

**Open-ended Working Group of the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Tenth meeting**

Nairobi, 30 May–2 June 2016

Agenda item 3 (a) (iii)

**Matters related to the work programme of the
Open-ended Working Group for 2016–2017:
strategic issues: Cartagena Declaration on the
Prevention, Minimization and Recovery of
Hazardous Wastes and Other Wastes**

**Draft outline of guidance to assist parties in developing efficient
strategies for achieving the prevention and minimization of the
generation of hazardous and other wastes and their disposal**

Submission by the European Union and its member States

Note by the Secretariat

The annex to the present note contains comments submitted by the European Union and its member States on the annex to document UNEP/CHW/OEWG.10/INF/5, on the draft outline of guidance to assist parties in developing efficient strategies for achieving the prevention and minimization of the generation of hazardous and other wastes and their disposal. The submission is reproduced as received, without formal editing.

Annex

Draft 29 MAY 2016

Non-paper by the EU and its Member States

Draft outline of guidance to assist Parties in developing efficient strategies for achieving the prevention and minimization of the generation of hazardous and other wastes and their disposal (UNEP/CHW/OEWG.10/INF/5, Annex)

The expert working group on environmentally sound management prepared a draft outline for guidance.

The EU and its Member States appreciate the efforts of the Expert Working Group on ESM and is keen on working further on the basis of the preparatory work in document INF/5. We would however like to share some of our concerns and thoughts on the outline and provide suggestions for the way forward.

General remarks:

In our view the focus in this guidance document should be on practicability and comprehensibility.

It should be critically assessed, where there is added value in elaborating on the elements that are more of a theoretical nature and that were already mainly dealt with in the prevention manual. Reference to this manual should be in most of these cases sufficient.

Sections 3.4, 3.6, 3.7, 5.2, 5.3, 5.5 are now somewhat hidden in the document but all start from the angle of providing examples and good practices. Every example or specific practice has its own particularity as regards targets, status, duration, means of implementation, stakeholders involved, etc. and thus general sections on all of these features of waste prevention measures or programmes will not be able to provide in-depth practical guidance. For example, an awareness campaign on littering will have very different stakeholders involved than ecodesign legislation.

We would prefer a document with three main sections: a rather brief introductory section, dealing with general observations and guidance on waste prevention policy and other measures, and a second section on planning strategies for achieving the prevention and minimization and a third section providing examples of good practices worldwide, following a common structure where all the features of a waste prevention measure or action like legislative or other policy aspects, objectives, means of implementation, stakeholder involvement, indicators, monitoring, incentives, etc. are dealt with.

In addition to these general comments, we would like to provide some detailed comments on the outline that was prepared in the Expert Working Group (see Annex 1). These general and detailed comments give insight why we come forward with a proposed alternative structure for the document (see Annex 2)

Furthermore, when looking at the timeline to prepare a draft that COP13 can possibly adopt in May 2017, it seems a challenge to have a comprehensive set of practices and examples. It might be more feasible to agree on what target groups and waste streams should have priority to be documented with a number of practice examples. The draft that would be presented to COP would then contain as many practices as Parties and others can provide before the end of 2016, in order to allow the ESM EWG to prepare a draft guidance document that provides the general section and a well-developed set of practices and examples. It is expected that also after adoption more programmes or measures are developed locally, nationally, regionally or internationally that may well provide relevant guidance for Parties and others on waste prevention, and would in any case be interesting to share information on. The document may well be complemented with a section on the Basel Convention's website to compile additional good practices. These should be structured in order to give information on the same aspects or features as outlined in the third section of the document.

Annex 1

Chapter	Notes
Introduction	
Context leading to the development of the guidance Should be kept brief	For example Indonesian-Swiss Country-led initiative to improve the effectiveness of the Basel Convention (CLI); Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes; Strategic Framework goals and objectives
Vision of the guidance We doubt whether a “vision” should occur in a guidance document. We can expect it in eg. a strategic framework, but not in a document as this.	Reflecting the Strategic Framework vision to “...protect human health and the environment by controlling transboundary movements of hazardous and other wastes and by ensuring and strengthening the environmentally sound management of such wastes as a contribution to promoting sustainable livelihoods and attaining the Millennium Development Goals.” ¹
Guiding principles Rather refer to the waste prevention manual	Reflecting the guiding principles of the Strategic Framework and sustainable waste management sources, the waste management hierarchy, cradle-to-cradle and polluter pays principles, as well as internalization of costs
Objectives of the strategies How would this be different or more specific than the sections above?	
Means of implementation This section risks to be rather general and vague as resources required or other means of implementation are very closely linked to the specific measure or initiative aiming at waste prevention. It seems that explicitly taking this issue of MOI into account when providing practical examples, gives a more practical and clear guidance	Resources required, partnerships
Target groups to whom the guidance is aimed Should be kept brief or even only specified in particular cases included in the guidance. Because of the nature of waste prevention, target groups can potentially include all possible stakeholders, from consumers to companies to government, both national and local, and international organisations	For example Basel Convention Parties, regional approach
Scope of the guidance Not clear how this “scope” would look like, see remark in 1.6: scope potentially comprehensive. Coverage of programmes or measures could on the other hand be a way of structuring the document further on.	
Role of waste prevention and minimization It should be critically assessed, where elaborating on the elements that are more of a theoretical nature and that were already dealt with in the prevention manual, has an added value.	
Definitions of waste prevention and minimization as referred to in the guidance We agree	Consideration of / reference to the EWG prevention manual ²

¹ The target date for the Millennium Development Goals was 2015, following which the United Nations General Assembly adopted a new post-2015 development agenda, including seventeen sustainable development goals

² UNEP/CHW/OEWG.10/INF/3.

Chapter	Notes
<p>What is included in and excluded from the guidance</p> <p>This also addresses the scoping issue.</p>	<p>Reference to relationship with the glossary of terms developed by the small interessional working group on legal clarity and the ESM terminology manual³ developed within the context of the EWG</p> <p>This note deals with terminology that is addressed under 2.1 above</p>
<p>Waste prevention and minimization</p> <p>This section seems to revisit section 1; could be integrated and kept brief</p>	<p>The content could include consideration of waste prevention and minimization:</p> <p>In the context of the Basel Convention;</p> <p>In relation to sustainable waste management e.g. sustainable consumption and production (SCP), cradle-to-cradle and life cycle approaches, circular economy, extended producer responsibility (EPR), producer pays responsibility, source reduction etc;</p> <p>In the context of implementation of the Sustainable Development Goals (SDGs).</p>
<p>Prerequisites for waste prevention and minimization</p>	
<p>Legislation</p> <p>Similar reflection as with means of implementation; often closely linked with particular practices</p>	
<p>Plans and programs</p> <p>Similar reflection as with means of implementation; often closely linked with particular practices</p>	
<p>Goals and objectives</p> <p>Similar reflection as with means of implementation; often closely linked with particular practices</p>	
<p>Available information at international, regional, national and local levels including models, best environmental practices</p> <p>Rather start from the angle in 3.4, 3.6 and 3.7 and add systematically objectives, legislation, plans, MOI; etc. Also include 3.5 issues</p>	
<p>Approaches to addressing challenges (involvement of different ministries linked with socio-economic development and environmental quality), involvement of industry and civil society, incentives</p>	
<p>Initiatives to strengthen and enhance collaboration between sectors and stakeholders including building partnerships</p>	<p>For example between government and the private sector</p>
<p>Capacity building, skills development and technical assistance aspects</p>	<p>Aspects related to the Basel Convention Regional Centres (BCRCs), National Cleaner Production Centres (NCPCs), donors</p>
<p>Synergies with other related conventions, programs and processes</p> <p>Seems to be a separate issue, might go in separate section</p>	
<p>Identical with 3.1 above</p>	
<p>Promotion aspects</p>	
<p>By whom, to whom, how to involve all relevant stakeholders</p>	<p>For example high level international dialogues, private sector engagement including NGOs and civil society</p>

³ UNEP/CHW/OEWG.10/INF/3.

Chapter	Notes
Measures and tools	
Incorporation and application of waste management hierarchy in waste management policies including elements to encourage waste prevention and minimization by the private sector This aspect could be attached to the sections on principles above	
Waste stream Similar reflection as with means of implementation; practices and examples could be organized by waste stream where relevant, or per target group	For example Waste Electrical and Electronic Equipment (WEEE), plastics, waste packaging containing hazardous substances, medical/pharmaceutical wastes
Target group approaches	For example targeted at specific sectors in the manufacturing industry, construction industry, households, informal waste recyclers in particular for WEEE
Policy measures adopted to encourage prevention and minimization Could be moved up to link with the principles and framing of the document	For example EPR, producer pays responsibility
Examples of policy measures: general, legislative, voluntary See general comment above on restructuring the document	
Development of environmental indicators related to waste management Direct link with waste prevention not clear	
Measures and tools to formalise the informal waste sector e.g. incentives, licensing, training, information technology innovation etc. Not clear how to link this to waste prevention guidance	
Benefits of waste prevention and minimization Move up to general section	
Outline of benefits that may result from waste prevention and minimization	To include consideration of socio-economic factors and impact on: Efficient production practices; Economic returns; Profile and public relations; Quality of products produced and services delivered; Environmental responsibility and ability to comply with applicable environmental regulations, policies and standards.
Review process	
Indicators of performance	Assessment of impacts of measures
Monitoring of implementation	
Evaluation	
Additional references	List of strategic and reference documents, e.g. Rio+20, United Nations Environment Assembly (UNEA) and United Nations Environment Programme Governing Council (UNEP GC) decisions, relevant regional documents, SCP Framework, United Nations Sustainable Development Agenda and its SDGs and targets

Annex 2

Proposal from the EU and its Member States to restructure the outline of guidance to assist parties in developing efficient strategies for achieving the prevention and minimization of the generation of hazardous and other wastes and their disposal

Chapter	Notes
1. Introduction	
1.1 Context leading to the development of the guidance	For example Indonesian-Swiss Country-led initiative to improve the effectiveness of the Basel Convention (CLI); Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes; Strategic Framework goals and objectives
1.2 Waste prevention objectives	General introduction on possible objectives. Waste prevention programmes or measures may aim at the overall objective of decoupling waste generation from economic growth. Improving material efficiency and resource efficiency, decoupling resource use from economic growth and preventing the use of primary materials may also be objectives, as well as to shift towards a circular economy. Waste prevention may also target the reduction of harmful substances as part of their overall objectives. Job creation, development of new business models and behavioural change are other possible objectives.
1.3 Approaches	Brief explanation of possible approaches. Proposal: sectoral/target group and waste stream specific approach as two-fold for next section to work on. Other possible angle is dedicated programmes or measures on waste prevention vs measures incorporated in waste legislation or other policy programmes.
1.4 Definitions, terminology	Consideration of / reference to the EWG prevention manual ⁴ and, where appropriate, the glossary of terms developed by the small intersessional working group on legal clarity ⁵

⁴ UNEP/CHW/OEWG.10/INF/3.

⁵ UNEP/CHW/OEWG.10/INF/10.

Chapter	Notes
1.5 Outline of benefits that may result from waste prevention and minimization	To include consideration of socio-economic factors and impact on: (a) Efficient production practices; (b) Economic returns; (c) Profile and public relations; (d) Quality of products produced and services delivered; Environmental responsibility and ability to comply with applicable environmental regulations, policies and standards.

2. Planning strategies for achieving waste prevention and minimization	
2.1 Preparation/getting started	Establishing a knowledge base and a project team
2.2 Assessing the situation	Initial assessment using available data
2.3 Setting priorities	Preliminary phase of the development e.g. on whether a strategy for achieving waste prevention and minimization should be a stand-alone document or integrated into other strategies and on setting targets
2.4 Developing a strategy	How to get from a first draft to a decision on a strategy, including on the duration of a strategy and when to update the strategy
2.5 Implementation of the strategy	Giving general guidance how to implement the strategy
2.6 Monitoring progress	Generally addressing indicators and evaluation, e.g. principles for effective indicators, methodology on how to proceed when establishing indicators

3. Overview of waste prevention good practices	
3.1 Outline for presenting practices and examples	<p>This section outlines what features of waste prevention programmes or measures would be dealt with in each of the following subsections when presenting the practices and examples:</p> <p>Every case should go into the following aspects:</p> <ul style="list-style-type: none"> - status of the measures or programme: legally binding or not, voluntary, public, private initiative,... Include: related legislation if relevant - duration: infinite, linked to other policy planning, particular duration,... - waste stream(s) covered, in case of sectoral/target group approach, also explanation of which sector(s) or target group(s) is (are) addressed - targets: Are targets set? Quantitative? Qualitative? - stakeholders involved/ involvement - means of implementation - Capacity building, skills development and technical assistance aspects - Addressing challenges (involvement of different ministries linked with socio-economic development and environmental quality), incentives - indicators of performance - monitoring of implementation and performance - evaluation - available information (hyperlink, reports, policy documents,...)
3.2 Sectoral or target group approach: good practices	
3.2.1 ...	
3.2.2 ...	
3.2.3 ...	
3.3. Waste Stream approach: good practices	
3.3.1: Waste Stream 1	
3.3.1.1. Practice 1	
3.3.1.2 Practice 2	
3.3.1.3 ...	

3.3.2 Waste Stream 2	
3.3.2.1 Practice 1	
3.3.2.2 Practice 2	
3.3.2.3 ...	
3.3.3 Waste Stream 3	
3.3.3.1 ...	
4. Additional references	List of strategic and reference documents, e.g. Rio+20, United Nations Environment Assembly (UNEA) and United Nations Environment Programme Governing Council (UNEP GC) decisions, relevant regional documents, SCP Framework, United Nations Sustainable Development Agenda and its SDGs and targets
