

**Workshop 2011 of the Asian Network for Prevention of Illegal Transboundary  
Movement of Hazardous Wastes  
29 November-1 December, 2011, Shenzhen, China**

**ISSUES PAPER**

***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 which currently under discussion among the participating countries on import/export control of hazardous wastes and secondhand items such as electrical and electronic equipment waste (E-waste) for ensuring better control of them between exporting and importing countries.
- It is important to share the difficulties on implementation of the Basel Convention and combating illegal trade 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 certain waste management such as E-waste, waste led 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 (ship-back) procedures for detected illegal transboundary movement of the wastes?
- What is the current situation of the hazardous waste management mechanism in Asian countries in terms of the achievements and difficulties?

**Expected Goals**

Through the discussion, participants are expected to:

- Learn the latest information on rules and regulations on hazardous wastes.

- Understand the current situation of the waste management mechanism and border control practice in Asian countries.

## **Session 2: Main Outcomes of COP 10**

### **Underlying Assumptions**

- It is valuable to share the outcomes of 10<sup>th</sup> Conference of the Parties of the Basel Convention (COP 10) that held in Cartagena, Columbia in October 17 through 21, 2011.
- Through the entire week, there were active discussion on many items which include Country led Initiative (CLI), New Strategic Framework of the Basel Convention for 2012-2021, technical guidelines, partnership programme such as Partnership of Action on Computing Equipment (PACE) and others.
- Among many decision of the COP10, it is notable to know that the discussion on CLI has reached to a certain agreement. The agreement is to resolve interpretation of the Article 17-5 for earlier achievement of the purpose of the Ban Amendment, despite the fact that several countries did not support the interpretation. It was also pointed out that the Ban Amendment has an impact on the transboundary movement only from Annex VII countries to Annex VII countries.
- The other important agreement is to develop ESM guidelines in order to have common understanding of the meaning of ESM and take appropriate measures to implement ESM of hazardous wastes under the Basel Convention. It is valuable and useful to share the information relevant to the effective implementation of the Basel Convention and to initiate the discussion on what practical measures can be possibly taken to ensure the ESM of hazardous wastes from policy perspective.

### **Presentation**

*Please see the annex (Presentation request diagram).*

### **Discussion**

- What is the view and possible effect of the COP10 decisions for Asian countries?
- What is the possible way forward which can be beneficial to Asian countries?
- What is the possible outcome image and components of the ESM facility criteria and ESM guidelines and relevant measures for ensuring ESM?
- What measures would be practical and appropriate for Asia in order for achieving TBM of hazardous wastes where ESM is ensured?
- What can be done to strengthen the capacity of the BCRCs to further ensure the ESM?
- What can be done to clarify the legal definition on waste/non-waste, hazardous waste/non-hazardous waste, re-use, direct re-use, refurbishment, secondhand goods and so on?

### **Expected Goals**

Through the discussion, participants are expected to:

- To understand the outcome of the COP 10 and the potential impact on the implementation of the Basel Convention in Asia.
- To understand the necessary and appropriate measures to strengthen the capacity of the BCRCs for ensuring the ESM.
- To understand the necessary and appropriate measures to further clarify such terms on waste/non-waste, hazardous waste/non-hazardous waste, re-use, direct re-use; refurbishment, secondhand goods.

## **Session 3: Current Practices of Recycling and Treatment of Hazardous Wastes and Mapping of ESM Facilities in Asia**

### **Underlying Assumptions**

- During the last Asian Network workshop, it was agreed that the information to be collected on the existing ESM facility in Asian region and the map to be created as it helps understanding the status of ESM in the region. While some opinions were expressed defining the ESM facilities to be mapped 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 countries and other countries/region in addition to collecting on the ESM facility development.
- It would be practically useful to share the information about the ESM facility and the defining criteria for effective prior informed consent procedure under the Basel Convention as it helps to understand and identify the hazardous wastes recycling or treating facility that can ensure the ESM of hazardous wastes.
- Regarding the ESM facilities, industries like computing equipments OEM, brand owners also have own criteria and view to chose, evaluate and monitor ESM facilities for their used products which taken back from the customers. Therefore, industry's perspective is also useful to know to identify the ESM facilities.
- In addition to the development of ESM recycling and treating facilities, take-back scheme of used products especially E-waste is also being developed or under consideration in several Asian countries in recent years.
- It is also useful to share such information among the participating countries and the relevant information on the similar practices in other region than Asia.
- COP 10 also made the decision on more systematic and comprehensive effort is necessary to ensure ESM of wastes by improving the guidance on ESM and promoting other measures as mentioned in the Session 2 above like strengthening the capacity of BCRCs, providing the legal clarification on the terms relevant to the effective implementation of the Basel Convention.

### **Presentation**

*Please see the annex (Presentation request diagram).*

### **Discussion**

- What does your country define ESM in general or what criteria or requirement your country or Asian region can apply to define or authorize the ESM facility?
- 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.)

- What ESM facility criteria and ESM guideline can be possibly introduced in Asia?
- What can be the possible components of ESM guideline? (e.g., occupational health and safety requirement, monitoring/record/reporting, adequate competency of staffs, 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 for ensuring ESM at hazardous waste recycling and treating facility level in other region as well as the practices conducted by the industry?
- What is the expected effect of ESM facility criteria and ESM guideline for Asian countries?
- What are the practical measures to ensure ESM in addition to ESM criteria and guideline?

### **Expected Goals**

Through the discussion, participants are expected:

- To acquire an overall understanding on ESM facility and the authoring criteria or requirement for such facility in Asia.
- To have a common understanding on the possible image of the ESM facility criteria and ESM guideline to ensure ESM of the hazardous waste which can possibly introduced in Asia.
- To understand the practical and appropriate measures for strengthening the capacity of BCRCs, providing the legal clarification on the terms relevant to the effective implementation of the Basel Convention.

## **Session 4: Collaboration between Asian Network and Other Regional Networks**

### **Underlying Assumptions**

- It has been 5 years since IMPEL-TFS and Asian Network started information sharing and representatives of each networks participated the respective workshops since then.
- Useful information has been shared and some difficulties are also identified during the activities.
- With regards to specific activity aspect, INECE is planning a second Seaport Inspection from December 2011 to March 2012. The one of the focused and interested areas is on waste shipments from North America and Europe to the Asian region. INECE-SESN conducts various activities including a training workshop and IMPEL-TFS is considering for joint effort in the area such as take back procedural guiding tools for detected illegal hazardous waste shipments.
- Now it is even more valuable and appropriate if 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.
- CLI's decision in COP 10 also requests the Secretariat of the Basel Convention to build on and enhance existing actions to stimulate cooperation between existing networks of enforcement agencies including the INECE, IMPEL-TFS, Asian Network and Green Customs Initiatives for combating illegal trade of hazardous wastes more effectively.
- COP 10's decision also requests the Compliance Committee to prepare a first draft of TOR for cooperative arrangements on preventing and combating illegal traffic to bring together and improve cooperation and coordination between relevant entities with a specific mandate to deliver capacity-building activities on preventing and combating illegal traffic, such as the WCO, INTERPOL, UNEP, individual parties, BCRCs, networks like Asian Network and SBC, with a focus on the development of tools and training materials, the hosting of workshops, and information exchange.

### **Presentation**

*Please see the annex (Presentation request diagram).*

### **Discussion**

- What kind of collaboration can be done?
- What sort of project can be possibly initiated between the networks?
- What can be a next topic to be discussed in the next Asian Network workshop among 3 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 o the hazardous wastes (but not to limited to)