

Chapter 7 EU Regulations on Transboundary Movements of Wastes and Asia

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Chapter 7

EU Regulations on Transboundary Movements of Wastes and Asia

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INTRODUCTION

In recent years, there have been comments such that “while companies can trade wastes easily within Europe, it is very difficult to make transboundary movement of them within Asia”¹. So then, what type of framework did the EU create to secure the smooth movements of waste? And, is it possible to utilize the EU’s experience in

Asia? This chapter details the restrictions on transboundary movements of recyclable and hazardous wastes within the EU and beyond and the way in which these restrictions are operated, as well as the present situation of transfrontier movements of recyclable wastes, and examines the implications for Asia.

SECTION 1: EU REGULATIONS ON TRANSBOUNDARY MOVEMENTS OF WASTES

1-1) The EU definition of wastes and waste categories associated with transboundary movements

The definition of waste that applies in the EU is established in Council Directive² 75/442/EEC, but was broadly amended in Council Directive 91/156/EEC of 1991. Waste is defined as “all substances or object which the holder discards or intends or is required to discard.” The Directive requires that wastes be appropriately “disposed of,” i.e. in landfills or by incineration, or “recovered.” “Recovery” is defined in Annex IIB as heat recovery or recycling, or the reuse of waste oil, etc. This differs from the definition given in Japan, which distinguishes between waste and non-waste on the basis of whether materials (or objects) have a positive or negative value.

Transboundary movements of wastes are controlled by Council Regulation³ 259/93/EEC of 1993. Under this Regulation, transboundary movements are divided into those destined for

disposal and those destined for recycling, and rules are established for controlling both types of movement. Wastes are divided into non-dangerous and dangerous materials on the basis of Organization for Economic Cooperation and Development (OECD) Decision C(92)39, with the former being presented in Annex II (Green List) and the latter in Annex III (Amber List) or Annex IV (Red List). The principle wastes contained in each of the lists are shown in Table 7-1.

1-2) Controls on Transboundary Movements of Wastes within the EU

Council Regulation 259/93/EEC divides transboundary movements of waste within the EU into two categories: those destined for disposal and those destined for recycling, and establishes regulations for both types of movement. It should be noted that these regulations are not applicable to transboundary movements of the wastes listed in Annex II (Green List) that are destined for recycling (Article 1). In other words, Member States have complete liberty

¹ For instance, in an article entitled: “Taro Kono’s Diet Report: Establish Trans-Asian Rules to get Movements of Recyclable Wastes Right,” which was featured in the September 2004 edition of “Nikkei Ecology” (in Japanese), Taro Kono, a member of the House of Representatives comments that: “In the EU, the Basel Convention and the EU rules are a set and this serves to expedite movements of recyclable wastes within the Community. Regrettably, however, there are no such rules in Asia, thus we have no choice but to apply the Basel Convention directly.”

² Council Directives are not directly applicable to EU Member States, but the Member Countries are required to write the content of the Directives into domestic law within a certain timeframe. The way in which countries fulfill this mandate is left to the discretion of the competent authorities.

³ Council Regulations are directly applicable to all Member States, and where Council Regulations are at variance with domestic laws, the Council Regulations take precedence.

Table 7-1: Examples of Recyclable Wastes subject to Transboundary Movement Restrictions

Green List	Amber List	Red List
Paper, paperboard and paper product wastes	Ash and residues of lead, zinc, copper, and aluminum	Wastes, substances and articles consisting of or contaminated with polychlorinated biphenyl (PCB) and/or polychlorinated terphenyl (PCT), and/or polybrominated biphenyl (PBB)
Solid plastic waste	Glass from cathode-ray tubes and other activated glass waste	Asbestos (dust and fibers)
Rubber waste	Lead acid batteries, whole or crushed	Ceramic-based fibers similar to those of asbestos
Metal and metal-alloy wastes in metallic non-dispersible form	Waste oils	Leaded anti-knock compound sludge
Waste from wood and wood products	Asphalt cement waste	
	Used batteries or accumulators, whole or crushed	
	Mercury waste and residues	

Source: Compiled from Council Directive No.259/93/EEC

over transboundary movements of green list wastes destined for recycling within the EU and, as is explained hereunder, no prior notification is necessary.

In the case of transboundary movements of wastes destined for disposal, the notifier (i.e. the waste producer, an authorized waste collector, a registered or authorized waste dealer, etc) is required to notify the competent authority in the destination country (and send copies of the notification to the competent authorities of dispatch and transit, and to the consignee) and to obtain authorization from the competent authority prior to commencement of shipping. The competent authority in the destination country is required to dispatch an acknowledgement within three days, take a decision authorizing or refusing the shipment and the issue authorization (as appropriate) within thirty days therefrom. Authorization may only be given in the absence of objections to the shipment on the part of all competent authorities involved. (Articles 3–5)

The same applies for transboundary movements of amber list waste destined for recycling: the notifier is required to send prior notification to the competent authorities of destination, dispatch and transit. The competent authority of

destination must send an acknowledgement within three working days. If an objection to the shipment has been lodged by any of the competent authorities of destination, dispatch or transit, the notifier must be notified to this effect in writing within thirty days. The shipment may be approved thirty days following dispatch of the acknowledgement if no objection is lodged by any of the competent authorities⁴. (Articles 6–8. See also Table 7-2)

The procedures for transboundary movements of red list wastes destined for recycling are the same, but written consent must be provided by all competent authorities (Article 10).

At the December 2002 Ministerial Meeting of the EU, it was agreed that transitional agreements would apply to transboundary movements of waste undertaken by five of the ten countries acceding to the EU in May 2004, namely: Hungary, Latvia, Malta, Poland and Slovakia⁵. For instance, green list waste is subject to notification as provided in Council Regulation 259/93/EEC through June 2005 for Hungary, through December 2010 for Latvia, through December 2005 for Malta, through December 2012 for Poland, and through December 2011 for Slovakia.

⁴ If written consent is provided by all competent authorities, the shipment can be made before thirty days after dispatch of the acknowledgement. Even if no objection is lodged within thirty days and the shipment may be authorized (tacit consent), the Regulation states that such consent will expire within one year from that date.

⁵ "Information note concerning the transitional agreements for the implementation by Acceding Countries of Regulation (EEC) 259/93 on shipments of waste," downloaded from http://europe.eu.int/comm/environment/waste/shipments/oecd_info.pdf.

Table 7-2: Main EU Prior Notification & Consent Procedures

Procedure	Original scope	Application Procedure	Export Licenses
Amber procedure (Articles 6 & 9)	Transboundary movements of amber-listed wastes within the EU	The notifier shall notify the competent authority of destination and send copies to the competent authorities of dispatch and transit.	The shipment can be made 30 days following dispatch of the acknowledgement if no objection has been lodged.
Red procedure (Article 10)	Transboundary movements of red-listed wastes within the EU	As above	Written consent must be provided by the competent authorities of destination, dispatch and transit prior to commencement of shipping.
Article 15 proc.	Procedures relating to exports of waste from the EU to EFTA countries	The notifier shall send the notification to the competent authority of dispatch by means of the consignment note signed by the competent authority of destination.	The competent authority shall have to take its decision authorizing or refusing the shipment within 70 days following dispatch of the acknowledgement.

Source: Compiled from Council Directive No.259/93/EEC

1-3) Transboundary Movements of Waste to outside the EU

Rules on the transboundary movement of hazardous and recyclable wastes destined for disposal and for recycling to outside the EU are also defined in Council Regulation 259/93/EEC.

Under this Regulation, exports destined for disposal are prohibited to any country outside the Community excluding EFTA (European Free Trade Agreement⁶) countries that are also Parties to the Basel Convention. A series of procedures commencing with notification to the competent authority of destination by means of a consignment note (of consent) signed by the competent authority of dispatch (with copies to the competent authorities of dispatch and transit, and to the consignee), are set forth for exports to the EFTA countries. There are some minor differences: for instance, the competent authority of destination has 70 days to take its decision, but obtaining authorization as a condition for export (Article 15) is the same, and the procedures are virtually identical to those controlling transboundary movements within the Community.

The same Regulation prohibits exports destined for recycling to any countries outside the EU that are not (1) members of the OECD (outside

the EU: the USA, Japan, Korea, etc.), (2) Parties to the Basel Convention, (3) countries with which the Community and its Member States have concluded bilateral, multilateral or regional agreements or arrangements, or (4) countries with which individual EU Member States have concluded bilateral agreements or arrangements.

Council Regulation 120/97/EC was established in 1997 in response to the adoption of the BAN Amendment to the Basel Convention, and a ban was imposed on exports of red list and amber list wastes to non-OECD countries effective from January 1998.

Moreover, in respect of exports of green list wastes (i.e. non-hazardous wastes) destined for recycling in non-OECD countries, the Regulation requires that a copy of the list be shown to all applicable countries and written confirmation obtained to the effect that such waste is not subject to control in the country of destination and that the latter will accept categories of waste to be shipped without procedures that apply to red list or amber list wastes. In respect of countries that do not respond to this request for written confirmation within the 70-day deadline, the procedure laid down in Article 15 will be undertaken, subject to the consent of the country of destination and on condition of the issue of a

⁶ Four countries, namely: Iceland, Liechtenstein, Norway and Switzerland.

certificate of authorization by the competent authority of dispatch. The responses of individual Asian nations are given in Table 7-3 based on information current as of February 2001. Even having been shown the green list, answers were received from some countries requesting prior notification and from others banning

imports of certain substances.

The regulations governing exports of wastes (amber and red list) destined for recycling in OECD countries are essentially the same as those controlling transboundary movements within the EU.

Table 7-3: Procedures for Asia-Origin Imports of Wastes in the EU Green List

Country	Procedure	Wastes covered
China	Not controlled	Wood and cork waste, waste plastics, used paper, copper scrap, aluminum scrap, textile scrap, etc.
	Red procedure	All others
Hong Kong	Red procedure	Tantalum scrap, spent catalysts containing precious metals, asphalt waste from road construction, etc., carpet waste, waste cooking oil, etc.
	Not controlled	All others
Taiwan	Art. 15 proc.	Lead waste in non-dispersible form, cadmium waste and chromium waste
	Not controlled	All others
Philippines	Art. 15 proc.	Metal and metal-alloy wastes in metallic non-dispersible form, spumate containing lead, vehicle waste after waste liquid treatment, electronic waste (printed circuit boards, components, wire, etc.), waste plastics, etc.
	Not controlled	All others
Thailand	Amber procedure	Spent catalysts, metal waste from refining / fusion, non-dispersible waste glass, non-diffusible ceramic waste, rubber waste (tires, etc.), etc.
	Red procedure	Lead waste, cadmium waste, chromium waste, waste plastics, etc.
	Not controlled	All others
Malaysia	Amber procedure	Lead waste, cadmium waste, waste plastics, scrap textiles / clothing, rubber waste (tires, etc.), etc.
	Not controlled	All others
Singapore	Amber procedure	Precious metals in non-dispersible form, copper scrap, aluminum scrap, tin scrap, slag from steel manufacture, etc.
	Red procedure	Lead waste, vinyl chloride
	Not controlled	Waste and Scrap of cast Iron and stainless steel
	Ban	All others
Indonesia	Not controlled	Gold and scrap containing platinum in non-dispersible form, copper scrap, lead scrap, vessel waste, glass cullet, used paper, some scrap textiles / clothing, etc.
	Red procedure	All others
India	Red procedure	Waste cadmium, waste chromium, slag from precious metal / copper refining, waste plastics excluding PP, PET, etc., fibrous waste rope, etc.
	No controls	All others

Note 1: Based on responses to the EU questionnaire. Exports to Bangladesh, Laos, Nepal, Sri Lanka and other countries that failed to respond are subject to the Article 15 procedure.

Note 2: Only key examples are given of the wastes covered by the Waste Shipment Regulation. Readers are referred to the original for details.

Note 3: For details on the amber procedure, red procedure and Article 15 procedure refer to the main text and Table 7-2. Source: Compiled from the "List of Controls Procedures Concerning the Export of Green List Waste to Non-OECD Countries"

SECTION 2: EU EXPORTS OF RECYCLABLE WASTES

Exports of recyclable wastes from the EU15⁷ to destinations outside the Community are shown in Table 7-4. In 2003, it exported 8.74 million tons of ferrous scrap, 4.88 million tons of used paper, 1.12 million tons of waste plastics, 538 thousand tons of copper scrap and 528 thousand tons of aluminum scrap. Turkey and the US were the leading destinations for ferrous scrap, accounting for 52 percent, while 80 percent of

waste plastics shipped to Hong Kong and China, and approximately 60 percent of used paper was exported to China, Indonesia and India. More than half the tonnages of copper and aluminum scrap exported from the EU that year were shipped to China, and the Asia region is a leading destination for many of the Community's recyclable wastes.

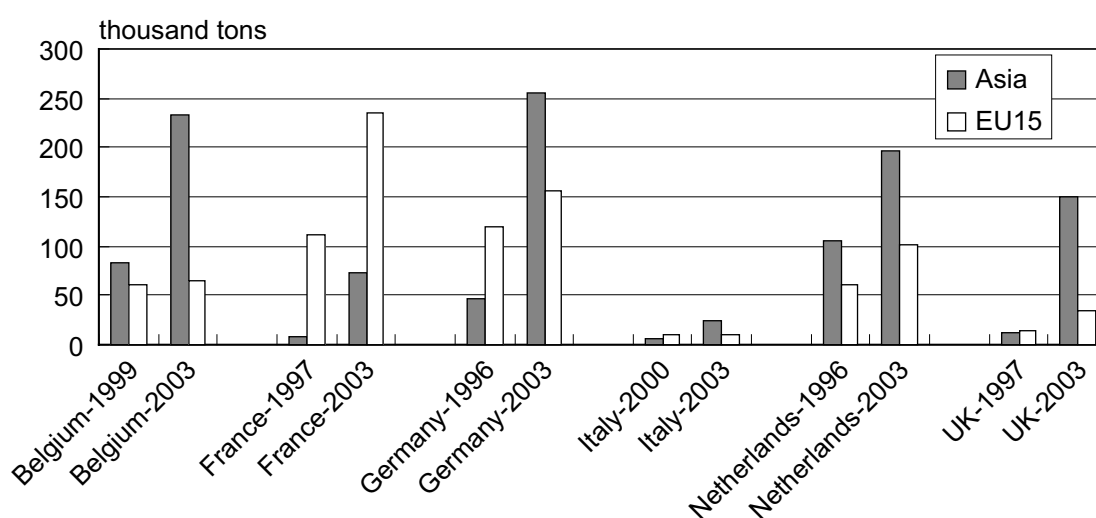
Table 7-4: Exports of Recyclable Wastes from the 15 EU Member States

	Exports (thousand tons)		Top 3 Export Destinations in 2003		
	2002	2003	First	Second	Third
Waste plastics	771	1,125	Hong Kong (56%)	China (24%)	USA (7%)
Used paper	4,444	4,888	China (29%)	Indonesia (22%)	India (9%)
Ferrous scrap ⁽¹⁾	7,874	8,740	Turkey (41%)	USA (11%)	India (10%)
Copper scrap	378	538	China (62%)	India (13%)	Hong Kong (6%)
Aluminum scrap	492	528	China (51%)	India (7%)	Taiwan (6%)

Note 1: The specific tonnages are unknown in some cases. For the top three export destinations, the weights have been calculated using those exports for which tonnages are known.

Source: Compiled from EU trade statistics

Figure 7-1: Recyclable Waste Export Destinations for Major EU Nations



Source: Compiled from the trade statistics of the respective countries.

⁷ Prior to expansion in 2004, the EU was comprised of 15 countries, namely: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the UK.

Figure 7-1 shows the export tonnages of waste plastics from Belgium, France, Germany, Italy, the Netherlands and the UK, based on the trade statistics published by each of these countries. Both Belgium and the Netherlands have been exporting large volumes of waste plastics to Asia since the 90s, which suggests that the region has been functioning as a transit-port for the recyclable resource trade for a long time. Shipments from the other four countries during this decade were mostly to destinations within the EU, but in recent years, the proportion of exports to Asia from Germany, the UK and Italy has been rising, with the increase in Asia-bound shipments from the UK and Germany being particularly conspicuous. In 2002, for instance, Germany exported 165 thousand tons of waste plastics to Hong Kong and China, and is said to have shipped 80 percent of its collected used PET bottles to China⁸. France and Germany appear to export heavily within the EU, but the two nations are in fact believed to be transshipping their waste plastics through the Netherlands for export to Asia. There is no doubt that EU exports of waste plastics to Asia have been increasing in recent years.

Exports of hazardous wastes controlled by the Basel Convention (the hazardous wastes set forth in Annex I, and the “wastes collected from households” and “residues arising from the incineration of household waste” provided in Annex II) are shown in Table 7-5. The tonnages are of a completely different magnitude to those from Asia presented in Chapter 1 of this paper, suggesting that the countries of the EU are trading heavily in hazardous wastes. Even Japan, for instance, exported just 1,515 tons and imported 4,320 tons for recycling in 2001. By comparison, Germany exported 230,283 tons and imported 676,212 tons. The breakdown of imports and exports destined for recycling reveals that trade within the Community accounts for the majority in all cases, from which it may be inferred that trade in hazardous wastes within the EU is proceeding smoothly under the import and export procedures laid down in the EU Council Regulations discussed in Section 1.

However, it is not the case that all transboundary movements of recyclable and hazardous wastes are being managed appropriately in accordance with the laws and regulations out-

Table 7-5: Exports of Wastes under Prior Notice and Consent from Selected EU Nations (2001)

(Unit: tons)

	Exports (subject to the Basel Convention)				Imports (subject to the Basel Convention)			
	Hazardous wastes for recycling and disposal	Other wastes for recycling and disposal	Hazardous wastes and other wastes for recycling	Hazardous wastes and other wastes for recycling	Hazardous wastes for recycling and disposal	Other wastes for recycling and disposal	Hazardous wastes and other wastes for recycling	Hazardous wastes and other wastes for recycling
			Worldwide	To EU			Worldwide	From EU
Belgium	746,479	0	635,439	627,243	605,419	0	575,652	562,023
France	196,966	9,802	189,063	185,249	1,317,046	30	703,462	617,760
Germany	270,005	47,523	238,283	230,713	799,063	216,130	676,212	650,242
Italy	229,872	133,742	130,454	100,187	1,148,193	797	847,639	558,525
Netherlands	1,676,467	458,296	1,956,782	1,935,482	341,368	170,731	470,009	461,106
UK	35,907	0	35,832	15,426	180,833	45	164,985	150,220

Notes: (1) “Other wastes” refers to wastes generated by household, which is defined in the Basel Convention.

(2) If wastes not subject to the Basel Convention but for which prior notification was undertaken are included, Germany exported 1.54 million tons and imported 2.63 million tons.

(3) The statistics on imports and exports of wastes for recycling within the EU are those for 2001, i.e. for the EU 15 prior to the expansion of 2004.

Source: Compiled from the Basel Convention Secretariat website.

⁸ “The reality of environmentally-advanced nations: Germany’s challenge and the world/5 Used PET bottles bound for China,” Mainichi Shimbun, December 11, 2004, (in Japanese).

lined in that section. Exports of waste in violation of the regulations, particularly those bound for the countries of Asia and Africa, are a problem. In 2003, for instance, facing restrictions on incineration and rising landfill costs, a company in Ireland was discovered attempting to export consignments of household waste containing paper and plastic containers, clothing, glass, wood waste and carpet via the Netherlands and Belgium to India and Singapore. There is also

evidence that some companies in the Netherlands and the UK are engaged in similar practices. End-of-life refrigerators containing CFC coolants are also being exported to Africa (from Germany, the Netherlands, Sweden and the UK). In addition, exports of waste plastics to India was, in theory, restricted to some plastics such as PET, but consignments containing all types of waste plastics are in fact being mixed and shipped (from the UK)⁹.

SECTION 3: THE EU NETWORK OF ENFORCEMENT AUTHORITIES

To counter illegal exports of wastes, it is very difficult for the authorities in one country or a customs at a single port to increase the effectiveness of control and enforcement, because trade of green list waste, for example, is unrestricted within EU. Accordingly, the EU requires a framework to facilitate high-levels of information sharing and stronger, more harmonious enforcement within the Community. The network of regulators known as IMPEL-TFS and its activities is an original EU framework that was designed to address these problems. IMPEL is the abbreviation for the European Union Network for the Implementation and Enforcement of Environmental Law, while the TFS is one of the working groups operating under the umbrella of IMPEL and stands for Transfrontier Shipment of Waste.

In order not to create major differences in the emissions standards and regulations for hazardous substances among the individual countries of the EU, rules have been established to facilitate the application of common standards and regulations across the Community. Council Directive 75/442/EEC, which establishes the definition of waste, and Council Regulation 259/93/EEC, which lays down the procedures for transboundary movements of wastes, are representative examples. However, if the regulations are operated and enforced differently by individual countries, problems will arise in terms of competitive advantage/disadvantage, which serve to create loopholes in the regulations that then make it difficult to sufficiently

effectuate regulatory enforcement. The sharing of expertise among regulators is also critical to efficiency in the enforcement of legislation. Environmental regulators across the EU shared an awareness of these problems, and in 1992 established the IMPEL network. IMPEL has an office inside the European Commission, but only receives a budget of around 300 thousand Euro and the network is thus, in principle, supported by the voluntary participation of the various agencies¹⁰. The 25 Member Countries, four candidate countries, as well as Norway's environmental regulation organization and the European Commission are all members of IMPEL¹¹.

IMPEL's activities are many and varied and include the training of regulators involved in industrial pollution, the exchange of information, the construction of a framework for delivering and utilizing EMS (Environmental Management System) information to regulatory authorities, and so forth; the Transfrontier Shipment of Waste working group has been in action since the inception of the network. Specific contents of action are decided at plenary meeting held every year.

The Seaport Project is one of the more interesting experiments being undertaken by the TFS. This project was proposed and accepted at the IMPEL-TFS plenary meeting of 2002, and operations commenced in the spring of 2003. Six countries are involved: Belgium, Germany, Latvia, the Netherlands, Poland and the UK. The project involved joint on-site inspections of

⁹ Based on hearing conducted at the UK's Environmental Agency by Yoshida (September 13, 2004) and some of the findings from an Environmental Agency's questionnaire to EU member states (IMPEL-TFS STRATEGIC ASSESSMENT—Questionnaire).

¹⁰ Based on an interview with the IMPEL coordinator at the European Commission that was conducted in October 2004 by Kojima.

¹¹ EU member countries: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and the UK. Candidate countries: Bulgaria, Croatia, Romania, and Turkey. Others: Norway, European Commission.

wastes, not labeled as waste or labeled as if green list wastes, bound for non-OECD countries, Latvia and Poland. Between June 2003 and March 2004, for example, joint inspections undertaken at participating seaports in the various countries resulted in the discovery of shredder residue labeled as “copper scrap” bound for China from Belgium, shipments of disposable cameras containing batteries from Germany to Hong Kong, and “paper” bound for India from the UK that contained plastics and used paper, and a shipment labeled “plastics” containing broken PCs and monitors to be exported from UK to Pakistan. The exports were stopped and in some instances the country of dispatch was required to ship back the consignment. As part of the project, manuals (uniform working methods) were compiled for inspection of customs documents, inspection at storage locations and warehouses, and waste inspections in transit.

In May 2004, ten countries acceded to the EU. The training for regulators in the new Member States was organized at an IMPEL plenary meeting. As stated in Section 1, transitional agreements involving the more rigorous application of procedures for the transboundary movements of specific types of waste were made with those of the new Member States unable to meet EU regulatory requirements in this area. There was a need to coordinate the training for regulators, legislation and so forth to enable the new Member States to enforce EU regulations appropriately by the end of the respective transitional periods. At the June 2003 IMPEL-TFS Plenary Meeting it was agreed that training on enforcing the Basel Convention on the transboundary movements of waste was conducted by Austria to Slovenia, by the Netherlands and the UK to the Czech Republic, Slovakia and Malta, by Sweden and Denmark to Estonia and Latvia, and by Germany to Poland.

SECTION 4: TOWARDS INTERNATIONAL COOPERATION IN ASIA

Germany and many other EU countries are undertaking progressive recycling initiatives, but large quantities of collected used paper, waste plastics and other recyclable wastes contained in the green list are being exported to the Asia region.

Europe, many countries in Asia require the prior notification and consent procedure for exports of this type of waste. In short, Asia has no harmonized rules on the transboundary movements of recyclable wastes and this might be said to be hampering the expansion of recyclable waste trade.

Meanwhile, transboundary movements of hazardous wastes by EU Member States, whether destined for recycling or for final disposal, are taking place in greater volumes than in Asia. Most of these transactions take place within the EU. Market integration has progressed and capital is moving freely across national boundaries inside the EU, but trade in hazardous wastes is conducted according to Council Regulation that is based on the prior notification and consent requirement of the Basel Convention. The Council Regulation establishes uniform trade procedures, and for amber list wastes, for instance, a system has been established whereby transboundary movements automatically become possible 30 days following dispatch of an acknowledgement by a notified competent authority if no objection has been lodged. In Asia, however, as discussed in Chapters 1, 3 and 6, some countries have imposed tough bans and/or regulations on the transboundary movements of wastes. Also, as seen in Section 2, although green list wastes are moving freely within

Moreover, the EU has formed networks like IMPEL-TFS that provide a forum for the exchange of information among regulators and reciprocal communication, and these are serving to stem the flow of illegal traffic in wastes. Nevertheless, the recycling loop of green listed wastes has not fully completed within EU. Since EU exports large volume of green listed wastes, particularly to Asian countries, some EU countries attempt to export hazardous wastes falsely.

Regrettably, however, the regulators responsible for transboundary movements of waste in Asia have rarely had opportunity for face-to-face information exchange. With this in mind, the “Workshop on Prevention of Illegal Transboundary Movement of Waste” of December 2004, which was hosted by Japanese Ministry of the environment, is expected to provide the motivation for new activity in Asia. Competent authorities from ten countries, Korea, Hong Kong (China), Cambodia, Indonesia, Malaysia,

the Philippines, Singapore, Thailand and Vietnam, plus Japan, and staffs from the Basel Convention Regional Center in Beijing and Jakarta were involved. The parties shared experiences and problems relating to the transboundary movements of hazardous wastes and established a network aimed at preventing illegal traffic, and for the future, agreed to set up a website for collecting and providing information aimed at preventing illegal traffic, and to hold workshops to facilitate capacity building. This workshop was extraordinarily significant in terms of the fact that it marked the gathering of and sharing of experiences among Asia's Basel Convention enforcement authorities, and made the various regulators known to each other. It is said that after the workshop, the competent authorities send reply to question from Japan more quickly than before the workshop¹². The workshop has a positive impact on the communication among competent authorities. However, unlike in the EU, the network does not currently allow for the participation of customs inspectors, who actually conduct the inspection, and it is hoped that the competent authorities in the various countries will help transform this into a more inclusive network in the future.

In September 2004, Japanese Ministry of Economy, Trade and Industry held policy talks on recycling with Chinese National Development and Reform Commission. The discussions focused on the development of policies and the

recycling of e-waste with a view to establishing sound material-cycle economic systems in Japan and China, and on the regulation of hazardous waste containing products. The discussions were extremely lively and also covered a development of the Chinese legislation on the recycling of home appliances and PCs, and the regulations to respond to Europe's RoHS (Restriction of Hazardous Substances) directive. The two nations agreed to continue bilateral dialogue. The competent authorities in China are the State Environmental Protection Administration (SEPA) and the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ), while Japanese Ministry of Economy, Trade and Industry, its Ministry of the Environment and Customs House are involved in the regulation of transboundary movements of recyclable wastes, and much is expected of this framework for all-inclusive dialogue.

Unlike the EU, Asia has not institutionalized the mechanisms for harmonizing and standardizing regional regulation. Communication in English also presents more of a problem in this region than it does in the EU. But precisely for this reason, efforts must be made to increase the frequency of dialogue, to gain an understanding of the regulations and recycling industries in other countries, and to make improvements in problem areas.

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¹²Based on press release by Japanese Ministry of the Environment of December 9, 2004, entitled: “Results from the Workshop on Prevention of Illegal Transboundary Movement of Wastes,” and a personal communication with a staff in Japanese Ministry of the Environment.

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