

# **Asian Network Workshop for Prevention of Illegal Transboundary Movement of Hazardous Wastes 23-25 October 2024, Vientiane, Lao PDR**

## **Issue Paper**

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### **Session 1: Country update of the implementation of the Basel Convention - *With a focus on response to e-waste amendment-***

*Session Co-facilitators:*

*Department of Natural Resources and Environment Inspection, Ministry of Natural Resource and Environment (MONRE- DNREI) and Ministry of the Environment, Japan (MOEJ)*

#### **Background**

##### **(1) General update of country's implementation**

- Mindful of the growing threat to human health and the environment posed by the transboundary movement (TBM) of hazardous wastes, the Asian Network is serving as a platform in sharing the latest information on national laws and regulations along with the situation on TBM of hazardous wastes among competent authorities in the Asian region over the years.
- As usual practice, the Session 1 of the Workshop 2024 will share update of national regulation and implementation of the Basel Convention, which would include update of import/export control of used electrical and electronic equipment (UEEE) and plastic waste which have been summarized and updated periodically by the Asian Network Secretariat.
- The general updates also include update of the response to the plastic waste amendments which was adopted by the 14<sup>th</sup> Conference of the Parties to the Basel Convention (COP14), which entered into force in January 2021. Because some of the terms in these annexes are difficult to interpret, the workshops in 2020-2023 mainly discussed the status of each country's response to the plastic wastes amendments and shared some common difficulties for the implementation. The Workshop 2024 will also continue to discuss this topic, as it has significant implications for the Asian region.

##### **(2) Response to e-waste amendments**

- e-waste is one of the most problematic waste streams in Asia since TBM is significant and sometimes it causes serious environmental pollution and health damage. Therefore, since the establishment, the Asian Network has been much discussion about how to manage import/export properly and to ensure the environmentally sound management.
- The COP15, held in June 2022, adopted the following amendments to the Annexes regarding e-waste.
  - Addition of a new entry A1181 (Annex VIII)
  - Addition of a new entry Y49 (Annex II)

- Deletion of B1110 (Annex IX)

As a result, all TBMs of e-wastes, irrespective of their hazardousness, will be subject to the PIC procedure under the Basel Convention.

Under the new entries A1181 and Y49, e-waste consists of the following three categories.

- Whole Equipment
- Component (e.g., battery, switch, etc.)
- Waste from processing e-waste (e.g., fraction from dismantling or shredding of e-waste)

Y49	<p><b>Electrical and electronic waste:</b></p> <ul style="list-style-type: none"> <li>• Waste electrical and electronic <u>equipment</u> <ul style="list-style-type: none"> <li>– not containing and not contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic, and</li> <li>– in which none of the components (e.g. certain circuit boards, certain display devices) contain or are contaminated with Annex I constituents to an extent that the component exhibits an Annex III characteristic</li> </ul> </li> <li>• Waste <u>components</u> of electrical and electronic equipment (e.g. certain circuit boards, certain display devices) not containing and not contaminated with Annex I constituents to an extent that the waste components exhibit an Annex III characteristic, <u>unless covered by another entry in Annex II or by an entry in Annex IX</u></li> <li>• <u>Wastes arising from the processing of</u> waste electrical and electronic equipment or waste components of electrical and electronic equipment (e.g. <u>fractions</u> arising from shredding or dismantling), and not containing and not contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic, <u>unless covered by another entry in Annex II or by an entry in Annex IX</u></li> </ul>
A1181	<p><b>Electrical and electronic waste (note the related entry Y49 in Annex II)<sup>1</sup>:</b></p> <ul style="list-style-type: none"> <li>• Waste electrical and electronic <u>equipment</u> <ul style="list-style-type: none"> <li>– containing or contaminated with cadmium, lead, mercury, organohalogen compounds or other Annex I constituents to an extent that the waste exhibits an Annex III characteristic, or</li> <li>– with a component containing or contaminated with Annex I constituents to an extent that the component exhibits an Annex III characteristic, including but not limited to any of the following components: <ul style="list-style-type: none"> <li>▪ glass from cathode-ray tubes included on list A</li> <li>▪ a battery included on list A</li> </ul> </li> </ul> </li> </ul>

<sup>1</sup> PCBs or PBBs are at a concentration level of 50 mg/kg or more in equipment, in a component, or in wastes arising from the processing of waste electrical and electronic equipment or waste components of electrical and electronic equipment.

	<ul style="list-style-type: none"> <li>▪ a switch, lamp, fluorescent tube or a display device backlight which contains mercury</li> <li>▪ a capacitor containing PCBs</li> <li>▪ a component containing asbestos</li> <li>▪ certain circuit boards</li> <li>▪ certain display devices</li> <li>▪ certain plastic components containing a brominated flame retardant</li> </ul> <ul style="list-style-type: none"> <li>• Waste <b>components</b> of electrical and electronic equipment containing or contaminated with Annex I constituents to an extent that the waste components exhibit an Annex III characteristic, <u>unless covered by another entry on list A</u></li> <li>• <b>Wastes arising from the processing of</b> waste electrical and electronic equipment or waste components of electrical and electronic equipment, and containing or contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic (e.g. <b>fractions</b> arising from shredding or dismantling), <u>unless covered by another entry on list A</u></li> </ul>
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- These amendments will enter into force on 1<sup>st</sup> January 2025, which might result in a huge impact on the import/export control in Asia where the e-waste trade is significant. Now all the Basel Parties are in the process of responding to the e-waste amendment, therefore it would be timely to share the country's status for the preparation of the national law/regulation to respond to the e-waste amendments.
- Furthermore, among new e-waste entries (Y49 and A1181), “component” and “fraction” are to be covered by Y49 or A1181 unless covered by other entry in Annex II, VIII, IX. The distinction between new Basel e-waste entries and the existing Basel entry, especially Annex IX entries which are not subject to the control under the Basel Convention, will be critical to implement the e-waste amendment on the ground. Due to the nature of complexity, there would be a room for different definition or interpretation, therefore the workshop 2024 will share country's perspective and identify the scope of new e-waste entries commonly considered by the Asian Network countries.

### Structure of the Session

- The Secretariat of the Asian Network will review the discussion of the past workshops, recent trend of TBM of plastic waste and e-waste available from published statistical data. The Secretariat will also share the result of the Part 1-2 of the questionnaire survey as basic information for the discussion at the Session 1.
- The Secretariat of BRS Convention will introduce the decisions adopted at COP16 and OEWG14, and ongoing inter-sessional works toward COP17 to be held in 2025.
- All countries will be invited to deliver a country report to this Session, which includes, but is not limited to, the following topics. It is encouraged to include the responses to Part 1-2 of the questionnaire which was sent by the Secretariat prior to the workshop.

- Updates on national laws/regulations for the implementation of the Basel Convention including the followings
  - Update of national law/regulation on import/export of UEEE, if any.
  - Update of national law/regulation on import/export of plastic waste, if any.
  - Status of response to the plastic waste amendments under the Basel Convention.
- Recent trend of TBM of hazardous waste (especially trade pattern of plastic waste after the amendments entered into force on 1st January 2020).
- Status of response to e-waste amendments under the Basel Convention and type/scope of waste to be covered by the new e-waste entries (Y49 and A1181).
- Followed by the country reports by the Asian countries, the Session will also invite presentations from non-Asian region.
- Lao Customs will be invited to present its practice to combat illegal shipment and challenges for the enforcement.

### **Point of discussion**

Mainly Q&A session

### **Expected outcome**

- Countries share updated national law and regulations for the implementation of the Basel Convention.
- The national situation for the implementation of amended annexes of the Basel Convention can be shared.
- Countries understand commonality and difference regarding the scope/categories of waste to be covered by the new e-waste entries (Y49 and A1181).
- Countries understand the latest situation of TBM of hazardous waste and other waste, particularly the trend of plastic waste and e-waste.

## **Session 2: Policies and technologies for the developing and promoting ESM**

*Session coordinator: BCRC-SEA*

### **Background**

- There are increasing needs for the environmentally sound collection, recycle and disposal of wastes, especially plastic waste and e-waste, together with an appropriate trade control at the national level in response to the recent increase of such wastes. In addition to these wastes, the handling of new waste streams such as solar panels and lithium-ion batteries has become a challenge in recent years.
- Although great efforts have been made to establish the recycling scheme such as the Extended Producer Responsibility (EPR), it has also been confirmed in the past workshops that each scheme has different approaches depending on the national interest (e.g., targeted items and cost sharing system). Some countries have put in place advanced initiatives toward the introduction or implementation of the scheme, and the information on the successful mechanism and challenges are of great use for the Asian region.
- Many technical guidelines on the ESM of specific waste streams have been developed under the Basel Convention. These guidelines provide the best knowledge and techniques of which countries are encouraged to use for promoting the ESM. In this Session, participants will also share the experience of using TGs at the national context.

### **Structure of the Session**

- The BCRC-SEA will introduce the state of recycling of plastic waste, e-waste and other merging waste streams in Asia in recent years and explain the scope of the Session. BCRC-China will be invited to report the current progress on the projects related to the promotion of the ESM in Asia
- Some selected countries will be invited to introduce the latest initiatives being undertaken, including the followings.
  - Development of laws/regulations to promote the recycling of plastic waste and e-waste at the national level
  - Initiatives to promote the ESM by industry
  - Introduction of EPR and how it works
  - Experience of using TGs on the ESM of specific waste stream under the Basel Convention, if any
- Followed by country reports, the Session will also invite recycling company in Lao to deliver its technology and practice and how business contribute to the ESM in the country.

### **Points of discussion**

- What are the important elements in promoting the ESM in each country?
- Do the challenges in promoting ESM vary depending on the type of waste?
- Could successful cases in one country be replicated in other countries or regions? How good practices could be applied in a national context, given that the legal system and technology level is different in

each country?

- How can we enhance the engagement of the private sector in pursuing the ESM of plastic waste and e-waste?
- How can the Asian Network contribute to this issue?

#### Expected Outcome

- Gaps and necessary measures can be identified in setting up the legal and institutional basis, including EPR, which leads to the ESM of plastic waste and e-waste.
- The future role of Asian Network in promoting the ESM at the regional level can be identified.

### **Session 3: Good practices and challenges for implementing and facilitating the PIC procedure**

*Session Facilitator:*

*BRS Convention Secretariat*

#### **Background**

- The COP15 to the Basel Convention decided to initiate a work to improve the functioning of the PIC procedure, and the COP16 decided to establish a small intersessional working group (SIWG) to prepare a report with the lead country for consideration by the OEWG14. At the OEWG14 in June 2024, all Parties had discussions on a draft report on challenges in the implementation of the PIC procedure and best practices, possible approaches and initiatives to improve its functioning, as well as options for possible ways forward. The second part of the first meeting of the SIWG will take place from 9 to 11 October 2024 and will further consider the revised report to take into account the outcome of the OEWG14 and submissions from Parties and observers.
- In a draft report prepared by the SIWG, the following items are identified as common challenges among Parties, and the SIWG is currently discussing the possible measures, including options/recommendations, to address these challenges.
  - Difficulty contacting other CA(s)
  - Failure to communicate receipt, lack of response from CA(s) or slow response from CA(s)
  - Use of hardcopy forms and post
  - Notification forms require updating
  - Different documentation requirements from other CA(s)
  - Varying consent dates on approvals
  - Transit countries waiting for a decision by CA of import before making a decision
  - Having to wait 30 days for tacit consent from transit Cas after CA of import has approved
  - Lack of financial capacity and resources of some Parties
  - Interpretation of the term “transit”
  - Lack of harmonized timelines for decisions
  - Disagreements on waste classification
  - Confusion over waste definitions/national restrictions
  - Variation in approaches to financial guarantees
- While strict screening process for import/export notification is important, delays in the PIC process might lead to loss of business opportunities capable of ensuring the ESM. At the past workshops, there were comments on the need for cooperation among Asian countries to facilitate the PIC procedure.
- The Asian Network workshop 2022 conducted initial exchange of information and experience related to the implementation of the PIC procedure. Japan, on behalf of the Asian Network, summarized discussion relevant to the PIC at the workshop 2022 and submit it the BRS Secretariat as inputs for the discussion of the SIWG on PIC. The Asian Network workshop 2023 conducted a detailed questionnaire

survey and discussed this topic in more depth.

### **Structure of the Session**

- The Asian Network Secretariat will report the result of the Part 3 of the questionnaire and introduce the scope of the Session.
- The BRS Secretariat will introduce background information relevant to the theme of this Session, including electronic approaches to the notification and movement documents, guidance developed by Implementation and Compliance Committee (ICC) on the implementation on provision related to transit, and others.
- France, a lead country of the PIC-SIWG, will be invited to introduce the ongoing work and discussion of the SIWG, including a report on challenges in the implementation of the PIC procedure and best practices, possible approaches and initiatives to improve its functioning, as well as options for ways forward, and what they expect to hear from Asian countries.
- Some selected countries will share challenges and good practice of the implementation of the PIC procedure and practice for facilitating it. Country reports are encouraged to include the responses to Part 3 of the questionnaire which was sent by the Secretariat prior to the workshop.
- Followed by the country reports by the Asian countries, the Session will also invite presentations from non-Asian region.

### **Points of discussion**

- Among the challenges identified by the SIWG, which ones are causing delays in the PIC procedure, particularly in Asia?
- What are the effective measures to address the challenges mentioned above at national, regional and global level?
- How each country considers a case to be transit and whether it requires the PIC procedure? Is it possible to harmonize their definitions?
- In which part of the PIC procedure is each country developing an electronic approach? What are the challenges faced in digitalization?

### **Expected Outcome**

- Good practices of some countries for facilitation of the PIC procedure can be shared.
- Challenges associated with the PIC procedure and corresponding solutions at national, regional and global level can be mapped.
- Similarities and differences in the definition of transit in each country can be clarified.
- Status and challenges associated with the digitalization efforts in each country can be clarified.
- Discussion and key finding from the Session will be summarized by the Secretariat and will be submitted to the BRS Secretariat as inputs for the discussion of the SIWG if agreeable among Asian Network countries.