

**New Zealand comment on new guidance on the implementation of the Basel Convention provisions dealing with illegal traffic (paragraphs 2, 3 and 4 of Article 9)**

Thank you for the opportunity to comment on the new guidance. We apologise for the late response.

New Zealand views the current draft of the guideline as comprehensive and consistent with parties' obligations.

We are also pleased to note that comments on earlier drafts seeking recognition of the role of importing and transit countries assisting the exporting country's enforcement action by helping with evidence is included in the new guidance (paragraphs 57 and 73 to 79).

New Zealand considers that further consideration could be given to how parties manage the role of brokers in the export of illegal wastes. Often brokers are the exporter. However they may be resident nationals of somewhere other than the country of export or the importing country. This can complicate enforcement by the exporting nation. We also note that often these offshore exporters can be small companies with limited liability. The risks and situation associated with these should be outlined in the document.

We also think further consideration and clarification could be given to financial guarantees (paragraphs 92 and 99). In particular, clarification could be given to paragraph 92 in being clear what the consequences of a competent authority agreeing ('on a case-by-case basis ..... on whether illegally traffic is to be covered by a financial guarantee or not') that there will be no guarantee. The same wording is in paragraph 99 concerning disposal costs and clarification of what happens if there is guarantee would also be helpful here.