



Addressing illegal trade and traffic of industrial chemicals, pesticides and waste for sound management of chemicals and waste beyond 2020

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Framework for life-cycle management: Basel, Rotterdam and Stockholm Conventions



Title: Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

Entry into force: 5 May 1992

Number of parties: 188

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

Scope: Hazardous wastes and other wastes

Key provisions:

- (i) **Minimization** of the generation of hazardous and other wastes
- (ii) **Control system for transboundary movements** of hazardous and other wastes based on notification and Prior Informed Consent
- (iii) **Environmentally sound management** of hazardous and other wastes in relation to transboundary movements

Title: Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

Entry into force: 24 February 2004

Number of parties: 164

Objective: To promote shared responsibility and cooperative efforts in international trade of certain chemicals

Scope: 52 pesticides, SHPFs and industrial chemicals that have been banned or severely restricted for inclusion in the Prior Informed Consent procedure and met the criteria set out in the Convention

Key provisions:

- (i) Prior Informed Consent procedure based on **import responses and export notifications** for other banned / severely restricted chemicals
- (ii) **Exchange of information** on a broad range of potentially hazardous chemicals

Title: Convention on Persistent Organic Pollutants (POPs)

Entry into force: 17 May 2004

Number of parties: 184

Objective: To protect human health and the environment from persistent organic pollutants

Scope: 30 POPs

Key provisions:

- (i) **Elimination** (POPs in annex A)
- (ii) **Restriction** (POPs in annex B)
- (iii) **Specific exemptions and acceptable purposes** for certain POPs
- (iv) **Reduction or elimination** (unintentionally produced POPs in annex C)

Synergies

Enhancing cooperation and coordination among the three Conventions

Strengthening the implementation of the three conventions at the national, regional and global levels

Providing coherent policy guidance

Enhancing efficiency in the provision of support to Parties, reducing their administrative burden and maximizing the effective and efficient **use of resources** at all levels

Combating illegal traffic and trade

www.brsmeas.org

[@brsmeas](https://twitter.com/brsmeas)

Export/import/transit controls under the **Basel Convention**

Basel Convention contains a detailed Prior Informed Consent (PIC) procedure with strict requirements for transboundary movements of hazardous and other wastes (notification and movement documents).

Right for each Party to prohibit import/export/transit of all or specific wastes and to add covered wastes (see national legislation).

Transboundary movements between Parties and non-Parties, including transit, generally not permitted.

Illegal traffic of hazardous and other waste under the Basel Convention

Illegal traffic is defined as a transboundary movement of hazardous wastes:

- without notification pursuant to the provisions of the Convention to all States concerned;
- without the consent of a State concerned;
- through consent obtained by falsification, misrepresentation or fraud;
- that does not conform in a material way with the documents; or
- that results in deliberate disposal (eg. dumping) of hazardous wastes in contravention of the Convention and of general principles of international law.



Transboundary movements not following the appropriate notification and consent procedures or resulting in deliberate dumping of wastes constitute illegal traffic, which is to be considered criminal under national legislation

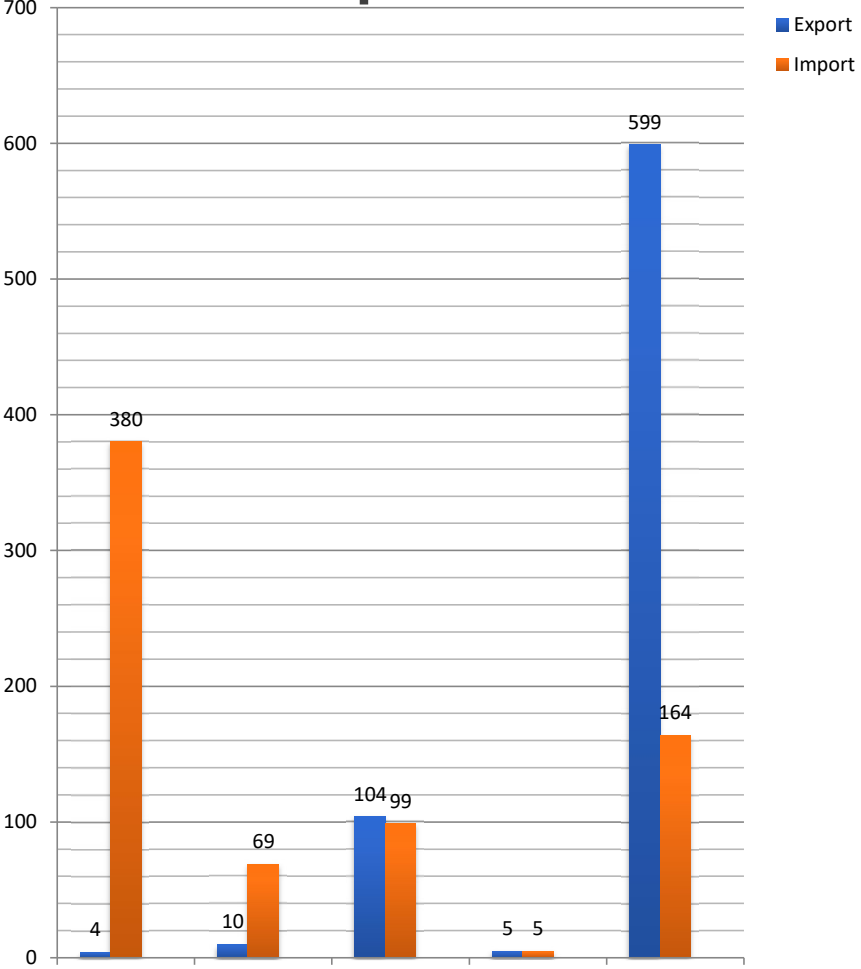


Consequences of illegal traffic:

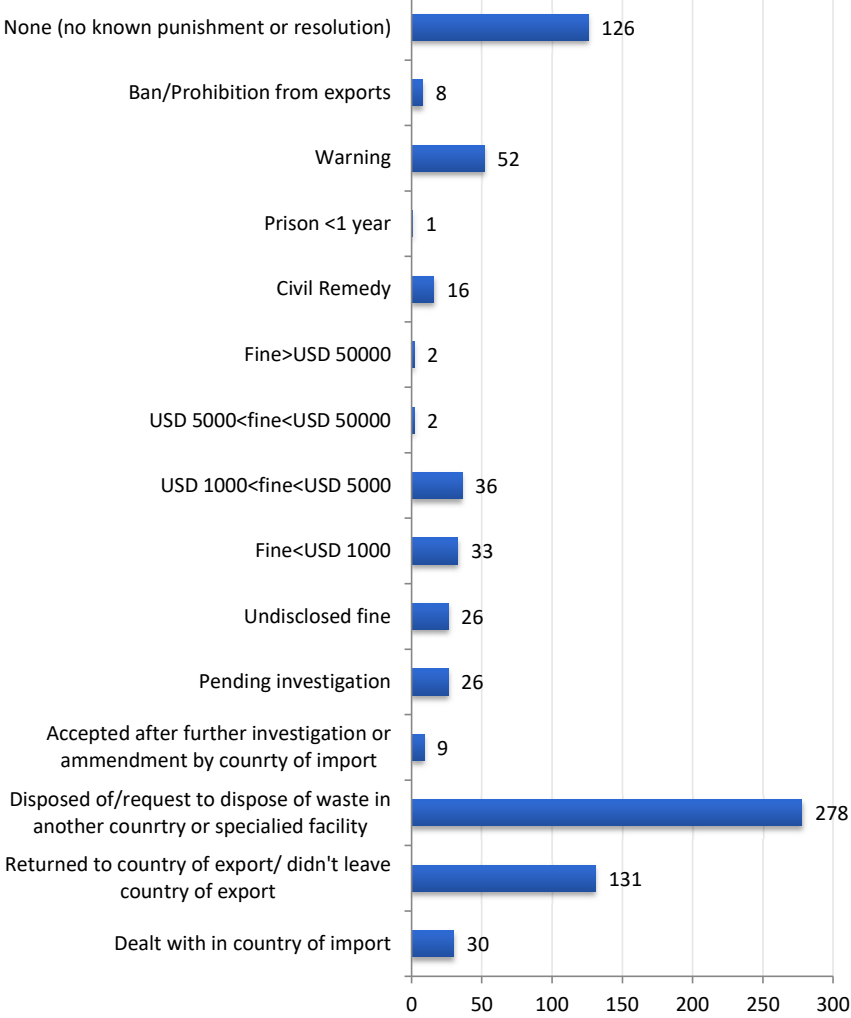
- result of conduct on the part of the exporter or generator
- result of conduct on the part of the importer
- Responsibility cannot be assigned either to the exporter or generator or to the importer or disposer



Reported cases of illegal traffic in 2017



Countries of export and import in WEOG for reported cases of illegal traffic



Regions of import and export for illegal traffic



Import/Export Controls under the **Rotterdam** Convention (1)

Prior Informed Consent (PIC) procedure based on import responses pertaining to chemicals listed in Annex III of the Convention:

-Import responses are the decisions taken by Parties indicating whether or not they will consent to the import of chemicals listed in Annex III of the Convention and subject to the PIC Procedure.

-If a country responded with “no consent to import” for one or more chemicals, customs should control the entry of these chemicals in the country.

Import/Export Controls under the **Rotterdam Convention** (2)

Information exchange based on Export notifications for **chemicals banned or restricted** by the exporting country.

Written acknowledgement by importing Party is to be given, but lack thereof does not preclude export from taking place.

Different than the PIC procedure.

Customs control: labeling requirements, safety data sheet



Import/Export Controls under the **Stockholm Convention**

Import: POPs chemical / waste

- ▣ Import of Annexes A and B chemicals/wastes is only allowed for:
 - The purpose of environmentally sound disposal;
 - A Party that benefits from a specific exemption/acceptable purpose.

Export: POPs chemical / waste

- ▣ Export of Annexes A and B chemicals/wastes is only allowed:
 - For the purpose of environmentally sound disposal;
 - To a Party that benefits from a specific exemption/acceptable purpose;
 - To a non-Party that certifies that it will comply with the stockpiles and wastes provisions of the Convention.

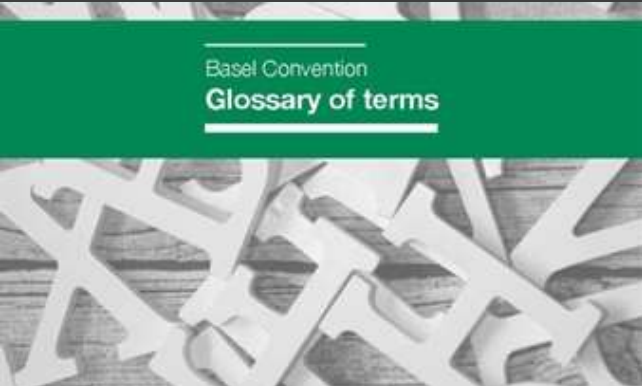
- ▣ If conditions are fulfilled, trade may take place, subject to the relevant PIC procedures:
 - ▣ If POPs wastes, **Basel** PIC procedure apply;
 - ▣ If POPs chemicals covered by **Rotterdam** Annex III, PIC procedure apply.

Synergies in combating illegal traffic and trade

- In 2017 COPs decisions on synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes.
- Draft form and explanatory document to enable Parties to the Rotterdam and Stockholm conventions to voluntarily provide information about cases of trade occurring in contravention of those conventions, for comments by Parties and subsequent consideration by the COPs in 2021



HS CODES



Important tools to combat illegal trade and traffic

- Implementation and Compliance Committee
- Technical guidelines, manual, guidance, etc.
- HS codes
- International cooperation
- Capacity building /partnerships



INTERNATIONAL COOPERATION

Ongoing cooperation with WCO,
INTERPOL, IMPEL and others

Support for the WCO Operations

E-learning course for customs in
cooperation with WCO

E-learning course on enforcement with
INTERPOL





**Environmental Network for Optimizing
Regulatory Compliance on Illegal Traffic –
ENFORCE**

**Plastic Waste Partnership (project group on
transboundary movements)**

Household Waste Partnership

**Follow up Partnership to the Partnership for
Action on Computing Equipment**

**Capacity-building activities on enforcement
(national legal frameworks, illegal trade and
traffic, plastic waste, e-waste, etc.)**

Capacity-building and partnerships



Examples

- Controlling the international trade of products containing hazardous substances in Peru
- Illegal traffic of DDT in Tajikistan
- Trafigura *Probo Koala* Incident



Source: "Practices in the Sound Management of Chemicals", UNDESA, Stockholm Convention, UNEP, link: http://www.un.org/esa/dsd/resources/res_pdfs/publications/sdt_toxichem/practices_sound_management_chemicals.pdf

Thank you

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