Japan’s Recent Developments and Challenges on implementation of the Basel Convention

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Office of Waste Disposal Management, Waste Management and Recycling Department, Ministry of the Environment

2. Prevention of Illegal Export

3. Take Back
Control Targets of the Basel Act and the Waste Disposal Act

**Basel Act**
- **Basel waste** (specified hazardous waste, etc.)
  - *referring to Annex I, III, II, IV of the Convention*
- **Non-Basel waste**

**Examples**
- Used Printed Circuit Board (metal recovery)
- Coal Ash (utilization for cement production)
- Plastic scrap (material recycling)

**Waste Management Act**
- **Non-waste**
- **Waste**
- **Non-waste**

**Defined by hazardous characteristics and disposal operations**

**Defined by 5 criteria such as economic value, nature of an object and circumstance of discharge**
Outline of the Basel Act

1. Definition of Basel wastes (hazardous waste listed in the notice) *Items in Annex VIII, IX of the Basel Convention, threshold values are originally set

2. Approval for import/export under the Foreign Exchange Act
   – Certification by MOE (ensuring ESM, Equivalent condition to Japanese standards)

3. Issuing movement document by METI (Ministry of Economy Trade and Industry)

4. Order for action
   – Provisions for re-importing in case of illegal trade
   * Penalties for export without certification
Outline of the Waste Management Act (Provisions for Import/Export of waste)

1. Principle of self-disposing in Japan

2. Definition of Waste (same as domestic waste)
   *no list, judged by criteria such as nature, economic value, circumstances of discharge, etc. comprehensively

3. Export certification by the MOE
   - No available technology in Japan or
   - Recyclable (without residue) in the destination country, and
   - Ensuring ESM, Equivalent condition to Japanese standards
   - Exported by generator or municipalities

4. Import permission from the MOE
   - Proper disposal by licensed disposer/recycler
   - Imported by disposer or its contractor

5. Penalties
   - Export without Certification *Attempted offense also applied
### Import of hazardous waste (2014) - under the Basel Act -

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Notification to Japan</strong></td>
<td>139 (113)</td>
<td>173,735 tons (86,709)</td>
</tr>
<tr>
<td><strong>Import approvals</strong></td>
<td>125 (103)</td>
<td>139,621 tons (96,273)</td>
</tr>
<tr>
<td><strong>Issuance of import movement document</strong></td>
<td>516 (387)</td>
<td>29,904 tons (32,222)</td>
</tr>
<tr>
<td><strong>Origin countries and regions</strong></td>
<td>Hong Kong, Taiwan, Thailand, the Philippines, and others</td>
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<tr>
<td><strong>Items</strong></td>
<td>Scrap electronic parts, sludge containing metal, scrap batteries (nickel-cadmium, nickel-hydrogen and lithium ion batteries), etc.</td>
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</tbody>
</table>

Diagram showing the import quantity (t) and number of import transactions from 1994 to 2012.
### Export of hazardous waste (2014) -under the Basel Act-

() : figure of previous year

| Notification to the destination country | 115(77) | 412,861 tons (330,806) |
| Export approvals                        | 79 (72)  | 277,411 tons (405,167) |
| **Issuance of export movement document**| **1,098 (1,019)** | **180,035 tons (200,307)** |
| (the number and quantity of export transactions) | | |
| **Destination countries and regions**  | South Korea, Hong Kong, Singapore, US, and others |
| **Items**                              | Scrap lead (lead acid batteries), coal ash, lead ash, etc. |

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![Graph showing the export of hazardous waste over years](chart.png)
### Import of Waste (2014) - under the Waste Management Act -

<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>Import permission</strong></td>
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<td>5 (11)</td>
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<tr>
<td><strong>Reported import quantity</strong></td>
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<td>2,336 tons (1,988)</td>
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<tr>
<td><strong>Origin countries and regions</strong></td>
<td>Korea, China, Taiwan, and others</td>
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<tr>
<td><strong>Items</strong></td>
<td>Waste dry batteries, waste catalysts containing iodine, waste plastics, etc.</td>
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</tbody>
</table>

() : figure of previous year

- The data on reported import and export quantities for 2006 and previous years are not available.
Export of Waste (2014) -under the Waste Management Act-

() : figure of previous year

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Export certification</td>
<td>39 (38)</td>
<td>2,314,159 tons (2,296,489)</td>
</tr>
<tr>
<td>Reported export quantity</td>
<td></td>
<td>1,570,545 tons (1,464,763)</td>
</tr>
<tr>
<td>Destination countries and regions</td>
<td>Korea and Hong Kong</td>
<td></td>
</tr>
<tr>
<td>Items</td>
<td></td>
<td>Coal ash</td>
</tr>
</tbody>
</table>

*The data on reported import and export quantities for 2006 and previous years are not available.*
2. Prevention of Illegal Export
Cooperation among relevant Ministries

- Exporter
- Importer (broker)
- Prior-Consultation
- joint inspection
- inspection
- Declaration
- MOE
  - Central office (Competent authority)
  - Regional office
- METI
  - Central office
- Share the information about consultation
- Ministry of Finance
  - refer
- Ask for joint inspection
- Customs
  - Customs Law
- Cooperation among relevant Ministries
Flow of Coastal Operations to Prevent Illegal Exports

1. Export declaration
2. Cargo inspection by Customs
3. Interview of exporters
4. In case the cargo is suspected:
   a. Administrative guidance
   b. Verbal /Witten warning
   c. Criminal Complaint
5. In case items are judged as wastes/Basel wastes:
6. Open cargo inspection
Coastal Operations

- 8 MOE Regional Offices support inspection of Custom Offices.
  - Customs need clear guidance to judge control subjects objectively

- Regional offices carry out joint patrols, on-site inspections with local government

Inspecting a container of plastic waste  
Patrolling a scrap metal yard
Awareness Raising

- Annual Seminar for exporters/importers
- Information dissemination by website
- Brochures
- Prior-export/import Consultation Service

Cooperation with Customs

- Personnel exchange
- Annual Meeting, exchange of opinions
- Intensive inspection month
- Share risk profile
<Hot issues>

Scrap Metal
Mixed scrap metal has been exported to China for about 20 years. Recently exported to South East Asia.

Such scrap normally contains e-scrap (parts of UEEEs), which may be subject to control under the Basel Convention.

However, border control for such scraps has not worked practically because evaluation methods for hazardousness of such mixture of scraps have not been established.

MOE with METI has started the discussion on this matter.
Scrap metal frequently causes fires. In some cases, these fires have harmful effects on living environments, including bad odors and traffic related problems.
Estimated Flow of Used Home Appliances
(FY2013, total of TVs, fridges, air conditioner and washing machines)

- **Recycling by manufacturers, etc.**: 12,040K appliances
- **Recycling by certified waste disposal contractors, etc.**: 160K appliances
- **Disposal as domestic waste by local governments**: 38K appliances
- **Export abroad by scrap exporters**: 1,550K appliances
- **Domestic scrap**: 60K appliances
- **Collection by retailers**: 10,740K appliances [400K appliances]
- **Collection by moving companies**: 5,90K appliances [60K appliances]
- **Collection by building demolition businesses**: 360K appliances [20K appliances]
- **Collection by local governments**: 147K appliances
- **Illegal dumping**: 92K appliances
- **Collection by used goods dealers**: 1,950K appliances [370K appliances]
- **Second hand dealers (truck type)**: 1,470K appliances [300K appliances]
- **Free collecting stations (empty lot type)**: 480K appliances [70K appliances]
- **Srapers and steel-processing companies**: 1,610K appliances
- **Reuse shops**: 980K appliances
- **Sales for reuse**: 2,670K appliances
- **Overseas reuse by secondhand goods exporters**: 1,040K appliances
- **Domestic reuse by reuse shops**: 530K appliances
- **Flea market/transfer to friends, etc.**: 960K appliances [80K appliances]
- **Online auction by consumers**: 140K appliances [4K appliances]
- **Collection by retailers**: 10,740K appliances [400K appliances]
- **Collection by local governments**: 147K appliances
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Figures in ( ) are provided by leasing/rental companies and included in the figures with no parentheses preceding them.
Figures in 【】 refer to hoarded goods and are included in the figures with no parentheses preceding them.
There are some discrepancies in the total numbers due to round-off.

*Estimated about 10% of generated scraps are illegally exported*
Informal treatment discovered in Japan

- Crashing fridges in the scrap metal yards without license.
- Those fridges are supposed to be collected from households by informal collector.

- Basel Act does not regulate action prior to export. Only Waste Management Act could approach.
- However, Waste Management Act has difficulty to regulate something valuable.
How to Prevent Illegal Export of Scrap Metals?

- Judgment Criteria for mixed waste of hazardous and non-hazardous waste is needed. (mix of Annex VIII and IX)

<table>
<thead>
<tr>
<th>List of hazardous characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Waste electrical and electronic assemblies or scrap containing components</td>
</tr>
<tr>
<td>• Mercury-switches</td>
</tr>
<tr>
<td>• Glass from cathode-ray tube</td>
</tr>
<tr>
<td>• PCB capacitor</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>List of Non-hazardous characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metal waste (precious metal, iron, copper etc...)</td>
</tr>
<tr>
<td>Mixed non-ferrous metal, heavy fraction scrap</td>
</tr>
<tr>
<td>• Metal and metal-alloy waste in metallic, non-dispersible from</td>
</tr>
<tr>
<td>• Precious metals (gold, silver, the platinum group, but not mercury.)</td>
</tr>
<tr>
<td>• Electric and electronic assembles or scrap (including printed board)</td>
</tr>
</tbody>
</table>

- Regulation before shipment
  - Basel Act only can access to objects to be exported.
  - Waste Management Act has difficulty to be applied to valuable objects such as scraps.
  - Gaps between those two Acts need to be filled.
<Hot issues>

UEEEs

*details will be explained in Session 3
Distinguishing criteria of second-hand goods (since 2014)

(1) Model years and Appearance
(2) Functionality
(3) Packaging and loading
(4) Valid contract
(5) Market existence
3. Take Back
## Take-back in Recent Years

Notification of the take back has been increasing in recent years.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Notice</th>
<th>Import country ; Number of Notice</th>
<th>Noticed shipments (number)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>0</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>2011</td>
<td>0</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>2012</td>
<td>7</td>
<td>Hong Kong 2, Malaysia 2, Nigeria 2, Korea 1</td>
<td>UEEE (6) Mix metal scrap (1)</td>
</tr>
<tr>
<td>2013</td>
<td>5</td>
<td>Hong Kong 2, Malaysia 2, Indonesia1 Macau 1</td>
<td>UEEE (3) Parts for used automobile (1)</td>
</tr>
<tr>
<td>2014</td>
<td>9</td>
<td>Hong Kong8, Thailand1</td>
<td>UEEE (7), spent battery(2), Mix metal scrap(1)</td>
</tr>
<tr>
<td>2015 (until end of the Oct.)</td>
<td>14</td>
<td>Hong Kong14</td>
<td>UEEE(12)</td>
</tr>
</tbody>
</table>
Declared as second hand goods, but ship backed by importing country.
Notification of take back received – mixed scrap metal
Operation in receiving Notification of illegal trade

Receive notice based on Basel Convention Article 9 from the country of import

Central office of MOEJ (CA)
- Request for further information from the CA of import country
- Inform the notice to Customs and request them for information on the export

Regional office of MOEJ
- Interviews to the exporter

Examination of the wastes

Order of take back

Joint inspection with Customs

Same protocol as the costal operation

Ship-backed cargo (laptop PC)
Challenges in Processing take back

1. Order of take back

- In ordering exporter to conduct the take back, provisions for re-importing of Basel Act should be applied.
- The provision only can apply when their cargo is defined to be subject under the Basel Act.
- However, it is normally difficult to examine cargos in abroad. Also, different opinions can be made between notifying country.
- Rule is needed to solve such situation.

1. Requirement of guarantee to ensure finance

- Rule for guarantees requirement under the Article 6, 11 of the Basel Convention has not been clear in Japan.
Thank you (Arigato)!

For more information:

- Ministry of the Environment (in Chinese or English)
  http://www.env.go.jp/

- Japan’s Activities for the Basel Convention (in English)