



Implementation and Compliance Committee**Minamata Convention on Mercury****Seventh meeting**

Geneva, 18–20 February 2025

Item 4 of the provisional agenda*

National reporting pursuant to Article 21

Information on best practices, possible approaches and initiatives from other multilateral environmental agreements regarding the functioning of their trade procedure

1. The Secretariat prepared this document in response to the request, issued by the Committee at its sixth meeting, to collect information on best practices, possible approaches and initiatives from other multilateral environmental agreements (MEAs) regarding the functioning of their trade procedure. The present document has not been formally edited.

2. The Secretariat collected information related to the trade procedures of the following trade-related MEAs: Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention), Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Montreal protocol on Substances that Deplete the Ozone Layer, and the Cartagena Protocol on Biosafety.

The establishment of a small intersessional working group to improve the functioning of the PIC procedure under the Basel Convention

3. The Basel Convention sets out a detailed Prior Informed Consent (PIC) procedure with strict requirements for transboundary movements of hazardous wastes and other wastes. Concerns relating to the functioning of the PIC procedure were raised during the resumed face-to-face segment of the fifteenth meeting of the Conference of the Parties to the Basel Convention (6–17 June 2022)¹. During that meeting, in the context of discussions regarding the Convention's strategic framework, a Party representative of a regional integration organization and its Member States introduced a proposal to launch a process to improve the functioning of the PIC procedure.

4. The fifteenth meeting of the Conference of the Parties subsequently agreed to initiate work to improve the functioning of the PIC procedure through the adoption of decision BC-15/3. This decision invited Parties and observers to submit to the Secretariat, by 30 November 2022, information on challenges in the implementation of the PIC procedure and on best practices, possible approaches, initiatives and views to improve the functioning of the procedure. The Secretariat was also requested to compile and synthesize the information received from Parties and observers for consideration by the Open-ended Working Group at its thirteenth meeting. Finally, the Open-ended Working Group at its thirteenth meeting, was requested to consider the compilation and synthesis of information prepared by the Secretariat and to develop draft recommendations for consideration by the Conference of the Parties at its sixteenth meeting.

* UNEP/MC/ICC.7/1.

¹ UNEP/CHW.15/31/Add.1.

5. In its sixteenth meeting, the Conference of the Parties by decision BC-16/2 decided to establish the small intersessional working group to improve the functioning of the PIC procedure. The small intersessional working group was established open to all Parties, with the aim of balanced representation of the five regional groups of the United Nations. The small intersessional working group is 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.
- Develop recommendations for improving the functioning of the procedure, avoiding duplication of work and ensuring consistency.

6. Decision BC-16/2 also invited Parties and others to submit to the Secretariat by 30 September 2023 further information on challenges in the implementation of the PIC procedure and on best practices, possible approaches and initiatives to improve its functioning. The Secretariat was requested to make the information received available on the website of the Convention and to prepare a compilation of the information received. Finally, the decision called upon the lead country or countries or, in the absence of a lead country, the Secretariat, and in consultation with the SIWG, 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. The Government of France agreed to serve as the lead country for the preparation of the report for consideration by the Open-ended Working Group.

7. The lead country, in consultation with the small intersessional working group, developed a report and options for possible ways forward to be considered by the Open-ended Working Group at its fourteenth meeting as set out in document UNEP/CHW/OEWG.14/INF/4. The SIWG furthermore agreed at its first meeting, held on 7-8 March 2024 in Geneva, Switzerland to invite Parties and observers to provide written comments on the report and options for possible ways forward ahead of the fourteenth meeting of the Open-ended Working Group. During the second part of the meeting, which took place from 9 to 11 October 2024 in Geneva, Switzerland, the group further considered the report revised to take into account the outcome of the Open-ended Working Group at its fourteenth meeting and submissions from Parties and observers as well as submissions from Parties and observer made by 3 June 2024 and 31 August 2024.

8. The revised report identified challenges, impacts, best practices, possible approaches and initiatives and options for improving the functioning of the PIC procedure, with respect to:

- Challenges with exchange of information with and between competent authorities (e.g. outdated, incomplete or incorrect contact information, the means of communications with and between competent authorities, uncertainty as to whether notifications have been received by competent authorities and problems using notification and movement forms);
- Lack of technical, financial and administrative capacity of competent authorities;
- Challenge of obtaining responses from competent authorities of States of transit; and
- Delays in the decision-making process (e.g. the absence of clear time periods for the processing, and lack of clarity on relevant national provisions)

9. The revised report is expected to be submitted in an information document to the Conference of the Parties at its seventeenth meeting in 2025.²

Illegal traffic in the work programme of the Committee administering the Mechanism for Promoting Implementation and Compliance with the Basel Convention

10. Under article 9 of the Basel Convention, illegal traffic occurs if the transboundary movement of hazardous wastes is taking place under the conditions listed in the same article. The Conference of the Parties requested Parties to bring any cases or alleged cases of illegal traffic to the attention of the

² More information on the work of the SIWG on the improvement of the functioning of the prior informed consent procedure under the Basel Convention is available at 1st SIWG PIC procedure

Secretariat and to provide the Secretariat with all necessary information to enable it to take any appropriate action.

11. Within its mandate to improve the implementation of and compliance with Article 9 on preventing and combating illegal traffic, the Committee administering the Mechanism for Promoting Implementation and Compliance was requested by the Conference of the Parties (decision BC-16/14) to undertake a number of activities. These included a scoping exercise to:

- Review the information provided in table 9 of the national reports transmitted for the years 2020 and 2021 with a view to estimating: (i) how many cases of illegal traffic there were; (ii) with respect to which wastes (including regionally based information); (iii) in which regions; and (iv) how they were resolved; and make recommendations based on the outcome of the review;
- Assess the reasons for which Parties do not complete or have difficulties in completing table 9 of the reporting format and what measures could be recommended to the Conference of the Parties towards improving the rate of completion of table 9 as well as the quality of information provided therein;
- Identify discrepancies in the information reported by Parties on cases that could constitute illegal traffic and make recommendations based on the outcome of the review.

12. The Conference of the Parties also requested the Committee to establish a dialogue and coordinate with the Basel Convention regional and coordinating centres, relevant international organizations and cooperate with compliance bodies of other multilateral environmental agreements on their activities aimed at supporting Parties in preventing and combating illegal traffic and develop recommendations for consideration by the Conference of the Parties. The Chair of the Implementation and Compliance Committee as well as the Secretariat of the Minamata Convention were invited to participate in these dialogues, including the most recent one held during the sixteenth meeting of the Committee in October 2024.³

13. In decision BC-16/14, the Conference of the Parties also mandated the Committee to undertake activities related to national coordination mechanisms, review of national legislation, cooperative arrangements, dissemination of guidance and tools.⁴

Compliance Assistance Programme of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

14. CITES requires Parties to the Convention not to trade in listed species other than in accordance with the Convention, to take appropriate measures to enforce the Convention, to prohibit and penalize trade in violation of the Convention and to confiscate illegally traded specimens. At its eighteenth meeting in 2019, the Conference of the Parties established a Compliance Assistance Programme (CAP) targeted towards assisting Parties with difficulties in achieving compliance with the Convention and related recommendations of the Standing Committee. Parties become eligible to benefit from the CAP based on the recommendations of the Standing Committee and the overall assessment by the Secretariat based on a set list of criteria, including being subject to one or several compliance procedures. If a Party is facing compliance challenges, it is invited to approach the CITES Secretariat for advice and guidance.

15. The Secretariat has provided technical assistance to assist Parties in the implementation of the Standing Committee's recommendations and deal with legal, scientific, enforcement and other relevant matters. This assistance related to procedures to issue, authenticate and control permits and shipments, guidance to report on legal trade and other reporting requirements, protocols and tools to detect and prosecute illegal wildlife trade, and good practices and procedures to dispose of seized and confiscated specimens.⁵

³ For more information see documents UNEP/MC/COP.4/INF/17 and UNEP/MC/COP.5/INF/28 on cooperation and coordination between the secretariats of the Minamata Convention on Mercury and of the Basel, Rotterdam and Stockholm conventions.

⁴ More information is available on the Basel Convention website: <https://www.basel.int/Implementation/LegalMatters/Compliance/GeneralIssuesActivities/Activities202425/IllegalTraffic/tabid/10031/Default.aspx>

⁵ More information about the CAP is available at <https://cites.org/sites/default/files/eng/prog/Compliance/CAP-Compliance-Assistance-LAC.pptx>

The informal Prior Informed Consent mechanism under the Montreal protocol on Substances that Deplete the Ozone Layer

16. The Montreal Protocol establishes ban on the production and consumption of the most potent ozone depleting substances (ODS), such as chlorofluorocarbons (CFCs), halons, and carbon tetrachloride (CTC). In order to enable countries to effectively monitor and control trade in ODS and to prevent illegal and unwanted trade, the Parties to the Montreal Protocol established, in 1997, a system for licensing the import and export of new, used, recycled and reclaimed ODS and ODS-containing mixtures. Such a licensing system is coupled with a quota system that sets levels of permitted imports and exports. iPIC is an important tool which can significantly contribute to this effort.

17. The ‘informal Prior-Informed Consent’ (iPIC) mechanism was launched in 2006 by UNEP OzonAction, as part of its work in providing assistance to developing countries to fulfil their commitments under the Montreal Protocol. iPIC is a voluntary and informal mechanism of information exchange between trade partners on intended trade in ODS, ODS-containing mixtures, products and equipment prior to issuing import/ export licences. The iPIC mechanism enables iPIC member countries to share details of eligible importers and exporters with other iPIC members through a secure online platform. UNEP’s regional iPIC focal points can provide valuable assistance and support to follow-up on specific cases, as required. iPIC has been recognised by the Parties of the Montreal Protocol as a useful tool which can be used to reduce discrepancies between import and export data, to identify and reduce illegal trade and cases of non-compliance with domestic legislation.

18. Developed and developing countries which are not already members are encouraged to join iPIC. The secure, password-protected online system is accessible to registered country member users (country focal points) where they can update their respective iPIC country data and consult those of other member countries. Membership to iPIC is limited to government officials responsible for issuing import/export licences and quotas for Ozone Depleting Substances (ODS) and other substances controlled under the Montreal Protocol.⁶

Detection and identification of living modified organisms (LMOs) under the Cartagena Protocol on Biosafety

19. Article 18 of the Protocol addresses the issue of the handling, transport, packaging and identification of LMOs. The detection and identification of LMOs plays a part in the ability of national authorities to distinguish whether or not there are LMOs in a shipment both through proper packaging and labelling of shipments and through the analytical, laboratory-based analysis of the contents of a shipment to detect unauthorized and unintended LMOs. Furthermore, the identification of LMOs is also vital to the implementation of Articles 17 and 25 on unintentional and illegal transboundary movements respectively.

20. At its tenth meeting in 2022, in decision CP-10/11, the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP) welcomed the publication of Biosafety Technical Series 05: Training Manual on the Detection and Identification of Living Modified Organisms in the Context of the Cartagena Protocol on Biosafety.⁷ The manual include an overview of available detection and identification methodologies as well as considerations for national strategies towards detection and identification of LMOs.

21. In addition, the COP-MOP requested the Executive Secretary to continue the work mandated under decision CP-9/11, such as online discussion of the Network of Laboratories for the Detection and Identification of Living Modified Organisms, among others. Furthermore, in decisions CP-10/3 and CP-10/4, the Implementation Plan and Capacity-Building Action Plan for the Cartagena Protocol for the period up to 2030 were also adopted. The plans include a goal specific to the detection and identification of LMOs (Goal A.8 “Parties are able to detect and identify LMOs”). The goal aims to ensure that Parties are able to respond to unintentional and illegal transboundary movements and to

⁶ More information on iPIC is available at https://wedocs.unep.org/bitstream/handle/20.500.11822/27126/7732-e-iPIC_Report_2014.pdf?sequence=1&isAllowed=y

⁷<https://s3.amazonaws.com/km.documents.attachments/339b/6d88/9cbffd042987e764785ae026?AWSAccessKeyId=AKIAT3JJQEDLXMBJAHR&Expires=1736766641&response-content-disposition=inline%3B%20filename%3D%22CBD-BioSafetyTechSeries05-TrainingManual-f-web.pdf%22&response-content-type=application%2Fpdf&Signature=yzN2UrHSbx%2Fgfe%2Ft6LuTdKT4aFg%3D>

implement the handling, transport, packaging and identification requirements in accordance with the Protocol.⁸

⁸ More information on the matter is available at https://bch.cbd.int/protocol/cpb_detection.shtml