

Workshop 2015 of the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes in Singapore

Co-chairs' Summary

1. Workshop 2015 of the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes was held in Singapore from 23 to 25 November 2015. The workshop was co-organized by National Environment Agency (NEA), Singapore, Ministry of the Environment, Japan (MOEJ), and the Basel Convention Regional Centre for South-East Asia (BCRC-SEA). It was attended by 61 participants including delegates from 12 countries in Asia-Pacific region, the Basel Convention Regional Centre for Asia and the Pacific (BCRC China) and the BCRC-SEA. The workshop was also attended by resource persons and experts from international organizations, enforcement networks, research institutes and private sectors and observers from other regions.
2. In the opening session, Mr. Khoo Seow Poh, Deputy CEO of NEA welcomed participants on behalf of the host country. He highlighted the main purpose of the workshop and looked forward to constructive and fruitful discussion at this workshop. Ms. Sachiko Tsukahara, Deputy Director, Office of Waste Disposal Management, MOEJ, stated that the Asian Network has been useful platform for participants to share information, experience and challenges in relation to implementation of the Basel Convention. She encouraged the participants to make use of this opportunity to continue these exchanges and discussions. Mr. Ridwan Tamin, Director of BCRC-SEA noted that BCRC-SEA had invited observers outside of the Asian region in order to have more active discussion particularly in relation to the E-waste guidelines.
3. The workshop was co-chaired by Ms. Rohaya Saharom, Deputy Director of Pollution Control Department of NEA and Ms. Sachiko Tsukahara of MOEJ. Ms. Tsukahara reviewed the history of the Asian Network activities since its establishment in 2003 and outlined the overall objectives of the Workshop 2015.
4. At the beginning of the Session 1 (*Updates of National Regulation, Implementation Status and Import/Export Statistics*), the Secretariat of the Asian Network reported on the responses to the questionnaire which was sent to each country prior to the workshop which helped to provide an overview and status of the regulation on transboundary movements (TBM) of hazardous wastes. At the session, 12 countries updated on the status of their implementation and activities of the Basel Convention including newly introduced and recently amended regulations on TBM of hazardous wastes as well as non-hazardous wastes and their statistics. .
5. Through the presentations, the participants learned that many countries have already developed regulations on import/export of non-hazardous waste, such as waste plastics or metal scraps, to enhance their national legal framework on waste management.
6. The Network also recognized that mixed metal scraps containing E-wastes were being increasingly traded illegally. As such, the governments of countries exporting such shipments are

taking great efforts to control this problem appropriately although they face challenges in doing so due to the complexities of the issue such as creating a set of criteria to evaluate the hazardousness of the scraps. Japan and Australia shared their approaches and practices to help address this challenge, such as setting thresholds on the levels of contaminants permissible for these metal scraps to evaluate its hazardousness.

7. Japan, Singapore and Malaysia have developed relevant guidelines including criteria to distinguish E-waste from UEEE. Philippines updated that it is developing the guidelines and highlighted that while it is important to develop and implement the guidelines, countries should also be mindful of existing international trade rules (WTO trade rules) which aim to reduce the trade barriers among countries.
8. The discussion also touched on how to effectively ensure environmentally sound management (ESM) of hazardous waste in each country and there were exchange of views on the situation where transboundary movements (TBM) would be necessary. Co-chairs highlighted that there would be many factors to consider, some of which are circumstances faced by individual countries, while other factors relate to legal procedures and/or administrative controls that need to be put in place in each country. It was noted that some countries are also in the process of relooking at their regulations for UEEE. Australia also pointed out that there are commercial considerations to be made in setting up local facilities to treat hazardous waste, such as the economies of scale.
9. Thailand shared their practices and challenges faced in classifying hazardous waste including E-wastes by creating the unique system of HS-codes and their sub-categories. Countries noted that this would be an item that could be discussed in future workshops.
10. Lao PDR shared with other participants its challenge in establishing institutional framework and getting stakeholders' involvement in implementing the Basel Convention; while other participants provided practical advice on how the mechanism established under the Basel Convention or United Nations Environmental Programme (UNEP) could assist the Parties to promote effective implementation.
11. At the Session 2 (*Outcomes of the 12th Meeting of the Conference of the Parties to the Basel Convention (COP12) and Inter-Sessional Work toward COP13*), the Secretariat of the Basel, Rotterdam and Stockholm Convention (BRS Secretariat) represented by Ms. Juliette Voïnov Kohler explained outcomes of the COP12 which was held in May 2015 and ongoing inter-sessional work towards COP13. Subsequently, Mr. Michikazu Kojima, Institute of Developing Economies, Japan External Trade Organization (IDE-JETRO), the member of the Expert Working Group (EWG) on ESM, reported outcome of the 4th EWG meeting and introduced updated activities of the EWG such as development of practical manuals for promotion of ESM, fact-sheets on specific waste streams, and the pilot projects to implement ESM. .,
12. In addition, participants further learned that some countries of the Asian Network also joined the

inter-sessional work, such as the Implementation and Compliance Committee (ICC) and the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE). The session also discussed realistic situations where these intersessional groups could assist countries to ensure TBM of legitimate shipments, for instance through the work of the ICC on transit issues and illegal traffic, including the development of guidance on the take back of illegal shipments. In this regard, some participants took the opportunity to share the challenges they faced, namely, i) that such countries do not have the adequate capacity to ensure ESM in the country in managing hazardous wastes and; ii) that TBM of hazardous wastes was prohibited by transit countries.

13. In the Session 3 (*Implementation of E-waste Guidelines in National Policies/Regulations on Control of UEEE and E-waste*), after the introductory presentation on the new guidelines, (*Technical guidelines on TBM of E-waste and UEEE, in particular regarding the distinction between waste and non-waste under the Basel Convention*) by the BRS Secretariat, Mr. Prakash Kowlessar from Mauritius, who served as one of the Co-Chairs of the Contact Group on Technical Matter at the COP12 of the Basel Convention, introduced the background of the E-waste guideline's interim adaptation. He pointed out that there was a lack of understanding of the issues and the Parties only focused on well-known bad practices at COP12. He further noted that discussion at 10th Session of Open-Ended Working Group (OEWG10) should focus on pending issues (Annex V) and be built up what has been acquired so far. Then, two countries (Singapore and Japan) introduced their challenges at borders for distinguishing E-waste from UEEEs, with a view to implement future plans related to the E-waste Guidelines. Infocomm Technology Group (ICT Group) introduced their practices at centralized region wide repair and refurbishment centers for UEEEs in an environmentally sound manner. The Session was followed by the presentation by Ms. Marina de Gier of the European Union Network for the Implementation and Enforcement of Environmental Law Transfrontier Shipments of Waste (IMPEL-TFS). She introduced EU's legal system and practices taken on the ground for distinguishing UEEE and E-waste subject to TBM and shared some cases that such classification becomes difficult.
14. Through the series of presentations, participants learned and exchanged views on the type of criteria of UEEE and E-waste which were noted to be quite similar across the board. Among the common criteria to distinguish UEEE and E-waste, it was found that the proof of functionality of UEEE was the most challenging criterion from a regulatory, operational and implementation perspective. It was also understood that centralized repair/refurbishment facilities developed in the region deal with specific products. In this regard, it was noted that the governments of importing countries have established a system to ensure that such imported UEEEs are not destined for informal sectors. Those governments also ensure that the management of the residual wastes generated from repair/refurbishment facilities would be carried out in an environmentally sound manner.

15. Some participants highlighted that the remaining product life span after importation of UEEE is a serious concern for developing countries as these countries lack the capacity to repair or refurbish the items or dispose of them in an environmentally sound manner after they become waste at the end of their useful life. Discussion was also made regarding the applicability of extended producer responsibility (EPR) to UEEE exported to developing countries not just within these countries but also globally. In this regard, the importance of the role of major producers in extending the EPR initiative globally was noted, while recognizing that a full global EPR would not be easily implemented for producers as it would be difficult to anticipate where UEEE would end up being sold, used, and ultimately, disposed.
16. At the beginning of the Session 4 (*Measures for Strengthening Border Control Activities for Combating Illegal Traffic in Asia*), the Secretariat of the Asian Network presented a summary of the outcome of the questionnaires. These include measures taken by countries for strengthening border control, particularly measures for enhancing cooperation between the Competent Authorities and the Customs and common challenges faced by countries in implementing the take-back. Then, three countries (Indonesia, the Philippines, and Thailand) shared national practices and challenges faced on border control of illegal shipments of hazardous wastes. The country presentations were followed by presentations by Ms. Woon Yin Lisa Au and Ms. Sung-im Lee from World Customs Organization, Regional Intelligence Liaison Office for Asia and the Pacific (WCO RILO/AP) who provided information on their trans-regional projects, such as “Project Sky-Hole-Patching” and “DEMETER” projects, which aimed to enhance capacity of Customs to combat the illegal traffic. Mr. Davyth Harold Stewart from INTERPOL shared “PROJECT EDEN” which included the research on the hotspot of hazardous wastes, the awareness raising and capacity building to combat illegal traffic. He also shared activities of multi-agency taskforce in INTERPOL, named National Environmental Security Taskforce (NEST), including criminal analysts, financial specialists, training offices.
17. Through the presentations and discussion, the countries shared cases of illegal traffic of such waste where the main challenge is in implementing the take-back procedure, especially in identifying the party/parties that should be responsible for the take-back and the costs incurred (i.e. absorbing the financial arrangement including transportation and storage throughout the take-back process). Another challenge faced in initiating take-back procedures is the different definitions of “hazardous waste” adopted by countries which resulted in long investigation and prosecution of the cases filed.
18. Co-Chairs and participants recognized the importance of establishing communication channels not only within this region but also in cooperation with other regions. The Network agreed to continue this discussion at the next Asian Network Workshop with a view to develop a framework under the Asian Network to harmonize the procedure of take-back of illegal shipments of hazardous waste. The framework can be built on the sharing of elements of good practices and

of successful prosecution cases, with inputs and advice from relevant experts and resource persons.

19. At the closing session, Co-chair Ms. Rohaya Saharom wrapped up the proceedings of the workshop with reiterations of the key points raised at the workshop, namely the diverse range of common challenges faced and best practices adopted by countries in the TBM of hazardous wastes especially UEEE and e-waste. Notably, in the case of illegal shipments, the lack of common agreed approaches to enact take-back provisions was clearly apparent. In this regard, Co-Chair once again highlighted the need for a framework to be developed under the Asian Network to harmonize the procedure of take-back of illegal shipments of hazardous wastes, which is a proposal that countries had agreed to during the discussion. She further proposed that MOEJ could start off by developing this framework with inputs from countries and agencies of the Network. With this progressive step forward, this framework in its draft form could be further discussed as an agenda item for the next workshop.
20. Co-Chair Ms. Sachiko Tsukahara went on to thank Co-Chair Ms. Rohaya Saharom and NEA for having successfully hosted Workshop 2015 of the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes in Singapore.