



August 30, 2018

Subject: Comments on the *Draft practical manual for stakeholders to ensure that notifications of transboundary movement meet environmentally sound management requirements.*

Dear Ms. Wingfield,

Canada is pleased to submit views on the *Draft practical manual for stakeholders to ensure that notifications of transboundary movement meet environmentally sound management requirements.* We would like to thank the members of the expert working group for their work in the development of guidance documents on environmentally sound management.

We support the following documents:

- *Guidance to assist Parties in developing efficient strategies for the recycling and recovery of hazardous and other wastes* (UNEP/CHW/OEWG.11/INF/5);
- *Guidance on how to address environmentally sound management in the informal sector* (UNEP/CHW/OEWG.11/INF/6).
- *Practical manuals on extended producer responsibility and on financing systems for environmentally sound management* on the basis of comments received from Parties and others pursuant to decision BC-13/2¹ (UNEP/CHW/OEWG.11/INF/7).

Regarding the *Draft practical manual for stakeholders to ensure that notifications of transboundary movement meet environmentally sound management requirements*, more time is needed to conduct a full review of the document. An additional public round of consultation should take place between the OEWG11 and COP14. The manual should also be reviewed by the Implementation & Compliance Committee, as important legal considerations are raised in the document. This is in conformity with paragraph 15 of decision BC-13/2.

The draft practical manual touches upon a core requirement of the Basel Convention on ensuring environmentally sound management (ESM) of wastes. The concept of the ESM of waste is well presented in numerous guidance documents of the Convention. Canada supports additional voluntary assessments to ensure ESM, such as the ones presented in the draft practical manual, and encourages their completion with the consent and cooperation of the different stakeholders involved in a Transboundary Movement (TBM).

Although they can reinforce the prior-informed consent procedure, Canada is of the view that refusal from the competent authority of an importing country to allow for a voluntary assessment should not be considered sufficient ground to object to future TBM. This must be clearly stated in the draft practical manual.

Canada notes that most of the content in the draft practical manual is for the use of competent authorities of exporting countries. As the mandate given in decision BC-13/2 is to develop guidance for competent authorities, exporters and generators, Canada is of the opinion that the document in its

¹ <http://www.basel.int/Implementation/CountryLedInitiative/EnvironmentallySoundManagement/ESMToolkit/Overview/tabid/5839/Default.aspx>.

current form does not fulfill the mandate from the COP in its entirety and that additional guidance, especially for competent authorities of importing countries, ought to be added.

We hope that you will find these comments useful and we look forward to participating in subsequent discussions in the context of the upcoming OEWG-11.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Sophie Bernier', is positioned above the printed name.

Sophie Bernier
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