

Workshop 2017 of the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes

28-30 November 2017 in Hanoi, Viet Nam

Chair's Summary

1. The 2017 Workshop of the Asian Network for the Prevention of Illegal Transboundary Movement of Hazardous Wastes was held in Hanoi, Viet Nam from 28 to 30 November, 2017. The workshop was co-organized by the Vietnam Environment Administration, Ministry of Natural Resources and Environment (VEA-MONRE), the Ministry of the Environment, Japan (MOEJ), and the Basel Convention Regional Centre for South-East Asia (BCRC-SEA). There were 60 participants including delegates from ten (10) countries and one (1) special administrative region in the Asia-Pacific region, the Basel Convention Regional Centre for Asia and the Pacific (BCRC China) and the BCRC-SEA. Participants also included five (5) resource persons from international organizations, enforcement networks, and research institute and industry participants from six (6) private companies.
2. In the opening session, Mr. Nguyen The Dong, Deputy Director General of VEA-MONRE, welcomed participants and shared Vietnam's situation and efforts made by VEA as the Competent Authority to the Basel Convention to combat increasing illegal traffic of hazardous wastes. He stressed the importance of the enforcement network as a platform to enhance regional cooperation and collaboration towards fulfilling the obligations and responsibilities of member Parties to the Basel Convention and eliminate and control the illegal traffic of hazardous waste. Dr. Shunsuke Kudo, Deputy Director, Industrial and Hazardous Waste Management Division, Environment Regeneration and Resource Circulation Bureau, MOEJ, emphasized the importance of information exchange and continuous cooperation between and among the Competent Authorities in the region considering the recent rapid increase of transboundary movements (TBMs) of hazardous waste in Asia. Mr. Ridwan Tamin, Director of BCRC-SEA stated the network as a unique platform that enables participating countries to come up with the solution to address the emerging issues in the region and introduced the recent study on E-waste management in South-East Asian countries carried out by the center.
3. Following the opening remarks, there was a round of introductions of participants. The opening session of the workshop was chaired by Mr. Nguyen The Dong, Deputy Director General of VEA-MONRE. He invited Dr. Kudo of MOEJ as the first resource person who shared and introduced the history of the Asian Network, its objectives activities and accomplishments since its establishment in 2003, and outlined the overall objectives of the 2017 Workshop.
4. Session 1 (*Updates of National Policies and Implementation Status of the Basel Convention: focusing on three waste streams*) was co-facilitated by Mr. Nguyen Thanh Yen, Department of Waste Management and Environmental Improvement, VEA-MONRE and Mr. Tamin of BCRC-SEA. At the beginning of the Session, the Secretariat of the Asian Network reported the outcomes of the questionnaires that were sent to each country participants prior to the workshop and explained the outlines of the Session. In this session, there were updates from all the country/region representatives on their national policies, regulations and activities relating to the enforcement of the Basel Convention with focus or special attentions to the three (3) waste streams, namely: electric and electronic waste (E-wastes), used lead acid batteries (ULABs) and mercury wastes. Through the Session 1, participants have asked many specific and questions and made clarification to understand the updated regulatory development and common challenges currently experience or faced in the region. After all the presentations from participating country representatives, Mr. Hiroki Iwase from Nomura Kohsan Ltd.,

a mercury waste management company operated in Japan, was invited to introduce their capability and technology that can ensure the environmentally sound management (ESM) of mercury wastes and provided information on the sources mercury wastes received and treated sent by some participating countries. He also shared the company's experience and challenge when importing the mercury waste to Japan through the Basel procedures specifically on obtaining the transit consent.

5. Through the presentations and discussions, participants have been updated and clarified with that technical capabilities, policy development and definition and interpretation of hazardous waste are different among countries. Likewise, the participants were informed that there are also some common challenges in the region for ensuring ESM of three (3) waste streams that is the special focus of the workshop. They also learned that different approaches are taken by country for import/export control and some countries export certain waste streams to ensure ESM while others do not allow the export of it particularly ULABs in order to support and sustain the operation of their local recycling industry. It was also understood that many countries have developed criteria or guidelines to distinguish second hand or used electrical and electronic equipment (UEEE) from E-waste. Some participants were informed and apprised that the domestic regulation of each country should be respected and therefore pointed out the importance of prior informed consent (PIC) procedures since hazardous wastes may be defined differently among countries. In this context, the participants recognized that the Asian Network, as informal information exchange platform, is very important and useful to enhance mutual cooperation, collaboration and understanding of import/export control policies among the participating countries. One (1) industry representative raised their concern on the lengthy PIC procedures on securing consent, particularly in the case of or where many transit countries are involved. He further emphasized the concern made by some countries that the Basel Convention PIC procedure could be a barrier from economic perspective regardless if the hazardous waste to be exported from developing to developed countries for the purpose of ensuring ESM if securing consents from all transit countries involved will take a long time although having fully understood the importance of such PIC procedure. It was clarified that the Basel Convention was based on the PIC of transit Parties and that if there was an obligation for a transit Party to acknowledge receipt of the notification, there was no obligation under the Convention for that Party to respond to a proposed movement. It was also clarified that any Party could decide not to require prior written consent for transit TBMs and notify the Secretariat thereof. Guidance on transit TBM was under development by the Implementation and Compliance Committee.
6. Session 2 (*Emerging Issues and Good Practices for the Implementation of the Basel Convention in Asia*) was facilitated by Dr. Juliette Voinov Kohler, Secretariat of the Basel, Rotterdam and Stockholm Conventions (BRS Secretariat). At the beginning, the Secretariat of the Asian Network introduced the scope of the Session and Dr. Kohler shared the outcomes of the 13th Meeting of the Conference of the Parties to the Basel Convention (COP13) with a focus on the decisions relevant to the theme of the Session. Then, three (3) countries (Japan, Singapore and Viet Nam) presented their ongoing activities to tackle illegal traffic, including by: amending import regulations to address discrepancies between waste definitions among countries, developing criteria for distinguishing waste from non-waste, identifying and using HS codes to differentiate products from wastes, and strengthening cooperation between CAs and Customs at the national and international levels. Following these presentations from Asian countries, Ms. Allison Townley from IMPEL-Waste & TFS presented the possible impacts of the "green fence policy" promoted by the Chinese Government on the trend of TBM of wastes, particularly waste plastics, exported from Europe to China and on local recycling businesses in Asia. Ms. Sai Yun Wong from the World Customs Organization, Regional Intelligence Liaison Office for Asia and the Pacific (WCO RILO/AP) provided information on cases of seizures of hazardous wastes, mainly E-

wastes, reported through the customs network under “Project sky-hole patching”.

7. During Session 2, in response to an inquiry by IMPEL regarding the possible impacts of the new Chinese import policy on countries in Asia, the participants exchanged information on any recently witnessed changes in TBM involving the wastes streams concerned by this policy as well as any developments regarding a possible relocation or the development of facilities by Chinese recycling companies outside of China. Although no participant reported a case of take back as a result of the new policy, some information was provided by participants on the case of a shipment that was not accepted by Chinese Customs and re-exported to a third country. It was also noted by the participants that the policy was aimed at ensuring a higher quality of the wastes imported by China. The participants agreed to continue to exchange information on the matter at future workshops.
8. Mr. Michikazu Kojima, Institute of Developing Economies, Japan External Trade Organization (IDE-JETRO) facilitated Session 3 (*Development of Legal Framework for ESM of E-waste including Extended Producer Responsibility (EPR)*). At the beginning, the Secretariat of the Asian Network introduced the scope of the Session and the outcomes of the questionnaire survey related to the theme of the Session. Mr. Kojima shared his comparative study of EPR system in different countries and introduced the EPR manual, developed by the Expert Working Group (EWG) on ESM established under the Basel Convention, as a member of the group. Presentations were made by Hong Kong SAR (China), Malaysia, Philippines, and Thailand, including outlines of the EPR framework introduced or being planned (targeted items, responsibility of producers, governments and other stakeholders), collection system and financial scheme. Ms. Marina de Guier of IMPEL shared the EPR system on E-waste in EU. Then, Ms. Monina De Vera, on behalf of ICT South East Asia Group, shared EPR policy recommendation from the viewpoint of industry.
9. After a series of the presentations, participants clarified the legal framework of collection and recycling of E-waste in each country through practical questions, specifically about licensing/registration system, targeted items, and recycling fee to be collected from manufacturers/importers. In addition, the some participants pointed out that the setting collection rate target can be a useful implementing policy instrument. The participants further understood that there are differences in term of responsibilities of producers for collection and recycling: producers are required to cover cost for collection and recycling (only taking economic responsibility) in some countries, or producers in some countries jointly shared responsibilities on finance and collection through setting up Producer Responsibility Organizations (PROs), while in other countries, producers are obliged to take physical responsibility for collection. Furthermore, it was noted that there are some common challenges for introducing EPR in Asia, particularly collection of recycling fees of EEE traded through E-commerce (online shopping) or small-scale EEE assembly shops, or in the case of “orphan” (absence of producers/importers). The participants agreed to continue to exchange the progress and achievement made in each country at future workshops.
10. In the closing session, Ms. Asako Aoyagi, Deputy Director of Environmental Protection Guidance Office, Ministry of Economy, Trade and Industry (METI), Japan, expressed her appreciation for active contribution of each participant and her expectation that the future workshops would foster cooperation among countries to combat illegal traffic of hazardous wastes in the region.