



**Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Fifteenth meeting**

Geneva (online), 26–30 July 2021*

Item 4 (c) (i) of the provisional agenda**

**Matters related to the implementation of the
Convention: legal, compliance and governance
matters: Committee Administering the Mechanism for
Promoting Implementation and Compliance**

Committee Administering the Mechanism for Promoting Implementation and Compliance

Note by the Secretariat

I. Introduction

1. In its decision BC-14/15, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal approved the work programme of the Committee Administering the Mechanism for Promoting Implementation and Compliance for the biennium 2020–2021 set out in the annex to that decision.¹
2. In accordance with paragraph 3 of the terms of reference of the mechanism for promoting implementation and compliance,² the Committee consists of 15 members nominated by the Parties and elected by the Conference of the Parties on the basis of equitable geographical representation of the five regional groups of the United Nations, who serve in accordance with paragraph 5 of the terms of reference.
3. Paragraph 6 of the terms of reference stipulates that, at each ordinary meeting following the meeting at which the Committee was established, the Conference of the Parties is to elect, for two full terms, new members to replace those members whose period of office has expired or is about to expire.

* Face-to-face resumed meetings of the 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 are tentatively scheduled to take place in 2022.

** UNEP/CHW.15/1.

¹ The work programme is also available at www.basel.int/Implementation/LegalMatters/Compliance/WorkProgramme/20202021/tabid/8023/Default.aspx.

² The terms of reference are available at www.basel.int/TheConvention/ImplementationComplianceCommittee/Mandate/tabid/2296/Default.aspx.

II. Implementation

4. Owing to the coronavirus disease (COVID-19) pandemic, the Committee held its fourteenth meeting online from 29 June to 3 July 2020, from 21 to 25 September 2020 and on 7 December 2020. The meeting was suspended on the evening of 7 December 2020 and, at the time of drafting of the present note, the Committee is yet to consider when and in what format to resume its meeting. The reports of the three aforementioned segments of the fourteenth meeting are available on the website of the Basel Convention.³

5. The Committee also worked intersessionally by email, held online informal consultations on four occasions⁴ and held online preparatory sessions prior to each of the three segments of its fourteenth meeting. Individual members took the lead on specific activities of the work programme, as reflected in the report of the meeting. The Committee also held consultations with the Open-ended Working Group at its twelfth meeting during the online segment convened from 1 to 3 September 2020.⁵

6. On 5 August 2019, the Committee elected by electronic means the following members as its officers: Mr. Florisvindo Rodrigues Furtado, Cabo Verde (Chair); Mr. Hamed Alinejad, Islamic Republic of Iran (Vice-Chair); Mr. Flavius Ardelean Motoc, Romania (Vice-Chair); Ms. Odessa Duncan, Guyana (Vice-Chair); and Ms. Nicole Mohammed, United Kingdom of Great Britain and Northern Ireland (Rapporteur). The list of members of the Committee is available on the website of the Convention.⁶

7. The work of the Committee was undertaken thanks to the generous financial support of the Governments of Germany, Norway and Switzerland.

8. Subsections II.A and II.B of the present note constitute the report of the Committee to the Conference of the Parties on the implementation of its work programme for the biennium 2020–2021, including the conclusions and recommendations agreed during its fourteenth meeting. Subsection II.C relates to the election of new members of the Committee. Subsection II.D pertains to the strategic framework for the implementation of the Basel Convention for 2012–2021.

9. The draft decision in section III of the present note, in addition to subsection II.C on the election of new members of the Committee, reflects the recommendations agreed upon by the Committee and sets out, in its annex, the proposed work programme for the biennium 2022–2023. The conclusions that the Committee agreed to bring to the attention of the Conference of the Parties, along with additional information on the work of the Committee, are set out in documents UNEP/CHW.15/INF/13, UNEP/CHW.15/INF/14, UNEP/CHW.15/INF/16 and UNEP/CHW.15/INF/17. Draft guidance to improve the implementation of paragraph 11 of Article 6 of the Basel Convention on insurance, bond and guarantee, for consideration and possible adoption by the Conference of the Parties, is set out in document UNEP/CHW.15/12/Add.1.

A. Specific submissions regarding Party implementation and compliance

10. At its fourteenth meeting, the Committee considered submissions by two Parties, namely the Central African Republic and Togo, regarding their own implementation and compliance, and 17 submissions by the Secretariat regarding the implementation and compliance of the Bahamas, Bhutan, Burkina Faso, Chad, the Cook Islands, the Democratic People's Republic of Korea, Equatorial Guinea, Gabon, Liberia, Mauritania, Nauru, the Niger, Saint Vincent and the Grenadines, Sao Tome and Principe, the Sudan, the Syrian Arab Republic and Turkmenistan.

11. After considering the submissions, the Committee, among other things, concluded that the matters of concern in the submissions regarding the Bahamas, Bhutan and Sao Tome and Principe had been resolved. The Committee also approved the compliance action plans submitted by Burkina Faso, Equatorial Guinea, Saint Vincent and the Grenadines and the Sudan and recommended that the Executive Secretary use, subject to their availability, resources from the implementation fund to cover costs associated with the implementation of those plans. The Committee further noted that it might consider the submission by Togo and the submission regarding Liberia prior to its fifteenth meeting and consequently whether to recommend to the Conference of the Parties at its fifteenth meeting that it

³ UNEP/CHW/CC.14/8, UNEP/CHW/CC.14/8/Add.1 and UNEP/CHW/CC.14/8/Add.2.

⁴ 9 September 2019, 9 December 2019, 27 January 2020 and 10 February 2020.

⁵ UNEP/CHW/OEWG.12/16.

⁶ www.basel.int/TheConvention/ImplementationComplianceCommittee/Membership/tabid/1379/Default.aspx.

issue a cautionary statement.⁷ The decisions adopted by the Committee pertaining to the 19 submissions are included in the report of the fourteenth meeting of the Committee.⁸

B. Review of general issues of compliance and implementation under the Convention

1. National reporting

(a) Individual compliance performance

12. A draft classification of compliance performance with respect to the annual reporting obligation for 2016 was made available to Parties on 29 July 2020, with an invitation to comment by 10 August 2020. A draft classification of compliance performance with respect to the annual reporting obligation for 2017 was made available to Parties on 29 September 2020, with an invitation to comment by 31 October 2020.

13. At its fourteenth meeting, the Committee considered the information provided in subsection II.A of a note by the Secretariat on national reporting set out in document UNEP/CHW/CC.14/3, and subsequently revised in documents UNEP/CHW/CC.14/3/Rev.1 and UNEP/CHW/CC.14/3/Rev.2, and the draft classifications of Parties' compliance performance with respect to their national reporting obligations both for 2016, set out in document UNEP/CHW/CC.14/3/Add.1 and subsequently revised in documents UNEP/CHW/CC.14/3/Add.1/Rev.1 and UNEP/CHW/CC.14/3/Add.1/Rev.2, and for 2017, set out in document UNEP/CHW/CC.14/3/Add.7 and subsequently revised in document UNEP/CHW/CC.14/3/Add.7/Rev.1. The recommendations agreed upon by the Committee are set out in the report of its fourteenth meeting⁹ and are reflected in section III of the present note. The classifications of compliance performance with respect to the annual reporting obligations for 2016 and 2017 are set out in document UNEP/CHW.15/INF/13.

(b) Targets

14. At its fourteenth meeting, the Committee considered the information provided in subsection II.B of the note by the Secretariat on national reporting set out in document UNEP/CHW/CC.14/3 and subsequently revised in document UNEP/CHW/CC.14/3/Rev.1, and in a note by the Secretariat to support the development of recommendations on the revision of targets for reports due for 2018 and subsequent years set out in document UNEP/CHW/CC.14/3/Add.2. The recommendations agreed upon by the Committee are set out in the report of its fourteenth meeting¹⁰ and are reflected in section III of the present note.

(c) Integration into the United Nations Development Assistance Framework

15. At its fourteenth meeting, the Committee considered the information provided in subsection II.C of the note by the Secretariat on national reporting¹¹ and in a note by the Secretariat on integration into the United Nations Sustainable Development Cooperation Framework (formerly the United Nations Development Assistance Framework).¹² The conclusions and recommendations agreed upon by the Committee are set out in the report of its fourteenth meeting.¹³ The conclusions are also set out in document UNEP/CHW.15/INF/13, while the recommendations are reflected in section III of the present note.

⁷ Should the Committee proceed in that manner, the Chair of the Committee will transmit the decisions of the Committee to the Conference of the Parties at the time of his oral report at its fifteenth meeting.

⁸ See UNEP/CHW/CC.14/8, UNEP/CHW/CC.14/8/Add.1 and UNEP/CHW/CC.14/8/Add.2.

⁹ UNEP/CHW/CC.14/8/Add.2, para. 13.

¹⁰ UNEP/CHW/CC.14/8/Add.1, para. 30.

¹¹ UNEP/CHW/CC.14/3.

¹² UNEP/CHW/CC.14/3/Add.3.

¹³ UNEP/CHW/CC.14/8, paras. 23–26.

(d) Activities of entities aimed at assisting Parties in transmitting national reports

16. At its fourteenth meeting, the Committee considered the information provided in subsection II.D of the note by the Secretariat on national reporting¹⁴ and in a note by the Secretariat on activities of entities aimed at assisting Parties in transmitting national reports.¹⁵ The conclusions and recommendations agreed upon by the Committee are set out in the report of its fourteenth meeting.¹⁶ The conclusions are also set out in document UNEP/CHW.15/INF/13, while the recommendations are reflected in section III of the present note.

(e) Recommendations on how best to make use of the information contained in the national reports

17. At its fourteenth meeting, the Committee considered the information provided in subsection II.E of the note by the Secretariat on national reporting set out in document UNEP/CHW/CC.14/3, and subsequently revised in document UNEP/CHW/CC.14/3/Rev.1, and in a note by the Secretariat on the development of recommendations on how best to make use of the information contained in the national reports set out in document UNEP/CHW/CC.14/3/Add.5. The recommendations agreed upon by the Committee are set out in the report of its fourteenth meeting¹⁷ and are reflected in section III of the present note.

(f) Measures not included under paragraphs 20 (a) and (b) of the terms of reference

18. At its fourteenth meeting, the Committee considered the information provided in subsection II.F of the note by the Secretariat on national reporting¹⁸ and in a note by the Secretariat containing a report elaborating and further assessing measures not included under paragraphs 20 (a) and (b) of the terms of reference of the mechanism for promoting implementation and compliance with the Basel Convention that may be required when a Party has not submitted its national report for two or more years since the report due in 2016.¹⁹ The recommendations agreed upon by the Committee are set out in the report of its fourteenth meeting²⁰ and are reflected in section III of the present note.

2. Illegal traffic**(a) Scoping exercise**

19. At its fourteenth meeting, the Committee considered the information provided in subsection II.A of a note by the Secretariat on illegal traffic²¹ and in a note by the Secretariat on the scoping exercise.²² The conclusions and recommendations agreed upon by the Committee are set out in the report of its fourteenth meeting.²³ The conclusions are also set out in document UNEP/CHW.15/INF/14, while the recommendations are reflected in section III of the present note.

(b) National coordination mechanisms

20. At its fourteenth meeting, the Committee considered the information provided in subsection II.B of the note by the Secretariat on illegal traffic²⁴ and in a note by the Secretariat on national coordination mechanisms.²⁵ The conclusions and recommendations agreed upon by the Committee are set out in the report of its fourteenth meeting.²⁶ The conclusions are also set out in document UNEP/CHW.15/INF/14, while the recommendations are reflected in section III of the present note.

¹⁴ UNEP/CHW/CC.14/3.

¹⁵ UNEP/CHW/CC.14/3/Add.4.

¹⁶ UNEP/CHW/CC.14/8, paras. 29–31.

¹⁷ UNEP/CHW/CC.14/8/Add.1, para. 32.

¹⁸ UNEP/CHW/CC.14/3.

¹⁹ UNEP/CHW/CC.14/3/Add.6.

²⁰ UNEP/CHW/CC.14/8, para. 35.

²¹ UNEP/CHW/CC.14/4.

²² UNEP/CHW/CC.14/4/Add.1.

²³ UNEP/CHW/CC.14/8, paras. 39–42.

²⁴ UNEP/CHW/CC.14/4.

²⁵ UNEP/CHW/CC.14/4/Add.2.

²⁶ UNEP/CHW/CC.14/8, paras. 44–46.

(c) Dialogue with other multilateral environmental agreements

21. At its fourteenth meeting, the Committee held a dialogue session with eight other multilateral environmental agreements²⁷ on the basis of the information provided in subsection II.C of the note by the Secretariat on illegal traffic,²⁸ a note by the Secretariat on the dialogue with other multilateral environmental agreements²⁹ and another note by the Secretariat compiling information received from the eight multilateral environmental agreements.³⁰ The summary of the dialogue and the lessons learned from the dialogue, including conclusions and recommendations, are set out in the report of the fourteenth meeting of the Committee.³¹ The summary of the dialogue and the conclusions are also set out in document UNEP/CHW.15/INF/14, while the recommendations are reflected in section III of the present note.

(d) Responses to question 1 (c) of the reporting format

22. At its fourteenth meeting, the Committee considered the information provided in subsection II.D of the note by the Secretariat on illegal traffic³² and in a note by the Secretariat on the responses to question 1 (c) of the reporting format.³³ The conclusions and recommendations agreed upon by the Committee are set out in the report of its fourteenth meeting.³⁴ The conclusions are also set out in document UNEP/CHW.15/INF/14, while the recommendations are reflected in section III of the present note.

(e) Cooperative arrangements including the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE)

23. At its fourteenth meeting, the Committee considered the information provided in subsection II.E of the note by the Secretariat on illegal traffic³⁵ and in a note by the Secretariat on cooperative arrangements including ENFORCE.³⁶ The conclusions and recommendations agreed upon by the Committee are set out in the report of its fourteenth meeting.³⁷ The conclusions are also set out in document UNEP/CHW.15/INF/14, while the recommendations are reflected in section III of the present note.

(f) Dissemination of guidance and tools

24. At its fourteenth meeting, the Committee considered the information provided in subsection II.F of the note by the Secretariat on illegal traffic³⁸ and in a note by the Secretariat on the dissemination of guidance and tools.³⁹ The conclusions and recommendations agreed upon by the Committee are set out in the report of its fourteenth meeting.⁴⁰ The conclusions are also set out in document UNEP/CHW.15/INF/14, while the recommendations are reflected in section III of the present note.

²⁷ The Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) and its Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal; the Convention on Biological Diversity, its Cartagena Protocol on Biosafety and its Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization; the Convention on International Trade in Endangered Species of Wild Fauna and Flora; the Minamata Convention on Mercury; the Montreal Protocol on Substances that Deplete the Ozone Layer; the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; the Stockholm Convention on Persistent Organic Pollutants; and the United Nations Framework Convention on Climate Change and its Kyoto Protocol and the Paris Agreement.

²⁸ UNEP/CHW/CC.14/4.

²⁹ UNEP/CHW/CC.14/4/Add.3.

³⁰ UNEP/CHW/CC.14/INF/11.

³¹ UNEP/CHW/CC.14/8/Add.1, paras. 33–48.

³² UNEP/CHW/CC.14/4.

³³ UNEP/CHW/CC.14/4/Add.4.

³⁴ UNEP/CHW/CC.14/8, paras. 51–55.

³⁵ UNEP/CHW/CC.14/4.

³⁶ UNEP/CHW/CC.14/4/Add.5/Rev.1.

³⁷ UNEP/CHW/CC.14/8, paras. 58–68.

³⁸ UNEP/CHW/CC.14/4.

³⁹ UNEP/CHW/CC.14/4/Add.6.

⁴⁰ UNEP/CHW/CC.14/8, paras. 71–73.

(g) Activities of the Secretariat aimed at assisting Parties in preventing and combating illegal traffic

25. At its fourteenth meeting, the Committee considered the information provided in subsection II.G of the note by the Secretariat on illegal traffic⁴¹ and in a note by the Secretariat on activities of the Secretariat aimed at assisting Parties in preventing and combating illegal traffic.⁴² The recommendations agreed upon by the Committee are set out in the report of its fourteenth meeting⁴³ and are reflected in section III of the present note.

3. National legislation**(a) Parties' activities to review or develop legislation implementing the Basel Convention, texts of national legislation and other measures and activities of the Secretariat aimed at assisting Parties in reviewing or developing legislation implementing the Basel Convention**

26. At its fourteenth meeting, the Committee considered the information provided in a note by the Secretariat on national legislation,⁴⁴ including its subsection II.A on Parties' activities to review or develop legislation implementing the Basel Convention, subsection II.B on texts of national legislation and other measures and subsection II.C on the activities of the Secretariat aimed at assisting Parties in reviewing or developing legislation implementing the Basel Convention. The Committee took note of the information provided.

(b) Activities of other entities aimed at assisting Parties in reviewing or developing legislation implementing the Basel Convention

27. At its fourteenth meeting, the Committee considered the information provided in subsection II.D of the note by the Secretariat on national legislation⁴⁵ and a note by the Secretariat on activities of other entities aimed at assisting Parties in reviewing or developing legislation implementing the Basel Convention.⁴⁶ The conclusions and recommendations agreed upon by the Committee are set out in the report of its fourteenth meeting.⁴⁷ The conclusions are also set out in document UNEP/CHW.15/INF/16, while the recommendations are reflected in section III of the present note.

(c) Recommendations on how to improve implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention

28. At its fourteenth meeting, the Committee considered the information provided in the note by the Secretariat on national legislation,⁴⁸ including its subsection II.E on recommendations on how to improve implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention. The Committee also exchanged views on the relevant recommendations developed by the small intersessional working group on the strategic framework for the implementation of the Basel Convention for 2012–2021, available in the draft report on the final evaluation of the strategic framework prepared by the group for the consideration of the Open-ended Working Group at its twelfth meeting,⁴⁹ in particular the recommendations set out in paragraphs 24, 25, 43 and 44 of that report. The recommendation agreed upon by the Committee is set out in the report of the fourteenth meeting of the Committee⁵⁰ and is reflected in section III of the present note.

⁴¹ UNEP/CHW/CC.14/4.

⁴² UNEP/CHW/CC.14/4/Add.7.

⁴³ UNEP/CHW/CC.14/8, para. 75.

⁴⁴ UNEP/CHW/CC.14/5.

⁴⁵ UNEP/CHW/CC.14/5.

⁴⁶ UNEP/CHW/CC.14/5/Add.1.

⁴⁷ UNEP/CHW/CC.14/8, paras. 82–85.

⁴⁸ UNEP/CHW/CC.14/5.

⁴⁹ UNEP/CHW/OEWG.12/INF/4.

⁵⁰ UNEP/CHW/CC.14/8, para. 89.

4. Control system

(a) Responses to questions 3 (g) and 3 (h) of the reporting format

29. At its fourteenth meeting, the Committee considered the information provided in subsection II.A of a note by the Secretariat on the control system⁵¹ and in a note by the Secretariat on the information provided by Parties in response to questions 3 (g) and 3 (h) of the reporting format in their reports for 2016 and 2017.⁵² The conclusions agreed upon by the Committee are set out in the report of its fourteenth meeting⁵³ and are available in document UNEP/CHW.15/INF/17.

(b) Guidance on the implementation of paragraph 4 of Article 6 of the Convention

30. At its fourteenth meeting, the Committee considered the information provided in subsection II.B of the note by the Secretariat on the control system;⁵⁴ a note by the Secretariat on guidance on the implementation of paragraph 4 of Article 6 of the Convention on transit transboundary movements,⁵⁵ containing draft guidance for consultation with the Open-ended Working Group during its twelfth meeting⁵⁶ (online segment, 1–3 September 2020); another note by the Secretariat compiling comments received in the context of those consultations;⁵⁷ and comments received from Parties⁵⁸ on the annotated draft work programme of the Committee for the biennium 2022–2023 prepared after the September 2020 sessions of the Committee's fourteenth meeting.⁵⁹ The conclusions and recommendations agreed upon by the Committee are set out in the report of its fourteenth meeting.⁶⁰ The conclusions are also set out in document UNEP/CHW.15/INF/17, while the recommendations are reflected in section III of the present note. Draft guidance on the implementation of paragraph 4 of Article 6 of the Convention on transit transboundary movements, reflecting the status of the work of the Committee as at 7 December 2020, is set out in document UNEP/CHW.15/INF/42.

(c) Guidance on insurance, bond and guarantee

31. At its fourteenth meeting, the Committee considered the information provided in subsection II.C of the note by the Secretariat on the control system;⁶¹ a note by the Secretariat on guidance on insurance, bond and guarantee,⁶² containing draft guidance for consultation with the Open-ended Working Group during its twelfth meeting⁶³ (online segment, 1–3 September 2020); and another note by the Secretariat compiling comments received in the context of those consultations.⁶⁴ The conclusions and recommendation agreed upon by the Committee are set out in the report of its fourteenth meeting.⁶⁵ The recommendation is also reflected in section III of the present note, while the draft guidance to improve the implementation of paragraph 11 of Article 6 of the Basel Convention on insurance, bond and guarantee for consideration and possible adoption by the Conference of the Parties is set out in document UNEP/CHW.15/12/Add.1.

5. Improving the implementation of and compliance with the obligations under the Convention: review of guidance

32. At its fourteenth meeting, the Committee considered its mandate to review the guidance on legal matters developed by the Committee on the basis of periodic feedback from users and suggestions from stakeholders and in the light of decisions adopted by the Conference of the Parties and to make recommendations to the Conference of the Parties on their updating. It based its

⁵¹ UNEP/CHW/CC.14/6.

⁵² UNEP/CHW/CC.14/6/Add.1.

⁵³ UNEP/CHW/CC.14/8, paras. 94–96).

⁵⁴ UNEP/CHW/CC.14/6.

⁵⁵ UNEP/CHW/CC.14/6/Add.2.

⁵⁶ UNEP/CHW/OEWG.12/9 and UNEP/CHW/OEWG.12/INF/23.

⁵⁷ UNEP/CHW/CC.14/INF/14/Rev.1.

⁵⁸ UNEP/CHW/CC.14/INF/17.

⁵⁹ UNEP/CHW/CC.14/7/Rev.1.

⁶⁰ UNEP/CHW/CC.14/8, para. 100, UNEP/CHW/CC.14/8/Add.1, para. 51, and UNEP/CHW/CC.14/8/Add.2, para. 21.

⁶¹ UNEP/CHW/CC.14/6.

⁶² UNEP/CHW/CC.14/6/Add.3.

⁶³ UNEP/CHW/OEWG.12/9 and UNEP/CHW/OEWG.12/INF/24.

⁶⁴ UNEP/CHW/CC.14/INF/15.

⁶⁵ UNEP/CHW/CC.14/8, para. 103, and UNEP/CHW/CC.14/8/Add.1, para. 54.

reflections on a note by the Secretariat on improving the implementation and compliance with obligations under the Convention: review of guidance,⁶⁶ taking into account comments received by Parties and observers on the review of guidance.⁶⁷ The recommendation agreed upon by the Committee is set out in the report of its fourteenth meeting⁶⁸ and is reflected in section III of the present note.

6. Work programme for the biennium 2022–2023

33. At its fourteenth meeting, the Committee considered the work programme of the Committee for the biennium 2022–2023 on the basis of document UNEP/CHW/CC.14/7, which sets out, in its annex, a draft work programme for the Committee for the biennium 2022–2023, prepared under the guidance of the Chair and subsequently revised as a draft annotated work programme for the biennium 2022–2023,⁶⁹ taking into account comments thereon received from Parties.⁷⁰ The draft work programme for the biennium 2022–2023 agreed upon by the Committee⁷¹ is set out in the annex to the draft decision in section III of the present note.

C. Election of Committee members

34. Document UNEP/CHW.15/INF/15 sets out a list of past and present Committee members and identifies the five members whose terms will expire at the close of the fifteenth meeting of the Conference of the Parties.

D. Strategic framework for the implementation of the Basel Convention for 2012–2021

35. At its fifteenth meeting, the Conference of the Parties will consider a note by the Secretariat on the strategic framework for the implementation of the Basel Convention for 2012–2021 (UNEP/CHW.15/3), the report on the final evaluation of the strategic framework for the implementation of the Basel Convention for 2012–2021 (UNEP/CHW.15/INF/5) and the executive summary of the report (UNEP/CHW.15/3/Add.1). The executive summary of the report, in paragraphs 28, 37, 40, 46, 69 and 90, sets out several recommendations directed at or relevant to the work of the Committee on improving national reporting, preventing and combating illegal traffic and developing national legislation implementing the Convention. The recommendations set out in paragraphs 37 and 40 of the report are given effect in the recommendations of the Committee in paragraphs 4 to 23 of the draft decision in section III of the present note. The recommendation set out in paragraph 28 of the report is given effect in activity 5 (a) of the proposed work programme of the Committee for 2022–2023 annexed to the draft decision. The recommendation set out in paragraphs 46 and 90 of the report is given effect, to some extent, in activity 3 (h) of the proposed work programme of the Committee for 2022–2023 annexed to the draft decision; in order adequately to reflect this recommendation, a new activity 3 (h) has been proposed for insertion. Finally, the recommendation set out in paragraph 69 of the report is linked to the recommendations of the Committee in paragraphs 11 to 16 of the draft decision in section III of the present note and to activity 1 (b) of the proposed work programme of the Committee for 2022–2023; in order adequately to reflect this recommendation, a new activity 5 (c) has been proposed for insertion.

⁶⁶ UNEP/CHW/CC.14/9.

⁶⁷ UNEP/CHW/CC.14/INF/17.

⁶⁸ UNEP/CHW/CC.14/8/Add.2, para. 23.

⁶⁹ UNEP/CHW/CC.14/7/Rev.1.

⁷⁰ UNEP/CHW/CC.14/INF/17.

⁷¹ UNEP/CHW/CC.14/8/Add.2, para. 25.

III. Proposed action

36. In relation to the recommendations of the Committee developed in the context of the implementation of its work programme for 2020–2021, the Conference of the Parties may wish to adopt a decision along the following lines:

The Conference of the Parties

1. *Takes note* of the note by the Secretariat on the work of the Committee Administering the Mechanism for Promoting Implementation and Compliance⁷² and welcomes the work undertaken by the Committee since the fourteenth meeting of the Conference of the Parties;

I

Specific submissions regarding Party implementation and compliance

2. *Welcomes* the resolution of implementation and compliance matters set out in three specific submissions;⁷³

3. *Encourages* Parties concerned with a specific submission to cooperate with the Committee with a view to resolving the matter of concern;⁷⁴

II

Review of general issues of compliance and implementation under the Convention

National reporting: individual compliance performance

4. *Welcomes* the continued improvement in the timeliness and completeness of national reports transmitted between 2010 and 2017;

5. *Expresses its appreciation* to the 44 Parties that transmitted, on time, a complete report for 2016, namely Australia, Azerbaijan, Bahrain, Barbados, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Croatia, Cuba, Egypt, El Salvador, Eritrea, Estonia, Finland, Guinea, Guinea-Bissau, Honduras, Iceland, Iraq, Latvia, Lithuania, Mexico, Mozambique, New Zealand, Paraguay, the Philippines, Poland, Qatar, the Republic of Moldova, Saint Lucia, Saudi Arabia, Singapore, Slovakia, South Africa, Switzerland, Tunisia, Turkey, the United Arab Emirates and Yemen;

6. *Also expresses its appreciation* to the 44 Parties that transmitted, on time, a complete report for 2017, namely Afghanistan, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bhutan, Bolivia (Plurinational State of), Bulgaria, Cabo Verde, Canada, the Central African Republic, China, Côte d'Ivoire, Colombia, Costa Rica, Croatia, Cuba, Denmark, Eritrea, Estonia, Finland, Germany, Latvia, Liberia, Mexico, Mozambique, New Zealand, Nicaragua, the Philippines, Poland, Portugal, the Republic of Moldova, Rwanda, Singapore, Slovakia, South Africa, the State of Palestine, Sweden, Switzerland, Trinidad and Tobago, Tunisia and the United Arab Emirates;

7. *Notes* that the targets for the years 2016 and 2017 approved by the Conference of the Parties at its fourteenth meeting have not been met, with 24 per cent of reports due for 2016 and 24 per cent of reports due for 2017 transmitted complete and on time, against a target of 25 per cent, and with 37 per cent of reports for 2016 and 35 per cent of reports for 2017 transmitted complete, whether on time or late, against a target of 50 per cent;

8. *Also notes* that the adoption, in decisions BC-12/6 and BC-13/9, of revisions to the format to be used for national reporting for the year 2016 and onwards has led to an improvement in the overall rate of transmission of national reports, with, as at 26 August 2020, 61 per cent of Parties, or 110 of the 180 Parties required to do so, having transmitted their report for 2016, and with, as at 13 November 2020, 59 per cent of Parties, or 107 of the

⁷² UNEP/CHW.15/12.

⁷³ Submissions regarding the Bahamas, Bhutan and Sao Tome and Principe.

⁷⁴ As is mentioned in paragraph 11 of document UNEP/CHW.15/12, the Committee may consider the submission by Togo and the submission regarding Liberia prior to its fifteenth meeting and consequently whether to recommend to the Conference of the Parties at its fifteenth meeting that it issue a cautionary statement. Should the Committee proceed in that manner, the Chair of the Committee will transmit the decisions of the Committee to the Conference of the Parties at the time of his oral report to its fifteenth meeting.

182 Parties required to do so, having transmitted their report for 2017, against 55 per cent of Parties in relation to the reporting for 2015;

9. *Emphasizes* the serious nature of non-reporting, incomplete reporting or late reporting, owing to the close link between the core obligations of the Convention and the obligation to transmit national reports in accordance with paragraph 3 of Article 13 of the Convention;

National reporting: targets

10. *Sets*, as a way of measuring progress in the overall implementation of and compliance with paragraph 3 of Article 13 of the Convention, the following targets for the reports due for 2018 and subsequent years:

- (a) 25 per cent of the reports due are transmitted complete and on time;
- (b) 50 per cent of the reports due are transmitted complete, whether on time or late;
- (c) 70 per cent of the reports due are transmitted;

National reporting: integration into the United Nations Sustainable Development Cooperation Framework⁷⁵

11. *Reiterates* the importance of the connection between achieving Sustainable Development Goal 12 and the transmission of national reports under the Convention;

12. *Emphasizes* the possibility that the lack of transmission of national reports under the Convention indicates an underlying need for support for the implementation of other obligations set out in the Convention, for instance in relation to the control of transboundary movements of hazardous wastes and other wastes, minimization of the generation of wastes and the environmentally sound management of wastes;

13. *Calls* on Parties, in particular Parties with reporting needs identified through the classification of compliance performance undertaken by the Committee with respect to national reporting for the years 2016 and 2017, to integrate actions to address their needs with respect to the implementation of the Convention into the United Nations Sustainable Development Cooperation Framework (formerly the United Nations Development Assistance Framework), in particular during the national development planning process, the agreement of Cooperation Framework outcomes and outputs and the drafting of the Cooperation Framework document;

14. *Requests* the Secretariat to include, in its technical assistance activities relating to the transmission of national reports, assistance for Parties in integrating action to address related needs into their Cooperation Framework;

15. *Also requests* the Secretariat, and invites the United Nations Environment Programme and other entities with a mandate to support Parties with the implementation of the Basel Convention, such as the Food and Agriculture Organization of the United Nations, the Global Environment Facility, including in the context of relevant activities funded under the Stockholm Convention on Persistent Organic Pollutants, the United Nations Development Programme, the United Nations Industrial Development Organization, the World Bank and regional development banks, to work in partnership with respect to supporting Parties with national reporting needs and to liaise with the appropriate United Nations country teams and resident coordinators with a view to integrating action to address those needs into the Cooperation Frameworks of those Parties;

16. *Invites* the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade to consider requesting its Compliance Committee, in the context of its work programme for the biennium 2022–2023 and with a view to enabling measurement of the achievement of Sustainable Development Goal 12, to monitor efforts by Parties experiencing difficulties in transmitting information pursuant to the provisions of the Convention to integrate action to address those difficulties into their Cooperation Framework and to identify best practices among such efforts, in cooperation, as appropriate, with the Committee administering the Mechanism for Promoting Implementation and Compliance;

⁷⁵ Formerly the United Nations Development Assistance Framework.

National reporting: activities of entities aimed at assisting Parties in transmitting national reports

17. *Encourages* the Basel Convention regional and coordinating centres, the United Nations Environment Programme and other entities such as the Food and Agriculture Organization of the United Nations, the Global Environment Facility, the United Nations Development Programme, the United Nations Industrial Development Organization, the World Bank and regional developments banks:

(a) To cooperate with the Committee, including by replying to questionnaires seeking information to enable the Committee to fulfil its mandate to improve implementation and compliance with paragraph 3 of Article 13 of the Convention;

(b) To participate as observers in the technical assistance activities of the Secretariat (webinars, regional workshops, country-level activities) aimed at supporting Parties in the transmission of national reports;

18. *Encourages* Parties, in the context of the identification of their technical assistance needs, for instance when completing the Secretariat's questionnaire thereon, developing the business plans of the Basel Convention regional and coordinating centres and developing their Cooperation Framework, to include, as a priority activity, the transmission of national reports;

19. *Encourages* the Basel Convention regional and coordinating centres, the Executive Board of the Special Programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management, the United Nations Environment Programme and other entities such as the Food and Agriculture Organization of the United Nations, the United Nations Development Programme, the United Nations Industrial Development Organization, the World Bank and regional developments banks, as well as the Global Environment Facility in the context of relevant activities funded under the Stockholm Convention, to include the transmission to the Secretariat of national reports pursuant to paragraph 3 of Article 13 of the Basel Convention as a concrete output of their activities or to seek the inclusion of such transmission as a concrete output of activities funded by them, in order to support Parties in the implementation of the Convention;

20. *Requests* the Secretariat to include the transmission to the Secretariat of national reports pursuant to paragraph 3 of Article 13 as a concrete output of its technical assistance activities or to seek the inclusion of such transmission as a concrete output of technical assistance activities funded by it, in order to support Parties in the implementation of the Convention;

National reporting: recommendations on how best to make use of the information contained in the national reports

21. *Invites* Parties to share their experiences, their use at the national level of the information transmitted on an annual basis through national reports and the benefits that they draw from the information transmitted by other Parties through the national reports, and requests the Secretariat, subject to the availability of resources, to prepare case studies to illustrate the feedback received;

22. *Requests* the Secretariat, subject to the availability of resources:

(a) To continue to publish on a regular basis the publication *Waste Without Frontiers* and to strengthen the electronic reporting system for querying national reports;

(b) To explore opportunities to publish on a regular basis a publication providing information on the legal and institutional trends illustrated by the information set out in the national reports and highlighting the work of the Committee in that regard;

(c) To step up its efforts to communicate more widely, to the relevant national and international stakeholders involved in the implementation of the Sustainable Development Goals and in particular Goal 12, the importance of the transmission of national reports under the Basel Convention;

National reporting: measures not included under paragraphs 20 (a) and (b) of the terms of reference

23. *Decides* to amend paragraph 20 of the terms of reference of the mechanism for promoting implementation and compliance with the Basel Convention by deleting the text struck through below and adding the text underlined:

“20. If, after undertaking the facilitation procedure in paragraph 19 above and taking into account the cause, type, degree and frequency of compliance difficulties, as well as the capacity of the Party whose compliance is in question, the Committee considers it necessary in the light of paragraphs 1 and 2 to pursue further measures to address a Party's compliance difficulties, it may recommend to the Conference of the Parties that it consider:

(a) Further support under the Convention for the Party concerned, including prioritization of technical assistance and capacity-building and access to financial resources; ~~or~~

(b) Issuing a cautionary statement and providing advice regarding future compliance in order to help Parties to implement the provisions of the Basel Convention and to promote cooperation between all Parties; ~~or~~

(c) In instances where a Party has not submitted its national report for four or more years since the report due for 2016, one or more of the following measures:

(i) Issuing a determination that the Party is in non-compliance;

(ii) Recommending that Parties suspend all exports of hazardous and other wastes to that Party and all transit thereof through that Party;

(iii) Suspending the eligibility of the Party to access financial or technical support under the Convention;

(iv) Suspending the eligibility of the Party to become a member of any Bureau of the Conference of the Parties or its subsidiary bodies;

(v) Deciding that the Party shall not be entitled to vote at any meeting of the Conference of the Parties unless the Conference decides otherwise.

Any such action shall be consistent with Article 15 of the Convention.”

Illegal traffic: scoping exercise

24. *Reminds* Parties of the importance of their obligation to complete table 9 of the reporting format;

25. *Encourages* the Basel Convention regional and coordinating centres, the United Nations Environment Programme and enforcement organizations such as the International Criminal Police Organization and the World Customs Organization to cooperate with the Committee, including by replying to questionnaires seeking information to enable the Committee to fulfil its mandate in relation to preventing and combating illegal traffic;

26. *Requests* the Secretariat, within the available resources, and encourages organizations with a mandate to assist Parties in preventing and combating illegal traffic, in the context of their respective activities, such as enforcement operations, to collect information on how many cases of illegal traffic there are, with respect to which wastes, in which regions and how they were resolved;

27. *Also requests* the Secretariat, subject to the availability of resources, to improve the visibility on its website of information on cases of illegal traffic reported by Parties;

Illegal traffic: National coordination mechanisms

28. *Requests* the Secretariat, within the available resources, and encourages organizations with a mandate to assist Parties in preventing and combating illegal traffic to cooperate with one another, including through the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic, to undertake the joint training of the competent authorities and enforcement entities in preventing and combating illegal traffic with a view to enhancing coordination at the national level, including with regard to the formalization of national coordination mechanisms;

29. *Invites* organizations with a mandate to undertake enforcement operations to prevent and combat illegal traffic, such as the International Criminal Police Organization and the World Customs Organization, to cooperate with the Secretariat with a view to promoting communication and coordination between the competent authorities and enforcement entities at the national level during preparations for, implementation of and follow-up to such operations;

Illegal traffic: dialogue with other multilateral environmental agreements

30. *Requests* the Secretariat to communicate decisions on the prevention and combating of illegal traffic to relevant international organizations and invites those organizations to take those decisions into account in their processes;

Illegal traffic: responses to question 1 (c) of the reporting format

31. *Requests* the Secretariat, in the context of its technical assistance activities, to ensure that its support to Parties, or the support provided by others through the use of financial contributions to the Technical Cooperation Trust Fund to assist developing countries and other countries in need of technical assistance, aims to ensure full legislative implementation of the Convention, in particular of Article 9, including any amendments to the Convention, as appropriate, such as those pursuant to decision BC-III/1 (Ban Amendment) and decision BC-14/12 (Amendments to Annexes II, VIII and IX to the Basel Convention, known as the “plastic wastes amendments”) and any other amendment to the annexes to the Convention;

Illegal traffic: cooperative arrangements including the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic

32. *Welcomes and encourages further* the efforts of organizations such as the European Union Network for the Implementation and Enforcement of Environmental Law, the International Criminal Police Organization, the United Nations Environment Programme and the World Customs Organization to cooperate with the Secretariat when undertaking activities to support Parties in their efforts to prevent and combat illegal traffic and requests the Secretariat, as relevant, to strengthen its efforts to cooperate with entities such as the Organization for Security and Cooperation in Europe and the United Nations Office on Drugs and Crime;

33. *Reiterates* its invitation to the International Criminal Police Organization and the United Nations Office on Drugs and Crime to become members of the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic;

34. *Requests* the Secretariat, subject to the availability of resources, and with a view to improving support for joint operations undertaken by members of the Environmental Network with enforcement authorities, particularly customs authorities:

(a) To facilitate the organization of joint inspections and enforcement operations led by members of the Environmental Network and to do so:

- (i) In close cooperation with relevant organizations, in particular the European Union Network for the Implementation and Enforcement of Environmental Law, the International Criminal Police Organization and the World Customs Organization;
- (ii) With the participation of all relevant national authorities, including environmental inspectorates, police and customs authorities;
- (iii) Focusing, where appropriate, on particular waste streams (e.g., plastic waste and e-waste);

(b) To assist with the preparation of such joint inspections and enforcement operations by providing, in cooperation with members of the Environmental Network, training to the participating national authorities, including environmental inspectorates, police and customs authorities;

(c) To follow up the operations with sessions on lessons learned particularly with respect to planning, the methods used and how existing enforcement structures might be developed and improved;

35. *Also requests* the Secretariat, with a view to supporting the hosting and organization of workshops or electronic training and information sessions, in particular for developing countries, pursuant to paragraph 4 of the terms of reference of the Environmental Network, to organize, subject to the availability of resources, joint workshops involving the members of the Environmental Network to train the competent authorities and enforcement authorities dealing with illegal traffic;

36. *Seeks* to improve the dissemination of information by the Environmental Network, pursuant to paragraph 4 of the terms of reference of the Environmental Network:

(a) By encouraging members of the Environmental Network to make available to the Secretariat, for dissemination on the website of the Convention, examples of best practices in relation to inspections of suspected illegal shipments and the enforcement of legislation prohibiting illegal shipments, including the planning and conduct of inspections and information on how the authorities deal with illegal shipments;

(b) By requesting the Secretariat, subject to the availability of resources, to create a network of expertise among the members of the Environmental Network on the enforcement of the Convention, for instance by using the website to create a communication platform that could be used by stakeholders to contact the Environmental Network members and the Secretariat to share tips and best practices, ask questions and provide mutual support;

37. *Decides*, with a view to ensuring the sustainability of the efforts of the Environmental Network, pursuant to paragraph 4 of the terms of reference of the Environmental Network, that the programme of work and budget for the Basel Convention for the biennium 2022–2023 will provide for the separate funding of the activities of the Environmental Network, including its operational activities, its use of the Convention website to disseminate information and its training activities;

38. *Also decides*, with a view to aligning the term of office of the Chair and Vice-Chair of the Environmental Network with the term of their membership, to amend paragraphs 18 and 19 of the terms of reference of the Environmental Network by deleting the text struck through below and adding the text underlined:

“18. As soon as possible following each meeting of the Conference of the Parties, At each meeting, members of ENFORCE will elect a chair and a vice-chair among the representatives of the members at the meeting. Election will be based, as far as possible, in a way to ensure rotation among the members of ENFORCE.

19. At the first meeting of ENFORCE, a chair and vice chair will be elected. The chair and vice-chair will remain in office until the closure of the first meeting of ENFORCE subsequent to the next meeting of the Conference of the Parties. The subsequent chair and vice chair will commence their term of office at the closure of the meeting at which they are elected and will serve as chair and vice chair until the closure of the first meeting of ENFORCE subsequent to the next meeting of the Conference of the Parties.”

39. *Further decides*, with a view to mitigating risks associated with the current turnover in membership of and representation within the Environmental Network, which jeopardizes the continuity, consistency in approach and retention of knowledge and practice that the Environmental Network needs if it is to become more ambitious in the scope of its activities, to amend paragraphs 9 and 10 of the terms of reference of the Environmental Network by deleting the text struck through below and adding the text underlined:

“9. At its fifteenth meeting, the Conference of the Parties shall elect three of the five party representatives mentioned above for one term and two of the five party representatives mentioned above for two terms. The Conference of the Parties shall, at each ordinary meeting thereafter, elect for two full terms new members to replace those members whose period of office has expired or is about to expire. Members shall not serve for more than two consecutive terms. For the purposes of the present terms of reference, “term” means the period that begins at the end of one ordinary meeting of the Conference of the Parties and ends at the end of the subsequent ordinary meeting of the Parties. The five party representatives mentioned above shall be elected by the Conference of the Parties at each of its meetings, based on nominations from each regional group. Elected party representatives are eligible for re-election at subsequent meetings of the Conference of the Parties to the Basel Convention.

10. At its fifteenth meeting, the Conference of the Parties shall designate two of the five representatives of the Basel Convention regional and coordinating centres for one term and three of the five representatives of the Basel Convention regional and coordinating centres for two terms. The Conference of the Parties shall, at each ordinary meeting thereafter, designate for two full terms new members to replace those members whose period of office has expired or is about to expire. Members shall not serve for more than two consecutive terms. For the purposes of the present terms of reference, "term" means the period that begins at the end of one ordinary meeting of the Conference of the Parties and ends at the end of the subsequent ordinary meeting of the Parties. shall be designated by the Conference of the Parties at each of its meetings, based on nominations from each regional group. The elected representatives are eligible for re-election at subsequent meetings of the Conference of the Parties to the Basel Convention."

Illegal traffic: dissemination of guidance and tools

40. *Requests* the Secretariat:

(a) To develop and implement, subject to the availability of resources, a sustainable and effective dissemination strategy to raise awareness and improve knowledge of guidance and training tools developed under the Convention that aim to prevent and combat illegal traffic;

(b) To translate into the six official languages of the United Nations its training tools aimed at preventing and combating illegal traffic, subject to the availability of resources;

(c) To disseminate, including through online sessions, to Basel Convention regional and coordinating centres, the United Nations Environment Programme and enforcement organizations such as the International Criminal Police Organization and the World Customs Organization, including as part of the activities of the Environmental Network, guidance and training tools developed under the Convention that aim to prevent and combat illegal traffic;

41. *Encourages* organizations with a mandate to assist Parties in preventing and combating illegal traffic to include, on their websites, links to the Basel Convention website and to make available on their websites, disseminate and use in their enforcement and training activities, guidance and training tools developed under the Convention that aim to prevent and combat illegal traffic;

42. *Encourages* Parties to disseminate at the national level, through coordination or other communication mechanisms, to all stakeholders involved in the enforcement chain, guidance and training tools developed under the Convention that aim to prevent and combat illegal traffic;

Illegal traffic: activities of the Secretariat aimed at assisting Parties in preventing and combating illegal traffic

43. *Welcomes* the provision by the Secretariat, upon request, of advice on matters pertaining to the implementation and enforcement of the Convention and its efforts to provide technical assistance to Parties to support their implementation and enforcement of the control regime of the Convention and to prevent and combat illegal traffic;

National legislation: activities of other entities aimed at assisting Parties in reviewing or developing legislation implementing the Basel Convention

44. *Encourages* the Basel Convention regional and coordinating centres, the United Nations Environment Programme and other entities such as the Food and Agriculture Organization of the United Nations, the Global Environment Facility, the United Nations Development Programme, the United Nations Industrial Development Organization, the World Bank and regional development banks:

(a) To cooperate with the Committee, including by replying to questionnaires seeking information to enable the Committee to fulfil its mandate to improve implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention;

(b) To participate as observers in the technical assistance activities of the Secretariat (webinars, regional workshops, activities at the country level) aimed at supporting Parties in the development of legal frameworks implementing the Convention;

45. *Encourages* Parties, in the context of the identification of their technical assistance needs, for instance when completing the Secretariat's questionnaire thereon, when developing the business plans of the Basel Convention regional and coordinating centres and when developing their United Nations Sustainable Development Cooperation Framework, to include, as a priority activity, the development of legal frameworks implementing the Convention, including any amendments thereto, as appropriate;

46. *Encourages* the Basel Convention regional and coordinating centres, the Executive Board of the Special Programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management, the United Nations Environment Programme and other entities such as the Food and Agriculture Organization of the United Nations, the United Nations Development Programme, the United Nations Industrial Development Organization, the World Bank and regional development banks, as well as the Global Environment Facility in the context of relevant activities funded under the Stockholm Convention, to include the development of legal frameworks implementing the Convention as a concrete output of their activities or to seek the inclusion the development thereof in activities funded by them, to support Parties in the implementation of the Convention;

Control system: insurance, bond and guarantee

47. *Adopts* the guidance to improve the implementation of paragraph 11 of Article 6 of the Convention on insurance, bond and guarantee⁷⁶ and encourages Parties and relevant stakeholders to use it;

III

Work programme for the biennium 2022–2023

48. *Approves* the work programme of the Committee for the biennium 2022–2023 set out in the annex to the present decision;

49. *Requests* the Committee:

(a) To establish priorities, work methods and schedules for the activities in its work programme and to coordinate with the Open-ended Working Group, the Secretariat and the Basel Convention regional and coordinating centres to avoid duplication of activities;

(b) To consult Parties, in advance of the sixteenth meeting of the Conference of the Parties, on a draft work programme for the biennium 2024–2025;

(c) To report to the Conference of the Parties at its sixteenth meeting on the work it has carried out to fulfil its functions, in accordance with paragraphs 23 and 24 of the terms of reference of the mechanism for promoting implementation and compliance;

IV

Election of members of the Committee

50. *Elects*, in accordance with the terms of reference of the mechanism for promoting implementation and compliance with the Basel Convention,⁷⁷ the following members to serve on the Committee until the close of the seventeenth meeting of the Conference of the Parties:

African States: [*one name to be completed*]

Asia-Pacific States: [*one name to be completed*]

Eastern European States: [*one name to be completed*]

Latin American and Caribbean States: [*one name to be completed*]

Western European and other States: [*one name to be completed*].

⁷⁶ UNEP/CHW.15/12/Add.1.

⁷⁷ See appendix to decision VI/12.

Annex to decision BC-15/[--]

Work programme of the Committee Administering the Mechanism for Promoting Implementation and Compliance for the biennium 2022–2023

I. Review of general issues of compliance and implementation under the Convention

<i>Objective</i>	<i>Activity</i>
<p>1. National reporting Improve timely and complete national reporting under paragraph 3 of Article 13 of the Convention</p>	<p>(a) Classify and, as appropriate, publish information on Parties' compliance with their annual national reporting obligations for 2018 and 2019 based on the assumptions, criteria and categories adopted by the Conference of the Parties at its thirteenth meeting⁷⁸ and the targets adopted by the Conference of the Parties at its fifteenth meeting;⁷⁹</p> <p>(b) Develop recommendations on the revision of the targets referred to in paragraph [--] of decision BC-15/[--] for the reports due for 2020 and subsequent years;</p> <p>(c) In cooperation, as appropriate, with the Compliance Committee of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, monitor United Nations Sustainable Development Cooperation Framework processes with a view to assessing the extent to which Parties with national reporting needs are including actions to address them in their Cooperation Framework, identifying best practices and, on the basis of the assessment, developing recommendations for the consideration of Conference of the Parties;</p> <p>(d) Establish a dialogue with the Basel Convention regional and coordinating centres, the Executive Board of the Special Programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management, the United Nations Environment Programme (UNEP) and other entities such as the Food and Agriculture Organization of the United Nations (FAO), the Global Environment Facility (GEF), the United Nations Development Programme (UNDP), the United Nations Industrial Development Organization (UNIDO), the World Bank and regional development banks on their activities aimed at supporting Parties in the implementation of their obligation to transmit national reports, and develop recommendations for consideration by the Conference of the Parties.</p>
<p>2. Illegal traffic Prevent and combat illegal traffic.</p>	<p>Scoping exercise:</p> <p>(a) Review the information provided in table 9 of the national reports transmitted for the years 2018 and 2019 with a view to estimating: (i) how many cases of illegal traffic there were; (ii) with respect to which wastes; (iii) in which regions; and (iv) how they were resolved; and make recommendations based on the outcome of the review;</p> <p>(b) Review table 9 of the national reporting format to ascertain whether it would benefit from adjustments to facilitate access to and analysis of the information transmitted by Parties about cases of illegal traffic;</p> <p>(c) Review the form for reporting confirmed cases of illegal traffic;⁸⁰</p> <p>(d) Consider whether a review of the information provided in tables 5 and 6 of the national reports for the years 2018 and 2019 could help identify discrepancies in the information reported by Parties that may constitute cases of illegal traffic.</p>

⁷⁸ Decision BC-13/9, para. 12.

⁷⁹ [Decision BC-15/--].

⁸⁰ www.basel.int/Portals/4/Basel%20Convention/docs/legalmatters/illegtraffice/illegtrafform.pdf.

<i>Objective</i>	<i>Activity</i>
	<p>National coordination mechanisms</p> <p>(a) Monitor activities undertaken by the Secretariat, the Basel Convention regional and coordinating centres, the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), the International Criminal Police Organization (INTERPOL), UNEP, the United Nations Office on Drugs and Crime (UNODC), the World Customs Organization (WCO) and other entities that are aimed at assisting Parties in enhancing coordination between their competent authorities and enforcement entities;</p> <p>(b) Monitor activities undertaken by Parties to enhance coordination and increase the flow of information between their competent authorities and enforcement entities, and between themselves and the Secretariat;</p> <p>(c) Develop recommendations to improve implementation of and compliance with Article 9 of the Convention.</p> <p>Responses to question 1 (c) of the reporting format</p> <p>(a) Review the texts of national legislation and other measures adopted by Parties to implement and enforce the Convention and their responses to question 1 (c) of the national reports for 2019 and, using the legislator's checklist,⁸¹ classify Parties' compliance performance in relation to the obligations set out in Article 9 of the Convention;</p> <p>(b) Identify best practices and case studies relating to the enforcement of legislation and punishment of illegal traffic and consider how to assess whether Parties' current efforts are on target to achieve best practice.</p> <p>Dialogue</p> <p>Establish a dialogue with the Basel Convention regional and coordinating centres and relevant international organizations on their activities aimed at supporting Parties in preventing and combating illegal traffic and develop recommendations for consideration by the Conference of the Parties.</p> <p>Cooperative arrangements including the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE)</p> <p>Maintain under review the activities of ENFORCE, particularly any developments that stem from any of the recommendations made by the Committee to the Conference of the Parties, subject to their adoption, and consider, at the next Committee meeting whether the arrangements pertaining to ENFORCE need to be strengthened further.</p> <p>Dissemination of guidance and tools</p> <p>Monitor activities undertaken by Parties, the Secretariat, the Basel Convention regional and coordinating centres, IMPEL, INTERPOL, UNEP, UNODC, WCO and other entities aimed at disseminating guidance and tools developed under the Convention that aim to prevent and combat illegal traffic.</p>

⁸¹ The legislator's checklist is set out in annex I to the Manual for the Implementation of the Basel Convention, available in document UNEP/CHW.12/9/Add.4/Rev.1 and adopted by decision BC-12/7. It is also available as a publication at www.basel.int/Implementation/Publications/GuidanceManuals/tabid/2364/Default.aspx.

<i>Objective</i>	<i>Activity</i>
<p>3. National legislation Improve implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention</p>	<p>(a) Invite Parties to undertake a self-review of their legislation for implementing the Convention, using the legislator’s checklist, and to consider general trends;</p> <p>(b) Monitor progress achieved by Parties in transmitting to the Secretariat texts of national legislation and other measures adopted by them to implement and enforce the Convention;</p> <p>(c) Monitor requests from Parties received by the Secretariat for information aimed at facilitating the development and review of national legal frameworks and for the technical assistance activities of the Secretariat aimed at promoting the implementation of paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention;</p> <p>(d) Monitor activities undertaken by or with the support of the Basel Convention regional and coordinating centres, UNEP and other entities aimed at assisting Parties in developing legal frameworks for the implementation of the Basel Convention;</p> <p>(e) Develop recommendations on how to improve implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention;</p> <p>(f) When undertaking the activities listed in subparagraphs (a) to (e) above, give adequate consideration to improving the implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention with respect to the amendments pursuant to decision BC-III/1 (Ban Amendment) and decision BC-14/12 (plastic wastes amendments) and to any other amendments to the annexes to the Convention that may result from the review of its annexes.⁸²</p> <p>(g) Establish a dialogue with the Basel Convention regional and coordinating centres, the Executive Board of the Special Programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm Conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management, UNEP and other entities, such as FAO, GEF, UNDP, UNIDO, the World Bank and regional development banks, on their activities aimed at supporting Parties in performing their obligations related to the development of legal frameworks to implement and enforce the Convention, and develop recommendations for consideration by the Conference of the Parties.</p>
<p>4. Control system Improve the implementation of and compliance with Article 6 of the Convention.</p>	<p>(a) Proactively collect and compile information on Parties’ definitions of “transit” and their related practices, building on the work conducted as part of the work programme of the Committee for the biennium 2016–2017 and taking into account the answers to question 3 (h) in the national reports since 2016;</p> <p>(b) Finalize, for consideration and possible adoption by the Conference of the Parties at its sixteenth meeting, guidance on the implementation of paragraph 4 of Article 6 of the Convention, by: taking into account comments received during implementation of the work programme for the biennium 2020–2021; inviting and taking into account any additional comments from Parties and observers, including the WCO; and holding consultations with the Open-ended Working Group and targeted exchanges with the United Nations Division for Ocean Affairs and the Law of the Sea.</p>

⁸² See documents UNEP/CHW.15/13, UNEP/CHW.15/13/Add.1 and UNEP/CHW.15/13/Add.2.

<i>Objective</i>	<i>Activity</i>
<p>5. Review and updating Generally improve the implementation of and compliance with the Convention.</p>	<p>(a) Regularly review the guidance developed by the Committee on the basis of periodic feedback from users and suggestions from stakeholders and in the light of decisions adopted by the Conference of the Parties, and make recommendations to the Conference of the Parties on the updating of the guidance.</p> <p>(b) Update, on behalf of the Conference of the Parties and subject to the availability of resources, the Guide to the Control System and the Manual for the Implementation of the Basel Convention by including, as relevant, references to Article 4A of the Convention, the plastic wastes amendments, the glossary of terms and technical guidelines and new guidance adopted since the twelfth meeting of the Conference of the Parties.</p>
<p>6. Country contacts Improve the implementation of and compliance with Article 5 of the Convention</p>	<p>Review Parties' implementation of and compliance with the obligation to designate competent authorities and a focal point pursuant to Article 5, including any common difficulties or issues being faced by Parties with respect to the obligation to inform the Secretariat, within one month of the date of decision, of any changes made by them to the designation of such country contacts, and make recommendations to the Conference of the Parties</p>
<p>7. Enhanced coordination with the Compliance Committee of the Rotterdam Convention</p>	<p>Explore the possibilities for enhancing coordination with the Compliance Committee of the Rotterdam Convention to facilitate compliance through, for example, the provision of joint secretariat support for the committees, facilitation of the exchange of information between the committees, including reports on the outcomes of each other's meetings, attendance by each chair at the meetings of the other committee and the appointment of committee members who have experience of the other compliance mechanism, and make recommendations to the Conference of the Parties.</p>

II. Specific submissions regarding Party implementation and compliance

1. The Committee shall accord priority to dealing with specific submissions regarding Party implementation and compliance received or initiated in accordance with paragraph 9 of the terms of reference of the mechanism for promoting implementation and compliance.

2. In relation to the implementation fund, the Committee shall make recommendations to the Executive Secretary on the allocation of the available resources from the fund during the period between the fifteenth and sixteenth meetings of the Conference of the Parties to assist Parties in the context of the facilitation procedure set out in paragraphs 19 and 20 of the terms of reference of the mechanism for promoting implementation and compliance. The resources are intended to fund activities listed in the compliance action plans presented by Parties in relation to specific submissions and approved by the Committee.

37. The Conference of the Parties may wish to consider taking note of the recommendations directed at or relevant to the work of the Committee on improving national reporting, preventing and combating illegal traffic and developing national legislation implementing the Convention set out in the report on the final evaluation of the strategic framework for the implementation of the Basel Convention for 2012–2021⁸³ and to include the following two additional activities in the work programme of the Committee for the biennium 2022–2023:

(a) 3 (h): Review, within available resources and according to the priorities established by the Conference of the Parties for the given biennium, Parties' implementation of the Convention in national law, for the consideration of the Conference of the Parties at its sixteenth and subsequent meetings;⁸⁴

(b) 5 (c): Provide guidance, for the consideration of the Conference of the Parties at its sixteenth meeting, on how individual Parties can integrate action to address their needs under the Basel Convention into their United Nations Sustainable Development Cooperation Frameworks.

⁸³ UNEP/CHW.15/3/Add.1, annex, paras. 28, 37, 40, 46, 69 and 90.

⁸⁴ Appropriate allocations in the budget to provide support for the Committee to undertake this work are recommended, along with allocations in the technical assistance budget specifically to help individual Parties with implementation of the Basel Convention.