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

Geneva, 1–12 May 2023

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 decision BC-15/17, 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 2022–2023 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.

II. Implementation

4. The Committee held its fifteenth meeting from 14 to 17 November 2022 in Geneva, Switzerland, including through a joint session with the first meeting of the Compliance Committee of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade on issues of common interest. In light of the shorter intersessional period between the fifteenth and sixteenth meetings of the Conference of the Parties, the

* UNEP/CHW.16/1.

¹ The work programme is also available at <http://www.basel.int/Implementation/LegalMatters/Compliance/WorkProgramme/20222023/tabid/9294/Default.aspx>.

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

Committee had agreed, on 7 July 2022, following consultations held by email, to prioritize the activities of its work programme for 2022–2023. Accordingly, activities identified as high priority were considered first, with the objective of completing their consideration prior to the sixteenth meeting of the Conference of the Parties; activities identified as medium priority were initiated prior to the sixteenth meeting of the Conference of the Parties and are proposed for inclusion in the Committee’s 2024–2025 work programme; and activities identified as low priority are proposed for inclusion in the Committee’s 2024–2025 work programme. The report of the fifteenth meeting of the Committee is available on the website of the Basel Convention.³

5. The Committee also worked intersessionally by email and held online preparatory sessions prior to its meeting. Individual members took the lead on specific activities of the work programme, as reflected in the report of the meeting.

6. Four of the five officers that had been elected subsequent to the fourteenth meeting of the Conference of the Parties continued in their functions, while Bilqees Esmail (United Kingdom of Great Britain and Northern Ireland), designated by her Government as alternate to Nicole Mohammed, also took on the function of Rapporteur. The list of members of the Committee is available on the website of the Convention.⁴

7. The Committee was able to undertake its work thanks to the generous financial support of the Governments of Japan, Norway and Switzerland.

8. Subsections II.A, II.B and II.C 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 2022–2023, including the conclusions and recommendations agreed on during its fifteenth meeting. Subsection II.D relates to the election of new members of the Committee.

9. The draft decision in section III of the present note, in addition to subsection II.D on the election of new members of the Committee, reflects the recommendations agreed on by the Committee and sets out, in its annex, the proposed work programme for the biennium 2024–2025. 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.16/INF/20, UNEP/CHW.16/INF/21, UNEP/CHW.16/INF/23, UNEP/CHW.16/INF/24 and UNEP/CHW.16/INF/25.

A. Specific submissions regarding Party implementation and compliance

10. The Committee considered eight specific submissions that it had prioritized for consideration: two by Parties, namely the Central African Republic and Togo, regarding their own implementation and compliance, and six by the Secretariat regarding the implementation and compliance of the Cook Islands, Gabon, Liberia, Mauritania, Nauru and the Syrian Arab Republic. The Committee also agreed to resume its consideration of the six other submissions, regarding Burkina Faso, Chad, Equatorial Guinea, the Niger, Saint Vincent and the Grenadines, and the Sudan, during its sixteenth meeting.

11. After considering the submissions, the Committee, among other things, concluded that the matter of concern addressed in the submission regarding Liberia had been resolved. The decisions adopted by the Committee pertaining to the eight submissions are included in the report of the fifteenth meeting of the Committee.⁵

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

1. National reporting

(a) Individual compliance performance

12. At its fifteenth meeting, the Committee considered the information provided in subsection II.A of the note by the Secretariat on national reporting⁶ and draft classifications of Parties’ compliance performance with respect to their annual reporting obligation for 2018 and 2019.⁷ The Committee requested the Secretariat to make the draft classifications available to relevant Parties in advance of the

³ UNEP/CHW/CC.15/9.

⁴ www.basel.int/TheConvention/ImplementationComplianceCommittee/Membership/tabid/1379/Default.aspx.

⁵ UNEP/CHW/CC.15/9, annex.

⁶ UNEP/CHW/CC.15/3.

⁷ UNEP/CHW/CC.15/3/Add.1.

sixteenth meeting of the Conference of the Parties with an invitation to comment, and to prepare revised classifications taking into account comments received. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note. The draft classifications of compliance performance with respect to the annual reporting obligations for 2018 and 2019, providing information on a regional and global basis and further information on the work of the Committee on this matter, are set out in document UNEP/CHW.16/INF/20.

(b) Targets

13. The Committee considered the information provided in subsection II.B of the note by the Secretariat on national reporting and decided to include the activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note.

(c) Integration into United Nations Sustainable Development Cooperation Frameworks

14. In Convention-specific sessions and in a joint session with the first meeting of the Compliance Committee of the Rotterdam Convention, the Committee considered the information provided in subsection II.C of the note by the Secretariat on national reporting⁸ and in a note by the Secretariat on integration into United Nations Sustainable Development Cooperation Frameworks,⁹ which set out a questionnaire for collecting information from Parties, resident coordinators and relevant members of United Nations country teams with a view to assessing the extent to which Parties with national reporting needs are including actions to address those needs in their cooperation frameworks. The Committee finalized the questionnaire, requested the Secretariat to make it available to Parties, resident coordinators and relevant members of United Nations country teams, and decided to include the continuation of the activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note. The conclusions agreed on by the Committee and further information on the work of the Committee on this matter are set out in document UNEP/CHW.16/INF/20.

(d) Dialogue with Basel Convention regional and coordinating centres and international bodies and organizations

15. The Committee considered the information provided in subsection II.D of the note by the Secretariat on national reporting and in a note by the Secretariat on dialogue with Basel Convention regional and coordinating centres (BCRCs) and international bodies and organizations,¹⁰ which set out a draft questionnaire for the BCRCs, the United Nations Environment Programme (UNEP) and other entities on their activities aimed at assisting Parties in transmitting their national reports. The Committee finalized the questionnaire, requested the Secretariat to make it available to BCRCs, UNEP and other entities, and decided to include the same activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note. The conclusions agreed on by the Committee and further information on the work of the Committee on this matter are set out in document UNEP/CHW.16/INF/20.

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

16. The Committee considered the information provided in subsection II.E of the note by the Secretariat on national reporting and decided to include the continuation of the activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note.

2. Illegal traffic

(a) Scoping exercise

17. The Committee considered the information provided in subsection II.A of a note by the Secretariat on illegal traffic¹¹ and in a note by the Secretariat on scoping the extent of illegal traffic,¹² which set out a report on the matter in its annex. Members agreed to the conclusions set out in the report with regard to cases of illegal traffic closed in 2018 and 2019, discussed the challenges faced by

⁸ Ibid.

⁹ UNEP/CHW/CC.15/3/Add.2.

¹⁰ UNEP/CHW/CC.15/3/Add.3.

¹¹ UNEP/CHW/CC.15/4.

¹² UNEP/CHW/CC.15/4/Add.1.

Parties in closing and reporting closed cases of illegal traffic, and agreed to recommend steps to address those challenges. The Committee also decided that its draft work programme for 2024–2025 should provide for it to be entrusted with continuing to scope the extent of illegal traffic. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note. The conclusions agreed on by the Committee and further information on the work of the Committee on this matter are set out in document UNEP/CHW.16/INF/21.

(b) National coordination mechanisms

18. The Committee considered the information provided in subsection II.B of the note by the Secretariat on illegal traffic and in a note by the Secretariat on national coordination mechanisms and the dissemination of guidance and tools,¹³ setting out two draft questionnaires, namely a questionnaire for collecting information from relevant international organizations on their activities aimed at assisting Parties in enhancing coordination between their competent authorities and enforcement entities, and a questionnaire aimed at collecting information from Parties on their activities to enhance coordination and increase the flow of information between their competent authorities and enforcement entities, and between themselves and the Secretariat. The Committee finalized the questionnaires and requested the Secretariat to make them available to Parties and relevant organizations. The Committee also decided to include the continuation of the activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note. The conclusions agreed on by the Committee and further information on the work of the Committee on this matter are set out in document UNEP/CHW.16/INF/21.

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

19. The Committee considered the information provided in subsection II.D of the note by the Secretariat on illegal traffic and in a note by the Secretariat on the responses to question 1 (c) of the reporting format.¹⁴ The Committee requested the Secretariat to make the draft classification of Parties' compliance performance in relation to the obligations set out in Article 9 of the Convention, prepared using the legislator's checklist, available to relevant Parties in advance of the sixteenth meeting of the Conference of the Parties with an invitation to comment, and to prepare a revised classification taking into account the comments received. The Committee also decided to include the continuation of the activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note. The conclusions agreed on by the Committee and further information on the work of the Committee on this matter are set out in document UNEP/CHW.16/INF/21.

(d) Dialogue with Basel Convention regional centres, international organizations and compliance bodies

20. The Committee considered the information provided in subsection II.D of the note by the Secretariat on illegal traffic and decided to include the continuation of the activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note.

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

21. The Committee considered the information provided in subsection II.E of the note by the Secretariat on illegal traffic and decided to include the continuation of the activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note.

(f) Dissemination of guidance and tools

22. The Committee considered the information provided in subsection II.F of the note by the Secretariat on illegal traffic¹⁵ and in a note by the Secretariat on national coordination mechanisms and the dissemination of guidance and tools,¹⁶ setting out a draft questionnaire for collecting information from relevant international organizations on their activities aimed at disseminating guidance and tools developed under the Convention. The Committee finalized the questionnaire and requested the

¹³ UNEP/CHW/CC.15/4/Add.2.

¹⁴ UNEP/CHW/CC.15/4/Add.3.

¹⁵ Ibid.

¹⁶ UNEP/CHW/CC.15/4/Add.2.

Secretariat to make it available to relevant organizations. The Committee also decided to include the continuation of the activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note. The conclusions agreed on by the Committee and further information on the work of the Committee on this matter are set out in document UNEP/CHW.16/INF/21.

3. National legislation

(a) Self-review of legislation implementing the Basel Convention

23. The Committee considered the information provided in subsection II.A of a note by the Secretariat on national legislation,¹⁷ a note by the Secretariat on self-review of legislation implementing the Basel Convention,¹⁸ which set out a synthesis of the completed checklists for the legislator transmitted by 49 Parties, and a note by the Secretariat setting out in full the completed checklists for the legislator transmitted by the 49 Parties.¹⁹ The Committee agreed to recommend the addition of Article 4A in the checklist for the legislator, and to the conclusions set out in the synthesis of the completed checklists for the legislator. The Committee also decided to include the continuation of the activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note. The conclusions agreed on by the Committee and further information on the work of the Committee on this matter are set out in document UNEP/CHW.16/INF/23.

(b) Texts of national legislation and other measures

24. The Committee considered the information provided in subsection II.B of the note by the Secretariat on national legislation and decided to include the continuation of the activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note.

(c) Activities of the Secretariat aimed at assisting Parties in reviewing or developing legislation implementing the Basel Convention

25. The Committee considered the information provided in subsection II.C of the note by the Secretariat on national legislation.²⁰ The Committee took note of the information provided and decided to include the continuation of the activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note.

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

26. The Committee considered the information provided in subsection II.D of the note by the Secretariat on national legislation and a note by the Secretariat on activities of other entities aimed at assisting Parties in developing legislation implementing the Basel Convention,²¹ which set out in its annex a questionnaire for collecting information on the activities undertaken by or with the support of the BCRCs, UNEP and other entities aimed at assisting Parties in developing legal frameworks for the implementation of the Basel Convention. The Committee finalized the questionnaire and requested the Secretariat to make it available to the relevant organizations. The Committee also decided to include the continuation of the activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note. The conclusions agreed on by the Committee and further information on the work of the Committee on this matter are set out in document UNEP/CHW.16/INF/23.

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

27. The Committee considered the information provided in subsection II.E of the note by the Secretariat on national legislation and decided to include the continuation of the activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note.

¹⁷ UNEP/CHW/CC.15/5.

¹⁸ UNEP/CHW/CC.15/5/Add.1.

¹⁹ UNEP/CHW/CC.15/INF/8.

²⁰ Ibid.

²¹ UNEP/CHW/CC.15/5/Add.2.

(f) **Dialogue with Basel Convention regional and coordinating centres and international bodies and organizations**

28. The Committee considered the information provided in subsection II.F of the note by the Secretariat on national legislation²² and decided to include the continuation of the activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note.

(g) **Review of legislation**

29. The Committee considered the information provided in subsection II.G of the note by the Secretariat on national legislation²³ and a note by the Secretariat setting out a compilation of Parties' answers to a questionnaire seeking information on the reasons for a lack of legislation or other measures and on steps that could be taken to resolve the matter.²⁴ The Committee agreed to request the Secretariat, in consultation with the relevant regional centre, to send a reminder to the Parties that had not answered the questionnaire, and decided to include the continuation of the activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note. The conclusions agreed on by the Committee and further information on the work of the Committee on this matter are set out in document UNEP/CHW.16/INF/23.

4. Review and updating of guidance

30. The Committee considered the review and updating of guidance on the basis of an oral report by the Secretariat and decided to include the continuation of the activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note.

5. Country contacts

31. The Committee considered the information provided in a note by the Secretariat on country contacts²⁵ and exchanged information on practices at the national level to ensure continuity in communication despite changes in designated country contacts. The Committee agreed to encourage the Secretariat, pursuant to paragraph 9 (c) of the terms of reference of the Committee, to initiate consultations with the Party that had not designated a focal point and competent authority and with Parties whose focal point or competent authority did not have functional email contact information, in the light of the possible difficulties faced by those Parties in complying with their obligations under Article 5. The Committee also decided to include the continuation of the activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note. The conclusions agreed on by the Committee and further information on the work of the Committee on this matter are set out in document UNEP/CHW.16/INF/25.

6. Enhanced coordination with the Compliance Committee of the Rotterdam Convention

32. In Convention-specific sessions and in a joint session with the first meeting of the Compliance Committee of the Rotterdam Convention, the Committee considered the information provided in the note by the Secretariat on enhanced coordination with the Compliance Committee of the Rotterdam Convention.²⁶ The Committee welcomed the opportunity provided during its meeting to coordinate with the other committee on matters of joint interest and discussed possible modalities to effect that coordination, such as joint secretariat support, sharing of meeting reports and participation in each other's meetings. The Committee decided to include the continuation of cooperation between the two committees as an activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note. The conclusions agreed on by the Committee and further information on the work of the Committee on this matter are set out in document UNEP/CHW.16/INF/24.

²² Ibid.

²³ Ibid.

²⁴ UNEP/CHW/CC.15/INF/9.

²⁵ UNEP/CHW/CC.15/6.

²⁶ UNEP/CHW/CC.15/7.

7. Integration into United Nations Sustainable Development Cooperation Frameworks

33. The Committee considered the integration of actions to address Parties' needs under the Basel Convention into United Nations Sustainable Development Cooperation Frameworks on the basis of an oral report by the Secretariat. The Committee agreed that guidance developed under the Convention could complement the existing United Nations Development Assistance Framework guidance²⁷ and would have the added benefit of being tailored for use by the Parties to integrate the implementation of the Convention in their cooperation frameworks. It also agreed that it would be helpful for the Committee to consult with the Open-ended Working Group of the Basel Convention when developing any such guidance. The Committee decided to include the continuation of the activity in its draft work programme for 2024–2025. The recommendations agreed on by the Committee as set out in the report of its fifteenth meeting are reflected in section III of the present note.

C. Work programme for the biennium 2024–2025

34. The Committee considered its work programme for the biennium 2024–2025 on the basis of a note by the Secretariat.²⁸ The draft work programme reflecting the outcome of the meeting is set out in the annex to the draft decision in section III of the present note, showing the proposed changes to the 2022–2023 work programme of the Committee in tracked changes. Comments received from Parties by 15 February 2023 on the draft work programme for 2024–2025 will be made available on the website of the Convention.²⁹

D. Election of Committee members

35. Document UNEP/CHW.16/INF/22 sets out a list of past and present Committee members and identifies the 10 members whose terms will expire at the close of the sixteenth meeting of the Conference of the Parties.

III. Proposed action

36. 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 Compliance;³⁰
2. Welcomes the progress made by the Committee in the implementation of its work programme for 2022–2023 and the conclusions reached to improve timely and complete national reporting under paragraph 3 of Article 13 of the Convention,³¹ prevent and combat illegal traffic,³² improve implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention,³³ improve the implementation of and compliance with Article 5 of the Convention³⁴ and enhance coordination with the Compliance Committee of the Rotterdam Convention;³⁵

I

Specific submissions regarding Party implementation and compliance

3. Welcomes the resolution of the implementation and compliance matter set out in one specific submission;³⁶

²⁷ See <https://unsdg.un.org/resources/united-nations-development-assistance-framework-guidance>.

²⁸ UNEP/CHW/CC.15/8.

²⁹ <http://www.basel.int/Implementation/LegalMatters/Compliance/GeneralIssuesActivities/Activities202223/Workprogramme20242025/tabid/9435/Default.aspx>.

³⁰ UNEP/CHW.16/13.

³¹ UNEP/CHW.16/INF/20.

³² UNEP/CHW.16/INF/21.

³³ UNEP/CHW.16/INF/23.

³⁴ UNEP/CHW.16/INF/25.

³⁵ UNEP/CHW.16/INF/24.

³⁶ Submission regarding Liberia.

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

II

Review of general issues of compliance and implementation under the Convention

National reporting: classification of compliance performance

5. *Encourages* Parties that appear to have transmitted an incomplete national report for 2018 or 2019 to review the draft classifications of compliance performance prepared by the Committee³⁷ and to provide feedback with a view to strengthening overall implementation of and compliance with paragraph 3 of Article 13 of the Convention;

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

6. *Encourages* Parties, resident coordinators and relevant members of United Nations country teams to cooperate with the Committee to enable it to fulfil its mandate to improve implementation and compliance with the national reporting obligation, including by replying to the Committee's questionnaire seeking information with a view to assessing the extent to which Parties with national reporting needs are including actions to address those needs in their cooperation frameworks;

National reporting: dialogue with Basel Convention regional and coordinating centres and international bodies and organizations

7. *Encourages* the Basel Convention regional and coordinating centres, the United Nations Environment Programme (including the secretariat 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 and the secretariat of the Strategic Approach to International Chemicals Management) 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 Institute for Training and Research, the United Nations Industrial Development Organization, the World Bank and other relevant financial institutions, to cooperate with the Committee, including by replying to the Committee's questionnaire seeking information on their activities aimed at assisting Parties in transmitting their national reports and by participating in dialogues organized by the Committee pursuant to its work programme, so that the Committee can fulfil its mandate to improve implementation and compliance with the national reporting obligation;

Illegal traffic: scoping exercise

8. *Decides*, in order to facilitate access to and analysis of the information transmitted by Parties about cases of illegal traffic, to initiate a review and revision of table 9 of the reporting format, as well as of the manual for completing the format for national reporting, taking into account the information set out in the reports on the scoping exercises considered by the Committee pursuant to its 2020–2021 and 2022–2023 work programmes³⁸ and the Committee's findings;³⁹

9. *Requests* the Secretariat to prepare, on the basis of the information mentioned in paragraph 8 of the present decision, possible revisions to table 9 of the reporting format and to the manual for completing the format for national reporting, for consideration and possible adoption by the Conference of the Parties at its seventeenth meeting;

Illegal traffic: national coordination mechanisms and dissemination of guidance and tools

10. *Encourages* the Basel Convention regional and coordinating centres, the United Nations Environment Programme, the World Customs Organization, the International Criminal Police Organization, the United Nations Office on Drugs and Crime, the International Maritime Organization, the World Trade Organization, the European Union Agency for Law Enforcement Cooperation, the European Union Network for the Implementation and

³⁷ UNEP/CHW.16/INF/20.

³⁸ UNEP/CHW/CC.14/4/Add.1 and UNEP/CHW/CC.15/4/Add.1.

³⁹ For the Committee's findings during its fourteenth meeting, see annex I to document UNEP/CHW.15/INF/14. For the Committee's findings during its fifteenth meeting, see annex I to document UNEP/CHW.16/INF/21.

Enforcement of Environmental Law and other relevant organizations and entities to cooperate with the Committee to enable it to fulfil its mandate to improve implementation of and compliance with Article 9 of the Convention, including by replying to the Committee's questionnaire seeking information on their activities aimed at assisting Parties in enhancing coordination between their competent authorities and enforcement entities and their activities aimed at disseminating guidance and tools developed under the Convention to prevent and combat illegal traffic;

11. *Encourages* Parties to cooperate with the Committee to enable it to fulfil its mandate in relation to preventing and combating illegal traffic, including by replying to the Committee's questionnaire seeking information on their activities to enhance coordination and increase the flow of information between their competent authorities and enforcement entities, and between themselves and the Secretariat;

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

12. *Encourages* the 110 Parties that transmitted a report for 2019 to review the draft classification of Parties' compliance performance in relation to the obligations set out in Article 9 of the Convention, prepared using the legislator's checklist, and to provide feedback with a view to strengthening progress towards overall implementation of and compliance with Article 9 of the Convention;

National legislation: self-review of legislation implementing the Basel Convention

13. *Decides* to amend the checklist for the legislator⁴⁰ by adding Article 4A with a footnote reading "This provision only binds Parties that have consented to bound by it", and adding the following text as a description of the obligation: "If a Party listed in Annex VII to the Convention, make provision for the obligation to prohibit all transboundary movements of hazardous wastes which are destined for operations according to Annex IV A and all transboundary movements of hazardous wastes under Article 1(1)(a) of the Convention which are destined for operations according to Annex IV B, to States not listed in Annex VII";

14. *Welcomes* the self-review of legislation implementing the Convention undertaken by 49 Parties using the legislator's checklist and invites those Parties to consider updating their self-review if needed and, where applicable, to specifically review whether their legislation reflects the amendments pursuant to decision BC-III/1 (Ban Amendment), decision BC-14/12 (plastic waste amendments) and decision BC-15/18 (e-waste amendments);⁴¹

15. *Invites* the Parties that have yet to undertake a self-review of their legislation implementing the Convention using the legislator's checklist to do so and to also provide information on their legislative implementation of the Ban Amendment, plastic waste amendments and e-waste amendments;

16. *Encourages* the Basel Convention regional and coordinating centres, upon request, to support Parties in undertaking a self-review of their legislation;

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

17. *Requests* the Secretariat, subject to the availability of resources and upon request, to continue to assist Parties in developing or reviewing legislation implementing the Basel Convention, directly or in cooperation with other partners, as appropriate;

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

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

⁴⁰ The legislator's checklist is set out in annex I to the Manual for the Implementation of the Basel Convention, adopted by decision BC-12/7 and available in document UNEP/CHW.12/9/Add.4/Rev.1 and as a publication at www.basel.int/Implementation/Publications/GuidanceManuals/tabid/2364/Default.aspx.

⁴¹ The e-waste amendments will come into effect on 1 January 2025.

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 United Nations Development Programme, the Food and Agriculture Organization of the United Nations, 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 on Persistent Organic Pollutants, to include or seek the inclusion of the transmission of legal frameworks implementing the Convention to the Secretariat as a concrete output of their activities or of activities funded by them, to support Parties in implementing the Convention;

20. *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, to participate as observers in the Secretariat's technical assistance activities (webinars, regional workshops, country-level activities) aimed at supporting Parties in developing legal frameworks implementing the Convention.

National legislation: dialogue with Basel Convention regional and coordinating centres and international bodies and organizations

21. *Encourages* the Basel Convention regional and coordinating centres, the United Nations Environment Programme, including the secretariats of the Special Programme and the Strategic Approach to International Chemicals Management, and other entities, such as Food and Agriculture Organization of the United Nations, the Global Environment Facility, the United Nations Development Programme, the United Nations Institute for Training and Research, the United Nations Industrial Development Organization, the World Bank and other relevant financial institutions, to cooperate with the Committee to enable it 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, including by replying to the Committee's questionnaire seeking information on their activities aimed at assisting Parties in developing legal frameworks for the implementation of the Basel Convention and participating in dialogues organized by the Committee pursuant to its work programme, so as to enable the Committee to fulfil its mandate;

National legislation: review of legislation

22. *Welcomes* the information provided by three Parties that had either not indicated whether they had national legislation implementing the Convention or had indicated that they did not have such legislation, on the reasons for the lack of legislation or other measures and on steps that could be taken to resolve the matter;

23. *Invites* the Parties that have yet to indicate whether they have national legislation implementing the Convention or have already indicated that they do not have such legislation to engage with the Committee within the scope of its 2024–2025 work programme;

Country contacts

24. *Reminds* Parties of the obligation to inform the Secretariat within one month of the date of decision of any changes regarding the designation of focal point and competent authorities made pursuant to paragraph 2 of Article 5 of the Basel Convention;

III

Work programme for the biennium 2024–2025

25. *Approves* the work programme of the Committee for the biennium 2024–2025 set out in the annex to the present decision;

26. *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 of the Basel Convention, the Secretariat and the Basel Convention regional and coordinating centres to avoid duplication of activities;

(b) To consult Parties, in advance of the seventeenth meeting of the Conference of the Parties, on a draft work programme for the biennium 2026–2027;

(c) To report to the Conference of the Parties at its seventeenth 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

27. *Elects*, in accordance with the terms of reference of the mechanism for promoting implementation and compliance with the Basel Convention,⁴² the following members to serve on the Committee until the close of the eighteenth meeting of the Conference of the Parties:

African States: [*two names to be inserted*]

Asia-Pacific States: [*two names to be inserted*]

Eastern European States: [*two names to be inserted*]

Latin American and Caribbean States: [*two names to be inserted*]

Western European and other States: [*two names to be inserted*].

⁴² See appendix to decision VI/12.

Annex to decision BC-16/[--]

Work programme of the Committee Administering the Mechanism for Promoting Implementation and Compliance for the biennium 2024–2025¹

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, <u>2020 and 2021</u> based on the assumptions, criteria and categories adopted by the Conference of the Parties at its thirteenth meeting² and the targets adopted by the Conference of the Parties at its fifteenth meeting³ <u>as revised, as appropriate, by the Conference of the Parties at its sixteenth meeting</u>;</p> <p>(b) Develop recommendations on the revision of the targets referred to in paragraph 10 of decision BC-15/17 for the reports due for 20202 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 frameworks, identifying best practices and, on the basis of the assessment, developing recommendations for the consideration of the 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), <u>the Strategic Approach to International Chemicals Management (SAICM)</u> 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), <u>the United Nations Institute for Training and Research (UNITAR)</u>, the United Nations Industrial Development Organization (UNIDO), the World Bank and <u>other relevant financial institutions</u>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>(e) Consider elaborating and further assessing measures not included under paragraphs 20 (a) and (b) of the terms of reference of the Committee that may be required when a Party has not submitted its national report for two or more years since the report due in 2016, and report to the Conference of the Parties at its seventeenth <u>sixteenth</u>-meeting.</p>

¹ The tracked changes indicate the differences between the draft work programme for 2024–2025 developed by the Committee during its fifteenth meeting and its work programme for 2022–2023.

² Decision BC-13/9, para. 12.

³ Decision BC-15/17.

<p>2. Illegal traffic</p> <p>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 2020+8 and 2021+9 with a view to estimating: (i) how many cases of illegal traffic there were; (ii) with respect to which wastes (<u>including regionally-based information</u>); (iii) in which regions; and (iv) how they were resolved; and make recommendations based on the outcome of the review;</p> <p>(b) <u>Assess the reasons for which Parties do not complete or have difficulties in completing table 9 of the reporting format and what measures could be recommended to the Conference of the Parties towards improving the rate of completion of table 9 as well as the quality of information provided therein; 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</u></p> <p>(c) Identify discrepancies in the information reported by Parties on cases that could constitute illegal traffic and make recommendations based on the outcome of the review;</p> <p>(d) Review the form for reporting confirmed cases of illegal traffic to ascertain whether it would benefit from adjustments and make recommendations based on the outcome of the review;4</p> <p>(e) Consider whether a review of the information provided in tables <u>45</u> and <u>65</u> of the national reports for the years 2020+8 and 2021+9, <u>taking into account relevant experience of Parties and compliance bodies of relevant multilateral environmental agreements</u>, could help identify discrepancies in the information reported by Parties that may constitute cases of illegal traffic and make recommendations accordingly.</p> <p>National coordination mechanisms</p> <p>(fa) 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), <u>the International Maritime Organization (IMO)</u> and other entities that are aimed at assisting Parties in enhancing coordination between their competent authorities and enforcement entities and make recommendations based on the outcome of the monitoring;</p> <p>(gb) 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>(he) 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>(ia) Review the texts of national legislation and other measures adopted by Parties to implement and enforce the Convention, <u>and</u> their responses to question 1 (c) of the national reports for 2021, <u>the outcome of Parties' self-review of their legislation</u>49 and, using the legislator's checklist,5 classify Parties' compliance performance in relation to the obligations set out in Article 9 of the Convention;</p> <p>(jb) <u>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.</u></p> <p>Dialogue</p> <p>(k) Establish a dialogue and coordinate with the Basel Convention regional and coordinating centres, relevant international organizations and compliance bodies of other multilateral environmental agreements 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>(l) 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>
--	---

Objective	Activity
	(m) 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>3. National legislation</p> <p>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 that have yet to undertake a self-review of their legislation for implementing the Convention, using the legislator's checklist, <u>to do so and also provide information on their legislative implementation of the Ban Amendment, the plastic wastes amendments and the e-waste amendments and to consider general trends;</u></p> <p>(b) <u>Invite the 49 Parties that undertook a self-review of their legislation for implementing the Convention, using the legislator's checklist, to consider updating their self-review if needed, and, where applicable, to specifically review whether their legislation reflects the amendments pursuant to decision BC-III/1 (Ban Amendment), decision BC-14/12 (plastic wastes amendments) and decision BC-15/18 (e-waste amendments);⁶</u></p> <p>(a)(c) <u>Consider general trends with the implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention;</u></p> <p>(b)(d) <u>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; giving 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), decision BC-14/12 (plastic wastes amendments) and decision BC-15/18 (e-waste amendments);</u></p> <p>(e)(e) <u>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, including the amendments pursuant to decision BC-III/1 (Ban Amendment), decision BC-14/12 (plastic wastes amendments) and decision BC-15/18 (e-waste amendments);</u></p> <p>(d)(f) <u>Monitor activities undertaken by or with the support of the Basel Convention regional and coordinating centres, UNEP and other entities, including national development agencies, aimed at assisting Parties in developing legal frameworks for the implementation of the Basel Convention, including the amendments pursuant to decision BC-III/1 (Ban Amendment), decision BC-14/12 (plastic wastes amendments) and decision BC-15/18 (e-waste amendments);</u></p> <p><u>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;</u></p> <p>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);</p> <p>(e)(g) <u>Establish a dialogue and coordinate 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 other relevant financial institutions, on their activities aimed at supporting Parties in performing their obligations related to the development of legal frameworks to implement and enforce the</u></p>

⁴ www.basel.int/Portals/4/Basel%20Convention/docs/legalmatters/illegaltraffice/illegaltrafform.pdf.

⁵ The legislator's checklist is set out in annex I to the Manual for the Implementation of the Basel Convention, adopted by decision BC-12/7 and available in document UNEP/CHW.12/9/Add.4/Rev.1 and as a publication at www.basel.int/Implementation/Publications/GuidanceManuals/tabid/2364/Default.aspx.

⁶ The e-waste amendments will come into effect on 1 January 2025.

Objective	Activity
	<p>Convention, <u>including the amendments pursuant to decision BC-III/1 (Ban Amendment), decision BC-14/12 (plastic wastes amendments) and decision BC-15/18 (e-waste amendments) and develop recommendations for consideration by the Conference of the Parties;</u></p> <p><u>(h) Review, subject to the availability of 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, starting with Parties that have not yet provided information to the Secretariat as to whether they have national legislation implementing the Convention,⁷ also taking into account the information received by three Parties under the 2022–2023 work programme of the Committee,⁸ for consideration by the Conference of the Parties at its sixteenth and subsequent meetings;⁹</u></p> <p><u>(i) 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.</u></p>
<p>4. 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, <u>the e-waste amendments,</u> the glossary of terms, and technical guidelines and new guidance adopted since the twelfth meeting of the Conference of the Parties.</p>
<p>5. Country contacts Improve the implementation of and compliance with Article 5 of the Convention</p>	<p>RReview 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>6. Enhanced <u>cooperation</u> coordination with the Compliance Committee of the Rotterdam Convention</p>	<p>Explore the possibilities for Enhancing cooperation eoordinationwith 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 <u>views and</u> information between the committees <u>on activities, operations and processes of joint interest, including as appropriate during joint sessions of the meetings of 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,</u> and make recommendations to the Conference of the Parties.</p>
<p>7. Integration in United Nations Sustainable Development Cooperation Frameworks</p>	<p>Provide guidance, <u>including through consultation with the Open-ended Working Group,</u> for consideration by the Conference of the Parties at its sixteenth <u>seventeenth</u> meeting, on how individual Parties can integrate action to address their needs under the Basel Convention into their United Nations Sustainable Development Cooperation Frameworks.</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.

⁷ See document UNEP/CHW.16/14.

⁸ UNEP/CHW/CC.15/INF/9.

⁹ 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.

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 ~~sixteenth~~ ~~fifteenth~~ and ~~seventeenth~~ ~~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.
