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Basel Convention

NATIONAL ENFORCEMENT REQUIREMENTS

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A Global Solution for Managing Hazardous Wastes

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National Enforcement Requirements

Enforcement is central to the effective implementation of the Basel Convention. Although it may seem a straightforward activity, it happens to be rather complex because of its multidimensional requirements. There is a need for a proper infrastructure, adequate staffing of trained personnel, appropriate logistical support and knowledge of hazardous wastes.

From an operational point of view, a properly integrated national enforcement programme would include: tracking of hazardous waste shipments; visits to company sites (and other sites); transport control/checks/inspections; sampling and testing; information exchange.

A number of basic criteria are required to fulfill the aims of the Basel Convention. These are:

- The existence of a regulatory infrastructure and enforcement that ensures compliance with applicable regulations;
- Sites or facilities (including storage) are authorized and of an adequate standard of technology and pollution control to dispose of the hazardous waste in the way proposed, in particular taking into account the level of technology and pollution control in the exporting country;
- Operators of sites or facilities at which hazardous wastes are disposed are required, as appropriate, to monitor the effects of those activities;
- Action is taken at the site or facility in the case of accidental spillage, and in cases where monitoring gives indication that the disposal of hazardous wastes have resulted in unacceptable emissions;
- Persons involved in the disposal of hazardous wastes are capable and adequately trained;
- Any residues from the recovery of hazardous wastes and portions of unrecovered materials should be managed in an environmentally sound manner, including final disposal;
- Evidence of an action plan for emergencies or accidents covering the disposal operations.

To be operational, enforcement personnel (competent authorities; police; customs officers; port or airport authorities, coast guards) need to be trained in the following technical areas:

- identification of hazardous wastes;
- knowledge of companies' operations;
- knowledge of the United Nations Recommendations on the Transport of Dangerous Goods (all modes of transport);
- understanding of laboratory results on sampling and testing;
- familiarities with Notification and Movement Document, tracking documents, permits, contracts, financial guarantees;
- statistical information and processing of data provided by the World Customs Organization;

- identification of cases of illegal traffic.

Because of lack of manpower or lack of trained enforcement personnel or equipment, a number of activities may be the source of difficulties, such as:

- tracking down of illegal shipments;
- development of practical guidelines for sampling liquid and solid hazardous wastes that could be harmonized at regional level;
- agreement on which hazardous wastes to be monitored as a matter of priority;
- thorough company visits;
- way of getting up-to-date information on active movements of hazardous wastes;
- time necessary for analysing samples, interpretation of laboratory results.

As part of its functions, the Secretariat of the Basel Convention is providing, upon request, assistance to countries in the field of enforcement.

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