

Joint Meeting:

- **Workshop 2012 of the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes (Asian NT)**
- **1st Workshop of the Regional Enforcement Network for Chemicals and Waste (Project REN)**
20 – 23 November 2012, Cebu, Philippines

ISSUES PAPER

Asian NT Workshop

Session 1: Updates on National Regulations and Border Control Activities for Enforcement of the Basel Convention

Underlying Assumptions

- It is beneficial to understand and share recently established, amended and draft legislation that is currently under discussion among the participating countries. One of the possible discussion points is import/export control of hazardous wastes and secondhand items such as electrical and electronic equipment waste (E-waste) between exporting and importing countries for ensuring better control.
- It is important to share the difficulties on implementation of the Basel Convention and combating illegal trafficking of hazardous wastes as well as the good practices for overcoming them.
- Considering the recent development of the facilities ensuring environmentally sound management (ESM) of hazardous wastes in Asian countries, it is valuable to share the information on the legal mechanism of ESM for certain waste streams, such as E-waste, waste lead acid battery which most participating countries are interested in.

Presentation

Please see the annex (Presentation request diagram).

Discussion

- Questions and answers on rules and regulations as well as domestic definitions and criteria on hazardous wastes.
- What are the current practices on border control activities, especially the collaborative work with customs such as joint inspection, awareness raising and

training activities and developing take-back procedures for illegal transboundary movement of the wastes?

- What is the current situation of mechanism for hazardous wastes in Asian countries?

Expected Goals

Through the discussion, participants are expected to:

- Learn the latest information on rules and regulations on hazardous wastes of other countries.
- Understand the current situation of the waste management mechanism and border control practice in Asian countries.

Session 2: Current Activities on Environmentally Sound Management of Hazardous Wastes and Other Wastes in Asia

Underlying Assumptions

- At the past Asian Network workshops, participants shared common understanding that collecting information and mapping on the existing ESM facilities in Asian region would be useful for better understanding of the ESM status in the region.
- While some opinions were expressed that defining and mapping the ESM facilities may be difficult, it is considered to be valuable to collect relevant information on the existing criteria or guidelines which define or authorize such ESM facilities in both Asian and other regions.
- It would be practically useful to share the information about the ESM facilities and the defining criteria for effective PIC procedure under the Basel Convention as it helps to understand and identify a recycling or treating facility that can ensure ESM of hazardous wastes.
- Private sectors (such as OEM) also have own criteria and view to chose, evaluate and monitor ESM facilities for their used products which are taken back from the customers. Therefore, industry's perspective is also useful.
- The Section B of COP10 decision (BC10/3) decided to establish the technical expert group (TEG) to develop a framework for the ESM of hazardous wastes and other wastes. Two TEG meetings have been already held and the third meeting will be held in January 2013 for further development of ESM framework. The draft framework will be submitted to COP11 to be held in May 2013 for consideration and possible adaption.
- Furthermore, the TEG is also discussing ways in which the framework and its elements might be linked to the issue of transboundary movement (TBM) of hazardous and other wastes. Discussing this issue at the Asian Network workshop is timely since we can provide inputs to TEG from the perspective of the Asian region.

Presentation

Please see the annex (Presentation request diagram).

Discussion

- What does your country define ESM in general? What are elements for ESM and what kind of tools (or instruments) are used to operationalize those ESM elements?
- What is the current status of development of ESM facilities in your country?

- What facilities are located in Asia by each waste category? (e.g., E-waste, used lead acid batteries, waste fluorescent lamp, etc.)
- How can the ESM facility information and information on good practices related to promoting ESM be utilized for effective implementation of the Basel Convention?
- What can be shared or learned from the practices to ensure ESM at a recycling and treating facility for hazardous wastes in other region as well as the practices conducted by the industry?
- What is the most significant challenge for realizing ESM in your country and what kind of strategy would be necessary to address the issue under the Basel Convention?
- How ESM issues and TBM can be linked?

Expected Goals

Through the discussion, participants are expected:

- To acquire an overall understanding on concept of ESM as well as legal framework and practice carried out in each country for operationalizing ESM.
- To obtain clear picture of the current status of ESM facility development in Asian region.
- To have better understanding about the ongoing discussion to develop ESM framework by TEG under the Basel Convention.
- To exchange views about ESM framework and possible link between ESM and TBM.

Joint Programme between the Asian NT and Project REN

Session 1: Collaboration among Regional Networks

Underlying Assumptions

- Building on the networks of the regional project, “Regional cooperation for monitoring and control of ODS consumption and preventing illegal trade”, established in 2001, the regional enforcement network in Asia is active since 2007 covering substances and goods that are controlled by four chemicals and waste MEAs, i.e. Montreal Protocol, Basel Convention, Rotterdam Convention, and Stockholm Convention. The Multilateral Environmental Agreements Regional Enforcement Network (MEA-REN) project was concluded in May 2011.
- IMPEL-TFS and Asian Network have been in contact with one another since 2007 and representatives of each networks participated in the respective workshops and conferences. As the result useful information has been shared, and some difficulties are also identified during the activities.
- The partners believe that project oriented collaboration can be initiated among the networks since it enhances the cooperation for promoting better implementation of combating illegal trade of the hazardous wastes.
- IMPEL-TFS proposes strengthening the cooperation among the enforcement networks through developing the guidance for verifying destined facilities in exporting country and for promoting practical information dissemination about Competent Authority.
- COP 10 decided in its BC10/11 to include a activity of illegal traffic and requested the Committee for Administering the Mechanism for Promoting Implementation and Compliance to draft terms of reference for the cooperative arrangements on preventing and combating illegal traffic among the existing networks, such as the INECE, IMPEL-TFS, Asian Network, Project REN, and partners of the Green Customs Initiative.
- Project REN has proposed to implement itself through collaborative actions among the existing enforcement networks and partners in the region, in its goal to make the regional enforcement networking sustainable and semi-permanent.
- It is also valuable to utilize the existing platform and tools Asian Network and IMPEL-TFS have already developed and coordinated action can be effective.

Presentation

Please see the annex (Presentation request diagram).

- Development of TOR for enhancing cooperation on prevention and combating

illegal trafficking and recent activities

- IMPEL-TFS recent activities on preventing and combating illegal traffic and the proposal
- Project REN work plan and proposal for enhancing cooperation among the enforcement networks
- Asian Network activities and its way forward

Discussion

- What kind of collaboration can be done?
- What are the challenges to 'building on' the existing networks and collaboration?
- How can networks become sustainable?
- What sort of activity can be possibly initiated among the networks?

Expected goals

Through the discussion, participants are expected to:

- Understand the recent activities which conducted under the regional networks.
- Identify the collaborative project oriented activities relating the combating to illegal tranboundary movement of the hazardous wastes (but not to limited to) and specific step wise actions

Session 2: Tackling Illegal Trafficking through Enforcement Operations

Underlying Assumptions

- COP10 adapted the decision 10/3 Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention. In the section E of the decision BC10/3, combating illegal traffic more effectively is addressed to prevent harm to human health and the environment, recognizing the importance of preventing and combating illegal traffic in hazardous wastes and other wastes.
- In this regard, COP requested the Secretariat to build on and enhance existing actions to stimulate cooperation between existing networks and also to stimulate the formation of new networks, in particular with other enforcement organizations or in regions where such networks currently do not exist.
- Project REN's activities aim to develop sustainable approaches to law enforcement on chemicals and waste including activities such as developing intelligence, sharing best-practice, institutionalising enforcement training, and developing enforcement operations.
- RILO and INTERPOL activities aim to support member country agencies by providing platforms for information and intelligence exchange, and capacity to analyse and disseminate information for enforcement activity by countries.
- WCO and INTERPOL develop enforcement operations and initiatives to encourage better communication, cooperation and responses to identified environmental crime problems.

Presentation

Please see the annex (Presentation request diagram).

- Project REN introduction and overview of core activities
- WCO RILO A/P
- WCO ROCB A/P

Discussion

- How can enforcement be enhanced across the region through cooperation and intelligence sharing?
- What kinds of enforcement operations can realistically be achieved?
- What can be jointly done to enhance more effective joint enforcement operation among networks?
- What are the action items for promoting joint enforcement operation?
- What are the major impediments to information sharing across borders?
- How can we move beyond seizures towards more comprehensive and

preventative enforcement actions?

Expected goals

Through the discussion, participants are expected to:

- Identifying collaborative activity among the networks for more effective enforcement operation
- Identify challenges to enforcement and explore methods to overcome them.
- Identifying the specific action plan and its way forward

Session 3: Technical Assistance - Implementing Take-Back

Underlying Assumptions

- At the past AN workshops, takeback issues have been identified one of the most biggest challenges for implementing the Basel Convention.
- COP10 adapted the decision 10/11 regarding the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention and the work programme for the biennium 2012–2013. The work programme of the Committee for 2012–2013 approved by the decision requests the Committee to review parties' implementation of and compliance with the take-back provision set forth in paragraph 2 of Article 9 of the Convention, including the difficulties faced by parties, and develop a guidance document based on best practices and suggesting a harmonized approach to the implementation of this provision.

Presentation

Please see the annex (Presentation request diagram).

- Recent activity of collecting practices by Parties for dealing with take-back and the difficulties

Discussion

- What defines the take-back in your country besides to the provision of Basel Convention?
- What are difficulties for dealing with take-back cases?
- What is the procedure for take-back?
- What can be a common procedure for take-back?
- Activities for take-back under HSHW frameworks

Expected goals

Through the discussion, participants are expected to:

- Understand the definition of the take-back
- Understand the difficulties of the take-back
- Identify the possible common approach for take-back
- Understand the recent activities which conducted under the regional networks.