



**Workshop 2016 of the Asian Network for Prevention of Illegal Transboundary Movement
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**Santini L. Quiocson
Engineer II, Hazardous Waste Management Section
Environmental Quality Management Division
Environmental Management Bureau**



Implementation of E-waste Guidelines in National Policies/Regulations on Control of UEEE and E-waste



Guidelines on the Environmentally Sound Management (ESM) of Waste Electrical & Electronic Equipment (WEEE)

- *Framework mechanism for the proper management of WEEE*
- *Institutionalize the principle of “extended producer responsibility” (EPR)*
- *Distinction between second-hand or UEEE and WEEE*
- *Requirements for importing second-hand or UEEE*



Conditions that are difficult to check for direct reuse of UEEE:

- *Invoice and contract relating to the sale and/or transfer of used equipment*
- *Evidence of passing functionality test*
- *Declaration that none of the UEEE within the shipment is defined as or considered to be waste in any of countries involved in transport (including transit countries if they are known)*
- *Packing conditions*
- *Information on the further user and distributor(s) or retailer(s)*



Control of Transboundary Movement of the UEEE from Repair Facilities

- *Develop guidelines or criteria on UEEE (or parts) that could be imported for the purpose of repair, refurbishment, or failure analysis in accordance with paragraph 31 (b) of the E-waste guidelines*
- *Require importers of such UEEE destined for failure analysis, repair or refurbishment to be licensed or certified by the competent authority*
- *Conduct periodical inspections to facilities to check whether they comply the relevant national provisions for environmental protection and other environmental permits or licenses*
- *Require facilities to keep record or inventory of UEEE that are repaired/refurbished, and submit report to the competent authority on a regular basis*
- *Require facilities to submit information on wastes generated after the operations (including hazardous contents), and to send wastes to the waste management facilities licensed by the competent authority*



Export/Import Issues for Further Work

- *Notifications for Parties as per paragraphs 27 and 29*
- *Residual life time and age of used equipment*
- *Obsolete technologies, including cathode ray tubes*
- *Waste resulting from failure analysis, repair and refurbishment activities*



Takeback Procedure of Hazardous Wastes and Other Wastes



Actual Cases of Takeback

- *In year 2014, 50 units of 40-footer container vans containing heterogeneous scrap plastic (Y46) was illegally shipped from Canada to the Philippines*
- *The Philippine court has ruled that the wastes should be returned back to Canada by the importer*
- *Because the takeback could not be implemented, waste was disposed of in an EMB registered disposal facility*



Major Challenges for Implementation of Takeback Procedures

- *Lack of cooperation with competent authorities of the State of origin*
- *No legal obligation for takeback in the State of origin*



Actions taken by the Philippine Government

- *Investigated containers*
- *Determined if the waste is hazardous waste and shipment is illegal under the national regulation of importing country*
- *Consulted with the competent authority in the State of origin*
- *Ordered the importer to re-export illegal waste*
- *Requested the exporter in the State of origin to takeback illegal waste*



Financial Obligation

- *Investigation*
 - *Philippine Government*
 - *Importer (as per court ruling)*

- *Storage*
 - *Philippine Government*

- *Takeback*
 - *Importer (as per court ruling)*



Countermeasures to Overcome Difficulties in Implementing Takeback Procedures

- *Absence of exporter, importer, consignee*
 - *Cooperation among competent authorities involved in TBM to identify the exporter, importer or consignee*
 - *Sharing intelligence on TBM of hazardous waste among concerned Parties and/or relevant authorities*

- *Lack of financial/technical capacity to implement takeback*
 - *Requiring exporters/importers to have appropriate insurance system that could cover the cost of the implementation of takeback*
 - *Requiring exporters/importers to show financial capability to implement takeback if necessary*



Countermeasures to Overcome Difficulties in Implementing Takeback Procedures

- *No legal obligation to takeback in the State of origin*
 - *Utilizing “Guidance on the implementation of the Basel Convention provisions dealing with the consequences of illegal traffic (para 2, 3, 4 of Article 9)” that was developed by the Implementation and Compliance Committee (ICC)*
- *Far distance to the State of origin and/or lack of capacity to deal with waste in the State of origin*
 - *Treating/disposing wastes in an environmentally sound manner in importing countries if ESM facilities are available*



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www.emb.gov.ph

Send e-mail to:

hazwaste@emb.gov.ph

