



BASEL CONVENTION



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Secretariat of the Basel Convention
United Nations Environment Programme
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Geneva, 22 October 2018

Excellency,

Designation of competent authorities under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal : consultations under paragraph 9 (c) of the terms of reference of the Mechanism for promoting implementation and compliance of the Basel Convention

I am writing to you in relation to the obligation set out in Article 5 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal that requires parties to the Convention to designate or establish one or more competent authorities and one focal point.

- A competent authority means the governmental authority designated to be responsible, within such geographical areas as the party may think fit, for receiving notifications of transboundary movements of hazardous wastes or other wastes and any related information and for responding to such notifications.
- A focal point means the entity of a party responsible for receiving and submitting information as provided for in articles 13 and 16 of the Convention.

The designation of such entities is required in order to facilitate the implementation of the Basel Convention, in particular communication between parties and with the Secretariat. The Conference of the Parties to the Basel Convention has repeatedly underlined the importance of Parties' obligation to designate competent authorities and a focal point.

According to the Secretariat's records, Sao Tome, which became a Party to the Convention in February 2014, has yet to designate one or more competent authorities. Parties to the Convention are to designate such an entity/ies within three months of the date of the entry into force for them. The attached "Revised form for notification of designation of contacts" is to be used for that purpose.

Please find attached a leaflet that provides additional information on the role of competent authorities and focal points. You may find resources on this matter on the website of the Convention at:

<http://www.basel.int/Procedures/CompetentAuthorities/tabid/1324/Default.aspx>

<http://www.basel.int/Procedures/FocalPoint/tabid/1325/Default.aspx>.

The Secretariat maintains an official list of competent authorities and focal points designated by Parties which is publicly available at: <http://www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx>.

Département d'Assainissement et Qualité de l'Environnement
Direction Générale de l'Environnement
Avenida 12 de Julio
P.O. Box 1023
Sao Tome
Sao Tome and Principe

I am also writing to you in relation to paragraph 9 (c) of the terms of reference of the Mechanism for promoting implementation and compliance of the Basel Convention, which specifies that the Secretariat may make a submission to the Committee administering this mechanism (hereafter ‘the Committee’) **“if, while acting pursuant to its functions under articles 13 and 16, it becomes aware of possible difficulties of any Party in complying with its obligations under ... Article 5 of the Convention, provided that the matter has not been resolved within three months by consultation with the party concerned”**.

In order to assist Parties implement and comply with their commitments under the Convention, including their obligation to designate competent authorities and a focal point, the Conference of the Parties by its Decision VI/12 established the Mechanism for promoting implementation and compliance. I attach, for your information, a leaflet that presents the main features of this mechanism (its objectives, its procedures and its possible outcomes), as well as a leaflet providing information on the activities of the Committee since 2002 and setting out, in its annex, the terms of reference of the Committee.

You will note from the terms of reference that the mechanism is non-confrontational and oriented in the direction of helping Parties to implement the provisions of the Convention. It is required to pay particular attention to the special needs of developing countries and countries with economies in transition. More specifically, the Committee shall consider any submission with a view to determining the facts and root causes of the matter of concern and assist in its resolution, for instance by providing advice, non-binding recommendations and information.

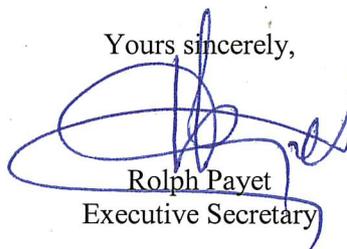
The Secretariat is hereby initiating consultations with Sao Tome in an attempt to resolve within three months this matter, in accordance with the terms of reference of the Committee. In this context, the Secretariat would like to invite Sao Tome to:

1. Verify the accuracy of the information held by the Secretariat, namely that Sao Tome has yet to designate one or more competent authorities.
2. In case this information is accurate, complete and send the attached “Revised form for notification of designation of contacts”. Should you have any questions with respect to the completion of the form, please do not hesitate to contact the Secretariat.
3. In case this information is inaccurate, inform the Secretariat of the date upon which the designation was made and transmit the details of its designated focal point, in accordance with Article 5 of the Basel Convention.

May I invite you to address all correspondence relating to this matter to the Secretariat’s Legal and Policy Advisor, Ms. Juliette Voinov Kohler: juliette.kohler@brsmeas.org

I trust we will be able to resolve this matter by 22 January 2019 and thank you in advance for your kind cooperation.

Yours sincerely,



Rolph Payet
Executive Secretary

Attachments: Revised form for notification of designation of contacts
Leaflet on “The role of competent authorities and focal points under the Basel Convention”
Leaflet on “The Basel Convention mechanism for promoting implementation and compliance”
Leaflet on “The Basel Convention mechanism for promoting implementation and compliance: celebrating a decade of assistance to Parties”.