

# STATUS OF THE DEVELOPMENT OF TECHNICAL GUIDELINES ON TBM OF E-WASTE UNDER THE BASEL CONVENTION

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## E-waste classification under Basel Convention (1)

Annex VIII of the Convention with the following entry for hazardous e-wastes:

A1180: Waste electrical and electronic assemblies or scrap containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB capacitors, or contaminated with Annex I constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they possess any of the characteristics contained in Annex III (note the related entry on list B, B1110).

## E-waste classification under Basel Convention (2)

Examples of other entries for hazardous e-wastes:

A1170: unsorted waste batteries

A1190: waste metal cables coated or insulated with plastics

A2010: glass waste from CRT and other activated glass

A1010: metal wastes and waste consisting of alloys of e.g. Cd, Pb, Hg, etc

A1020: waste having as constituents or contaminants Cd, Pb, etc

A1030: waste having as constituents or contaminants As, Hg, etc

# E-waste classification

## under the Basel Convention (3)

Annex IX of has the following entries for non-hazardous e-wastes: B1110

Electrical and electronic assemblies:

- Electronic assemblies consisting only of metals or alloys
- Waste electrical and electronic assemblies or scrap (including printed circuit boards) not containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or not contaminated with Annex I constituents (e.g., cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the characteristics contained in Annex III (note the related entry on list A A1180)
- Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct reuse, and not for recycling or final disposal.

## Technical Guidelines on TBM of E-waste (1)

- Mandate for the task: COP9 decision IX/6 on the Nairobi Declaration on the Environmentally Sound Management (ESM) of Electrical and Electronic Waste (2009)
- The annex to decision IX/6 contains a workplan on ESM of e-waste including on the development of the technical guidelines on transboundary movements of e-waste, in particular regarding the distinction between waste and non-waste
- October 2009, funds received from Germany
- In July 2010, SBC engaged a consultant
- First draft of TG was made available for comments in July 2010
- Second draft TG was made available for comments in February 2011

## Technical Guidelines on TBM of E-waste (2)

- Draft of TG and comments were first presented to COP10 in October 2011
- By its decision BC-10/5, COP10, among others, invited countries to serve as lead country and agreed to the establishment of a small intersessional working group (SIWG)
- As of Nov 2014, no lead country was identified, so BRS Secretariat is carrying out the required tasks
- 55 experts are now participating in the SIWG

## Technical Guidelines on TBM of E-waste (3)

- In April 2012, Secretariat engaged a consultant company to prepare further draft texts for parties to consider
- Several drafts were presented and discussed
- Draft TGs were be presented to OEWG8 in September 2012, COP11 in May 2013 and OEWG9 September 2014
- Intersessional work are ongoing under guidance of the SIWG
- Further comments are invited on the 20 November 2014 version (<http://www.basel.int/Implementation/Ewaste/TechnicalGuidelines/tabid/2377/Default.aspx>) by 28 February 2015
- Draft TG will be presented to COP12 in May 2015 for possible adoption (20 November 2014 version in all languages, revised version taking into account comments received in INF document)

## Scope of the Technical Guidelines

- Information on the relevant provisions of the Convention applicable to transboundary movements of e-waste;
- Guidance on the distinction between waste and non-waste when equipment is moved across borders;
- Guidance on the distinction between hazardous waste and non-hazardous waste;
- General guidance on transboundary movements of used equipment and e-waste and enforcement of the control provisions of the Basel Convention
- Do not cover aspects of collection, treatment and disposal technologies.



## Target Groups of the Technical Guidelines

- Government agencies including enforcement agencies that wish to implement, control and enforce legislation and provide training regarding transboundary movements.
- They are also intended to inform all actors involved in the management of e-waste and used equipment so they can be aware of this guidance when preparing or arranging for transboundary movements of such items and who wish to avoid non-compliance with the Basel Convention and related legislations.

# Table of Contents of the draft Technical Guidelines

## Acronyms and Abbreviations

- I. Introduction
- II. Relevant provisions of the Basel Convention
- III. Guidance on the distinction between waste and non-waste
- IV. Guidance on transboundary movements of e-waste
- V. Guidance on control of transboundary movements of used equipment and e-waste

Appendix I Glossary of Terms

Appendix II Information accompanying transboundary transports of used equipment falling under para 26b

Appendix III Form for recording the results of the evaluation and testing of used equipment (para 26a)

Appendix IV Reference Material

Appendix V References

**Details available - Draft of 20 November 2014 :**

<http://www.basel.int/Implementation/Ewaste/TechnicalGuidelines/tabid/2377/Default.aspx>

## Some provisions of the draft Technical Guidelines (1)

### Conditions when equipment is “waste” (para 25)

- a) [The equipment is destined for disposal or recycling instead of reuse or its fate is uncertain]
- b) Equipment is not complete - essential parts are missing and the equipment cannot perform its essential key functions;
- c) It shows a defect that materially affects its functionality and fails relevant functionality tests;
- d) It shows physical damage that impairs its functionality or safety, as defined in relevant standards;
- e) The protection against damage during transport, loading and unloading operations is inappropriate, e.g. the packaging or stacking of the load is insufficient;

## Some provisions of the draft Technical Guidelines (2)

### Conditions when equipment is “waste” (continued):

- f) [The appearance is particularly worn or damaged, thus reducing the marketability of the item(s);]
- g) The item has among its constituent part(s) hazardous components that are required to be discarded [under national legislation] or are prohibited [from being] [to be] exported or [prohibited for use] [used ] in such equipment under national legislation [in the country of import];
- h) The equipment is destined for disposal or recycling instead of reuse or its fate is uncertain;
- i) There is no regular market for the equipment;
- j) It is destined for [disassembly and] cannibalization (to gain spare parts); or
- k) The price paid for the items is significantly lower than would be expected from fully functional equipment intended for reuse.

## Some provisions of the draft Technical Guidelines (3)

### Conditions when equipment is “not waste” (para 26a and 26b)

26a. Where the criteria in paragraph 24 (a) to (d) above are met and it is not destined for any of the operations listed in Annex IV of the Convention (recovery or disposal operations) and is directly reused for the purpose for which it was originally intended or presented for sale, or exported for the purpose of being put back to direct reuse or sold to end consumers for such reuse; or

26b. When an exporter of used equipment and their component exports such equipment for testing, repair and refurbishment and all of the following conditions are met:

- (i) notification under Article 13 (2) that used equipment is not waste and of facilities permitted to receive and process the equipment
- (ii) exported equipment are ROHS compliant and do not contain CRTs
- (iii) equipment including component and any residual waste etc.. continue to be the owned and controlled by the exporter

## Some provisions of the draft Technical Guidelines (4)

### Conditions when equipment is “not waste” (continued):

- iv. Each shipment is sent under a valid contract between the exporter and the importing facility, requiring the importing facility to complete all applicable requirements in paragraph 26(b).
- v. Each shipment is accompanied by a written and signed declaration by the exporter which is readily available in full to all relevant government authorities;
- vi. All residual waste generated from the testing/repair/refurbishment operation which is hazardous according to the Basel Convention definitions (Article 1, 1(a) and 1(b)) or its hazardous characteristics are unknown, shall be disposed of in ESM; and
- vii. Each piece of equipment and their components is individually packaged to prevent hazards and loss of value, including protection against abrasion, static charges, ignition, loss of fluids or toxic contaminants, or breakage. Appropriate protection against damage during transportation, loading and unloading, in particular through sufficient packaging and stacking of the load.

## Some provisions of the draft Technical Guidelines (5)

### Conditions when equipment is “not waste” (continued):

Alt 26(b): For cases of TBM of used equipment other than the case referred to in paragraph 26, Parties may define their own conditions, such as on the following:

- i. Accountability of the exporter
- ii. Compliance with legislation on hazardous substances in products
- iii. Packaging
- iv. Import restrictions; and
- v. Management of residues arising from the repair, refurbishment or testing operations in line with the provisions of the Convention;

upon which such equipment may not be waste. Parties should inform the Secretariat about any such conditions. It should be documented by conclusive proof that these conditions are met and the transport should be accompanied by appropriate documentation. In the absence of such documentation, the transboundary transport of such equipment should be considered as a transboundary movement of waste.

## Some pending issues under the draft Technical Guidelines

- whether TBM of end-of life and EEE products should or should not be subject to the BC control e.g. EEE going for refurbishment, repair, items under warranty, direct reuse after repair (paragraph 26 b)
- glossary of terms defining “minor and major repair”, direct reuse, refurbishment, remanufacturing, etc.
- 2 options are now under discussions for para. 26b as discussed at OEWG9
- Link:  
<http://www.basel.int/Implementation/Ewaste/TechnicalGuidelines/tabid/2377/Default.aspx>



THANK YOU!