

ICC Implementation of Article 11 – Switzerland

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Language

System language

1. Submitting Party:

Country:

CH

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

Name:

André Hauser

Title:

Not answered

Department:

Federal Office for the Environment

Address:

3003 Bern

Country:

Switzerland

Telephone:

++41 58 463 13 35

Fax:

Not answered

E-mail:

andre.hauser@bafu.admin.ch

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

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

Customs Agreement between Switzerland and Liechtenstein, 1923

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

Not answered

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

Decision of the Council concerning the Control of Transboundary Movements of Wastes Destined for Recovery Operations, 2001

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

Not answered

None of the above

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

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

Not answered

*** No ***

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

Not answered

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

*** Treaty ***

Exchange of letters

Project or programme

Other (please specify)

Not answered

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

*** Executive Branch (e.g. Competent Authorities) ***

Legislative Branch

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

Other (please specify)

Not answered

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

Name of the agreement or arrangement

Not answered

Attachment

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

Name of the agreement or arrangement

OECD-Decision

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

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

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

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

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

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

Not answered

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

Name of the agreement or arrangement

OECD-Decision

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

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

Your country, as State of import, has the technical capacity and the necessary facilities, capacity or suitable disposal sites in order

to dispose of the wastes in question in an environmental sound and efficient manner (Article 4 paragraph 9 (a) of the Basel Convention)

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

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

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

Not answered

11. 7(c). Other

Name of the agreement or arrangement

Customs arrangement with Liechtenstein

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

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

Because of the customs union treaty with Switzerland the Swiss waste-law is also applied in Liechtenstein and there is no custom control between Liechtenstein and Switzerland. The borders are controlled by Swiss authorities. The Swiss Federal Office for the Environment (FOEN) is competent authority for the import, export and transit of wastes for Liechtenstein. Switzerland is a member of the OECD and the Basel Convention and therefore carries out these controls according to the OECD and the Basel Convention -Decisions. The authorities of Liechtenstein will be informed in every case and have the possibility to refuse unwanted exports, imports and transits of wastes under control.

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

Name of the agreement or arrangement

OECD-Decision

OECD member states

Name of the agreement or arrangement

Customs agreement with Liechtenstein

Liechtenstein

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

Name of the agreement or arrangement

OECD-Decision

9(a). Waste

*** All wastes falling within the scope of the Basel Convention ***

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

Not answered

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

9(b). Disposal operations

All disposal operations listed in Annex IV to the Basel Convention

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

Recovery operations

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

9(c). Transboundary movement

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

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

9(d). Other

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

Not answered

Name of the agreement or arrangement

Customs agreement with Liechtenstein

9(a). Waste

All wastes falling within the scope of the Basel Convention

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

Not answered

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9(b). Disposal operations

All disposal operations listed in Annex IV to the Basel Convention

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

Not answered

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

9(c). Transboundary movement

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

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

9(d). Other

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

Not answered

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

Name of the agreement or arrangement

OECD-Decision

Exports are only allowed to OECD member states and EU, also the majority of the imports come from OECD member states

Name of the agreement or arrangement

Customs agreement with Liechtenstein

Not answered

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

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

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

proof of environmental sound management is a conditions for the authorisation of the export

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

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

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

Article 1 (Scope of the Convention)

Article 2 (Definitions)

Article 3 (National definitions of Hazardous Wastes)

Article 4 (General obligations)

Article 6 (Transboundary movements between Parties)

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

Articles 8 (Duty to reimport)

Article 9 (Illegal traffic)

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

Not answered

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

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

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

Please elaborate your response:

Exports to OECD member states that are not member of the Basel convention

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

Not answered

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

different interpretations of its content

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

development of guidance in cooperation with members

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

Yes (please elaborate)

Not answered

No

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

of guidance, information sharing, technical assistance)?

Yes (please elaborate)

Not answered

*** No ***

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

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

Not answered

Attachment:

No file uploaded

*** No ***

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

Not answered

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

Not answered