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Submission by Japan
In response to the invitation to submit a revised version of its alternative proposal

30 April, 2023

Dear Secretariat,

I am delighted to submit the revised version of Japan's alternative proposal in response to the invitation agreed upon during the Task Team meetings held in February 2023. We highly appreciate this opportunity to clarify our idea and hope that our submission will aid the Task Team members in their further considerations and discussions at the June meeting. Additionally, we would be happy to provide further clarification on our proposal to any Task Team members who require it. If you have any questions or seek clarification on our proposal, please do not hesitate to contact Minako KAGEYAMA (MINAKO_KAGEYAMA@env.go.jp) by email.

Yours sincerely,

松田 高之

MATSUDA Takayuki
Director
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Explanatory note for Japan's alternative proposal

Advancing the transition to more circular economies is indispensable to address the triple crisis we are facing now, namely climate change, biodiversity loss and pollution. The recovery of metals and minerals from e-scraps increases circularity and thus reduces environmental footprints of their supply chains including, air, water, soil and chemical pollution, CO2 emissions, and biodiversity loss by mining processing and development. These are substantial environmental benefits, which are important factors for the OECD risk-based approach in Appendix 6. The recovery of metals and minerals also increases the supply of metals and minerals, which is essential for the transition to clean energy and net-zero economies.

OECD Decision plays a crucial role in promoting circularity in an environmentally sound manner by facilitating environmentally sound and economically efficient recycling and recovery among its members. Safe and smooth recycling of e-scraps among OECD countries is one of the good practices developed by OECD members. Building upon the good practices, we should use the OECD framework to further promote the circularity of recoverable metals in environmentally sound manner. Our proposal intends to keep international recycling among OECD countries which can comply with strong environmental standards and are equipped with better recovery capacity, instead of the export e-scraps to non-OECD countries. Through our proposal, we aim to significantly increase circularity and resource efficiency among OECD countries.

During the February Task team meetings, several countries shared their views and opinions on Japan's alternative proposal, which was submitted in August 2022. Having considered their feedback, Japan has revised the proposal and would like to submit to the other task team members for further consideration. In our updated proposal, we aim to mitigate the risk associated with e-scrap recycling by proposing a new entry GC060 in Appendix 3 instead of GC010 and GC020 in the current listings. Furthermore, we suggest that any electrical and electronic waste not classified as GC060 should be listed in the Appendix 4 and be subject to a Prior Informed Consent (PIC) procedure. Our revised proposal, which includes a rationale for Japan's approach, can be found in track changes within the current version of Appendix 3 and 4 of the OECD Decision.

APPENDIX 3

LIST OF WASTES SUBJECT TO THE GREEN CONTROL PROCEDURE

…

PART I:

Wastes listed in Annex IX of the Basel Convention.

For the purposes of this Decision:

…

~~e) Basel entry B1110 does not apply and OECD entries GC010 and GC020 in Part II apply instead.~~

~~f)~~e) Basel entry B2050 does not apply and OECD entry GG040 in Part II applies instead.

~~g)~~f) Basel entry B3011 does not apply as no consensus has been reached among OECD Member countries to incorporate this entry into this Decision.[7] Also, no consensus has been reached among OECD Member countries on whether or not the prior Basel entry B3010[8] continues to apply in this Decision. As a result of this situation, each Member country retains its right to control the plastic waste covered by Basel entry B3011 in conformity with its domestic legislation and international law. Member countries should inform the OECD Secretariat abouttheir controls for plastic waste covered by Basel entry B3011 by 15 January 2021, as well as about any future changes of such controls, in a timely manner. The OECD Secretariat should publish the information received on the OECD website.

PART II:

The following wastes will also be subject to the Green control procedure:

…

Other Wastes Containing Metals

~~**GC010**~~		~~Electrical assemblies consisting only of metals or alloys.~~
~~**GC020**~~		~~Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery.~~
GC030	ex 890800	Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste
GC050		Spent Fluid Catalytic Cracking (FCC) Catalysts (e.g.: aluminium oxide, zeolites)
GC060		Whole or shredded electronic components (e.g. printed circuit boards, wires, coils, connectors, lead frames), which are packaged, labelled, and transported in conformity with generally accepted and recognized national and international rules and standards, and destined for environmentally sound recycling/reclamation of metals and metal compounds at metal smelting and refining facilities[9]

…

Solid Plastic Wastes

GH013~~9~~10	391530 ex 390410-40	Polymers of vinyl chloride

…

Rational for GC060

- This proposal aims to clarify the scope of electrical and electronic wastes that should be maintained in Appendix 3 as being subject to green control procedure.
- The information provided by Task Team members revealed that the scope of the current GC010 and GC020 is ambiguous and varies by countries. Therefore, we propose deleting GC010 and GC020 and introducing a new entry, GC060.
- GC060 includes three risk mitigation approaches: 1) clarifying which wastes are subject to the green control procedure, 2) implementing risk mitigation measures during shipment and, 3) specifying the destination for ESM recovery.
- The first approach of GC060 improves the clarity of what is covered under green control procedure by aligning the language with the new e-waste entries of the Basel Convention, by illustrating forms of wastes (whole or shredded) and by providing examples of electronic components. The components listed as examples contain copper and precious metals suitable for recovery and do not include batteries. The components listed in GC060 have been traded among OECD members and have established a good practice of environmentally sound recycling under the current listing. By adopting this approach together with the second and third risk mitigation approaches, OECD countries can further lower the risk for transboundary movement of such waste.
- The second approach is important because the whole process of international recycling, including transportation, should protect the environment. Proper packaging can help to prevent accidental damage or spillage during shipping, reducing the risks associated with the transboundary movement of such waste. The language here is adopted from Article 4.7(b) of the Basel Convention and takes into account national rules and regulations for transportation. We are open to discussion on the wording, if other members also support this approach.
- The third approach of specifying the destination can reduce the risk of the metal recovery operation. This approach is also articulated in B3011 in Annex IX of the Basel Convention which requires to be destined environmentally sound recycling. GC060 goes a step further by specifying that waste subject to green control procedure must be destined for metal smelting and refining facilities that ensure environmentally sound recycling. As long as electronic components are shipped to such facilities in OECD countries, the risk associated with the recovery of metals is minimal as such facilities in OECD countries have to comply with strong environmental standards to continue their operations. Such facilities may include pre-consented facilities or other nationally certified facilities. As indicated in the footnote 9, OECD members can provide information about such facilities to the OECD Secretariat, and the Secretariat can make that compiled information available on its website.
- Through these risk mitigation approaches, GC060 can be subject to green control procedure in accordance with the criteria referred to in Appendix 6, based on the provision in Chapter II. B. Section 2. a) of the OECD Council Decision.

APPENDIX 4

LIST OF WASTES SUBJECT TO THE AMBER CONTROL PROCEDURE

PART I:

Wastes listed in Annexes II and VIII of the Basel Convention.

For the purposes of this Decision:

…

c) Basel entry~~ies A1180 and~~ A2060 does not apply and OECD entry~~ies GC010, GC020 and~~ GG040 in Appendix 3 Part II applies~~y~~ instead when appropriate. Member countries may control this type of ~~ese~~ waste~~s~~ differently in accordance with Chapter II B 6 of this Decision concerning wastes not listed in Appendices 3 or 4, and the chapeau of Appendix 3.

…

f) Basel entry Y48[1~~0~~] does not apply as no consensus has been reached among OECD Member countries to incorporate this entry into this Decision.[1~~2~~] As a result of this situation, each Member country retains its right to control the plastic waste covered by Basel entry Y48 in conformity with its domestic legislation and international law. Member countries should inform the OECD Secretariat about their controls for plastic waste covered by Basel entry Y48 by 15 January 2021, as well as about any future changes of such controls, in a timely manner. The OECD Secretariat should publish the information received on the OECD website.

g) Basel entry A1181 does not apply and AA200 in Appendix 4 Part II and GC060 in Appendix 3 Part II apply instead when appropriate.

~~f)~~h) Basel entry Y49 does not apply and AA210 in Appendix 4 Part II and GC060 in Appendix 3 Part II apply instead when appropriate.

PART II:

The following wastes will also be subject to the Amber control procedure:

Metal Bearing Wastes

AA010	261900	Dross, scalings and other wastes from the iron and steel industry[1~~3~~]
AA060	262050	Vanadium ashes and residues[1~~4~~]
AA190	810420 ex 810430	Magnesium waste and scrap that is flammable, pyrophoric or emits, upon contact with water, flammable gases in dangerous quantities
AA200	8549	Electrical and electronic waste: ● Waste electrical and electronic equipment – containing or contaminated with cadmium, lead, mercury, organohalogen compounds or other Appendix 1 constituents to an extent that the waste exhibits an Appendix 2 characteristic, or – with a component containing or contaminated with Appendix 1 constituents to an extent that the component exhibits an Appendix 2 characteristic, including but not limited to any of the following components: ■ glass from cathode-ray tubes included in Appendix 4 ■ battery included in Appendix 4 ■ switch, lamp, fluorescent tube or a display device

backlight which contains mercury
- capacitor containing PCBs
- component containing asbestos
- certain circuit boards
- certain display devices
- certain plastic components containing brominated flame retardants

- Waste components of electrical and electronic equipment containing or contaminated with Appendix 1 constituents to an extent that the waste components exhibit an Appendix 2 characteristic, unless covered by another entry in Appendix 4 or GC060 in Appendix 3 Part II
- Wastes arising from the processing of waste electrical and electronic equipment or waste components of electrical and electronic equipment, and containing or contaminated with Appendix 1 constituents to an extent that the waste exhibits an Appendix 2 characteristic (e.g. fractions arising from shredding or dismantling), unless covered by another entry in Appendix 4 or GC060 in Appendix 3 Part II

AA210

Electrical and electronic waste:

- Waste electrical and electronic equipment
  - not containing and not contaminated with Appendix 1 constituents to an extent that the waste exhibits an Appendix 2 characteristic, and
  - in which none of the components (e.g. certain circuit boards, certain display devices) contain or are contaminated with Appendix 1 constituents to an extent that the component exhibits an Appendix 2 characteristic
- Waste components of electrical and electronic equipment (e.g. certain display devices) not containing and not contaminated with Appendix 1 constituents to an extent that the waste components exhibit an Appendix 2 characteristic, unless covered by another entry in Appendix 4 or by an entry in Appendix 3
- Wastes arising from the processing of waste electrical and electronic equipment or waste components of electrical and electronic equipment (e.g. fractions arising from shredding or dismantling), and not containing and not contaminated with Appendix 1 constituents to an extent that the waste exhibits an Appendix 2 characteristic, unless covered by another entry in Appendix 4 or by an entry in Appendix 3

...

Rational for AA200 and AA210

- In response to the e-waste amendments in Annex II and VIII of the Basel Convention, two new entries, AA200 and AA210, are to be added to cover part of the A1181 and Y49 entries respectively.
- As GC060 entry significantly reduces the risk associated with international recovery, it is excluded from both AA200 and AA210 entries in Appendix 4.
- The structure of AA200 is similar to that of A1181 in the Basel Convention, beginning with 1) waste electronic and electrical equipment, 2) waste components of electrical and electronic equipment and 3) wastes arising from their processing. Unlike Basel A1181 entry, AA200 excludes GC060 in 2) the waste components and 3) the wastes arising from the processing. As a result, hazardous electrical and electronic waste covered by A1181 is subject to amber procedure, except for GC060.
- The same approach is taken in AA210. Similar to Y49 entry in the Basel Convention, AA210 consists of non-hazardous waste electrical and electronic equipment, waste components of electrical and electronic equipment and wastes arising from their processing. GC060 is excluded from the waste components and processing waste in the AA210 entry, as it falls under Appendix 3.

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7 The appropriate OECD body should review whether consensus could be reached to incorporate this entry or analternative into the Decision before the end of 2024.

8 The text of prior entry B3010 is provided below:

…

~~8 …~~

9 Member countries should inform the OECD Secretariat about the facilities in a timely manner. The OECD Secretariat should publish the information received on the OECD website.

10 No consensus has been reached among OECD Member countries to incorporate Basel entry Y48 into this Decision. Also, no consensus has been reached among OECD Member countries on whether or not GH013 continues to apply in this Decision. As a result of this situation, each Member country retains its right to controlwaste of polymers of vinyl chloride in conformity with its domestic legislation and international law.

~~9~~11 Basel entry Y48 covers the waste covered by entry GH013.

~~10~~12 The appropriate OECD body should review whether consensus could be reached to incorporate this entry oran alternative into the Decision before the end of 2024.

~~11~~13 This listing includes wastes in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludgeand cake, unless a material is expressly listed elsewhere.

~~12~~14 This listing includes wastes in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.