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**Technical expert group to develop a framework  
for the environmentally sound management of wastes**  
**Second meeting**  
Geneva, 30 September–2 October 2012

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

1. The second meeting of the technical expert group to develop a framework for the environmentally sound management of wastes was held at International Environment House, Geneva, Switzerland, from 30 September to 2 October 2012.

### **I. 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. In section B of that decision, noting that a more systematic and comprehensive effort was needed to improve guidance on the environmentally sound management of wastes, the parties 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 first meeting of the technical expert group took place at the Four Seasons Hotel, Chinzan-so, Tokyo, from 17 to 19 April 2012. At that meeting the group made initial progress in developing a framework for environmentally sound management of hazardous wastes and other wastes, including elaboration of a preliminary list of elements to be included in the framework, and established a schedule for further work during the period leading up to the current meeting. The draft framework as developed by the group at that meeting and intersessionally was presented at the eighth meeting of the Open-ended Working Group (UNEP/CHW/OEWG.8/INF/8), which took note of the progress made in developing the framework.

4. The objectives of the current meeting were to further revise the draft framework for environmentally sound management of hazardous wastes and other wastes and to agree on a schedule for completing it prior to the eleventh meeting of the Conference of the Parties, at which the final draft framework developed by the technical expert group would be considered for possible adoption.

## **II. Opening of the meeting**

5. The meeting was opened at 9.25 a.m. on Sunday, 30 September 2012, by Mr. Kazuhiko Takemoto (Japan), co-chair of the technical expert group, who summarized the intersessional work that had taken place on development of the framework, including online collaboration and an online meeting in July. Noting that the Open-ended Working Group had shown considerable interest in the work of the group, he called on the members to work enthusiastically to enable the group to meet its goal of producing a draft framework for consideration by the Conference of the Parties at its eleventh meeting. His co-chair, Mr. Mohammed Khashashneh (Jordan), reported that his country had undertaken an exercise following the group's first meeting to assess what needed to be done to improve implementation of the Basel Convention. Among the conclusions of the exercise was that the framework would constitute an important tool and needed to be practicable, implementable and replicable in all countries, and that it should be useful for stakeholders involved in all phases of the life cycle of wastes. The framework, he said, was needed as soon as possible, and he urged the members of the group to work with dispatch.

6. Mr. Jim Willis, Executive Secretary of the Basel Convention, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants, welcomed the meeting participants. Recalling that the group's work on environmentally sound management of wastes was one of several interrelated elements being pursued under the Indonesian-Swiss country-led initiative, and outlining progress in those elements, he said that the work of the technical expert group had been well received at the recently concluded eighth meeting of the Open-ended Working Group, providing assurance that the group was headed in the right direction.

7. A number of areas relating to the draft framework requiring further development and refinement had been identified at that meeting, as well as intersessionally, which he suggested the technical expert group might wish to address during the current meeting. Those areas were the purpose and objectives of the framework; the identification and prioritization of key problem areas not sufficiently addressed through other forums; indicators for verifying performance, that is, measuring and verifying environmentally sound management; the relationship between the draft framework and the transboundary movement of wastes; the involvement of the private sector in implementing the framework and actions following the eleventh meeting of the Conference of the Parties that might support operationalization of the framework. In conclusion, he said that the technical expert group might also wish to consider how best to effect progress in developing the framework prior to the eleventh meeting of the Conference of the Parties, including whether the group might need to hold a third meeting in order to complete its work.

## **III. Organizational matters**

### **A. 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.2/1:

1. Opening of the meeting.
2. Organizational matters:
  - (a) Adoption of the agenda;
  - (b) Organization of work.
3. Further development of the framework for the environmentally sound management of hazardous and other wastes.
4. Venue and date of the third meeting of the technical expert group.
5. Other matters.
6. Action items, including intersessional work.
7. Closure of the meeting.

## B. Organization of work

9. The technical expert group agreed to structure the meeting according to a schedule proposed by the secretariat (UNEP/CHW/CLI\_TEG.2/INF/2). The rules of procedure of the Conference of the Parties to the Basel Convention would apply, *mutatis mutandis*. The meeting would be paperless and meeting documents would be posted on a dedicated website. Contact groups could be established if required. Statements could be made by both members of the group and observers. Following the approach taken at its first meeting, the group agreed that at its final session it would adopt a list of action items for the period following the current meeting and that the report of the meeting would be prepared by the co-chairs following the close of the meeting.

## C. Attendance

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

From African States:

Mr. Adel Shafei Mohamed Osman (Egypt)  
 Mr. Assane Diop (Senegal)  
 Mr. Issaria Mangalili (United Republic of Tanzania)  
 Mr. Humphrey Mwale (Zambia)

From Asian and Pacific States:

Ms. Upik Kamil (Indonesia)  
 Mr. Kazuhiko Takemoto (Japan)  
 Mr. Mohammed Khashashneh (Jordan)

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

Mr. Peter Wessman (European Commission)  
 Ms. Viktoria Petrova Simeonova-Belokonska (Bulgaria)  
 Ms. Katalin Papp (Hungary)  
 Ms. Ingrida Kavaliauskiene (Lithuania)  
 Ms. Magda Gosk (Poland)  
 Mr. Przemyslaw Kurowicki (Poland)

From Latin American and Caribbean States:

Mr. Alberto Santos Capra (Argentina)  
 Ms. Zilda Veloso (Brazil)  
 Mr. Joost Meijer (Chile)  
 Ms. Andrea López Arias (Colombia)  
 Ms. Kerrine Senior (Jamaica)

From Western European and other States:

Mr. Yorg Aerts (Belgium)  
 Ms. Jacinthe Séguin (Canada)  
 Mr. Andreas Jaron (Germany)  
 Mr. Pat Fenton (Ireland)  
 Mr. Marco Buletti (Switzerland)  
 Ms. Marie Boucher (United States of America)

11. Denmark, Japan, Malaysia and Switzerland 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; Basel Convention Regional Centre for Asia and the Pacific; Basel Convention Regional Centre for Training and Technology Transfer for Central Europe in Bratislava, Institute of Scrap Recycling Industries, SIMS Recycling Solutions.

13. A list of participants is available on the Basel Convention website<sup>1</sup>.

## **IV. Further development of the framework for the environmentally sound management of hazardous and other wastes**

### **A. Initial general discussion of draft framework**

14. Introducing the item, the co-chair drew attention to the draft framework for the environmentally sound management of hazardous wastes and other wastes developed by the group at its first meeting (UNEP/CHW/CLI\_TEG.2/INF/3). He then invited members of the technical expert group and observers to make an initial round of general observations on the issues mentioned by the Executive Secretary in his opening remarks, which were outlined in the scenario note for the meeting (UNEP/CHW/CLI\_TEG.2/INF/1, para. 11), and other relevant matters.

15. In the remarks that followed there was consensus that it was vital to be clear about the purpose and objective of the framework before filling in its details or considering how to implement it. One participant said that an initial priority was to identify the value that the framework would add, given the abundant guidance already in existence. Another participant said that clear delineation of the focus of the framework was key to its successful implementation and that too broad a focus would result in a lack of clear direction.

16. One participant urged that attention be given to identifying the target audience for the guidance and ensuring that it reached the intended recipients, and one suggested that it should be usable by persons with limited experience in waste issues. One participant cautioned against trying to target too broad an audience and suggested limiting it to a core group of those involved with waste. One participant said that the draft framework should clearly delineate the responsibilities of the various actors along the waste management chain. Several participants said that it needed improvement with regard to the participation of the private sector, noting that many relevant actions were carried out by the private sector rather than by Governments. While several speakers said that a framework was of particular importance to developing countries, one participant suggested that there was much room for improvement of environmentally sound management even in developed countries, where the volume of waste was greater; the framework, therefore, should be aimed at all countries.

17. Regarding the scope of the framework, several participants said that it was important for it to deal with the linkage between environmentally sound management of wastes and their transboundary movement. There was general agreement that the framework should cover facilities and standards for their operation and that it should promote the implementation and enforcement of existing mandatory measures, with one giving as an example the prior informed consent procedure. Several participants, however, said that the framework should promote not only mandatory measures but also incentives, for both companies and countries. Several participants said too that the framework should go beyond the facilities level, with one invoking the notion of an environmentally sound management "ecosystem" encompassing matters such as social context, infrastructure, workers' rights and occupational safety and health. Another participant highlighted difficulties with such a proposal, suggesting that it was not possible to certify a country as opposed to a facility.

18. Several participants noted the importance of ensuring the actual implementation of the framework that was developed by the technical expert group. A number of factors relevant to the problem were mentioned, including financial challenges, one solution to which might be the sharing of costs through regional facilities; how to verify waste management standards, including the criteria that might be applied to measure them; and putting in place incentives for adherence to standards.

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<sup>1</sup> <http://www.basel.int/Implementation/LegalMatters/CountryLedInitiative/OutcomeofCOP10/DevelopingguidelinesforESM/TechnicalExpertGroup/Meetings/SecondMeeting/MeetingDocuments/tabid/2854/Default.aspx>

19. Several participants said that the issue of funding was crucial to the success of the process. Several participants noted that in considering the resources needed for implementation, consideration should also be given to the issue of enforcement. One participant stressed the importance of the polluter pays principle, and others envisaged a crucial role for the private sector in implementing the framework. One participant said that government regulation, through appropriation legislation and monitoring, was vital to enforcing standards and ensuring that industry internalized the external costs arising from production. Another participant said that industry was keen to engage in environmentally sound management of wastes, but required assurances with regard to scalability and certainty, and clear performance indicators, in order to commit the required investment.

20. There was some discussion on how global guidance on environmentally sound management of wastes could be reconciled with management at the national level. Several said that there was a need for global standards leading to certification of those facilities that could meet such standards. At the same time, several participants said that since the framework was intended as guidance it should be flexible, assisting countries to achieve the environmentally sound management of waste under varying circumstances.

## **B. Issues requiring further consideration**

21. Following the general discussion the participants discussed in greater detail the issues identified as meriting further consideration in the development of the draft framework mentioned by the Executive Secretary in his opening remarks (UNEP/CHW/CLI\_TEG.2/INF/1, para. 11).

### **1. Purpose and objective of framework**

22. There was consensus that the language currently employed in the draft framework to describe its purpose and objective lacked clarity and specificity.

23. One participant said that the text needed to be more specific and explicit and that some reference to the tools and actions to address the challenges was required. Some participants said that it should be made clear from the start that the intention of the framework was to provide practical guidance to parties, with one participant expressing the opinion that added value would accrue from the presentation of specific guidance in areas where existing guidance was incomplete. Another said that the objective should highlight common ground and the potential for a consistent approach, rather than differences between countries. One or several benchmarks could be developed as a hook on which to establish such common ground. Another said that the text should reflect the desired end product of global waste management, i.e. consistency in environmentally sound management, and another that it should reflect the provisions of the Basel Convention relating to its scope. Some participants emphasized that the link between environmentally sound management of wastes and transboundary movement of wastes should be made clear at the outset, particularly considering the increasing number of transboundary movements and from the viewpoint of illegal traffic of wastes. A number of participants said that the scope of environmentally sound management of wastes within the overall waste management hierarchy should be made clear, while some said that the framework should focus firmly on waste management at the facility level, arguing that to include prevention and minimization lay outside the mandate of the group and would widen the scope of its work to unmanageable levels.

### **2. Identification and prioritization of key problems not sufficiently addressed through other forums**

24. A number of suggestions were offered on key problems insufficiently addressed through other forums that required identification and prioritization.

25. One participant said that the framework should stress the importance of information on illegal traffic, including the quantities and types of waste generated, their destinations and the industries responsible; another reiterated that implementation and enforcement of existing measures on transboundary movements of wastes was critical, as the failure of such measures created incentives for externalizing waste management costs and was antithetical to environmentally sound management. Another, however, suggested that waste transport was beyond the scope of what the technical expert group could deal with. Disagreeing, several others suggested that owing to economies of scale in small countries environmentally sound management could only be achieved at the regional level, through for example regional facilities certified as environmentally sound. Such an approach of necessity implicated the transport of wastes, and it had to be recognized that transboundary movements of waste between developing countries was growing.

26. One participant emphasized that it was important to show that while waste management implicated facilities, including external verification of compliance with environmentally sound requirements, it should also involve consideration of the overall economic and social context. Some participants said that stakeholders needed to be provided with more information on the various streams of waste to enable an assessment of what was the most appropriate methodology for treating each stream, including the extent to which it should be subject to transboundary movement, and whether or not it should be classified as hazardous.

27. Another participant said that the framework should promote the implementation and enforcement of other existing measures on environmentally sound management, while others said that it should promote the provision and exchange of information, for example through networks of competent authorities exchanging information on illegal traffic. Some participants noted links with the work being undertaken in accordance with section E of decision BC-10/3 on combating illegal traffic, adopted at the tenth meeting of the Conference of the Parties.

### **3. Linkage between draft framework and transboundary movement of wastes**

28. Several participants underlined the basic linkage between the draft framework and transboundary movement of wastes, in that the objective of transboundary movement under the Convention was to transport waste to a facility where it could be managed most effectively and cost-efficiently. A number of participants gave examples from their own countries where small quantities of certain wastes, or the lack of facilities for their management, necessitated movement of those wastes to other locations or countries for disposal or other treatment. Some participants drew attention to the difficulty faced by States of export in ensuring that waste transported to a facility abroad was managed in an environmentally sound manner; one participant said that the framework should focus on the responsibility of exporters to ensure that they exported to facilities with adequate standards and to respect any import bans.

29. Several participants stressed the need to control illicit trade and illegal traffic of hazardous wastes, often involving new types of waste streams for which adequate capacity or methodologies for treatment were not yet available, including waste electrical and electronic equipment. One participant said that regional cooperation was an important means of combating such trade, while another noted the role played by the e-waste Africa programme of the Basel Convention in assisting information exchange between parties to help control illegal traffic.

30. Another participant said that an area of concern lay in trade that was legal but still allowed companies to externalize their costs, as with products for repair or at their end of life; higher standards globally for environmentally sound managements of wastes would reduce the opportunity to externalize costs in this manner. Some participants noted the changed global situation whereby various developing countries, for example in East Asia, had developed waste management facilities to the extent that South-South movement of waste had become a feasible option. One participant raised the issue of transported waste that was not covered by the Basel Convention, such as that generated on board ships at sea, asking how it should be dealt with in the framework.

31. Several others said that it was important to deal with waste prevention in the framework because it avoided the need for transboundary movements of waste. One participant noted as an issue the impact of informal sectors reliant on imported wastes on the viability of environmentally sound management facilities.

32. One participant said that the framework should stress that country compliance with the Basel Convention was vital to responsible transboundary movement of wastes; another echoed the point, but said that country compliance alone was not sufficient and that the framework should promote additional measures such as third-party facility audits by globally recognized companies. One participant said that the framework should assist at the national level with ensuring environmentally sound management of wastes in addition to doing so at the international level.

33. There was some discussion of the waste hierarchy, with some participants arguing that it should be taken into account, for example by promoting waste prevention as a means of avoiding the need for environmentally sound management. Others, however, argued that the waste hierarchy would expand the scope of the framework beyond what was manageable and was outside the group's mandate; thus, while it could be mentioned, it would not be practical to include detailed provisions on the waste hierarchy in the framework.

#### **4. Indicators for verification of performance**

34. There was agreement on the importance of establishing clear and usable indicators for verification of performance in managing wastes in an environmentally sound manner. Several participants, however, observed that it was difficult to finalize such indicators until the purpose and objective of the framework had been clearly defined, suggesting that work on them should await progress in other areas. Several participants said that the range of potential indicators was very wide and that the selected indicators should deliver meaningful, comparable data on important aspects of environmentally sound management. One participant suggested that some traditional indicators, such as the number of Governments with legislation in place, might not provide meaningful information about whether environmentally sound management was really taking place. Others mentioned as perhaps more meaningful were the number of enforcement actions undertaken and the volume and type of imports and exports and the volume of waste disposed of in its country of origin. Another participant suggested that the gathering of information on the indicators could be linked to transmission of information under article 13 of the Basel Convention in order to avoid adding to the reporting burden of parties. Another participant noted the importance of efficient information-gathering systems to provide data on the selected indicators.

35. Recalling earlier discussions, one participant said that verification and certification should be applicable to individual facilities but not countries. Others urged a broader approach, taking into account the wider national framework in which facilities operated and their institutional and legal context, saying that environmentally sound management involved not just the workings of facilities but also the quality of waste collection and transportation, the health and safety of workers and other such matters.

36. A number of participants said that verification and legislation meant little without adequate enforcement, one suggesting that a balance was needed between national laws and regulations and an external reference stipulating the global standards required for environmentally sound management of wastes. Another participant said that methods should be put in place to promote the best facilities internationally and give them an advantage in the market, with the private sector playing a role in that regard.

#### **5. Involvement of private sector in implementing framework**

37. Several participants stressed the important role to be played by the private sector in any initiatives to promote the environmentally sound management of hazardous and other wastes within a broad context that involved all stakeholders, noting that the sector played a major role in generating, transporting, collecting, recycling and disposing of waste materials. One participant also suggested that the private sector could provide a "reality check" regarding the feasibility of proposed measures and first-hand information on how measures in force were actually being implemented. A number of participants said that interaction between government and the private sector involved a number of factors requiring a multi-stakeholder approach, such as the expertise of the relevant authorities, the legislation in place and the sophistication of technologies in use. Many agreed on the need to make the framework attractive to the private sector. Some participants underscored that a key issue in many countries was how to involve the informal sector, which played a major role in those countries in the collection, recycling and disposal of waste.

38. Several participants said that it was important to put in place incentives to ensure private sector investment in environmentally sound waste management, including not just financial incentives but also adequate institutional capacity and legal frameworks. Echoing that view, one participant said that there had been a paradigm shift in industry, with many companies wishing to be recognized as responsible actors with concern for human health and the environment. In that context one participant said that companies were reluctant to invest in environmentally sound management in the absence of detailed legislation and regulations that they could rely on to guide their investment decisions. It was also suggested that industry, beyond recyclers, was not adequately represented in the work of the expert group. Some discussion ensued regarding which industries could be encouraged to participate in such work. Two representatives briefly outlined public/private partnerships undertaken in their countries to tackle specific waste streams, stressing that the involvement of the private sector had been vital to dealing with those streams. One representative said that companies often took environmentally friendly positions, noting that 70 per cent of recycling companies in his country, for example, favoured ratification of the Basel Convention's Ban Amendment. Certification schemes to allow such companies to tout their environmental credentials were one tool for promoting environmentally sound management. Some participants said that economic realities had to be

taken into account in any discussion of the private sector; thus, for example, large waste management facilities required large and predictable supplies of waste to be economically viable.

### **C. Detailed consideration of draft framework**

39. Following the discussion of issues, the technical expert group then considered in detail the text of the draft framework developed intersessionally (document UNEP/CHW/CLI\_TEG.2/INF/3), taking into account the points made during the discussions. In addition to the draft framework document, the group had before it comments provided by parties and others on the draft framework text and other resource documents providing information on actions taken elsewhere to promote the environmentally sound management of hazardous wastes and other wastes.

#### **1. Consideration of introductory text**

40. Regarding the introductory text on the purpose and objectives of the framework, it was agreed that it should be set out in a separate section. One participant then proposed text meant to sharpen the statement of the objective of the framework and to make clear at the outset that it was intended as a practical guide for all stakeholders participating in the management of hazardous and other wastes and would identify what countries could do at the national level and collectively, as parties to the Basel Convention, to achieve environmentally sound management of such wastes in a systematic, consistent and comprehensive manner. In summary, the framework would aim to do three things: to establish common benchmarks for environmentally sound management of hazardous wastes; to define tools to support implementation of environmentally sound management; and to identify strategies for overcoming challenges.

41. A number of other participants said that the proposed text provided a good basis for further discussion and that its step-by-step approach was useful and practicable. One participant, however, questioned how the three objectives suggested related to the three broad “elements” of the draft framework as it currently stood, namely: determinants of environmentally sound management of wastes; tools and instruments to make such management operational; and indicators for the verification of performance. In response the proponent of the new text said that indicators, while important, should not be the focus of element III of the framework. Various other parts of the suggested text prompted further discussion, including the appropriateness of the term “benchmark” and what alternatives might be considered, the scope of such terms as “tools”, “strategies” and “verification approaches”, and what “challenges” needed to be overcome. A number of participants proposed other aspects of environmentally sound management of wastes that might be usefully included in the text under consideration, including involvement of the private sector, tackling illegal traffic and improving and strengthening systems for the control of transboundary movement. Others urged simplicity in preference to extensive detail.

42. Turning next to the guiding principles of the framework, several participants observed that the existing text needed to be streamlined and organized in a more logical manner, and a number of suggestions were made in that regard, including deleting or moving text that did not fit within the category of “guiding principles”. A number of participants said that in refining the text the audience for the document needed to be kept in mind and that readability was a priority.

#### **2. Consideration of elements of framework**

43. The group then turned to consideration of the three proposed elements of the draft framework, during which participants made suggestions for improvement of the draft text, offering both general suggestions and specific textual proposals.

44. With regard to element I, on what determined environmentally sound management, one participant said that there was confusion and overlap between some of the components of that element and the tools and instruments specified in element II. Several participants said that care should be taken in defining exactly what the framework was designed to achieve, in order to ensure that it was able to fulfill its stated goals. There was general consensus on the importance of ensuring that all parts of the framework were consistent with one another, and that the scope of the framework was clearly delineated, including with regard to the types of hazardous waste to be included (for example household waste), how a waste management facility or an environmental management system were to be defined, the potential for inclusion of waste prevention and minimization within the framework, and the relative responsibilities of the various stakeholders (in particular waste generators and carriers). There was agreement that the framework should be comprehensive, yet some participants said that the current broad scope of element I



was daunting and possibly confusing, and that efforts should therefore be made to simplify and restructure it.

45. The group next considered element II, on tools and instruments to operationalize environmentally sound management of hazardous and other wastes. There was general recognition of the need for strong tools to ensure that the guidance in the framework was effectively applied, including waste management legislation, policies and guidance. One member said that the title of the section needed to be broadened, as it was necessary for the relevant tools to assure environmentally sound management, not just to operationalize it. There was some discussion of the role of model legislation as a supportive tool, given that many countries already had adequate legislation in place. One participant said that the text and structure of element II could be greatly simplified and that details regarding tools should be placed in an annex to improve the clarity of the framework. Another said that the framework should make clear what tools were recommended as opposed to those that existed.

46. As previously discussed, the group agreed to defer further discussion of indicators for the verification of performance (element III in the draft text in document UNEP/CHW/CLI\_TEG.2/INF/3), until further progress had been made on the development of other aspects of the framework.

### 3. Consideration of revised text of draft framework

47. Following the discussion described above of the draft framework text in document UNEP/CHW/CLI\_TEG.2/INF/3 the technical expert group requested the secretariat to produce a revised draft to reflect that discussion.

48. In accordance with the group's discussions, the secretariat produced a revised draft in which it had introduced changes to the introductory section and element I of the draft framework. Time had not permitted it to revise the section on element II, while as noted above the group had not discussed the section on indicators.

49. The representative of the secretariat explained that it had made a number of changes as requested. First, it had restructured the introductory section to accord with the objective of the framework. It had also revised the objective itself, making it tripartite: to establish a common understanding of the elements of environmentally sound management of hazardous and other wastes through the provision of standards, criteria and guidelines; to define tools to support and promote the implementation of environmentally sound management; and to identify strategies for overcoming challenges in implementation. She also highlighted that in element I the secretariat had tried to capture in the definition of environmentally sound management what had been suggested as its three pillars during the discussion, namely, prevention and minimization of waste generation; the adoption of environmentally sound practices by all those involved in the waste life cycle; and the responsible transboundary movement of hazardous and other wastes.

50. Following a further brief overview by the secretariat of the revisions that it had made, and given that it had in substance already discussed the first two parts of the objective in its discussion of elements I and II of the draft text in document UNEP/CHW/CLI\_TEG.2/INF/3, the group turned to the third part of the objective, identification of strategies for overcoming challenges to implementation of environmentally sound management.

51. There was some disagreement about how to structure the discussion. One participant proposed that it would be useful to discuss strategies as they related to the three pillars of environmentally sound management, beginning with waste prevention and minimization. While that proposal received considerable support it was also opposed by some who said that waste prevention was not part of waste management and was beyond the mandate of the technical expert group. The group accordingly agreed for the time being to discuss strategies as they related to the second and third pillars, with some stating that strategies pertaining to prevention should be discussed at some point.

52. During the discussion, several participants said that it was important to remember when devising strategies that environmentally sound management applied not only to facilities but to each stage of the waste management cycle, including segregation at source, collection and transport, sorting, recycling and recovery and disposal of residues, and therefore required the involvement of a wide range of stakeholders. One participant said that it was necessary to devise strategies, possibly including certification schemes, for ensuring that exported wastes were sent to facilities capable of handling them in an environmentally sound manner. Another said that any strategy should take into account not just the technical aspects of waste management facilities but also their economic aspects.

53. One participant said that the starting point for any strategy was the development of a waste management plan, at the national or regional level, that would identify the intended goals in each stage of the waste cycle, and the timescale for achieving them, for each waste stream. Another said that while plans might have a role they were but preliminary steps to legislation and regulation, which would always be needed to implement the plan. One participant said that it would be useful to assess the global capacity to manage waste as a basis for identifying gaps and guiding regional planning. One participant, supported by another, said that the first step should be to identify challenges, from which would follow the formulation of a strategy to address those challenges, the identification of the tools or instruments to be used for that purpose and finally the identification of which actors would be responsible for each task.

54. Some participants said that there was a lack of clarity in the draft framework as to the relationship between strategies for overcoming challenges to the implementation of environmentally sound management and criteria for environmentally sound management. To illustrate the difference, one participant used legislation on environmentally sound management as an example: the existence of such legislation was one criterion by which to judge environmentally sound management in a country, while a strategy was a plan for ensuring that such legislation was put in place. There was also some discussion of how tools and strategies might best be differentiated. One participant said that it was important to decide whether strategies should be sorted according to stakeholders or according to waste types.

55. The group agreed that to resolve the difficulties of interpretation and enhance the usefulness of the framework it would be helpful to develop a matrix showing the interaction between the components of the framework, including challenges, tools, strategies, criteria and stakeholders, which could form an annex to the framework. At the group's request the secretariat, with input from the group, developed such a matrix, which is set out in annex II to the present report.

56. The group also discussed how the matrix might be further developed intersessionally. Regarding how to populate the matrix, several participants suggested doing so on the basis of national experiences; others saw less value in such an approach. There was consensus that care should be taken, in developing the matrix, to ensure that the work already undertaken by the group on the elements of the framework was not lost.

57. Several participants said that it was necessary to ensure that development of the framework, including the matrix, was consistent with, and satisfied, the mandate given to the group by decision BC-10/3 of the Conference of the Parties. There was considerable discussion as to whether that could best be achieved by retaining the structure of the framework that had been developed by the group thus far or by restructuring it to adhere more closely to the decision, including the list of elements for the development of the framework listed in annex I to the decision, particularly with regard to the question of what constituted environmentally sound management.

#### **4. Further revised version of framework**

58. At the request of the group, the secretariat produced a further revised version of the draft framework to capture the discussion thus far. Introducing it, the representative of the secretariat said that the secretariat had aimed to ensure that the categories listed in the annex to decision BC-10/3 were fully reflected in element I of the framework. She noted that the secretariat had also added certain components of environmentally sound management that were not explicitly included in the list of categories in the decision, including enforcement and compliance, transparency and accountability, research and development and information exchange and cooperation among stakeholders. The group endorsed that approach: there was general agreement that the framework must at a minimum reflect the categories from the annex to decision BC-10/3 but could go beyond them to include other key components of environmentally sound management.

59. The technical expert group then discussed the further revised version, suggesting textual and structural changes. One major proposed revision was to list the major categories of environmentally sound management from the annex to decision BC-10/3 in the introductory section of the framework, preceding element I. Participants also suggested a few additional key components of environmentally sound management, such as emissions limits and occupational health and safety matters. It was generally agreed that with the changes and additions agreed by the group, the introductory section and element I would need further refinement but not major revision during the intersessional period.

60. There was some discussion of whether and how to feature transboundary movement of wastes in element I. Several participants said that transboundary movement was an important method of managing

wastes for developing countries and should be fully addressed in the framework. One participant said that whether and how to engage in transboundary movement of waste was an important element of waste management and that it, like all aspects of waste management, should take into account not just legislation and enforcement but also proximity, management capacity and environmental and economic benefits. Others said that while it was important and would have to be addressed in the framework, transboundary movement was not an element of environmentally sound management as such. Transboundary movement was therefore not a priority on which the framework should focus.

61. The expert group then discussed suggestions for articulating and prioritizing challenges in the implementation of environmentally sound management. Challenges identified included how to ensure that a given waste disposal facility practiced environmentally sound management; how to ensure that a country had the necessary infrastructure and social structures to ensure environmentally sound management prior to shipping waste to that country; how to ensure a common understanding of what constituted environmentally sound management; how a country could determine whether to develop environmentally sound management facilities in its territory or to export its wastes for environmentally sound management abroad; how to prevent illegal transboundary movement of waste; how to improve the quality of reported information; how to achieve environmentally sound management on a global level in the absence of globally accepted standards; how to minimize waste generation and ensure environmentally sound management by waste generators; how to improve the capacity of local authorities to monitor and enforce environmentally sound management requirements; how to combat illegal traffic, including through networking and coordination at the national and regional levels; how to enable the environmentally sound management use of waste as a resource; how to promote and facilitate the sharing of information among waste management facilities; how to encourage private sector investment in environmentally sound management; how to achieve coordination between the competent authorities of different countries; and how to ensure that environmentally sound management was consistent with sustainable development.

62. Several participants suggested that the challenges would have to be prioritized to prevent the framework from becoming unwieldy. Several also suggested that it might be useful to organize the challenges according to whether they applied to developing countries, developed countries or both.

## **V. Venue and date of the third meeting of the technical expert group**

63. The group agreed that it would need to meet again to conclude its work. Mr. Willis said that the Conference of the Parties had not budgeted for an additional meeting but that adequate voluntary funding could probably be mobilized. The representative of Switzerland said that his Government was willing to fund and host the meeting, and the representative of Japan announced that his Government too would provide funding for the meeting. The group accordingly agreed that its third meeting would take place at a venue near Geneva, Switzerland, from 21 to 23 January 2013.

64. Mr. Willis noted that that date might leave insufficient time to circulate the final version of the framework in the six official languages of the United Nations at least eight weeks before the eleventh meeting of the Conference of the Parties, as required by the rules of procedure for the Conference of the Parties; the secretariat would of course do its utmost to meet the deadline.

65. There was general agreement that considerable progress on the framework had been made at the current meeting on the introductory text and element I of the framework and that the text of those sections should not change substantially. The priority at the third meeting, therefore, would be to flesh out element II and it was suggested that in undertaking that work the group would benefit from presentations by experts on relevant issues, in particular with regard to certification schemes. The group accordingly agreed to invite such experts, including representatives of the International Standards Organization and the e-Stewards Initiative of the Basel Action Network. It was also suggested that efforts should be made to enhance the participation of observers from industry in the third meeting.

## **VI. Other matters**

66. One participant said that in its work the group should be cognizant of the continuing work of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury and the implications of that process for the environmentally sound management of mercury wastes. Another participant, however, said that the main priority of the group was to conclude the consideration of its own

agenda and that it should avoid unduly broadening the scope of its work. The co-chair suggested that the group defer consideration of the issue to its third meeting.

## **VII. Intersessional work**

67. The representative of the secretariat presented a draft programme of intersessional work, including a proposed timeline, based on the discussions of the expert group at the current meeting. The programme, which was adopted by the expert group as orally amended, is set out in annex I to the present report.

## **VIII. Closure of the meeting**

68. Following the customary exchange of courtesies, the meeting was declared closed at 2.50 p.m. on 2 October 2012.

## Annex I

### Action items

1. Secretariat to develop format for identification of strategies to address key challenges
2. Members of the technical expert group to submit to the secretariat:
  - (a) Completed tables for identification of strategies (with priority areas)
  - (b) Information for element II of the draft framework
  - (c) Information on linkages between environmentally sound management and transboundary movements
3. Secretariat to prepare revised draft framework:
  - (a) To refine further the preambular section and element I
  - (b) To revise element II based on input from members of the technical working group
  - (c) After submission of completed tables, to develop further a draft of element III, if feasible
4. Invitation to those operating certification schemes to present information on their schemes at third meeting of the technical expert group (International Standards Organization, International Labour Organization, etc.)
5. Presentations on enforcement networks at third meeting of the technical expert group
6. Timeline for next steps
 

Secretariat transmits table format for identification of strategies	5 October 2012
Secretariat transmits revised draft framework for comments	26 October 2012
<b>Expert group members submit comments on revised draft framework</b>	<b>16 November 2012</b>
<b>Expert group members submit completed tables</b>	<b>30 November 2012</b>
<b>Expert group members submit information on linkages between environmentally sound management and transboundary movements</b>	<b>30 November 2012</b>
Secretariat transmits further revised draft framework	17 December 2012
<b>Expert group members submit further comments revised draft framework</b>	<b>4 January 2013</b>
Third meeting of the technical expert group	21–23 January 2013
Eleventh meeting of the Conference of the Parties to the Basel Convention	April/May 2013

## Annex II

### Identification of strategies to address key challenges

Key Challenges	Categories / Criteria (What are we trying to achieve?)	Stakeholders to address challenges	Tools to address challenges	Strategies to address challenges
<b>A. Interpreting ESM</b>				
Ensuring a uniform interpretation of ESM				
Ensuring progression towards ESM				
<b>B. Transboundary movements: ensuring ESM</b>				
Ensuring the facility I am exporting to is ESM				Develop certification and forge a common understanding amongst stakeholders
Ensuring that the country of import has the infrastructure and safety nets to ensure ESM				
Obtaining adequate information to ensure ESM				
<b>C. Ensuring adequate national capacity</b>				
Ensuring the creation / viability of infrastructure at the national level				
Building local authorities' capacity to monitor and enforce different aspects of ESM				
Ensuring ESM among waste generators				Good stewardship practices
Ensuring ESM supports sustainable development, especially in developing countries				
Ensuring adequate resources are available to fund ESM activities in-country				
<b>D. Tackling illegal traffic</b>				
Preventing illegal transboundary movements, including improved coordination and networking to combat illegal traffic				Coordinated enforcement
Ensuring an efficient means of detecting illegal waste and risk profiling				

Key Challenges	Categories / Criteria (What are we trying to achieve?)	Stakeholders to address challenges	Tools to address challenges	Strategies to address challenges
<b>E. Interaction amongst stakeholders</b>				
Encouraging the private sector to invest in ESM				Create value in the market place for companies that make the investment
Encouraging information sharing and improving coordination between different countries, especially as relates to TBM				
Ensuring coordination among different entities at the national level				
<b>F. Implementing waste hierarchy</b>				
Using waste as a resource				
Preventing the generation of waste				
Implementing strategic framework, waste management tools, waste management hierarchy and least TBM principle				