

EU-Asia Collaboration Project

Final report: 20 February 2013



European Union Network for
the Implementation and Enforcement
of Environmental Law

Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the EU Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is in Bruxelles, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 6th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation.

Information on the IMPEL Network is also available through its website at:

www.impel.eu

Title report: EU-Asia Collaboration Project Report	Number report: 2012/16
Project manager: IMPEL TFS Steering Committee	Report adopted: June 2013
Authors: Marina de Gier (Netherlands) Kevin Mercieca (Malta)	Number of pages: 13 Report: 8 Annexes: 5
Project team Marina de Gier (Netherlands) Kevin Mercieca (Malta) Matthias Lindgren (Sweden)	
Executive summary: <p>Members of the IMPEL TFS Steering Committee attended the annual workshop of the Asia Network on the Prevention of Illegally Transboundary Movements of Hazardous Wastes, held 20-22 November 2012 in Cebu, Philippines. The workshop was attended by 30 delegates including representatives from the competent authorities and the focal points to the Basel Convention from the participating countries, the Basel Convention Regional Centre for Asia and the Pacific (BCRC China), and the Basel Convention Centre for South-East Asia (BCRC-SEA). The workshop was also attended by observers from other countries, international organizations, and research institutions.</p> <p>The workshop was organized as a joint programme with 1st workshop of the Regional Enforcement Network for Chemicals and Waste (Project REN) promoted by United Nations Environmental Programme, Regional Office of Asia and Pacific (UNEP/ROAP).</p> <p>The workshop was divided in various sessions, relating to e-waste and ESM, national updates on enforcement activities with the newly introduced and recently amended regulations on hazardous wastes, transboundary movement statistics, illegal cases as well as relevant policies on recycling and ESM of hazardous wastes. Also difficulties faced by the countries relating to take-back of detected illegal transboundary shipment were discussed.</p> <p>IMPEL TFS played an important role concerning in the discussion on how to improve the collaboration between networks and provided the participants with a presentation about the use and benefits of Basecamp and the recently established verification and communication procedures. Some countries, such as Indonesia and Singapore, expressed their interest to become involved in a joint project on verifications. It was decided that at the next workshop the take-back issue should be a joint effort.</p>	
Disclaimer: This report is the result of a project within the IMPEL network. The content does not necessarily represent the view of the national administrations or the European Commission.	

Table of contents

1. REPORT ON THE MEETING.....	6
2.ANNEX – TERMS OF REFERENCE.....	9

1. Report on the meeting

1. Workshop 2012 of the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes was held in Cebu Philippines on 20-22 November, 2012. The workshop was attended by 30 people including representatives from the competent authorities and the focal points to the Basel Convention from the participating countries, the Basel Convention Regional Centre for Asia and the Pacific (BCRC China), and the Basel Convention Centre for South-East Asia (BCRC-SEA). The workshop was also attended by observers from other countries, international organizations, and research institutes.

2. The workshop was organized as a joint programme with the 1st workshop of the Regional Enforcement Network for Chemicals and Waste (Project REN) promoted by United Nations Environment Programme, Regional Office of Asia and Pacific (UNEP/ROAP). The joint meeting was held on 21 November.

3. In the Opening Session of the Asian Network Workshop on 20 November, three opening remarks were delivered by the distinguished speakers. First, Atty. Ernesto D. Adobo, Jr., Department of Environment and Natural Resources (DENR), Philippines warmly welcomed the participants and stressed the importance of having a face-to-face meeting for information and experience exchange for tackling illegal trans-boundary movement (TBM) of hazardous wastes. Mr. Kazuhiro Yoshida, Director, Office of Waste Disposal Management, Waste Management and Recycling Department, Ministry of the Environment, Japan stressed that addressing ESM issues, the strengthening collaboration among networks and better implementation of take-back obligation is key to address the issues of the Basel Convention, and this workshop is timely to discuss this matter. Mr. Ridwan Tamin, Director of BCRC-SEA, expressed deep gratitude for a large attendance from participating countries as well as the support from the governments of both the Philippines and Japan.

4. Then keynote address was delivered by Atty. Juan Miguel T. Cuna, Environmental Management Bureau (EMB), Central Office, Philippines. He introduced the current waste management issues in the Philippines and stressed that the Asian Network is the important platform of information and experience sharing for participating countries in the region, especially for developing countries, for improvement of enforcement of the Basel Convention. Next inspirational message was delivered by Mr. Fernando P. Quililan, EMB, Region VII, Philippines. He explained the situation of Cebu regarding TBM of hazardous waste and other wastes, and he called for further cooperation among the region.

5. The workshop was chaired and a session by Mr. Geri Geronimo Sañez (Philippines) and remaining sessions were facilitated by Dr. Shunichi Honda (Japan) and Ms. Kakuko Nagatani-Yoshida (UNEP/ROAP), and Mr. Aboejoewono Aboeprajitno (a former director of BCRC-SEA) respectively. Mr. Sañez, on behalf of the host country, explained overall objectives and expected outcomes of the workshop at the Opening Session.

6. During Session 1, the presentations were made by competent authorities of six participating countries (Cambodia, Malaysia, Philippine, Singapore and Thailand) regarding the update on enforcement activities with the newly introduced and recently amended regulations on hazardous wastes, TBM statistics, illegal cases as well as relevant policies on recycling and environmentally sound management (ESM) of hazardous wastes including E-waste. Some participants introduced the ongoing and developing practices on the import/export control system.

7. Through the Session, the participants learned the latest information on rules and regulations on hazardous wastes including E-waste and collaborative practices on tackling illegal TBM between environmental and customs officers and difficulties faced by the countries relating to take-back of detected illegal trans-boundary shipment. Active discussion was made on the information sharing systems for TBM and its possible harmonization among the systems and each country's practice on import or export permission or prohibition of hazardous wastes and other wastes for recovery or disposal purposes. Through the discussion, the participants shared their views on the importance for information sharing about the respective countries practices for controlling the TBM of hazardous wastes and other wastes to avoid the illegal traffic.

8. At the beginning of Session 2, Secretariat of the Asian Network reviewed the discussion of ESM at the previous workshops and outcomes of the relevant study. The secretariat then introduced the ongoing discussion of technical expert group (TEG) to develop a framework of the ESM, which was established under the decision of the 10th Conference of the Parties of the Basel Convention (COP10). Then three presentations were made by the Philippines, the Republic of Korea and Malaysia regarding current practice of recycling and treatment of hazardous wastes from an ESM perspective in Asia. The Institute of Scrap Recycling Industries (ISRI) and Infocomm Technology (ICT) Group explained their practices ensuring the ESM of hazardous wastes and other wastes from industry perspective. Presentations were then followed by UNEP-IETC (International Environmental Technology Centre), introducing its capacity building project for E-waste management and proposing possible collaborative activities.

9. Through the discussion, the participants understood the practices of ESM from the perspective of government and industry and exchanged information regarding the current status of recycling facility development. The workshop also discussed the issues addressed by TEG, and the participants exchanged views on possible linkages between ESM and TBM. The participants also shared various views and information regarding the ESM practices and TBM issues by discussing some specific cases in which the hazardous wastes were recycled in the closed loop manner as well as the case which may be effective or necessary to collect the wastes beyond countries and recycle and dispose of the hazardous wastes in an environmentally sound manner as some countries do not have the proper capability for handling them.

10. The second day of the workshop was held as the joint meeting with Project REN. At the beginning of Session 1, the welcome address was delivered by Dr. Young-woo Park, Regional Director of UNEP/ROAP through a recorded video. Then, Secretariat of the Asian Network introduced the scope of the session. UNEP/ROAP introduced goals, objectives and expected impacts as well as the Steering Group and the national focal points of Project REN. UNODC joined remotely from Bangkok to present baseline data on transnational environmental crime in the region. Then, the Secretariat of the Basel, Rotterdam and Stockholm Convention (BRS) explained joint initiatives on preventing combating illegal traffic with a focus on initiatives under the Basel Convention. The Session was followed by the presentation of four enforcement networks (the Asian Network, the European Network for Implementation and Enforcement of Environmental Law Trans-frontier Shipments of Waste (IMPEL-TFS), International Network for Environmental Compliance and Enforcement, Seaport Environmental Security Network (INECE-SESN), and Green Customs Initiatives) which introduced outline of their network and ideas for inter-regional collaboration.

11. Through the discussion, participants learned about the activities conducted in each network and exchanged views on possible collaboration among networks. The participants also discussed the possible role that can be played by BCRCs for strengthening the collaboration among enforcement networks. Some participants pointed out that the importance of wider involvement of the relevant stakeholders such as academia to give on long term sustainability of the objectives of the network and can also provide for scientific-based information and data. The requirement for coordination

amongst the network activities (e.g., creation of a common portal website) is even more important for tackling illegal trafficking of hazardous chemicals and wastes.

12. At Session 2, achievements and lessons learned from enforcement activities in Asia was introduced by World Customs Organization Regional Intelligence Office for Asia and the Pacific (WCO RILO/AP), UNEP/ROAP, INECE-SESN, and Environmental Investigation Agency (EIA) from the perspective of risk profiling and investigation, information and intelligence, operations, and tracing suspicious shipments, respectively. Then the film “Combating the Illegal Trade in Ozone Depleting Substances” was screened by UNEP/EIA.

13. Through the session, participants learned the importance of the approach for tackling illegal trafficking through effective enforcement responses. The importance on actively involving judges and prosecutors is critical for effective enforcement.

14. At Session 3, the representatives of Indonesia and Vietnam made presentation regarding their activities and challenges of take-back provisions. IMPEL-TFS then introduced their guideline on take-back recently developed.

15. At the Session, the participants exchanged specific experiences of the take-back and discussed difficulties on a common ground for implementing take-back. The Session also had a discussion on possible inter-regional collaboration between Asia and EU for addressing take-back issues. Some suggested initiating a project to address take-back issue to create common ground including take-back procedure. The representative of the Secretariat of the BRS reminded participants that, as requested by the Conference of the Parties, the Basel Convention Implementation and Compliance Committee was developing guidance on the take-back provision with a view to harmonizing practices.

16. In the Closing Session, the closing remarks were made by Dr. Honda of MOEJ and Ms. Nagatani-Yoshida of UNEP. They acknowledged all the contributions and active participation made for the workshop.

- End -

2. Annex – Terms of Reference

TERMS OF REFERENCE FOR IMPEL PROJECT

No	Name of project
2012/16	Cooperation and Awareness Raising to Prevent Illegal Traffic in Waste to non-OECD countries in Asia

1. Scope

1.1. Background	<ul style="list-style-type: none"> • Large amounts of post-consumer wastes such as electronic wastes are being exported from Europe to Asia. • Many exports take place with the alleged intent of re-use or recycling but often result in residual hazardous materials being disposed of in an environmentally unsound manner. • Many exports are illegal and in violation of the Basel Convention, or the EU Waste Shipments Regulation. • Awareness raising concerning existing laws and illegal traffic is needed among various stakeholders. • Cooperation is necessary between exporting and importing States.
1.2. Link to MAWP and IMPEL's role and scope	<p>IMPEL's MAWP: the proposed meetings between IMPEL TFS representatives and Asian colleagues are linked to the items Capacity Building and International Enforcement Collaboration.</p> <ul style="list-style-type: none"> - I/7 - II/7 - VII/1-4 <p>See IMPEL TFS MAP:</p> <ul style="list-style-type: none"> • Strategic Goal 3: Improved Cooperation and • Themes 4 and 5
1.3. Objective (s)	<p>To Partner with the Asia Network, the local Basel Convention Regional Centre/s, MEA-REN or other suitable co-sponsor to:</p> <ul style="list-style-type: none"> • Raise awareness of the problem and impacts of waste shipments arriving in Asian destinations in contravention of the Basel Convention and TFS Regulation. • Establish a simple but robust contact regime so as to better deal with illegal traffic –through National Contact Points • Begin to build better communication between customs, police and environmental authorities in all affected countries. • Share experiences between the IMPEL TFS programme in Europe and the experience in Asia. • Clarify the national laws and requirements of respective importing and IMPEL-TFS cluster exporting States for waste imports and exports, and to make these requirements available to all National Contact Points. • Gather information about licensed facilities in Asia that work in an environmentally sound manner. • Arrange exchange visits and participation in IMPEL TFS training/inspection projects
1.4. Definition	

<ul style="list-style-type: none"> • 1.5. Product(s) 	<ul style="list-style-type: none"> • Annual attendance at Asian Network seminar by 2/3 IMPELTFS representatives and, where possible, at a Basel organised Regional workshop and the annual MEA-REN meeting; • Annual attendance by Asian Network representatives at IMPELTFS conference; • Establishment of National Contact Points with Asian Networks; • Collaboration concerning questions and verifications; • Set up a database with answers to verification requests-via IMPELTFS basecamp -to prevent double questions from different countries; • Development of a take-back guidance; • Training and exchange programmes as possible; • Project Report.
--	--

- **2. Structure of the project**

2.1. Participants	At least 2 MSs participating and chosen at annual NCP meetings-preferably initially MSs who have major trade with Asia and/or members from the IMPEL TFS Steering Committee
2.2. Project team	NCP Network
2.3. Manager Executor	
2.4. Reporting arrangements	Report to Steering Committee with nominations before and report after-review by SC in 2012
2.5 Dissemination of results/main target groups	Reporting to NCP Network and Annual IMPELTFS Conference, Secretariat to put on IMPEL web-site

3. Resources required

3.1 Project costs and budget plan			2012
<u>1. Overhead (organisation) cost (€) :</u>			
<u>2 Project meeting costs (€)</u>			
<u>Meeting 1</u> ¹ Asian Workshop			
No of Participants:	4		
Travel ² :			€3000 (4*750€)
Accommodation ³ :			€3000 (4*5*150€)
Catering:			
Meeting venue:			
<u>Meeting 2</u>			
No of Participants:			
Travel:			
Accommodation:			
Catering:			
Meeting venue:			
<u>Meeting 3</u>			
No of Participants:			
Travel:			
Accommodation:			
Catering:			
Meeting venue:			
<u>3. Other costs (€):</u>			
Consultant:			
Translation:			
Dissemination:			
Other (specify):			
TOTAL cost per year €			€6.000
TOTAL project cost €			
3.2. Fin. from IMPEL budget	<u>2. Project meeting costs (€):</u>		€6.000
3.3. Co-financing by MS (and any other)	<u>1. Overhead costs (€):</u> as co-financing contribution, committed by...(name of institution).....	Excesses on travel/ hotel and expenses	
	<u>3. Other costs (€):</u> as co-financing contribution, committed by...(name of institution).....		
3.4. Human from MS	Yes		

¹ specify, like Review Group Meetings, Workshop etc.

² normative: €500/person

³ normative: €125/person/night

4. Quality review mechanisms

NCP's to have feedback annually and Steering Committee to review in 2012 and reporting back to the IMPEL General Assembly.

5. Legal base

5.1. Directive/Regulation/Decision	European Waste Shipments Regulation (O.J. No L190,12.7.2006 p1.)
5.2. Article and description	<p>The enforcement activities are based on the Regulation (EC) No 1013/2006 of the European parliament and of the Council of 14 June 2006 on shipments of waste (TFS Reg.). This is directly applicable in all Member States of the EU.</p> <ul style="list-style-type: none">• Article 49 of the TFS Reg. lays down requirements for the protection of the environment during the period of shipment and during the recovery and disposal of the waste.• Article 50 of the TFS Reg. requires Member States to enforce the regulation and to check shipments and to cooperate bilaterally or multilaterally with one another in order to facilitate the prevention and detection of illegal shipments.• Article 52 provides that Member States, where appropriate shall cooperate with other parties to the Basel Convention via, inter alia, exchange and sharing of information
5.3 Link to the 6th EAP	Effective implementation and enforcement of environmental legislation: necessary to set a common baseline for all EU countries

6. Project planning

6.1. Approval	8 th General Assembly 23-25 November 2011, Warsaw, Poland
(6.2. Fin. Contributions)	
6.3. Start	January 2012
6.4 Milestones	Depending on dates Asian meetings
6.5 Product	Report
6.6 Adoption	November 2012