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**Technical expert group to develop a framework
for the environmentally sound management of wastes****First meeting**

Tokyo, 17–19 April 2012

**Report of the first meeting of the technical expert group to
develop a framework for the environmentally sound
management of wastes**

1. The first meeting of the technical expert group to develop a framework for the environmentally sound management of wastes was held at the Four Seasons Hotel, Chinzan-so, Tokyo, from 17 to 19 April 2012. The meeting was hosted by the Government of Japan.

Background

2. At its tenth meeting, held from 17 to 21 October 2011 in Cartagena, Colombia, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal adopted decision BC-10/3 on the Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention. By section B of that decision, the Parties noted that a more systematic and comprehensive effort was needed to improve guidance on the environmentally sound management of wastes and decided to establish a technical expert group mandated to complete the development of a framework for the environmentally sound management of hazardous wastes and other wastes, including consideration of ways in which that framework and its elements might be linked to the transboundary movement of hazardous and other wastes, taking into account paragraph 2 (d) of Article 4 of the Convention.

3. The technical expert group was to comprise 30 members nominated by parties based on equitable geographical representation of the five regional groups of the United Nations, was to elect its own co-chairs and organize its working modalities according to the rules of procedure of the Basel Convention and could call on additional experts as needed. Its meetings would be open to observers. In developing the framework, the group was to take into account the elements listed in the annex to the decision.

4. The group's aims at the current meeting were to agree on the organization of its work and the process for the development of the framework; the schedule for completion of the work; the basic structure of the framework and to elaborate on a preliminary list of elements to be included in the framework; and the types of expertise needed to support the work of the group.

I. Opening of the meeting

5. The meeting was opened at 9.10 a.m. on Tuesday, 17 April 2012, by Mr. Jim Willis, Executive Secretary of the Basel, Rotterdam and Stockholm conventions, who gave a brief summary of the Indonesian-Swiss country-led initiative and decision BC-10/3. He said that the proposed framework was but one element of the initiative, which also addressed the entry into force of the Ban Amendment; the need for further legal clarity; the further strengthening of the Basel Convention regional and coordinating centres; the combating of illegal traffic more effectively; and assistance to developing countries that are facing specific challenges with regard to prohibiting the import of hazardous wastes and building capacity. The first element was of particular importance, and balanced

progress on both the Ban Amendment and the framework was critical to the success of the country-led initiative and the coherent implementation of the Convention. He expressed appreciation to the many parties and others who had provided input for the current meeting (see UNEP/TEG.1/INF/2 and Add.1) and thanked the Government of Japan for hosting the meeting.

6. Welcoming the meeting participants to his country, Mr. Ryutaro Yatsu, Secretary-General of the Minister's Secretariat, Ministry of Environment of Japan, said that the Government of Japan placed a high priority on developing standards and guidelines for the environmentally sound management of wastes and that it was an honour for Japan to host the current meeting. Rapid economic growth in the 1960s had caused environmental degradation and threats to human health in Japan; in response, the Government had formulated a variety of laws aimed at combating the problems, and areas such as waste management and recycling were now strongly regulated. He stressed that while considerable progress could be made through collaboration at the national level, many issues pertaining to waste were regional in scope, and Japan had therefore been proactive in promoting cooperation on waste matters between the countries of the Asia-Pacific region. Finally, he thanked the international community for supporting Japan in its efforts to deal with the huge amount of waste, some of it radioactive, that had been generated by the tsunami of March 2011 that had devastated the eastern coast of Japan.

II. Organizational matters

A. Election of officers

7. Mr. Mohammed Khashashneh (Jordan) and Mr. Kazuhiko Takemoto (Japan) were elected co-chairs of the meeting.

B. Adoption of the agenda

8. The group adopted the following agenda, on the basis of the provisional agenda contained in document UNEP/CHW/CLI/TEG.1/1:

1. Opening of the meeting.
2. Organizational matters:
 - (a) Election of officers;
 - (b) Adoption of the agenda;
 - (c) Organization of work.
3. Development of a framework for the environmentally sound management of hazardous and other wastes.
4. Venue and date of the second meeting of the technical expert group.
5. Other matters.
6. Closure of the meeting.

C. Organization of work

9. The technical expert group agreed to structure the meeting according to a proposed schedule prepared by the secretariat. The meeting would be paperless and meeting documents would be posted on a dedicated website. Contact groups would be established as required. Members of the group and observers were invited to make presentations, which would also be posted on the website. The group agreed that the report of the meeting would be prepared by the co-chairs following the close of the meeting.

D. Attendance

10. The meeting was attended by the following members of the technical expert group:

From African States:

Mr. Adel Shafei Mohamed Osman (Egypt)

Ms. Aïcha Aloïsia Iningoue Vendryes (Gabon),

Ms. Aisha Usman Mahmood (Nigeria)

Mr. Assane Diop (Senegal)

Mr. Issaria Mangalili (United Republic of Tanzania)

Mr. Humphrey Mwale (Zambia)

From Asian and Pacific States:

Ms. Na Wang (China)

Ms. Upik Kamil (Indonesia)

Mr. Kazuhiko Takemoto (Japan)

Mr. Mohammed Khashashneh (Jordan)

Ms. Sun Kyoung Shin (Republic of Korea)

From Central and Eastern European States (and regional economic integration organizations):

Mr. Peter Wessman (European Commission)

Ms. Ingrida Kavaliauskiene (Lithuania)

Ms. Magda Gosk (Poland)

Mr. Przemysław Kurowicki (Poland)

From Western European and other States:

Mr. Yorg Aerts (Belgium)

Ms. Jacinthe Seguin (Canada)

Mr. Andreas Jaron (Germany)

Mr. Pat Fenton (Ireland)

Mr. Marco Buletti (Switzerland)

Ms. Patricia Whiting (United States of America)

From Latin American and Caribbean States:

Mr. Alberto Capra (Argentina)

Ms. Zilda Veloso (Brazil)

Mr. Joost Meijer (Chile)

Ms. Andrea López (Colombia)

Ms. Kerrine Senior (Jamaica)

11. Croatia, Denmark and Japan were represented at the meeting as observers.

12. The following organizations were represented at the meeting as observers: Basel Action Network; Bureau of International Recycling; Institute for Global Environmental Strategies; Institute of Developing Economies; Japan External Trade Organization; National Institute for Environmental Studies.

III. Development of a framework for the environmentally sound management of hazardous and other wastes

A. Presentations

13. Several members of the group gave presentations to inform the group's work. Those presentations, in the order in which they were given, were as follows: key points to be discussed in the development of the framework on environmentally sound management and a possible skeleton of the framework, by Mr. Shunichi Honda (Japan) (who presented on behalf of Mr. Takemoto); the Argentine experience with environmentally sound management of wastes and proposals for the development of the framework, by Mr. Capra; proposals for development of the framework, by Ms. López; the Irish national waste prevention programme, by Mr. Fenton; the Brazilian experience with the environmentally sound management of solid waste, by Ms. Veloso; proposals for the development of the framework and existing documents on environmentally sound management, by Mr. Buletti; the Chilean experience with the environmentally sound management of wastes and a proposal for development of the framework, by Mr. Meijer; the Nigerian experience with the environmentally

sound management of wastes, by Ms. Mahmood; and aspects of European Union policy on the environmentally sound management of wastes, with an emphasis on the waste hierarchy and the treatment of waste as a resource, by Mr. Wessman.

14. In addition, the following presentations were made or submitted by observers: Environmentally Sound Management Criteria Recommendations: Partnership for Action on Computing Equipment Ad-Interim Project Group, by Mr. Ross Bartley (Bureau of International Recycling); development of facilities for the environmentally sound management of wastes in Asia, by Mr. Michikazu Kojima, Institute of Developing Economies (Japan); implications for the development of the framework of a research project to examine the possibility of introducing recycling certification in Asia, by Mr. Yasuhiko Hotta, Institute for Global Environmental Strategies (Japan); and incentives for the environmentally sound management of wastes, including the e-Steward certification system, and their relation to legal requirements, by Mr. James Puckett, Basel Action Network. The representative of the secretariat gave a presentation on criteria, core performance elements and selected standards, guidelines and codes of practice for the environmentally sound management of wastes.

15. The presentations submitted to the secretariat were also made available to the technical expert group.

B. Discussion

16. Following the presentations, the technical expert group undertook a general discussion of issues pertinent to the development of the framework, including some of the issues and proposals mentioned in the presentations. There was agreement that the group should maximize the expertise among its members to produce a framework that was practical, technical, implementable and useful to a wide range of stakeholders, including Governments, industry, intermediaries and waste facility operators. It was also agreed that the framework would need to be dynamic, flexible and adaptable, as the challenge of waste management was constantly evolving, including through the emergence of new ideas and technologies. Several participants noted the importance of sharing national and regional experience on the matter and of seeking regional solutions through economies of scale that might not exist at the national level. It was also suggested that a shift in mindset was needed, from viewing waste simply as a problem to seeing it as a valuable resource.

17. The group agreed that the framework should, to the greatest extent possible, build on previous efforts and existing resources, including the Basel Convention Guidance document on the preparation of technical guidelines for the environmentally sound management of wastes subject to the Basel Convention (1994); the Basel Convention guidance on developing national and/or regional strategies for the environmentally sound management of hazardous wastes (1995); the Organization for Economic Cooperation and Development Recommendation of the Council on the Environmentally Sound Management of Waste of 9 June 2004 - C(2004)100 amended on 16 October 2007 - C(2007)97 and Guidance manual on environmentally sound management of waste (2004, revised 2007); the Environmentally sound management (ESM) criteria recommendations of the Partnership for Action on Computing Equipment (revised 2011); the Basel Declaration on Environmentally Sound Management of 1999 and the Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes of 2011; and other documents made available to the technical expert group. It was noted in that regard that the core elements of environmentally sound management were already laid out in those and other documents, and that the real challenge was to find a way of implementing them; to that end there was a need for more information on the obstacles faced by countries, in particular developing countries, in their efforts to achieve environmentally sound management.

18. There was considerable discussion on how best to structure the framework, bearing in mind the extensive work already carried out on the environmentally sound management of hazardous and other wastes, practical experience at the subnational, national and regional levels and the group's mandate under decision BC-10/3. A number of factors pertinent to the task were discussed, including the need for a common understanding of what "environmentally sound management" implied; the level of ambition of the framework, given the wide range of conditions and capacities in countries; the extent to which the framework should address the prevention and minimization of wastes within the overall waste management hierarchy; how such elements as "tools", "instruments" and "measures" should be defined; the role of performance criteria, core performance elements, certification and enforcement within the framework; how overall principles, such as the polluter pays principle and extended producer responsibility, should be reflected in the framework; financial aspects of waste management, including the role of the public and private sectors and the interaction of market forces such as supply and demand; and the need to take into account the transboundary movement of wastes, including the economic aspects of such movement.

19. The group tentatively agreed, taking into account the elements listed in the annex to decision BC-10/3 as required by paragraph 3 of section B of the decision, to structure the framework with three broad elements: element 1, categories that determine what is environmentally sound management of wastes; element 2, tools and instruments to make the environmentally sound management of wastes operational; and element 3, measures to implement the environmentally sound management of wastes. It also decided that the framework should have an introductory section that would describe the basic ideas and principles on which the framework was based. It was further agreed that the framework should accommodate and incorporate different approaches and levels, taking into account different parties' capacities. The group agreed to use this structure of the framework as a starting point for its discussions, leaving open the possibility of restructuring it as its work progressed.

C. Contact groups

20. The technical expert group decided to establish three contact groups to continue the work on the framework taking into account the group's plenary discussions. Contact group 1, chaired by Mr. Wessman, worked on element 1 (categories that determine what is ESM); contact group 2, chaired by Ms. Mahmood, worked on element 2 (tools and instruments) and element 3 (measures to implement environmentally sound management); and contact group 3, chaired by Mr. Jaron and Mr. Mwale, worked on the introductory section.

21. Contact groups 1 and 2 met on the second and third days of the meeting, while contact group 3 met once on the second day, and the chairs of the groups reported on each day's work.

22. Reporting on the work of its first session, Mr. Wessman said that contact group 1 had looked at different ways of elaborating on the categories determining what was environmentally sound management listed in the annex to decision BC-10/3 and had added a number of additional potential categories. The group had produced a document compiling two broad groups of categories at the national level (defined as within a State's jurisdiction) and at the facility level, as well as a list of principles that it thought should be reflected in the introductory section of the framework, which it hoped could feed into the work of the contact group on the introductory section. The group had made good progress, he said, but needed to work further. Following the group's second session, he reported on how the group had revised the document it had produced, expanding and refining it on the basis of the comments of the technical expert group. Both versions of the document are set out in annex I to the present report, where they are presented as submitted by the contact group, without formal editing.

23. Following the first session of contact group 2, Ms. Mahmood said that the group had discussed all the items comprising elements 2 and 3 and had done some preliminary sorting and ordering of items under both elements. Much work remained to be done, however, to clarify how those two elements related to each other and what should be included within each element. She also said that the members of the group had agreed that as an overarching principle the framework should address tools and instruments in the context of specific waste streams rather than wastes in general. She noted that the group had decided to rename the third tentative element of the framework, "measures needed to implement the environmentally sound management of wastes", to refer to it instead as "indicators/verification of performance", as the element encompassed things that could be used to measure performance. She presented a document embodying the group's work under the two element headings. Following the group's second session she outlined a number of refinements of the document on which the group had agreed at that session, as well as some comments that had been made on the categories under element 1. The document is set out in annex I to the present report, where it is presented as submitted by the contact group, without formal editing.

24. Mr. Jaron said that contact group 3 had carefully considered the mandate of the technical expert group and the definition of environmentally sound management in paragraph 8 of article 2 of the Basel Convention in discussing the possible content of the framework's introductory section, including the question of whether the group's mandate extended to the prevention and minimization of waste. The group produced a draft text reflecting the expert group's discussions to date, which he said was meant to reflect the group's mandate as set out in decision BC-10/3 and to identify the waste hierarchy and other principles as reference points underlying the framework. The text is set out in annex I to the present report, where it is presented as submitted by the contact group, without formal editing.

25. Members of the technical expert group and observers made a number of suggestions regarding the work of the contact groups.

26. One issue that stimulated considerable discussion was whether waste prevention and minimization should be included in the framework. Several participants said that prevention and minimization were crucial components of the waste management hierarchy and as such should be included. It was also suggested that it was clearly within the group's mandate and covered in the 1994

Basel Convention guidance document and other documents on which the group intended to build. Other participants, however, said that giving greater attention to the management of existing wastes was more in keeping with the mandate of the group and would allow a clearer focus on the work of waste management facilities rather than having to take account of the much wider range of issues and actors of relevance to prevention and minimization. Some participants said that a compromise lay in stressing the importance of the waste management hierarchy, for example in the introductory section, without specific reference to prevention and minimization; a similar suggestion was to reflect prevention and minimization in the introduction but not attempt to cover it in the operational sections of the framework; a further suggestion was to retain a reference to these principles in the introductory section, but to refer to them in the operational section only if concrete or specific actions were proposed.

27. There was also considerable discussion of just what the product of the group should be in the light of its mandate. In that context it was recognized that the 1994 Basel Convention guidelines and other documents referred to above already set forth a framework on environmentally sound management of wastes. Inasmuch as that framework was outdated, however, and given that it had not thus far been successfully implemented by many countries, the value to be added by the technical expert group would lie in the elaboration of a new, updated, framework that included tools, instruments and measures, of the kind referred to in the annex to decision BC-10/3, to facilitate the framework's implementation and operationalization.

D. Intersessional work

28. The technical expert group agreed on a number of action items in respect of work to be done in preparation for its next meeting. A list of those items as agreed by the group is set out in annex II to the present report, where it is presented as agreed by the group and without formal editing. As indicated there, the technical expert group decided to meet intersessionally via electronic means and teleconferences in order to continue the work started at the current meeting, building on the work of the contact groups, with the intention of producing a draft framework for consideration by the Open-ended Working Group of the Basel Convention at its eighth meeting, which would take place from 25 to 28 September 2012. There was consensus among the group that the focus of the intersessional work should be on the implementation aspects of the framework, bearing in mind that the overarching aim of the Indonesian-Swiss country-led initiative was to improve the effectiveness of the Basel Convention.

29. It was agreed that the secretariat would prepare a first draft of the framework for the environmentally sound management of hazardous wastes and other wastes as a basis for the intersessional work of the group. The draft, to be three or four pages in length, would include the output of the contact groups and would also draw upon the core performance elements contained in the recommendation of the Council on the environmentally sound management of waste (9 June 2004, as amended on 16 October 2007) and elaborated in the associated guidance manual of the Organization for Economic Cooperation and Development, the 1994 guidance document on the preparation of technical guidelines for the environmentally sound management of wastes of wastes subject to the Basel Convention and other relevant documents. Annexes to the draft framework would provide explanations and additional information, as needed.

30. The schedule for intersessional work was agreed as follows: first draft of the framework prepared by the secretariat by the end of May 2012; participants in the intersessional work to provide comments on the draft by mid-June 2012; a first teleconference to take place in early July 2012, with additional teleconferences to be arranged as required; and a version of the draft framework to be finalized by the beginning of August 2012 in readiness for consideration by the Open-ended Working Group at its eighth meeting.

IV. Venue and date of the second meeting of the technical expert group

31. The technical expert group decided to hold its second meeting in Geneva during the week immediately following the eighth session of the Open-ended Working Group. The length and exact dates of the meeting were to be discussed during the conference call in July 2012 and decided by the co-chairs of the group, in consultation with the secretariat, as soon as possible based on the progress of the group's intersessional work.

V. Other matters

32. One member of the technical expert group, drawing attention to the continuing work of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury, asked whether and how the framework being developed by the technical expert group should deal with mercury waste, taking into account the fact that mercury waste was a priority waste stream under the Basel Convention. The group noted that the matter would be considered at future meetings.

VI. Closure of the meeting

33. Following the customary exchange of courtesies, the meeting closed at 4 p.m. on the afternoon of Thursday, 19 April 2012.

Annex I

Output of the contact groups

Contact group 1

First version

1. Categories that determine what is ESM

- Proximity disposal¹
- Pollution prevention
- Resource efficiency
- Extended Producer Responsibility
- Waste management hierarchy –(prevention, minimization, re-use, recycling, other types of recovery, including energy recovery, final disposal)
- Prioritization of waste streams;
- polluter pays principle
- (enforcing /preventing) Illegal traffic
- Integrated life cycle
- Precautionary
- Integrated pollution control
- Standardization
- Self sufficiency

At National Level (i.e. within the State's jurisdiction)

- Have an adequate regulatory and enforcement infrastructure at an appropriate governmental level consisting of legal requirements, such as authorizations/licences/ permits, and/or standards; (and e.g. valid licence or permit, monitoring, recordkeeping, information to be provided to authorities, aftercare, insurance, management abilities/training level environmental management systems);
- The infrastructure should support the waste management hierarchy including resource efficiency;
- Develop and implement practices and instruments that facilitate the efforts of appropriate competent authority/ies to monitor the implementation and compliance of waste management activities with applicable national regional and international rules and regulations;²
- In case of non-compliance with existing rules, prompt, adequate and effective actions, including sanctions and penalties, should be undertaken;
- Ensure that waste management facilities are operating according to best available techniques/ best environmental practices, while taking into consideration protection of the environment and the technical, operational and economic feasibility of doing so, while working towards continually improving environmental performance;
- Encourage information exchange between producers, waste generators, waste managers and authorities, in order to foster waste prevention, optimise recovery operations and minimise quantities as well as potential risk of waste destined for disposal or recovery;
- Consider incentives and/or relief measures for facilities that fulfil environmentally sound management;

1 These will be covered in the introduction and may be amplified here

2 Eg auditing and training for CAs

- Provide incentives to take part in environmentally sound recycling schemes and develop measures to increase recycling rates;
- Implement the relevant technical guidance adopted by the Basel Convention for environmentally sound management of waste;
- Move towards internalisation of environmental and human health costs in waste management;
- Encourage the development and implementation of an environmental liability and compensation for damage regime for facilities that carry out risky or potentially risky activities to ensure adequate measures upon definite cessation of activities, and to prevent environmental damage;

At the Facility Level

- The facility should have an applicable Environmental Management System (EMS) in operation;
- The facility should ensure control of emissions taking into account e.g. emission limit values to air, water and soil;
- The facility should take sufficient measures to safeguard occupational health and safety and protection of the environment;
- The facility should have an adequate monitoring, recording and reporting programme;
- The facility should have an appropriate and adequate training programme for personnel;
- The facility should have an adequate emergency plan and response mechanism;
- The facility should have an adequate plan for closure and after-care;
- Facility design should be appropriate (e.g. according to technological progress, construction method and infrastructure);
- Facility location should be considered taking into account risk and environmentally sensitive areas, for example avoiding landfilling in close proximity to coastal areas, residential areas, seismic zones);

2. Tools and instruments to make ESM operational

- Laws
- Guidelines
- Codes of good practice
- Agreements
- *Waste related matters (e.g. collection, sorting, pre-treatment, treatment, storage, downstream management);*

3. Measures to implement ESM

- Licenses/permits
- Certification
- Training

*Revised version***1. Categories that determine ESM****At National Level there should be**

- an adequate regulatory and enforcement infrastructure at an appropriate governmental level consisting of legal requirements, such as authorizations/licences/ permits, and/or standards; (and e.g. valid licence or permit, monitoring, recordkeeping, information to be provided to authorities, aftercare, insurance, management abilities/training level environmental management systems);
- infrastructure to support the waste management hierarchy including resource efficiency;
- practices and instruments developed and implemented that facilitate the efforts of appropriate³ authority/ies to monitor the implementation and compliance of waste management activities with applicable national regional and international rules and regulations⁴ (at facility level see the categories in the section below)
- in case of non-compliance with existing rules, prompt, adequate and effective actions, including sanctions and penalties, undertaken;
- measures to ensure waste management facilities operate according to best available techniques/ best environmental practices, taking into consideration protection of the environment and the technical, operational and economic feasibility of doing so, while working towards continually improving environmental performance;
- encouragement of information exchange between producers, waste generators, waste managers and authorities, in order to foster waste prevention, optimise recovery operations and minimise quantities as well as potential risk of waste destined for disposal or recovery;
- consideration of incentives and/or relief measures for facilities that fulfil environmentally sound management;
- incentives to take part in environmentally sound recycling schemes and develop measures to increase recycling rates;
- implementation of the relevant technical guidance adopted by the Basel Convention for environmentally sound management of waste;
- policy to move towards internalisation of environmental and human health costs and benefits in waste management⁵;
- Encourage the development and implementation of an environmental liability and compensation for damage regime for facilities that carry out risky or potentially risky activities to ensure adequate measures upon definite cessation of activities, and to prevent environmental damage;

At the Facility Level

- The facility should have an applicable Environmental Management System (EMS) in operation;
- The facility shall demonstrate the commitment of top management to a systematic approach: demonstrate commitment of top management to integrate a systematic approach to achieve ESM in all aspects of facility operations, which often includes an environmental health and safety management system;

3 Includes Basel Convention competent authorities and other relevant authorities

4 Eg auditing and training for CAs

5 In many cases environmental and human health costs resulting from waste management are not fully reflected in the financial costs of waste management. These external costs may vary considerably according to factors such as local conditions, or the nature of the waste. The financial costs of waste management may therefore be less than total social costs while the difference being borne by other economic operators. As long as this is the case waste generators and managers may not have sufficient incentive to adopt an appropriate level of waste management within their facilities. In the same way, any environmental benefits should be internalised into waste management decisions at the facility level. (OECD 2007)

- The facility should have provisions to support transparency and verification, subject to appropriate protection for confidential business information, which can help them to provide public assurances that operations and activities are compatible with ESM. Such provisions may include for example participating in third party audits and inspections;
- The facility should ensure control of emissions taking into account e.g. emission limit values to air, water and soil: appropriate action is taken to address significant actual and/or potential risks to public and worker health and safety, and the environment, and correct identified deficiencies in achieving ESM;
- The facility should take sufficient measures to safeguard occupational health and safety and protection of the environment;
- The facility should have an adequate monitoring, recording, reporting and evaluation programmes;
- The facility should have an appropriate and adequate training programme for personnel; ensure employees have an appropriate level of awareness, competency and training with respect to the effective management of occupational risks.
- The facility should have an adequate emergency plan and response mechanism;
- The facility should have an adequate plan for closure and after-care;
- Facility design should be appropriate (e.g. according to technological progress, construction method and infrastructure);
- Facility location should be considered taking into account risk and environmentally sensitive areas, for example avoiding landfilling in close proximity to coastal areas, residential areas, seismic zones);

2. Tools and instruments to make ESM operational

- Laws
- Guidelines
- Codes of good practice
- Agreements
- Waste related matters (e.g. collection, sorting, pre-treatment, treatment, storage, downstream management);

3. Measures to implement ESM

- Licenses/permits
- Certification
- Training

Contact group 2

2. Tools and instruments to make ESM operational

Addressing specific waste streams against general

- Legislation
 - Model legislation [linked to categories in #1][to make ESM operational], more variations of model legislation, programmes to assist the development of national legislation [to implement Basel Convention] at the national level
 - List of what may be needed within model legislation: general duties on waste producers/managers/holders/traders; [responsibilities]; technical and organizational requirements; occupational safety and health; liability; permitting and licensing systems – including what requirements are within licenses/permits; prosecution
 - Including concept of Extended Producer Responsibility within legislation
 - Legislation to implement the waste management hierarchy
- Guidelines / Codes of good practice
 - [Use guidelines to write conditions into licensing /permit systems for in-country management and disposal][Link ESM to PIC procedure]
 - Guidelines to accompany legislation and regulation:- explanations in plain language for improved understanding and clarification among those working on ESM
 - Compilation of existing guidelines related to or dealing with ESM. Consider the need to review and identify gaps and/or updates that may be necessary
 - Guidelines to implement the waste management hierarchy
- Standardisation/certification under/from national, regional and international standard bodies (clarification as to which aspects of ESM could/should be standardized)
 - - Norms and standards,
 - - Voluntary and binding standards (possible links to legislation)
 - - Different variations
 - - Third party auditing vs. self-certification systems
 - - Through a standardisation body:- e.g. ISO, EMAS, OHSAS etc.
- Criteria and **core performance elements**
[Outcome of contact group 1]
- Voluntary agreements and schemes (Non-legislative)
 - Agreements between bodies e.g. sub-regional or local authorities and industry
 - Compliance schemes and voluntary agreements to ensure ESM (e.g. Extended Producer Responsibility, Responsible Care)
 - Voluntary commitments by industry to undertake certain ESM activities
- Mechanisms for cooperation (international, regional and internal/national)
 - IMPEL; Interpol; INECE; Asian Network
 - Ensuring inter-agency cooperation to achieve / ensure ESM (Between national or local Basel Convention implementing and enforcing agencies (some examples available from Ireland) including training aspects)
 - Industry associations; BCRCs; Public Private Partnerships (PACE)

- Training, awareness-raising and compliance promotion
Awareness-raising to encourage ESM activities e.g. making communities, industry, individual facilities etc. aware of economic and other benefits of ESM
 - Enabling environment is created for technology transfer
 - Personnel training, operator training programmes
 - Scientific research for increased understanding and awareness
- Financial and non-economic incentives

3. Indicators / Verification of performance

- Find a way to streamline implementation e.g. online system for PIC procedure
- Monitoring, recording and reporting
- Regular inspections and enforcement
- Auditing
- Networking and information exchange between and among relevant Party states about ESM e.g. Interpol; INECE; IMPEL; Asian Network etc.
- Environmental indicators for verification of performance

Comment: Incorporate the level of accountability into the PIC exercise (CA asks for information and how to verify this information)

Contact group 3

Elements of a Chapter of the Overall Framework

As prepared by the co-chairs following discussion in the Contact Group

1. Purpose: To develop a more systematic and comprehensive framework for the environmentally sound management of hazardous and other wastes (wastes covered by the Basel Convention), taking into consideration links to transboundary movements of wastes (reference to decision BC-10/3).
2. How this work was accomplished [to be completed].
3. The framework takes into account the various principles set out in the 1994 Guidance Document on Preparation of Technical Guidelines for the ESM of Wastes Subject to the Basel Convention (adopted by COP2) as well as other applicable principles not included in the 1994 document, including sustainable production and consumption, priority waste streams identified in the Strategic Framework, internalization of external costs, pollution prevention and resource efficiency.
4. The framework is guided by the waste hierarchy (prevention, minimization, re-use, recycling, other recovery including energy recovery, final disposal) as referred to in BC Decision BC-10/2, paragraph 3(a).

Annex II

Action items agreed by the technical expert group

1. TEG agrees to meet inter-sessionally via electronic means and teleconferences.
 2. Secretariat will prepare a first draft of the ESM framework that includes the output of the contact groups into 1 document, as well as drawing from the OECD Core Performance elements, 1994 guideline for preparing technical guidelines and other relevant documents. The document should be approximately 3-4 pages long, with an annex that will include further explanation as needed.
 3. Secretariat will maintain the internet site for the use of the TEG.
 4. Timeline of next steps:

- Secretariat first draft of framework	end of May 2012
- TEG participants provide comments on draft	mid June 2012
- First teleconference	early July 2012
- Additional teleconferences	TBD
- Draft framework for OEWG8 Consideration (ENG only)	beginning of August 2012
- OEWG8	25 – 28 Sept 2012
- TEG2 (Immediately after OEWG8)	Back to back with OEWG
-