

BC-12/7: Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention

The Conference of the Parties

1. *Takes note* of the note by the Secretariat on the work of the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention and the recommendations therein¹ and welcomes the work undertaken by the Committee since the eleventh meeting of the Conference of the Parties;

I

Specific submissions regarding party implementation and compliance

2. *Encourages* parties concerned by any submission covered by the decisions adopted by the Committee at its tenth and eleventh meetings to continue to cooperate with the Committee with a view to resolving their concerns;

3. *Confirms* the amendment to paragraph 9 (c) of the terms of reference of the mechanism for promoting implementation and compliance of the Basel Convention adopted by the Conference of the Parties at its tenth meeting² and extended by the Conference of the Parties at its eleventh meeting³ with regard to possible difficulties encountered by any party in complying with its obligations under Article 5 and paragraph 3 of Article 13 of the Convention;

4. *Extends*, for the period between the twelfth and fourteenth meetings of the Conference of the Parties, the amendment to paragraph 9 (c) of the terms of reference adopted by the Conference of the Parties at its tenth meeting⁴ and extended by the Conference of the Parties at its eleventh meeting⁵ with regard to possible difficulties encountered by any party in complying with its obligations under paragraph 1 of Article 3, paragraph 1 of Article 4 and paragraph 2 of Article 13 of the Convention;

5. *Discontinues* the legal framework programme established by decision BC-10/11 given that the terms of reference of the mechanism for promoting implementation and compliance of the Basel Convention provide a sufficient basis for the Committee to consider and assist in the resolution of implementation and compliance difficulties associated with a party's lack of an adequate legal framework;

6. *Takes note* of the report of the Secretariat on the operation of the implementation fund;⁶

II

Review of general issues of compliance and implementation under the Convention

7. *Adopts*:

(a) The methodological guide for the development of inventories of hazardous wastes and other wastes under the Basel Convention⁷ with the understanding that the Committee will reflect therein, as appropriate, the relevant elements of the revised reporting format adopted by the Conference of the Parties at its twelfth meeting;⁸

¹ UNEP/CHW.12/9.

² Decision BC-10/11.

³ Decision BC-11/8.

⁴ Decision BC-10/11.

⁵ Decision BC-11/8.

⁶ UNEP/CHW.12/INF/18.

⁷ UNEP/CHW.12/9/Add.1.

⁸ UNEP/CHW.12/9/INF/16/Rev.1.

- (b) The revised guide to the control system;⁹
- (c) The updated manual for the implementation of the Basel Convention;¹⁰

National reporting

8. *Notes with concern* that the national reporting targets for the years 2011 and 2012 approved by the Conference of the Parties at its eleventh meeting have not been met;

9. *Also notes with concern* that, as at 21 November 2014, 89 parties had not submitted their reports for the year 2011 and 97 parties had not submitted their reports for the year 2012;

10. *Acknowledges* that the problem of non-reporting, incomplete reporting or late reporting is serious because of the close link between the core obligations of the Convention and the obligation to submit national reports in accordance with paragraph 3 of Article 13 of the Convention;

11. *Takes note* that in 2011, 6 per cent of the parties submitted reports on time and 0.5 per cent of the parties submitted complete reports¹¹ and that in 2012 6 per cent of the parties submitted reports on time and 5 per cent of the parties submitted complete reports;¹²

12. *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 interim targets: 30 per cent¹³ of reports due for 2013 and for subsequent years are submitted on time and 20 per cent¹⁴ of reports due for 2013 and for subsequent years are submitted complete;

13. *Urges* parties to submit their reports complete and on time;

14. *Decides* that, in undertaking the classification of compliance performance with the national reporting obligation for the years 2016 and beyond, the Committee will:

(a) Classify parties on the basis of two criteria (timeliness and completeness of their reports) and in the five following categories:

- (i) Fully reported and on time;
- (ii) Fully reported (but late);
- (iii) Reporting incomplete (but on time);
- (iv) Reporting incomplete (and late);
- (v) Not reported;

(b) Classify parties on the basis of the following assumptions:

- (i) Information reported by parties is presumed to reflect reality, without prejudice to quality control by the Secretariat;
- (ii) The completeness of national reports is reviewed on the basis of the answers provided by parties to all questions and sub-questions of the revised reporting format,¹⁵ with the exception of questions and tables that are designated optional therein;
- (iii) Should a report contain answers that do not provide the information sought (such as “estimated data”, “in preparation”, “no data available” or “no information”), the party providing such answers will not be considered to have fully reported;

National legislation

15. *Invites* parties to use as appropriate, when evaluating their legislation, the updated manual for the implementation of the Basel Convention, including its checklist for the legislator;¹⁶

⁹ UNEP/CHW.12/9/Add.3/Rev.1.

¹⁰ UNEP/CHW.12/9/Add.4/Rev.1.

¹¹ As of 2 September 2013. See document UNEP/CHW/CC.10/5.

¹² As of 24 June 2014. See document UNEP/CHW/CC.11/6.

¹³ Baseline: 15 per cent for the reports due for 2010.

¹⁴ Baseline: 0.6 per cent for the reports due for 2010.

¹⁵ Adopted by decision BC-12/6.

¹⁶ UNEP/CHW.12/9/Add.4/Rev.1.

16. *Withdraws* the Model National Legislation;¹⁷

17. *Reminds* parties to share, through the Secretariat, texts of national legislation and other regulatory measures adopted by them to implement and enforce the provisions of the Basel Convention or to make use of the revised reporting format to transmit such texts to the Secretariat;

18. *Requests* the Secretariat to continue to provide advice to parties, upon request, on the enactment and review of implementing legislation and to provide technical assistance in accordance with the rules and procedures of the technical assistance programme;

III

Work programme for the biennium 2016–2017

19. *Approves* the work programme of the Committee for the biennium 2016–2017 set out in the annex to the present decision;

20. *Requests* the Committee to establish priorities, work methods and schedules with regard to the issues identified in the 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;

21. *Also requests* the Committee to report to the Conference of the Parties at its thirteenth meeting, in accordance with paragraphs 23 and 24 of the terms of reference of the mechanism for promoting implementation and compliance of the Basel Convention, on the work that it has carried out to fulfil its functions;

IV

Election of members of the Committee

22. *Elects*, in accordance with the terms of reference set out in the appendix to decision VI/12, the following members to serve on the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention until the close of the fourteenth meeting of the Conference of the Parties:

African States:	Mr. Abderaman Mahamet Abderaman (Chad) Mr. Humphrey Kasiya Mwale (Zambia)
Asia-Pacific States:	Mr. Iftikhar-Ul-Hassan Shah Gilani (Pakistan) Mr. Geri Geronimo R. Sanez (Philippines)
Central and Eastern European States:	Ms. Mari-Liis Ummik (Estonia) Ms. Tatiana Tugui (Moldova)
Latin American and Caribbean States:	Mr. Alberto Santos Capra (Argentina) Ms. Yocasta Valenzuela (Dominican Republic)
Western European and other States:	Ms. Fionna Cumming (New Zealand) Mr. Marcus Schroeder (Germany)

¹⁷ Adopted by decision III/6.

Annex to decision BC-12/7

Work programme of the Committee for Administering the Mechanism for Promoting Implementation and Compliance for the biennium 2016–2017

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

<i>Objective</i>	<i>Activity</i>
1. National reporting Improve timely and complete national reporting under paragraph 3 of Article 13 of the Convention.	(a) Classify and, as appropriate, publish parties' individual compliance performance with regard to their annual national reporting obligations for 2013, 2014 and 2015 as available based on the criteria and categories adopted by the Conference of the Parties at its tenth meeting ¹⁸ and using the targets set by the Conference of the Parties at its twelfth meeting; (b) Consider what additional steps could be taken to improve the timeliness and completeness of national reporting (such as face-to-face meetings and webinars) and, on the basis of that consideration, elaborate a plan recommending actions, incentives and other measures towards that end; (c) Revise the Committee's guidance on improving national reporting in the light of the revised reporting format.
2. Illegal traffic Prevent and combat illegal traffic.	Continue to develop, including through consultations with the Open-ended Working Group, guidance on the take-back provision under paragraph 2 of Article 9 of the Convention ¹⁹ and develop guidance on the implementation of paragraphs 3 and 4 of Article 9 of the Convention, integrating the two sets of guidance into one document, for consideration and possible adoption by the Conference of the Parties at its thirteenth meeting.
3. National legislation Improve implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention.	Consider what additional steps could be taken to improve implementation and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention.
4. Insurance, bond or other guarantee Improve the implementation of and compliance with paragraph 11 of Article 6 of the Convention.	Taking into account the report on the implementation of paragraph 11 of Article 6 of the Convention, ²⁰ develop, including through consultation with the expert working group on environmentally sound management, guidance to improve the implementation of paragraph 11 of Article 6 of the Convention for consideration by the Conference of the Parties at its thirteenth meeting.
5. Control system Improve the implementation of and compliance with Article 6 of the Convention.	Consider what additional steps could be taken to improve the implementation of and compliance with Article 6 of the Convention.
6. Improve the implementation of and compliance with obligations under the Convention	Regularly update the guidance on legal matters the Committee has developed (e.g., manual for the implementation of the Basel Convention, guide to the control system, guidance on the illegal traffic take-back provision), based on periodic feedback from users and suggestions from stakeholders and in the light of decisions taken by the Conference of the Parties, for consideration and possible adoption by the Conference of the Parties.

¹⁸ Decision BC-10/11, paragraph 18, which refers to paragraph 26 of document UNEP/CHW.10/9/Rev.1.

¹⁹ Document UNEP/CHW.12/9/Add.2.

²⁰ Document UNEP/CHW/CC.11/11.

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 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 implementation fund in the period between the twelfth and thirteenth 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 of the Basel Convention. The resources are intended to fund activities listed in the compliance action plans elaborated by the party concerned in its submission and approved by the Committee. In addition, the Committee shall review the operation of the implementation fund in the light of the experience of the Committee and other developments, including with regard to 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.

3. In relation to the amendment of paragraph 9 (c) of the terms of reference, the Committee shall provide to the Conference of the Parties at its fourteenth meeting a report on its evaluation of the effectiveness of the amendment mentioned in paragraph 4 of decision BC-12/7, including recommendations.