline if no written consent was received from the State of transit;

Other.

If your country has a different understanding of paragraph 4 of Article 6 ab initio, please elaborate.

Not answered

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

**\* No \***

Yes

If yes, please provide information on how often on average your State has been a transit State in the last five years

Not answered

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

**\* No \***

Yes

If yes, please elaborate

Not answered

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

No

**\* Yes \***

If yes, provide the nature of the difficulties encountered:

**13. (i) Domestic difficulties:**

**\* Lack of or inappropriate domestic legal or institutional framework to implement paragraph 4 of Article 6 of the Basel Convention; \***

Lack of clarity about the definition of “transit” at the national level;

Lack of clarity about the way to implement paragraph 4 of Article 6 ab initio (see question 3. c. above);

**\* Lack of awareness among relevant entities within the country involved in transit transboundary movements of hazardous and other wastes about the requirements of paragraph 4 of Article 6 (e.g. Customs, port authorities); \***

Lack of coordination/cooperation at the national level among relevant entities involved in transit transboundary movements of hazardous and other wastes;

**\* Lack of awareness among stakeholders within the country involved in transboundary movements of hazardous and other wastes about the requirements of paragraph 4 of Article 6 (e.g. generators, transporters, exporters, importers, disposers); \***

Other difficulties:

Please also elaborate on any box you have ticked

Not answered

**14. (ii) International cooperation difficulties:**

Lack of information on other Parties’ definition or understanding of “transit”;

Lack of information by other Parties or stakeholders within other Parties of your country’s definition or understanding of “transit”;

Lack of harmonized definition or understanding of the meaning of “transit” at the global level;

Lack of shared understanding among Parties of how to implement paragraph 4 of Article 6 ab initio (see question 3. c. above);

Lack of response from transit States to a proposed transboundary movement;

Difficulties as a land-locked country;

Other difficulties (Please specify):

Please also elaborate on any box you have ticked

Not answered

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

No

**\* Yes \***

If yes, provide the nature of the difficulties encountered

Dificultad para completar los formularios de consentimiento de los movimientos transfronterizos.

Necesitamos asistencia y creación de capacidad para este propósito.

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

No

**\* Yes \***

If yes, explain how

Pedimos información y asistencia a las demás autoridades competentes, por ejemplo, la autoridad competente en Portugal.

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

No

**18. Please add any additional information or comments pertaining to the implementation of the provisions set forth in paragraph 4 of Article 6 of the Basel Convention that is not included in answers to the above questions.**

Not answered

**19. Submitting Party:**

Party:

Sao Tomé e Príncipe

**20. Contact details of the person who completed the questionnaire:**

Name:

Sulisa Signo Bom Jesus Quaresma

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Ingeniera Química, Punto focal del convenio y Jefe del Departamento de Saneamiento y Calidad Ambiental

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