

The Role of Competent Authorities and Focal Points under the Basel Convention

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal establishes a system of information exchange within, and between Parties through the Secretariat. The exchange of information is crucial to ensuring that Parties are equipped with the necessary information to allow them to make informed decisions on the transboundary movements and management of hazardous wastes.

To make this system work, the Convention requires Parties to designate official points of contact to ensure that information is communicated to the appropriate persons/officials. These official points of contact are referred to as "Competent Authority" and "Focal Point" depending on their functions. Both contact points play key roles to the effective implementation of the Basel Convention.

Article 5 of the Basel Convention requires that Parties:

- Designate or establish one or more Competent Authority and one Focal Point;
- Inform the Secretariat, within 3 months of becoming a Party, which agencies they have designated as their Focal Point and their Competent Authorities; and
- Inform the Secretariat, within one month of taking such a decision, of any changes regarding the designation of either of these entities.

What is a Competent Authority?

Article 2 of the Convention defines a "Competent Authority" as one governmental authority designated by a Party to be responsible, within such geographical areas as the Party may think fit, for receiving the notification of a transboundary movement of hazardous wastes or other wastes, and any information related to it, and for responding to such a notification, as provided in Article 6.

Under the Basel Convention, before commencing any wastes shipments, the country desiring to export hazardous or other wastes abroad should firstly secure the prior written consent of the country of import, as well as those of the countries through which the wastes will transit. In order to secure this consent, the exporting country must send a notification containing sufficient information to enable the importing and transit countries make informed decisions on whether to allow the proposed movements of wastes.

The Competent Authority is the entity responsible for receiving and responding to notifications of transboundary movements

of hazardous and other wastes. Upon receipt of a notification, the Competent Authorities of the countries of import and transit will have to decide whether to allow the proposed shipment of wastes into or through their territories respectively.

Competent Authorities should be easily contactable and responsive. The Secretariat maintains a directory of contact details of Parties' Competent Authorities on the Basel Convention website. In some cases, this information is not placed on the website, but can be obtained from the Secretariat or a national Competent Authority identified by the Party. It is the responsibility of Parties to ensure that details on this webpage are up-to-date. Parties may designate more than one Competent Authority, in accordance with their specific needs and requirements. In such cases, Parties should provide details on the varying competencies of the different Competent Authorities to ensure that correspondence is channelled to the appropriate body.

What is a Focal Point?

Article 2 of the Convention defines a "Focal Point" as the entity of a Party that is responsible for receiving and submitting information as provided in Articles 13 and 16 of the Convention.

The Focal Point is the conduit through which Parties transmit to and receive information from the Secretariat and other Parties. It is also responsible for receiving notices of meetings of Convention bodies.

Under Article 13 of the Convention, Parties are required, whenever it comes to their knowledge that an accident occurring during the transboundary movement of hazardous or other wastes is likely to present risks to human health and the environment in other States, to ensure that those States are informed immediately.

Furthermore, Focal Points are required to notify Parties, through the Secretariat, of information such as changes to the designation of their contact points, their national definitions of hazardous wastes, and any decision to ban or limit the import or export of hazardous or other wastes.

The Focal Point is also responsible for submitting the annual national reports, by which Parties provide information on matters covered by the Convention for the previous calendar year. This report includes information such as details on the transboundary movements of hazardous and other wastes in which they have been involved, any measures adopted in implementing the Convention, and available qualified statistics on the effects on human health and the environment of the generation, transportation and disposal of hazardous or other wastes.

The transmission of information is the cornerstone of the Convention, and the Focal Point serves as the entity responsible in each country for ensuring the efficacy of this system. In order to be kept up-to-date with information from Parties and the Secretariat on matters related to the Basel Convention, it is important that Focal Points are appropriately designated, and that any changes to their contact details are notified to the Secretariat as soon as possible.

The Secretariat maintains contact details of Competent Authorities and Focal Points notified by Parties on:

<http://www.basel.int/contact-info/frsetmain.html>

Form for the Designation of Competent Authority and Focal Point in accordance with article 5 of the Basel Convention

The Parties to the Convention have adopted a standard form for designation of Competent Authority and Focal Point. This form is available on the Basel Convention website in all six official United Nations languages:

<http://www.basel.int/contact-info/designation-form.pdf>

<http://www.basel.int/convention/forms/index.html>

The form is intended to assist Parties in notifying the Secretariat of new designations of, any modifications or updated information on designated Competent Authorities and Focal Points.

Please send this form duly completed to the Executive Secretary of the Secretariat of the Basel Convention by fax (+41 22 797 3454). Kindly note that self nominations will not be considered.

The form must be completed by an entity duly authorized by the Government to communicate such information to the Secretariat, and the information transmitted shall be included in the official records of the Secretariat as the officially designated Competent Authorities and/or Focal Points for the purposes of article 5 of the Convention.

The Secretariat will acknowledge receipt of the information transmitted, and will make it publicly available on the Basel Convention website (<http://www.basel.int>)



For further information please contact:

Secretariat of the Basel Convention
UNEP/SBC
International Environment House I
13-15 Chemin des Anémones
CH-1219 Châtelaine
Geneva, Switzerland

Tel: + 41 22 917 8218 | Fax: + 41 22 797 3454
E-mail: sbc@unep.org | www.basel.int

