

# 3

# BASEL CONVENTION

REVISED GUIDANCE DOCUMENT ON  
IMPROVING NATIONAL REPORTING  
BY PARTIES TO THE BASEL CONVENTION



UNEP



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# PREFACE

Welcome to the issue **number 3** of the **Technical Series** of the Secretariat of the Basel, Rotterdam and Stockholm conventions. Launched in 2019, the Technical Series bring to you the authoritative guidance documents adopted by the respective Conferences of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and the Stockholm Convention on Persistent Organic Pollutants.

The **Revised guidance document on improving national reporting by Parties to the Basel Convention** provides step-by-step guidance that Parties can follow to overcome challenges with the transmission of national reports. Pursuant to the Basel Convention, each Party is to transmit to the Secretariat a national report each year. The national report sets out information from the Party in response to a set of questions determined by the Conference of the Parties. The information pertains to both legislative and institutional measures adopted by each Party pertaining to the implementation of the Convention as well as data resulting from the implementation of the Convention, for instance on waste generation, imports and exports, disposal facilities, and cases of illegal traffic. The Conference of the Parties has repeatedly stressed the importance of the transmission of this information, and mandated a range of activities to support the Parties in doing so, from the provision of technical assistance by the Secretariat, to the monitoring of compliance performance by Parties, to the development of guidance. The Revised guidance document on improving national reporting developed by the Implementation and Compliance Committee is one of the guidance documents Parties can turn to. It provides information on the challenges Parties may face with the transmission of national reports as well as how to overcome these. It also provides concrete guidance on modalities to engage relevant entities from the public and private sectors that are the keepers of information to be reported. Other guidance documents aimed at supporting the transmission of timely and complete national reports may be found on the website of the Convention at:

<http://basel.int/Countries/NationalReporting/Guidance/tabid/1498/Default.aspx>, while information of the extensive work undertaken by the Implementation and Compliance Committee on this matter can be found at:

<http://basel.int/Implementation/LegalMatters/Compliance/GeneralIssuesActivities/Activities201819/Insurance,bondandguarantee/tabid/6123/Default.aspx>



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# CONTENTS

<b>FOREWORD</b> .....	<b>7</b>
<b>II. THE IMPORTANCE OF REPORTING</b> .....	<b>9</b>
<b>III. CHALLENGES EXPERIENCED WITH REPORTING</b> .....	<b>10</b>
A. LACK OF CLARITY ABOUT TERMINOLOGY .....	10
B. POOR INTERNET CONNECTIVITY.....	10
C. DIFFICULTIES IN COLLECTING DATA OR INFORMATION FROM ENTITIES .....	10
D. LACK OF HUMAN, TECHNICAL AND FINANCIAL RESOURCES .....	10
<b>IV. OVERCOMING CHALLENGES EXPERIENCED WITH REPORTING</b> .....	<b>11</b>
<b>V. THE ROLE OF THE FOCAL POINT AND COMPETENT AUTHORITY/IES IN NATIONAL REPORTING</b> ...	<b>14</b>
A. FOCAL POINT .....	14
B. COMPETENT AUTHORITY/IES .....	15
<b>VI. MODALITIES TO ENGAGE RELEVANT ENTITIES FROM THE PUBLIC AND PRIVATE SECTORS</b> .....	<b>16</b>
A. IDENTIFY AND DEVELOP A LIST OF STAKEHOLDERS.....	16
B. UNDERTAKE AWARENESS-RAISING ACTIVITIES WITH STAKEHOLDERS .....	16
C. ESTABLISH COORDINATION OR COOPERATIVE MECHANISMS.....	16
D. ESTABLISH TECHNICAL GROUPS.....	17
<b>APPENDIX: RELATIONSHIP BETWEEN THIS GUIDANCE AND OTHER KEY RESOURCES</b> .....	<b>18</b>



# FOREWORD

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (hereinafter “Basel Convention”) is the main global Multilateral Environmental Agreement regulating the transboundary movement of wastes. The overarching objective of the Basel Convention is to protect human health and the environment against the adverse effects of hazardous wastes and other wastes.

The Basel Convention was adopted in March 1989 and entered into force in May 1992.

Article 13 paragraph 3 of the Basel Convention requires Parties to report information related to their implementation of the Convention. Parties submit annual national reports to the Secretariat through which they are then submitted to the Conference of the Parties (hereinafter “COP”). This reporting allows bodies of the Basel Convention to monitor implementation and to identify issues that need to be addressed.

Over the years, the Committee for Administering the Mechanism for Promoting Implementation and Compliance with the Basel Convention (hereinafter “Committee”) has been tasked by the COP to improve the implementation and compliance with the national reporting obligation set out in Article 13 paragraph 3. This has included monitoring reporting, and keeping the COP informed of the rate of reporting and the timeliness and completeness of national reports transmitted by Parties. Although there have been slight improvements since 2010, the reporting targets adopted by the COP since 2009<sup>1</sup> have never been met, and as at 15 June 2018, only 55 per cent of the Basel Convention Parties submitted a national report for 2015.<sup>2</sup>

Some Parties appear to have difficulties with reporting: nearly 40 Parties have not submitted reports since 2009.

This document has been prepared under the mandate provided by Decision BC-12/7,<sup>3</sup> in which the twelfth meeting of the COP adopted the work programme of the Committee for the biennium 2016-2017 and requested the Committee to undertake a number of activities to improve implementation and compliance with the national reporting obligation set out in Article 13 paragraph 3. Following the adoption of a revised format for national reporting, these activities include the revision of the existing guidance on improving national reporting.<sup>4</sup> A first draft of the guidance<sup>5</sup> was submitted for information to the thirteenth meeting of the COP that mandated, in its Decision BC13/9, the Committee to finalize it for or consideration and possible adoption by the COP at its fourteenth meeting. This guidance was adopted by the COP at its fourteenth meeting by decision BC-14/15.

This guidance document is primarily meant to be a practical guide for the national technical officials responsible for collecting information for the preparation of annual national reports. This document is expected to complement existing Basel Convention guidance documents.<sup>6</sup>

Nothing in this document should be understood or interpreted as going against the text of the Convention and relevant decisions adopted by the COP. The Committee welcomes any comments by Parties on the content as well as their use of the guidance document. Parties are invited to send these comments to the Secretariat: [brs@brsmeas.org](mailto:brs@brsmeas.org).

The development of this guide was made possible thanks to the financial support provided by the European Union and Norway.

<sup>1</sup> By decision BC-10/11, the Conference of the Parties for the first time requested the Committee to classify Parties’ compliance performance with national reporting, starting with the year 2009. This mandate was then extended by decisions BC-11/8 and BC-12/7.

<sup>2</sup> The classification is set out in document UNEP/CHW/CC.13/4/Add.1, Annex II.

<sup>3</sup> Decision BC-12/7 is available at: <http://www.basel.int/TheConvention/ConferenceoftheParties/ReportsandDecisions/tabid/3303/Default.aspx>.

<sup>4</sup> The previous iteration of the guidance was developed by the Committee under its 2007-2008 work programme.

<sup>5</sup> See Annex I of document UNEP/CHW.10/INF/11.

<sup>6</sup> <http://basel.int/Countries/NationalReporting/Guidance/tabid/1498/Default.aspx>.

# I. THE PURPOSE OF THIS GUIDANCE

1. The guidance document has been prepared to assist the implementation of Article 13 paragraph 3 of the Basel Convention which states:

*“The Parties, consistent with national laws and regulations, shall transmit, through the Secretariat, to the Conference of the Parties established under Article 15, before the end of each calendar year, a report on the previous calendar year, containing the following information:*

- (a) Competent authorities and focal points that have been designated by them pursuant to Article 5;*
- (b) Information regarding transboundary movements of hazardous wastes or other wastes in which they have been involved, including:
  - (i) The amount of hazardous wastes and other wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the response to notification;*
  - (ii) The amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods;*
  - (iii) Disposals which did not proceed as intended;*
  - (iv) Efforts to achieve a reduction of the amount of hazardous wastes or other wastes subject to transboundary movement;**
- (c) Information on the measures adopted by them in implementation of this Convention;*
- (d) Information on available qualified statistics which have been compiled by them on the effects on human health and the environment of the generation, transportation and disposal of hazardous wastes or other wastes;*
- (e) Information concerning bilateral, multilateral and regional agreements and arrangements entered into pursuant to Article 11 of this Convention;*
- (f) Information on accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures undertaken to deal with them;*
- (g) Information on disposal options operated within the area of their national jurisdiction;*
- (h) Information on measures undertaken for development of technologies for the reduction and/or elimination of production of hazardous wastes and other wastes; and*
- (i) Such other matters as the Conference of the Parties shall deem relevant.”*

2. During its twelfth meeting, the COP adopted the revised format for national reporting<sup>7</sup> to be used for national reporting purposes as of reporting year 2016 to fulfill the obligation set out in Article 13 paragraph 3 of the Basel Convention.

3. This guidance document is primarily meant to be a practical guide for the national officials responsible for the collection of information for the preparation of the national reports that are to be submitted annually to the Secretariat of the Basel Convention; as such, this document complements existing documents, which include the following:

- (a) On implementation, the Manual on the Implementation of the Basel Convention (hereinafter “Implementation Manual”), which includes a checklist for the legislator;<sup>8</sup>
- (b) On the Basel Convention control regime for transboundary movements of wastes, the Guide to the Control System;<sup>9</sup>

<sup>7</sup> The format was adopted by decision BC-12/6 and amended by decision BC-13/9. The revised format is available for download at <http://basel.int/Countries/NationalReporting/Guidance/tabid/1498/Default.aspx>.

<sup>8</sup> <http://www.basel.int/Implementation/Publications/GuidanceManuals/tabid/2364/Default.aspx>.

<sup>9</sup> *Ibid.*

- (c) On the development of national legislation to transpose the Basel Convention, the Guide for the development of national legal frameworks to implement the Basel Convention (hereinafter “Guide on National Legal Frameworks”);<sup>10</sup>
- (d) On reporting:
  - (i) the Manual for completing the format for national reporting under the Basel Convention (hereinafter “Reporting Manual”);<sup>11</sup>
  - (ii) the Manual for the electronic reporting system (ERS) under the Basel Convention (hereinafter “ERS Manual”);<sup>12</sup>
  - (iii) the Benchmark report aimed at facilitating reporting under paragraph 3 of Article 13 of the Basel Convention (hereinafter “Benchmark Report”);<sup>13</sup>
- (e) On developing an inventory of hazardous and other wastes generated or moved across borders, the Methodological Guide for Undertaking National Inventories under the Basel Convention<sup>14</sup> (hereinafter “Inventories Guide”); this guide is complemented by waste stream-specific guidance covering waste lead-acid batteries, waste electrical and electronic equipment and waste oils.<sup>15</sup>

4. All these documents, and additional guidance documents on specific issues pertaining to the implementation of the Basel Convention, can be accessed on the website of the Convention.<sup>16</sup> A diagram illustrating the relationship between this guidance document and other key resources appears in the Appendix to this guidance.

## II. THE IMPORTANCE OF REPORTING

5. Despite the requirements of Article 13 paragraph 3, the rate of reporting under the Basel Convention remains close to 50 per cent<sup>17</sup> and few Parties submit complete national reports.<sup>18</sup> The problem of non-reporting, incomplete reporting or late reporting, has been recognized by the COP as being all the more serious because of the close link between the core obligations of the Basel Convention and the obligation to submit national reports.

6. All Parties may benefit from improved reporting. Information in the reports can provide valuable data for analyses of trends in transboundary movements and the generation of wastes at the national level. At the global level, it can be used to identify systemic successes and failings in the implementation of the Basel Convention, and to help evaluate the effectiveness of the Convention, as provided for in Article 15 paragraph 7. In addition, information contained in national reports can be used to determine progress towards Sustainable Development Goal 12, on sustainable consumption and production. In particular targets 12.4 and 12.5, which relate to the environmentally sound management of chemicals and all wastes throughout their life cycle and the reduction of waste generation through prevention, reduction, recycling and reuse, respectively.

<sup>10</sup> See document UNEP/CHW.14/13/Add.2/Rev.1.

<sup>11</sup> See document UNEP/CHW.13/INF/20/Rev.1.

<sup>12</sup> See document UNEP/CHW.13/INF/21.

<sup>13</sup> See document UNEP/CHW.14/13/Add.4.

<sup>14</sup> <http://www.basel.int/Implementation/Publications/GuidanceManuals/tabid/2364/Default.aspx>.

<sup>15</sup> See the draft practical guidance for the development of inventories of used lead-acid batteries, waste electrical and electronic equipment and waste oils set out in document UNEP/CHW.13/INF/22.

<sup>16</sup> See <http://www.basel.int>.

<sup>17</sup> The reporting rate for 2009 was 53%, for 2010 it was 40%, for 2011 it was 49%, for 2012 it was 45% and for 2013 it was 47%. See document UNEP/CHW.13/INF/26.

<sup>18</sup> For 2013, 9 of 178 Parties have transmitted a complete report on time. See document UNEP/CHW.13/INF/26. For 2014 and 2015, respectively, this number raises to 15 out of 179, and to 11 out of 180.

### **III. CHALLENGES EXPERIENCED WITH REPORTING**

7. Some of the most significant difficulties in reporting are listed below.<sup>19</sup>

#### **A. LACK OF CLARITY ABOUT TERMINOLOGY**

8. Some Parties report challenges with terminology. For example, it may be difficult to determine which waste types are controlled by the Basel Convention, particularly when national laws do not have a clear definition of “wastes”, “hazardous wastes” or “other wastes”. Other difficulties include issues around defining “transit” and determining what constitutes a “transboundary movement”, as for instance, some Parties have difficulties identifying when a movement is considered to have been initiated.

#### **B. POOR INTERNET CONNECTIVITY**

9. Some Parties have reported poor internet connectivity, which is particularly limiting their ability to transmit their national reports as the COP has invited Parties to transmit reporting questionnaires in an electronic format. Parties should now transmit their annual national reports using the Electronic Reporting System of the Basel Convention through which the reporting questionnaire is made available online.

#### **C. DIFFICULTIES IN COLLECTING DATA OR INFORMATION FROM ENTITIES**

10. All the entities, whether from the private sector or governmental, involved in work under the Basel Convention may have a role in directly or indirectly contributing data or information required to complete the national report. However some or all of these entities may not have been identified or be aware of their role. For instance, some countries may not have developed adequate licensing systems for generators of hazardous wastes, and these entities may not be required to keep track of the waste they generate. It is also possible that Customs are not informed of the role they can play in controlling the import and export of wastes covered by the Convention.

11. Within some Parties there may be a lack of coordination and fragmentation of efforts among government departments. Similar difficulties may also arise in the relationship between central government authority and authorities at the regional or local levels.

#### **D. LACK OF HUMAN, TECHNICAL AND FINANCIAL RESOURCES**

12. The full implementation of the Basel Convention reporting requirements requires a variety of skilled professionals, including officials with appropriate legal and technical expertise.

13. A lack of access to adequate funding and information technology for monitoring, collecting, storing and exchanging data on the generation and disposal of wastes at the national level and on transboundary movements of wastes may also limit the ability of Parties to fulfill their obligations with respect to national reporting.

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<sup>19</sup> Challenges experienced with reporting were collected from Parties and reviewed by the Committee in the context of its mandate to improve implementation and compliance with the national reporting obligation. See in particular documents UNEP/CHW/CC.9/7 and UNEP/CHW/CC.8/14.

## IV. OVERCOMING CHALLENGES EXPERIENCED WITH REPORTING

14. The development and updating of a national inventory of hazardous wastes and other wastes is a prerequisite for each Party to be in a position to have information on the wastes generated at the national level as well as of the wastes imported in and exported from the Party. The Inventories Guide, adopted by the twelfth meeting of the COP,<sup>20</sup> was developed to assist Parties in developing such inventories.

15. As mentioned previously, this guidance document will not duplicate information set out in the Inventories Guide and Parties are therefore encouraged to turn their attention to that guide should they need guidance on how to develop an inventory of the wastes covered by the Basel Convention. The Inventories Guide will be helpful for Parties to complete the following tables of the revised reporting format:

- (a) Table 2: Final disposal options operated within the National Jurisdiction;
- (b) Table 3: Recovery options operated within the National Jurisdiction;
- (c) Table 4: Export of hazardous wastes and other wastes in 20XX;
- (d) Table 5: Import of hazardous wastes and other wastes in 20XX;
- (e) Table 6: Total amount of generation of hazardous wastes and other wastes in the years indicated.

16. Most of the challenges identified above can be explained by the absence of an adequate legal and institutional framework, which is a precondition for the successful implementation of the Basel Convention in general, and for systematic and compliant reporting, in particular with:

- (a) Question 1 on Competent Authority and Focal Point, Measures to Implement and Enforce the provisions of the Basel Convention;
- (b) Question 2 on Wastes Controlled for the Purpose of Transboundary Movement;
- (c) Question 3 on Restrictions on Transboundary Movement of Hazardous Wastes and Other Wastes;
- (d) Question 4 on Control Procedure of the Transboundary Movement of Waste;
- (e) Question 5 on Reduction and/or Elimination of the Generation of Hazardous Wastes and Other Wastes;
- (f) Question 6 on Reduction of the Amount of Hazardous Wastes and Other Wastes Subject to the Transboundary Movement;
- (g) Question 7 on Effect on Human Health and the Environment;
- (h) Table 1 on Bilateral, Multilateral or Regional Agreements or Arrangements in force in 20XX;
- (i) Table 9 on Cases of illegal traffic which have been closed in the reporting year.

17. Adequate legal and institutional frameworks will also help with collecting and sharing information on: options at the national level for the final disposal or recovery of wastes (tables 2 and 3), the export and import of wastes (tables 4 and 5), the amount and nature of wastes generated at the national level (table 6), disposals which did not proceed as intended (table 7) and accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes (table 8).

<sup>20</sup> <http://www.basel.int/Implementation/Publications/GuidanceManuals/tabid/2364/Default.aspx>.

18. Several resources are already available or under development to assist Parties develop adequate legal frameworks:

- (a) Annex I to the Implementation Manual sets out the Legislator's Checklist which provides a useful tool for Parties to assess whether their existing national legal framework incorporates the necessary provisions of the Basel Convention;<sup>21</sup>
- (b) Guidance pertaining to the development of legislation transposing the Basel Convention at the national level may be found in the Guide on National Legal Frameworks.<sup>22</sup> The guide provides comprehensive, yet flexible information on core elements to be included in the national legal frameworks to fully implement the provisions of the Basel Convention in a way which can be tailored to national circumstances, traditions and priorities;
- (c) Guidance on preventing and combating illegal traffic includes: Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Waste, the Instruction manual on the prosecution of illegal traffic of hazardous wastes or other wastes, the Basel Convention Training Manual on Illegal Traffic for Customs and Enforcement Agencies<sup>23</sup> and the Manual for Customs on hazardous chemicals and wastes under the Basel, Rotterdam and Stockholm conventions;<sup>24</sup>
- (d) The glossary of terms adopted by the COP at its thirteenth meeting<sup>25</sup> aims to clarify certain terms, in particular in relation to the distinction between wastes and non-wastes, in order to improve the implementation of the Convention and the application of technical guidelines and guidance documents developed under the Convention. It includes definitions of terms and further explanations, including in order to explain how certain terms relate to each other.

19. In addition, a review of Annex IV of the Basel Convention, which lists disposal operations, is currently under way. This is, for example, relevant with respect to the definition of waste under the Basel Convention.<sup>26</sup>

20. Again, this guidance document will not duplicate information set out in the existing guidance to develop adequate legal frameworks, in particular the guide for the development of national legal frameworks to implement the Basel Convention, and Parties are therefore encouraged to turn their attention to such guidance as needed.

21. Legal and institutional arrangements for reporting will vary from one Party to another, and this guidance aims to provide a flexible framework which takes into account these variations.

22. On a general note, it is important to ensure that the national legal and institutional framework has adequate technical and administrative capability to deliver compliance with the Basel Convention, in particular to meet the obligation to report.

23. In addition to accessing existing guidance on reporting<sup>27</sup> or contacting the Secretariat, it is helpful, where needed, to identify as soon as possible and keep a list of institutions within the country or outside that may be contacted for technical assistance and technology transfer or financial assistance. These institutions might include other Parties, Basel Convention Regional Centres,<sup>28</sup> international organizations such as United Nations Environment Programme (UNEP),<sup>29</sup> governmental institutions, universities, research centres, and industry. The Committee has acquired and continues to gain significant experience in assisting Parties concerned by a submission in facilitating the implementation of and restoring compliance with the national reporting obligation.<sup>30</sup>

<sup>21</sup> The Implementation Manual is available at <http://www.basel.int/Implementation/Publications/GuidanceManuals/tabid/2364/Default.aspx>.

<sup>22</sup> See document UNEP/CHW.14/13/Add.2/Rev.1.

<sup>23</sup> See: <http://www.basel.int/Implementation/LegalMatters/IllegalTraffic/Guidance/tabid/3423/Default.aspx>.

<sup>24</sup> See <http://brsmeas.org/Implementation/TechnicalAssistance/ToolsandMethodologies/ManualforCustomsOfficers/tabid/4457/language/fr-CH/Default.aspx>.

<sup>25</sup> The glossary is available in document UNEP/CHW.13/4/Add.2.

<sup>26</sup> See <http://www.basel.int/Implementation/LegalMatters/LegalClarity/ReviewofAnnexes/Annexes,III,IVandrelatedaspectsofAnnexIX/tabid/6269/Default.aspx>.

<sup>27</sup> See <http://basel.int/Countries/NationalReporting/Guidance/tabid/1498/Default.aspx>.

<sup>28</sup> See <http://www.basel.int/Partners/RegionalCentres/Overview/tabid/2334/Default.aspx>.

<sup>29</sup> See for instance UNEP's special programme to support institutional strengthening at the national level to enhance implementation of the Basel Convention, including strengthening institutional capacity to improve progress reporting ([https://www.unenvironment.org/explore-topics/chemicals-waste/.../cimbeck/Documents/Basel Convention/UNEP-CHW.13-INF-59 national reporting\(e\)](https://www.unenvironment.org/explore-topics/chemicals-waste/.../cimbeck/Documents/Basel%20Convention/UNEP-CHW.13-INF-59%20national%20reporting(e))).

<sup>30</sup> See <http://www.basel.int/Implementation/LegalMatters/Compliance/SpecificSubmissionsActivities/tabid/2310/Default.aspx>.

24. Sources of technical and financial assistance can be valuable in providing or accessing training and technical and scientific expertise and advice in areas relevant to national reporting such as:

- (a) Developing an adequate legal framework or reviewing its compatibility with the provisions of the Basel Convention;
- (b) Developing an inventory of wastes and establishing procedures for their continuous update;
- (c) Understanding the Basel Convention's requirements for the control of transboundary movements of wastes and how to use the notification and movement document forms;
- (d) Identifying and classifying wastes;
- (e) Monitoring the generation and movements of hazardous wastes and other wastes;
- (f) Identifying and prosecuting cases of illegal traffic;
- (g) Developing funding proposals for the overall implementation of the Basel Convention and for fulfilling the reporting obligation in particular.

25. Given its complementary nature to existing guidance, in particular, on developing an inventory of wastes and developing legislation to implement the Basel Convention, this guidance will focus on making recommendations on how to build up an institutional structure for reporting purposes by:

- (a) Advising on the role of the focal point and competent authority/ies in national reporting in section V;
- (b) Advising on approaches to engage relevant entities from the public or private sector in section VI.

26. It is important to note that some questions in the reporting format usually do not require many updates from year to year as they pertain to the legal and institutional framework in place within the Party. Any updates will therefore be on a case by case basis. Other parts of the format, for instance tables 4 to 6 on waste generated, imported or exported, will require that the data be updated each year. Accordingly, more consistent effort will be needed to complete these.

## V. THE ROLE OF THE FOCAL POINT AND COMPETENT AUTHORITY/IES IN NATIONAL REPORTING

27. There are a number of necessary organisational steps to be taken within the government to prepare and transmit national reports under the Basel Convention. To ensure efficiency in the reporting process, roles and responsibilities of different parts of government need to be clarified and fragmented and/or overlapping mandates should be avoided. The key functions of the focal point and the competent authority/ies with regard to national reporting are listed below. Additional institutional arrangements are detailed section VI.

### A. FOCAL POINT

28. Focal points are responsible for receiving and transmitting information as provided for in Articles 13 and 16 of the Basel Convention. National reports will thus be transmitted to the Secretariat through the focal point.

29. A focal point may be an official from a ministry responsible for the issues covered by the Basel Convention, for instance environment or commerce and industry, or from the ministry dealing with international or foreign affairs, or from another national authority designated by a Party. A Party to the Basel Convention may designate only *one* focal point and it must inform the Secretariat thereof.

30. Question 1b of the revised reporting format seeks information on the focal point designated by the Party.

31. For further information on focal points, see:

- (a) The leaflet on the role of competent authorities and focal points under the Basel Convention;<sup>31</sup>
- (b) The procedures for designating a focal point;<sup>32</sup>
- (c) Page 15 of the Implementation Manual, which provides information on legal considerations pertaining to the designation of a focal point;
- (d) Pages 8 to 10 of the Reporting Manual, which provides instructions on how to communicate the designation of a new focal point to the Secretariat;
- (e) The list of focal points designated by Parties.<sup>33</sup>

<sup>31</sup> <http://basel.int/Implementation/Publications/BrochuresLeaflets/tabid/2365/Default.aspx>.

<sup>32</sup> <http://basel.int/Procedures/FocalPoint/tabid/1325/Default.aspx>.

<sup>33</sup> <http://basel.int/Countries/CountryContacts/tabid/1342/Default.aspx>.

## B. COMPETENT AUTHORITY/IES

32. Competent authorities have the responsibility for implementing the notification process for transboundary movements of hazardous wastes and other wastes. They are therefore the *keepers* (custodians) of information to be reported on exports and imports of hazardous wastes and other wastes (tables 4 and 5). The use of the Basel Convention waste codes to classify hazardous and other wastes will help ensure that data on imports and exports is collated in a way that is compatible with the Basel Convention reporting format. In countries that use national or regional codes, the establishment of a table of correlations might be a useful tool to facilitate the processing of import and export data for reporting.

33. Competent authorities may also have a key role in the licensing of those entities engaged in transporting, collecting, generating and disposing of hazardous wastes and other wastes. They may therefore also be the keepers of the information to be reported on the amount of wastes generated (table 6), on disposal options within the country (tables 2 and 3) and on any incident or accident which may occur (tables 7 and 8). They may also have a role in enforcement of national legislation and, given their central role with respect to transboundary movements of hazardous and other wastes, they will also have an important role with respect to reporting cases of illegal traffic (table 9).

34. A competent authority may be an agency or authority responsible for environmental protection and pollution control. Each Party must inform the Secretariat of the competent authority/ies it has designated. Competent authorities may be given additional responsibilities at the national level, for instance with respect to the generation and management of the wastes covered by the Basel Convention. If such responsibilities are given to a different entity, it is important that the respective responsibilities be clear and that structures for cooperation be established to ensure that all necessary information and data for the purpose of reporting be collected and transmitted.

35. A Party may designate more than one competent authority with responsibility, for example, for specific geographical areas.<sup>34</sup> However, only one competent authority may be designated to receive a notification when a country is a State of transit for the purposes of the Basel Convention.

36. Question 1a of the revised reporting format seeks information about the competent authority/ies.

37. For further guidance on competent authorities, see:

- (a) The leaflet on the role of competent authorities and focal points under the Basel Convention;<sup>35</sup>
- (b) The procedures for designating a competent authority;<sup>36</sup>
- (c) Page 15 of the Implementation Manual, which provides information on legal considerations pertaining to the designation of a competent authority;
- (d) Pages 6 to 8 of the Reporting Manual, which provides instructions on how to communicate the designation on a competent authority to the Secretariat;
- (e) The list of competent authorities designated by Parties.<sup>37</sup>

<sup>34</sup> For detailed instructions on how to clarify the respective roles and responsibilities of each competent authority in the national report format please refer to the Reporting Manual, page 7. The Reporting Manual is available in document UNEP/CHW.13/INF/20/Rev.1.

<sup>35</sup> <http://basel.int/Implementation/Publications/BrochuresLeaflets/tabid/2365/Default.aspx>.

<sup>36</sup> <http://basel.int/Procedures/CompetentAuthorities/tabid/1324/Default.aspx>.

<sup>37</sup> <http://basel.int/Countries/CountryContacts/tabid/1342/Default.aspx>.

# VI. MODALITIES TO ENGAGE RELEVANT ENTITIES FROM THE PUBLIC AND PRIVATE SECTORS

## A. IDENTIFY AND DEVELOP A LIST OF STAKEHOLDERS

38. A first step towards engaging all stakeholders with a role in fulfilling the reporting obligation – within or outside the government – is to identify them.

39. Within government, in addition to the focal point and competent authority/ies, it will be important to identify entities from various Ministries not only with primary responsibility for the implementation and the enforcement of the Basel Convention but whose responsibilities may be of relevance to achieving the objectives of the Convention. Depending on the Party, entities at the regional or local levels may also have a key role in collecting data and information of relevance to national reporting and should therefore also be fully engaged. Furthermore, cooperation with Customs and other border control officials may be important to gather additional data on imports and exports of wastes covered by the Basel Convention (tables 4 and 5) as well as information on cases of illegal traffic (table 9).<sup>38</sup>

40. Outside of government, stakeholders will include waste generators, collectors, dealers, brokers, transporters, exporters, importers and disposers. Civil society organizations may also play a key role for the successful implementation of the Basel Convention.

41. The list identifying stakeholders should clarify their expected role with respect to fulfilling all the questions and tables of the reporting format, such as providing data on the amount of wastes generated (table 6) or providing information on any restriction or prohibition to the import or export of hazardous wastes or other wastes (question 3).

## B. UNDERTAKE AWARENESS-RAISING ACTIVITIES WITH STAKEHOLDERS

42. Undertaking awareness-raising activities with stakeholders to improve their understanding of the Basel Convention and its objectives, and to prepare entities for the role they will play towards fulfilling the national reporting obligation can support improved national reporting. This will involve the exploration and development of affordable and cost-effective tools, which may include information campaigns and consultations.

## C. ESTABLISH COORDINATION OR COOPERATIVE MECHANISMS

43. There are a variety of ways of establishing, with different degrees of formality, mechanism for coordination or cooperation between stakeholders with respect to collecting data and information of relevance to national reporting. One approach is to establish a national coordination/steering committee, another is to develop agreements for cooperation between the various stakeholders, e.g. memoranda of understanding.

44. A national coordination/steering committee may be composed of governmental bodies (central government and local authorities where relevant), civil society, the private sector and international bodies. Its role may be confined to fulfilling the national reporting obligation, although it may extend to all aspects of the implementation and enforcement of the Basel Convention. Such coordination may be helpful not only to clarify respective roles and ensure good cooperation but also to provide a source for access to expertise for the broader community.

<sup>38</sup> For more information on the role of Customs in enforcing the Basel Convention see the Guidance elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Waste and the Basel Convention Training Manual on Illegal Traffic for Customs and Enforcement Agencies, available at <http://www.basel.int/Implementation/LegalMatters/IllegalTraffic/Guidance/tabid/3423/Default.aspx>. See also the Manual for Customs on hazardous chemicals and waste under the Basel, Rotterdam and Stockholm conventions, available at <http://brsmeas.org/Implementation/TechnicalAssistance/ToolsandMethodologies/ManualforCustomsOfficers/tabid/4457/language/fr-CH/Default.aspx>.

45. Agreements for cooperation, e.g. memoranda of understanding, may be developed between relevant entities, whether from the governmental (e.g. departments of trade and industry, customs and excise) or external to government (e.g. academia, associations of commerce and industry). The content of the agreement could cover areas similar to those dealt with in a national coordination/steering committee.

#### **D. ESTABLISH TECHNICAL GROUPS**

46. A technical group, in addition to a national coordination/steering committee or agreements between relevant entities, could be established to coordinate the preparation of the national reports. It could be tasked with collecting legal and institutional information, and data on the generation and transboundary movement of waste and on incidents or accidents. The group could oversee the process towards collecting and sharing of information and data for the purposes of national reporting.

## APPENDIX

### RELATIONSHIP BETWEEN THIS GUIDANCE AND OTHER KEY RESOURCES

#### National reporting process

#### Relevant guidance documents

> Generate data for national reporting

##### Inventories Guide

- Guidance on methods of developing inventories to obtain information on waste generation, TBMs and management

##### Guide on National Legal Frameworks

- Guidance on drafting legislation that covers the collection of data for annual reporting

> Collect data for national reporting

##### Guidance for Improved National Reporting

- Guidance on institutional mechanisms for information-gathering and national reporting

> Complete national reporting format

##### Reporting Manual

- Instructions on how to complete the national reporting format

##### Benchmark Report

- Examples of good practices on how to complete the national reporting format

> Submit national reporting format

##### ERS Manual

- Instructions on how to access and submit information through the electronic reporting system (ERS)

TECHNICAL SERIES PUBLICATION N°	TITLE	DATE OF PUBLICATION
1	Guidance on the implementation of the Basel Convention provisions dealing with illegal traffic (paragraphs 2, 3 and 4 of Article 9)	October 2019
2	Guide for the development of national legal frameworks to implement the Basel Convention	October 2019
3	Revised guidance document on improving national reporting by Parties to the Basel Convention	October 2019
4	Benchmark report aimed at facilitating reporting under paragraph 3 of Article 13 of the Basel Convention - <i>Examples reflecting Parties' good practices</i>	October 2019

# [www.basel.int](http://www.basel.int)

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