

**Workshop 2014 of the Asian Network for Prevention of  
Illegal Transboundary Movement of Hazardous Wastes  
26-28 November 2014, Okayama, Japan**

**ISSUES PAPER**

***Session 1: Updates of National Regulation, Implementation Status and Import/Export Statistics (November 26<sup>th</sup> and morning of 27<sup>th</sup>)***

**Background Information**

- Asian Network is a platform for information exchange among the competent authorities and focal points of the Basel Convention in Asia. In this year's workshop, we focus on sharing the updated legal system, policy on transboundary movements (TBM) or enforcement matters to enhance the mutual understanding for effective implementation of the Basel Convention once again considering the basic function of the Network.
- Under the Basel convention, e-wastes and Used Electrical and Electronic Equipment (UEEE) have been hot issues in recent years. Some Asian countries has established or plan to establish new legal system or guidelines for import control of e-wastes and UEEEs, such as import regulation of E-wastes and criteria for distinguishing UEEEs from E-waste. It is timely and worthwhile to share those recent policy development in Asia.
- It is likely that the trend of transboundary movement (TBM) has been changed in Asia, hence it is significant to understand and share information about items that are subject to TBM and the case of takeback (or ship-back, repatriation) between countries

**Expected Goals**

Through the discussion, participants are expected to:

- Share the latest information on rules and regulations on hazardous wastes, particularly E-waste and UEEEs with other countries.
- Understand the recent trend of TBM of e-wastes among the countries.

## ***Session 2: Possible Measures to Promote Environmentally Sound Management (ESM) within Asia and Link with Transboundary Movement (TBM) (Afternoon of November 26<sup>th</sup>)***

### **Background Information**

- Environmentally Sound Management (ESM) is one of the core elements of the Basel Convention. In the past workshops, participants have discussed the possible measures for promoting ESM in the Asian countries.
- Under the Basel Convention, based on the Decision BC-11/1, Expert Working Group (EWG) on ESM was established and the group currently carries out some activities and elaborate Work Programme for enhancing ESM capability of the Parties, which are expected to be adopted by COP12 to be held in May 2015.
- As the proximity principle is an important aspect of the Convention, it is ideal to develop ESM facility to treat hazardous wastes (HWs) in all countries. However, it is also true that not all countries have adequate capability to ensure ESM of all type of HWs at this stage. Hence, in some cases, it could be a solution in short run that TBM of difficult-to-treat wastes to the country where ESM is ensured.
- In some cases, ESM is ensured through TBM and it is significant to know the necessary TBM procedure for major HW destination (such as Japan or EU countries). Similarly, it will be beneficial for countries of export to know how exported HWs are recycled or disposed in the country of destination.

### **Discussion**

- What is the most significant challenge for realizing ESM in your country?
- What is the current status of ESM facility development in your country? What are typical waste streams that are difficult to ensure ESM in your country? What are possible solutions?
- Are there any challenges or difficulties for exporting such difficult-to-treat wastes to the countries where ESM facilities/infrastructures are available?
- Do we need regional approach to ensure region-wide ESM? How the Asian Network could contribute to the ESM issues?
- What is your view on ensuring ESM through TBM?

### **Expected Goals**

Through the discussion, participants are expected:

- Understand concept of ESM as well as the ongoing discussion at the EWG under the framework of the Basel Convention.
- Learn practices taken by government and industry for ensuring ESM by utilizing TBM.
- Learn state-of-art technology/practice of the facility which imports hazardous wastes through the Basel Convention procedure.
- Exchange views about possible measures for promoting ESM in the region.

## **Session 3: Measures for Strengthening Border Control and Facilitation of Takeback Procedure (Morning of November 27<sup>th</sup>)**

### **Background Information**

- At the past Asian Network, we discussed measures for strengthening border control. Through the discussion the followings are identified as key elements for strengthening border control:
  - Close cooperation between competent authorities of the Basel Convention and customs, port authorities or police departments
  - Joint inspection of cargo in question
  - Risk profiling and intelligence sharing (e.g., list of company, HS code, destination with high risk of false declaration)
  - Awareness raising of exporters/importers of HWs
- The past workshops also recognized importance of take-back (or ship-back) as it could prevent pollution derived from illegally imported HWs in State of import.
- However, many countries have faced difficulties for implementing takeback. The major challenges identified through discussion or questionnaire survey are as follows:
  - Absence of importer and/or consignee
  - Absence of exporter
  - No response from State of export and/or transit
  - Lack of finance for takeback
  - No legal system or guideline for takeback
  - No ESM technology in the country
  - Different opinion or interpretation between countries
- Implementation and Compliance Committee (ICC) of the Basel Convention are now in the process of developing guidance on the take-back provisions. IMPEL-TFS has also long term experiences for enhancing capacity of border control. Their experience would be beneficial for the competent authorities in Asia.

### **Discussion**

- What are the specific measures for implementing and strengthening border control?
- What kind of information would be useful if shared among the competent authorities and customs? How can the Asian Network contribute to this issue?
- What are good practices and bad practices in arranging takeback?
- What kind of practices or initiatives in other region or by international organization could be duplicated in Asian Network for strengthening border control?

### **Expected goals**

Through the discussion, participants are expected to:

- Learn the good practices for strengthening border control carried out by Asian countries or other region.
- Understand difficulty for arranging takeback and learn some practices conducted in Asian countries, other region or international organization for facilitating takeback.

## **Session 4: Policy/practice for ensuring repair and refurbishment of Electrical and Electronic Equipments (EEEs) in an environmentally sound manner (Afternoon of November 27<sup>th</sup>)**

### **Background Information**

- Pursuant to decisions IX/6, BC-10/5 and BC-11/4, “*Technical guideline on transboundary movements of E-waste and used electrical and electronic equipment (UEEE), in particular regarding the distinction between waste and non-waste under the Basel Convention*” is now being drafted to be adopted in COP12. This technical guideline focuses on clarifying aspects related to TBMs of E-waste and UEEEs that may or may not be E-waste.
- At the COP11 and OEWG9, situations where UEEEs should normally considered to be waste/non-waste (paragraph 23 to 30, especially 26(b)) was intensively discussed. Some industry representatives (such as EEE manufacturers) introduced practices of the region-wide centralized repairing center that ensure repair and refurbishment of non-functional UEEE in an environmentally sound manner.
- The centralized repairing system could expand product life span and provide consumers in developing countries with economically affordable repairing service.
- Asia region is one of the biggest hub where repair and refurbishment of UEEE are undertaken. However, inputs or comments from Asian countries for the discussion on the E-waste guidelines have been so far very limited.
- To achieve better understanding of current discussion on paragraph 26 (b), it is valuable to share the practices undertaken by government and industry.

### **Expected goals**

Through the discussion, participants are expected to:

- Understand practice of repair and refurbishment, which are operated by EEE manufacturers.
- Exchange view on what should be conditions for importing UEEEs to distinguish proper movement for repair and refurbishment from illegal shipment