

EU-Asia Collaboration Project

Final report: 12 December 2012



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

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Project manager: IMPEL TFS Steering Committee	Report adopted at IMPEL General Assembly: 7-8 June 2012, Copenhagen
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Executive summary: Members of the IMPEL TFS Steering Committee attended the annual meeting of the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes, 29 November – 1 December 2011 in China. The workshop was attended by totally 37 representatives from the competent authorities and the focal points to the Basel Convention from participating countries, the Basel Convention Coordinating Centre for Asia and the Pacific (BCRC China), and the Basel Convention Regional Centre for South-East Asia (BCRC-SEA), as well as international organizations, research institutes, resource persons and observers. Main discussion topics were guidelines on Environmentally Sound Management of hazardous waste, the outcomes of COP10 of the Basel Convention and improved international cooperation. IMPEL TFS together with the Asian Network will develop a proposal to further exchange and share information in relation to transboundary movements of waste and ESM facilities in Asian countries.	
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.	

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1. Agenda of the meeting

- Opening session
- Session 1: Updates on National/Regional Regulations and Border Control Activities for Enforcement of the Basel Convention
- Session 2: Main Outcome of COP 10
- Session 3: Current Practices of Recycling and Treatment of Hazardous Wastes and Mapping of ESM Facilities in Asia
- Session 4: Collaboration between Asian Network and Other Regional Networks
- Session 5: Chair's Summary

2. Report on the meeting

Following the opening 1st session focussed on an exchange of experiences on TFS by the main participating members namely, China, Honk Kong, Korea, Singapore and Thailand.

During 2nd session, an extensive overview of the main conclusions of COP 10 was given. The session started with a presentation by the Basle Convention Secretariat. Discussions continued on the Environmentally Safe Management of waste. Following COP 10, Japan has budgeted 200.000 US dollars for the preparation of ESM guidelines.

The 3rd session also focussed on ESM with particular reference to experiences in ESM by the various countries represented in the conference. Session 3 continued on Day 2 with presentations from the WEEE Forum, IES JETRO (Japan), Canada and NIES Japan. WEEE Forum commented that the EU does not have the ESM concept defined but there are other measures such as the WEEE directive and the WFD.

The 4th session focussed on presentations by INECE and IMPEL TFS and also by the secretariat of the BCRC. Unfortunately the INECE representative did not manage to arrive in time for her slot and more time was allocated to IMPEL TFS. IMPEL-TFS did on behalf of INECE a part of the presentation regarding the Seaport Project.

On the issue of further collaboration between Asia and Europe, Dr Honda commented that we should now discuss further what concrete collaboration projects we could embark on. We already have the representatives of IMPEL TFS at our conference and the Asian network has been represented in the IMPEL TFS conference.

During the 5th session the meeting was closed off by a summary provided by the Chair (China and Japan co-chairing). The following are the detailed conclusions:

1. Workshop 2011 of the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes was held on 29 Novemeber-1 December, 2011, Shenzhen, China. The workshop was attended by totally 37 representatives from the competent authorities and the focal points to the Basel Convention from participating countries, the Basel Convention Coordinating Centre for Asia and the Pacific (BCRC China), and the Basel Convention Regional Centre for South-East Asia (BCRC-SEA), as well as international organizations, research institutes, resource persons and observers.

2. In the opening session, Mr. Li Xinmin, Director General of Department of Pollution Prevention and Control, Ministry of Environmental Protection, China gave a welcome speech and expressed deep gratitude for the attendance from the participating countries and the relevant organizations and introduced the current waste management issues in China and stressed that the

Asian Network was the important platform of information and experience sharing for participating countries in the region. Mr. Kazuhiro Yoshida, Director, Office of Waste Disposal Management, Waste Management and Recycling Department, Ministry of the Environment, Japan (MOEJ), mentioned this workshop was very timely since the 10th Conference of Parties (COP10) of the Basel Convention was just held in Columbia and valuable opportunity for officers of Basel Convention to have a face-to-face meeting to exchange relevant information and knowledge. He also expressed the support to be given for developing guidelines for environmentally sound management (ESM) of hazardous wastes, which was one of the key elements of the decisions adopted during the COP10 in order to enhance the effectiveness of the Basel Convention. Dr. Li Jinhui, Executive Secretary of the Basel Convention Coordinating Centre for Asia and the Pacific expressed sincere appreciation of all the participants and introduced the relevant activities that BCRC China has implemented. After the adoption of the agenda, four session coordinators were nominated: Dr. Li Jinhui (BCRC China) for session 1, Dr. Shunichi Honda (MOEJ) for session 2, Dr. Juliette Kohler (Secretariat of Basel Convention, SBC) for session 3, Mr. Aboejoewono Aboeprajitno (BCRC-SEA) for session 4.

3. In session 1, Mr. Yu Keli from BCRC China introduced the objectives of the workshop, delegates from China, Hong Kong SAR China, Republic of Korea, Singapore, Thailand, introduced the updates of their regulations in transboundary movements of waste and the implementation of Basel Convention. In some presentations, the newly drafted legal framework on environmentally sound collection and recycling of E-waste, some good practices and examples of shipment verification and repatriation were introduced.

4. Followed by the 6 presentations, Shenzhen Customs offered the presentation on the recent border control activities and explained the recent good practices on waste shipment inspections and specific cases for detecting the illegal trade of hazardous wastes.

5. Session 2 mainly focused on the main outcome of tenth meeting of conference of the parties of Basel Convention (COP 10). In the beginning of this session, the Secretariat of the Asian Network introduced the scope of this session, and followed this presentation, Dr. Juliette Kohler from SBC, introduced the important decisions on legal, compliance and governance matters, technical guidelines, partnership programme, financial matters as well as the Cartagena Declaration. Ms. Zheng Lixia from BCRC China and Ms. Yulisa Indra Djaja from BCRC-SEA introduced their own expertise, plans and the possible roles of BCRCs in promoting ESM of hazardous waste and the legal clarifications.

6. After the presentation, active discussion was conducted among the participants regarding the COP10 decision and its implication to Asian region. BCRCs were considered to play a more important and active role in the future. It was also perceived the importance for promoting the ESM with the support from various stakeholders including industries, and providing the legal clarity for Basel Convention terminology and related terms. The development of ESM guidelines were also discussed in the session. Some views were expressed regarding the information to be included in the ESM guidelines and the level of ESM to be pursued. It was also pointed out that active involvement not only from developed countries but also developing countries will be important to reflect the social economic and technical diversity in Asia.

7. Topic of session 3 focused on the current practices of recycling and treatment of hazardous wastes and mapping of ESM facilities in Asia. In the first half of the session, scope of the session and mapping of ESM facilities in Asia was introduced by the Secretariat of the Asian Network. The current practices of recycling and treatment of hazardous wastes were introduced by the delegates from Republic of Korea, Indonesia, Malaysia and Vietnam. After the presentations, participants expressed their various views on approaches to develop the ESM guidelines such as identifying the measures to harmonize the various existing guidelines. It was also pointed out the importance to promote comprehensive activities including capacity building and training during development of ESM guidelines and further elaboration is required how to define the ESM.

8. In the second half of the Session 3, the resource person from the WEEE Forum introduced the function and overview of WEEE Forum and then introduced the objectives and purposes, standards and conformity verification of WEEELABEX, a compliance system in Europe; a resource person from Canada introduced the Basel Convention PACE Guidance for ESM especially on the facility-level ESM recommendations; a resource person from Institute of Developing Economies – Japan External Trade Organization (IDE-JETRO) introduced the various approaches in promoting ESM and suggested to combine minimum standard and higher standard; a resource person from National Institute of Environmental Studies, Japan (NIES) presented the comparison of formal and informal recyclers of E-waste and it was pointed out that occupational health issue, reduction of environmental burden and high efficiency of material recovery should be considered in the E-waste recycling. A resource person from Infocomm Technology Group, an organization of multinational EEE manufacturers, introduced criteria on selection of ESM facilities from the business perspective and explained some of the good practices on promoting collection of WEEE.

9. In this session, the series of studies conducted by the Secretariat of the Asian Network on the current status of development of ESM facilities, existing ESM guidelines, possible concepts, components of ESM guidelines applicable to Asia and good practices for ensuring ESM at hazardous waste recycling and treating facility level in other regions as well as the practices conducted by the industry were introduced. After the presentation, it was pointed out that further discussion and information would be required to elaborate the objective and concept of ESM applicable to Asia countries.

10. Session 4 mainly introduced collaboration between the Asian Network and other regional networks. After introducing the update activities by the secretariat, IMPEL-TFS introduced their recent activities and possible collaboration with the Asian Network.

11. In the following discussion in session 4, the cooperation between the Asian Network and other regional networks and a possible topic for the next Asian Network workshop were discussed. It was suggested that possible joint projects, such as projects for take-back issue and legal clarity including definition of WEEE and second-hand EEE, be considered among the networks.

12. In the closing remarks, Mr. Yu Keli, on behalf of BCRC China, showed acknowledgement for the valuable contributions and active participation of all the participants of the workshop.

The third day of the seminar consisted of a site visit to the Shenzhen Customs.

3. Annex – Terms of Reference

TERMS OF REFERENCE FOR IMPEL PROJECT

No	Name of project
2011/19	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 and local Basel Convention Regional Centre/s 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. • 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

	<p>workshop</p> <ul style="list-style-type: none"> • Annual attendance by Asian Network representatives at IMPELTFS conference • Establishment of National Contact Points with Asian Networks. • IMPELTFS website to have links to the Asian authorities on the website and vice versa • A standard format for questions and verification to be developed • Set up a database with answers to verification requests-via IMPELTFS website-to prevent double questions from different countries. • Training and exchange programmes as possible • Project Report • Project to run for 5 years from 2010 to 2015 and be reviewed in 2012
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• **2. Structure of the project**

2.1. Participants	At least 2 MS participating and chosen at annual NCP meetings-preferably initially MS who have major trade with Asia
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 IMPELTFS web-site

3. Resources required

3.1 Project costs and budget plan		2011	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€)	€3000 (4*750€)
	Accommodation ³ :	€3000 (4*5*150€)	€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	€6.000
	TOTAL project cost €	€12.000	
3.2. Fin. from IMPEL budget	<u>2. Project meeting costs (€):</u>	€6.000	€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).....	Excesse s on travel/ hotel and expenses	
	<u>3. Other costs (€):</u> as co-financing contribution, committed by...(name of institution).....		

¹ specify, like Review Group Meetings, Workshop etc.

² normative: €500/person

³ normative: €125/person/night

3.4. Human from MS	Yes
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4. Quality review mechanisms

NCP's to have feedback annually and Steering Committee to review in 2012.

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	6 th General Assembly 18-19 November 2010, Brussels
(6.2. Fin. Contributions)	
6.3. Start	January 2011
6.4 Milestones	Depending on dates Asian meetings
6.5 Product	Report
6.6 Adoption	December 2011