

**234th /244th session of Permanent Technical
Committee**

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Improving the PIC procedure and e-approaches to PIC: update on the work of the SIWGs and way forward

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The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

Adopted: 22 March 1989

Entry into force: 5 May 1992

Number of parties: 191

Objective: To protect human health and the environment against the adverse effects of hazardous wastes

Scope: Hazardous wastes and other wastes

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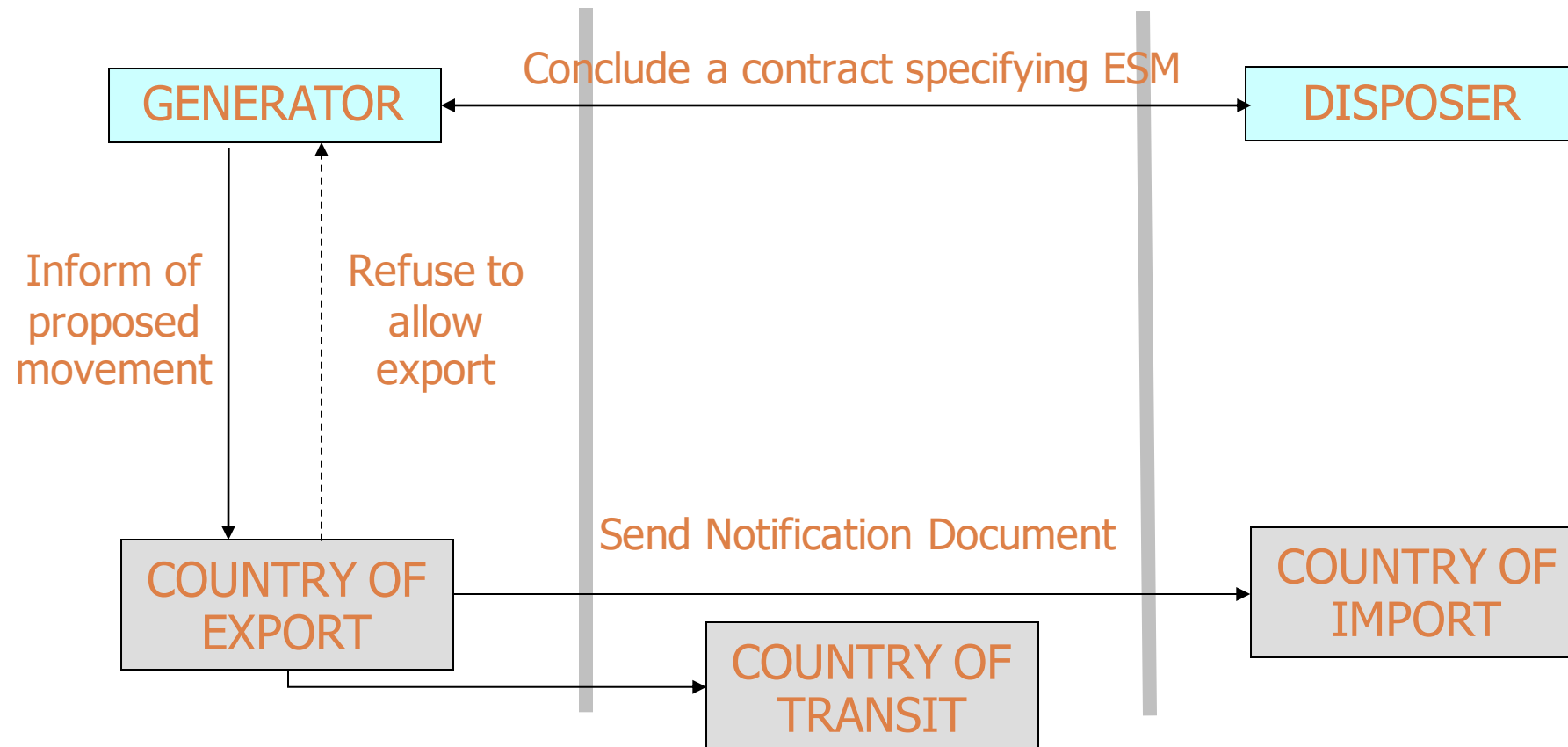
Transboundary Movements



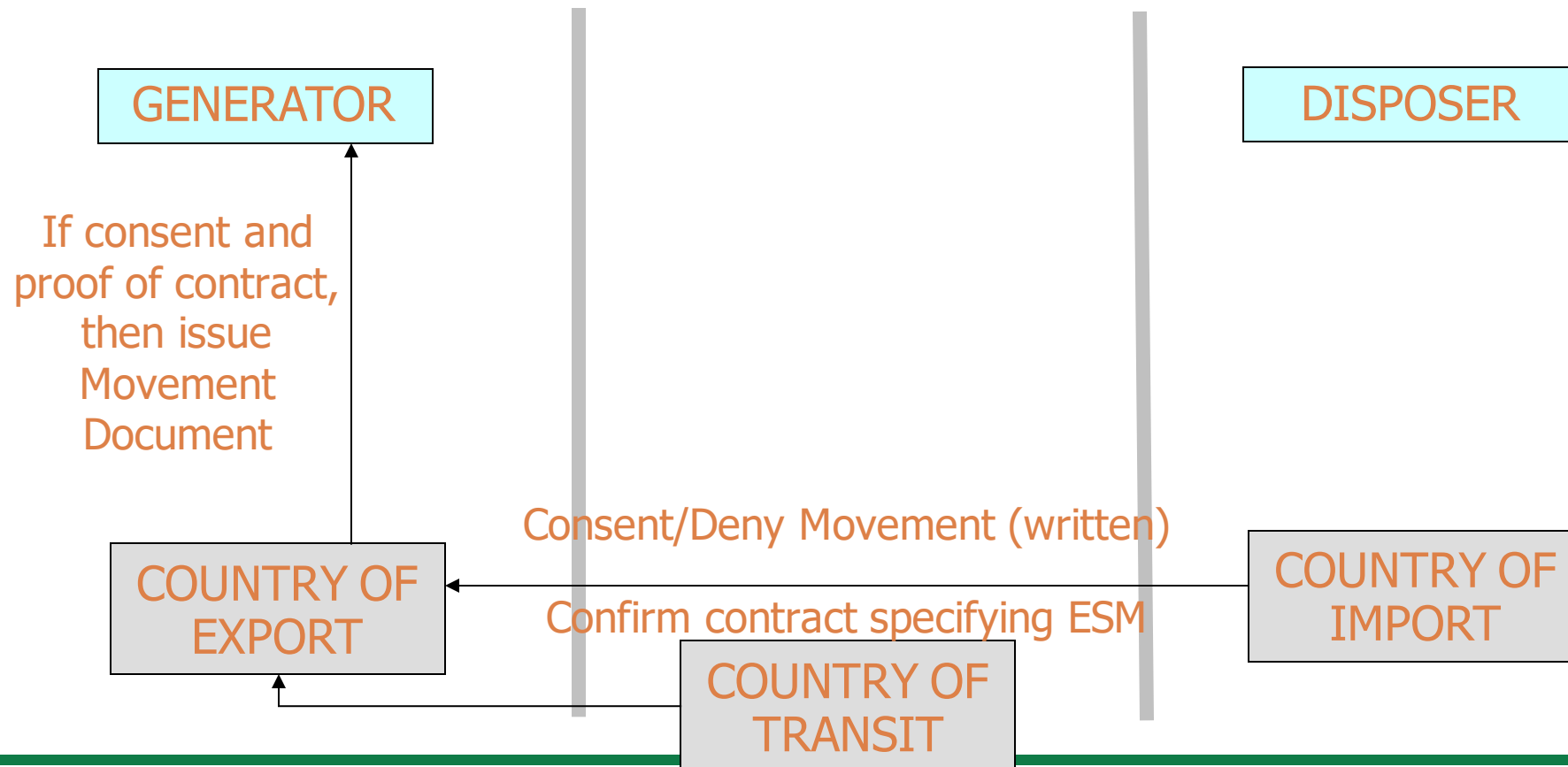
- Parties need to ensure that they have the procedures in place to implement the **control procedure for** transboundary movements of hazardous and other wastes
- Based on **four key stages**:
 1. Notification;
 2. Consent and issuance of movement document;
 3. Transboundary movement; and
 4. Confirmation of disposal.
- To consider if national legal framework makes provision for: Roles and responsibilities of relevant authorities; Authority and resources to implement; Coordination.

Prior Informed Consent (PIC) Procedure

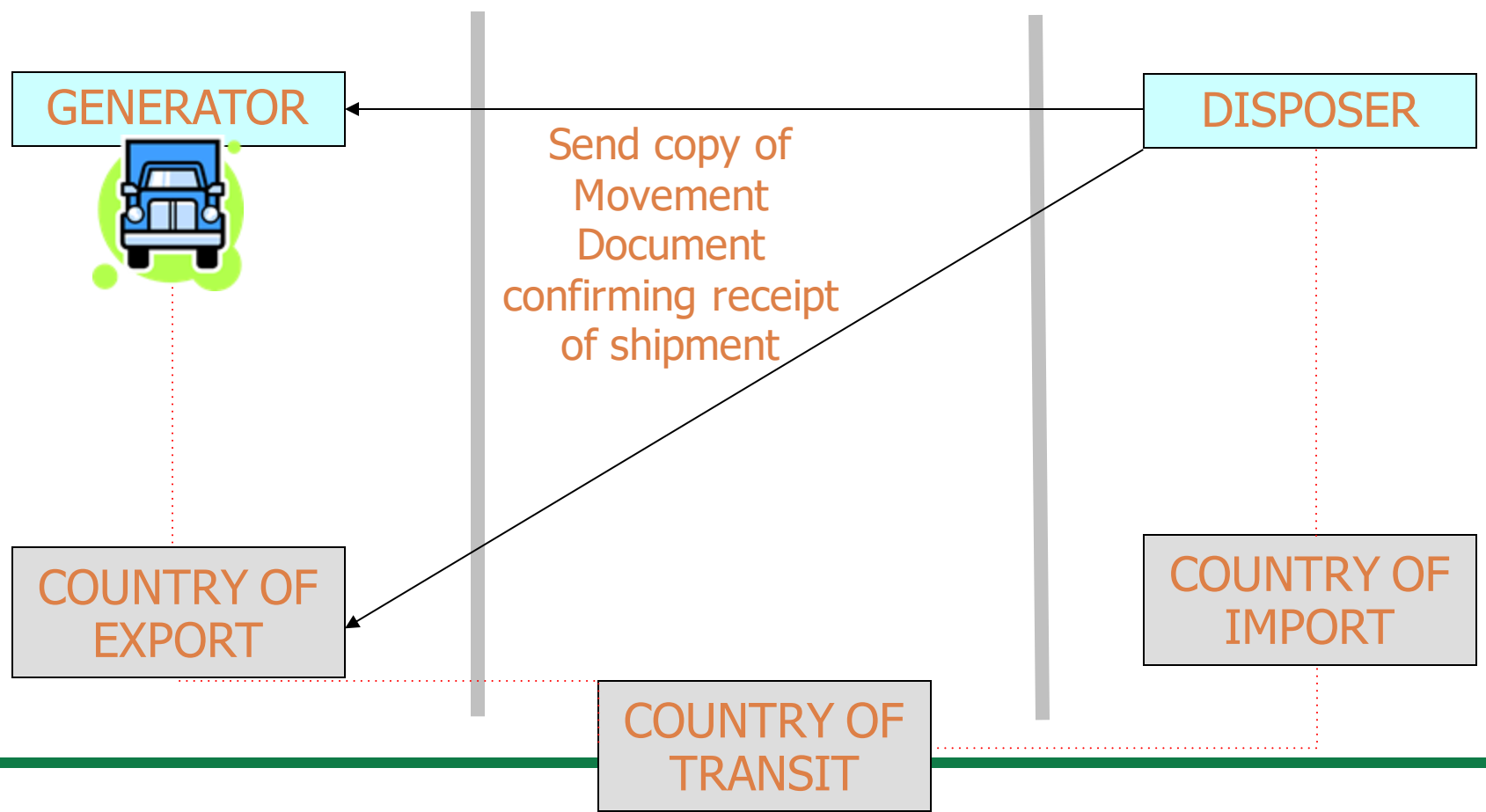
Stage 1: Notification



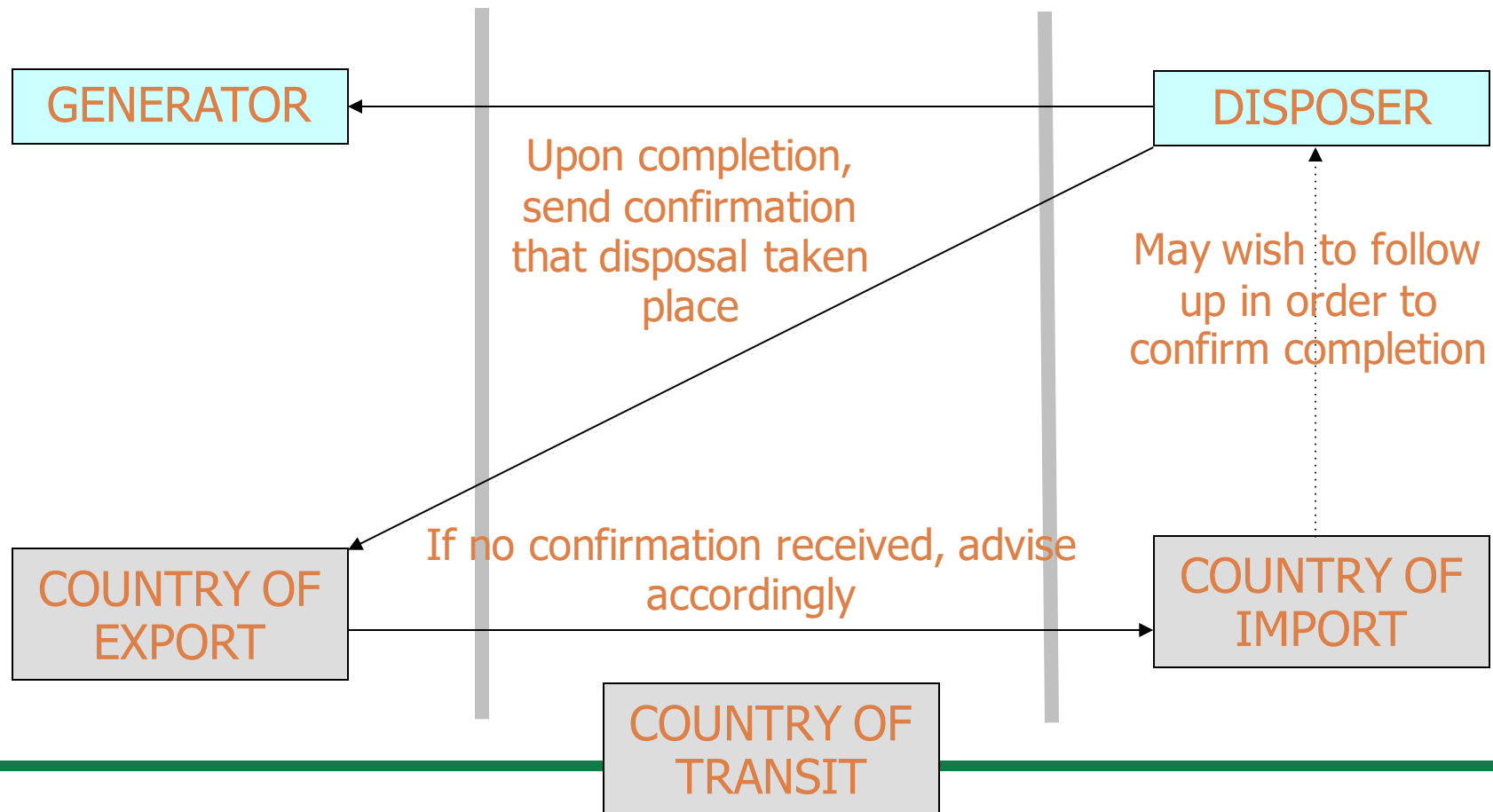
Stage 2: Consent & Issuance of Movement Document



Stage 3: Transboundary Movement



Stage 4: Confirmation of disposal



Mandate of the SIWG (decision BC-16/2)



..2. *Decides* to **establish a small intersessional working group** open to all Parties, with the aim of balanced representation of the five regional groups of the United Nations, to **identify challenges** in the implementation of the prior informed consent procedure under the Basel Convention and **best practices, possible approaches and initiatives** to improve its functioning, taking into account the compilation and synthesis of information received from Parties and observers set out in document UNEP/CHW.16/INF/6, the discussion during the thirteenth meeting of the Open-ended Working Group, views expressed at the sixteenth meeting of the Conference of the Parties, and ongoing work under the Convention, and to **develop recommendations** for improving the functioning of the procedure, avoiding duplication of work and ensuring consistency;

7. *Requests* the lead country or countries or, in the absence of a lead country, the Secretariat, subject to the availability of resources and in consultation with the small intersessional working group, to prepare a **report on challenges** in the implementation of the prior informed consent procedure and best practices, possible approaches and initiatives to **improve its functioning**, as well as **options for possible ways forward**, for consideration by the Open-ended Working Group at its fourteenth meeting;

9. *Requests* the Secretariat to report on the implementation of the present decision to the Open-ended Working Group at its fourteenth meeting and to the Conference of the Parties at its seventeenth meeting.

Information received in follow up to decision BC-16/2



- Submissions received from Parties:
 - EU and its member States
 - Japan
 - Morocco
 - Norway
 - Sri Lanka
 - Thailand
 - Trinidad and Tobago
- Submissions also received from two observers: USA and ITI
- Submissions available at:
<https://www.basel.int/Implementation/Controllingtransboundarymovements/ImprovingthePICprocedure/SmallIntersessionalWorkingGroup/tabid/9686/Default.aspx>

Structure of the report



The report on challenges, impacts, possible approaches and initiatives as well as best practice and options for further actions to improve the PIC procedure in **five** main thematic areas:

- Exchange of information between Parties (includes competent authority contact details and means of communications between competent authorities, information on national definitions, notification forms, e-notifications)
- Decision making (slow or no responses, timeframes)
- Capacity (includes national capacity, variation in approaches between CAs and lack of coordination between local authorities (customs, etc.))
- Financial guarantees
- Transit (definition of transit, decision making by transit authorities and shipping line concerns about transit countries)

Summary table of possible options/recommendations



Challenge	The COP could
Contact information on competent authorities	encourage Parties, CAs & others to report problems getting responses from FPs & CAs to the Secretariat for action.
	encourage Parties to use shared email accounts for FPs & CAs in combination with individual email accounts
	request the Secretariat incorporate reminders into the existing send annual or and semi-annual national reporting reminder emails
	develop a web-based tool that would allow FPs to update contact information for CA & FPs
	modify the national report to gather information on notified shipments that do not proceed due to a lack of response from CAs
Uncertainty as to receipt of notifications	encourage Parties to promptly communicate the receipt for notification
Means of communications with and between competent authorities	ask the Secretariat to determine how many Parties only accept paper notification and movement forms and how many Parties accept both paper and electronic notification documentation.
	give a role to Basel Convention Regional and Coordinating Centres in supporting Parties in their region in transitioning to the use of email and other electronic approaches for the transmission and receipt of notification documentation
	encourage Parties to use, where possible, email or other electronic approaches for the transmission of notification documents and, where possible, accept the electronic authentication of notifications documents, including, for example, the use of electronic signatures
Problems using notification and movement document forms	ask the Secretariat to compile the responses submitted by Parties to Question 4(a)(i) from national report
	ask the Secretariat to contact the Parties that have not responded to question 4(a)(i) and invite comments on any problems encountered problems with the notification and movement document forms
	invite views from Parties and observers on issues they have encountered with the use of notification and movement documentation other than those adopted by the COP and views on the inclusion of the notification and movement document forms adopted by the COP as an annex to the Convention
	The COP could ask the Secretariat to present the information gathered further to items (a), (b) and (c) to the COP for further consideration

Technical, financial and administrative capacity of competent authorities	- ask the Secretariat to develop and deliver training, including online training, in the implementation of the PIC - invite views from Parties and observers on issues that should be covered by the training The training could also include examples of best practice to help guide competent authorities and provide references to existing tools and guidance
	ask the Secretariat to develop examples of best practice in the implementation of the PIC procedure for dissemination to Parties
	invite views could be invited from Parties and observers on the development of guidance for Parties on cost recovery, such as national charging schemes
	could request the Secretariat to assess how the Conventions' website and how it could be improved in order to make its information on the PIC procedure more easily accessible,
	give the Basel Convention Regional and Coordinating Centres a role in supporting the development and delivery of training on implementation of the PIC
	give Basel Convention Regional and Coordinating Centres a role in providing technical support to Parties
	could consider establishing of a new, Partnership, with the overall mandate to promote measures to support the effective implementation of the PIC
Parties could work together to establish a new informal network composed of representatives from competent authorities on the model of the Asian network	
Transit transboundary movements	draw the attention of parties to the option, under the Convention for Parties to not require prior written consent, either generally or under specific conditions for transit transboundary movements
	seek information from Parties with maritime borders on their practical application of "transit" in respect to maritime transboundary movements with a view to publishing the information gathered to help notifiers and Parties understand the positions of Parties on maritime transit transboundary movements.
	could consider adding text on transit transboundary movements to the Glossary of Terms
	give Basel Convention Regional and Coordinating Centres a role in supporting discussion amongst Parties on transit transboundary waste movements and the practical application of transit transboundary waste controls
	encourage Parties to provide transit consents with an open time period (limited to a maximum of 12 months) but which is left to the competent authority of import and the competent authority of export to determine
	consider an instrument, binding or non-binding, to support Parties in respect to transit transboundary movement and in understanding of the Convention's provisions regarding the meaning of "State of transit", in particular in case of transport by sea

Time periods for decision making	encourage Parties, subject to national discretion and national capacity, to adopt time periods for notification decision making either in national legislation, national regulations, or in national guidance and align those as much as possible with approaches in other Parties
	invite Parties and observers to provide views on the use of harmonised time periods for notification handling and decision-making including views on time periods that would be acceptable to Parties
	consider an instrument, binding or non-binding, to support Parties in respect to decision making time periods
Lack of clarity regarding national provisions	further encourage Parties to submit and regularly update information on wastes defined as hazardous wastes pursuant to Article 1.1(b) and national provisions regarding transboundary movements of wastes
	consider the need to review Section C of the national reporting format to determine whether improvements could be made to this section to enhance the reporting by Parties of national provisions by which exports or imports of hazardous or other wastes are totally or partially prohibited by Parties.
	ask the Secretariat to review how information on wastes defined as hazardous wastes pursuant to Article 1.1(b) by Parties are presented on the Convention website
	invite views from Parties and observers on how to address situations when Parties cannot agree on whether a material is a waste
Simplified and faster decision making	highlight the potential value of pre-consultation meetings to Parties
	ask the Secretariat to undertake an assessment of the application of the pre-consented facility concept to the BC control system
	encourage Parties to make information on permitted facilities in their countries publicly available, potentially using the BC Export and Import Control Tool
	encourage Parties to grant consent to a shipment for a period of 12 months from the date consent is granted rather than in line with the timeline in the specified in original notification documentation.
	draw to the attention of Parties the potential role of bilateral, multilateral, or regional agreements or arrangements in simplifying the decision-making process for transboundary movements of waste, including simplification of the movement of specific waste types
Variation in approaches to financial guarantees	ask the Secretariat to include the experience and good practices on the use of insurance and other financial guarantees and the revised guidance on insurance, bonds and guarantees adopted by the COP in any new training, and also make this information available on the Convention's website
	ask the ICC to seek views from Parties and observers (including from the financial sector), on a regular basis, to assess implementation of the revised guidance on insurance, bonds and financial guarantees.

Way forward until OEWG-14



- 2nd draft report revised will be available as an information document for the 14th meeting of the Open-ended Working Group (OEWG-14)
- Comments invited from Parties and observers prior to OEWG-14
- Exchange of views at OEWG-14
- Further intersessional work until COP-17 to be decided shortly after OEWG-14

Work on electronic approaches



- Another working group was established under the Basel Convention to look into options to digitalize the PIC procedure.
- Work started with reports, analyses and surveys about initiatives in this area.
- A working group was established in 2022, and it counts with over 50 representatives of Parties and other stakeholders.
 - WCO is part of this working group.

In 2023, the mandate from decision BC-16/10 on e-approaches



- (i) **Reiterates** its invitation to Parties and observers willing to do so **to work on pilot projects** on electronic approaches to the notification and movement documents, taking into account the experiences of other Parties and of non-Parties, and the work carried out by other international organizations, and to submit their lessons learned to the Secretariat;
- (ii) **Requests** the lead country or countries or, if there is no lead country or countries, the Secretariat, subject to the availability of resources, in consultation with the **small intersessional working group**, to advance the work and **to prepare a report with further recommendations on electronic approaches** to the notification and movement documents, taking into account... (e.g., *work done before, experiences, pilot projects, etc*);
- (iii) **Requests the Secretariat:** (a) to organize, subject to the availability of resources, and in collaboration with **relevant stakeholders, technical assistance activities and awareness-raising events** in order to help Parties advance the work on electronic approaches to the notification and movement documents of the Basel Convention; (c) report back to the OEWG-14 (in 2024) and COP-17 (in 2025);

Working group met on 6 March 2024



- Exchanged views about initiatives already working or in progress (e.g., systems used by Canada and the USA, approach of the EU+MS, approach used by another trade related convention – eCITES, WCO initiatives in the area)
- Discussed the way forward and aspects that the working group needs to develop guidance for Parties, e.g.,:
 - Requirements for a system architecture and different approaches
 - Security requirements
 - Minimum set of functionality that national systems need to have
 - Minimum set of generic requirements to support international trade under the convention (e.g., data model and standards, multiple language support, flexible approach to evolve together with new requirements of the convention)
- The group will continue working on recommendations and a report will be prepared for the consideration of COP-17 in 2025.

Thank you!

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C O N V E N T I O N

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