

Technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention (version of 15 May 2015)

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E-waste TBM Guidelines:

- Adopted on an interim basis with decision BC-12/5
- Non legally binding
- *Acknowledged* the need to look further into the guidance on the distinction between waste and non-waste,
- Intersessional work by OEWG-10 on para 31a and 31b , with a view to preparing draft revised guidelines for COP-13 consideration, on:
Residual lifetime and age of used equipment; Management of hazardous wastes from failure analysis, repair and refurbishment operations in developing countries; Obsolete technologies, including cathode ray tubes; Presence of hazardous components in used equipment.
- Invited parties and others to provide comments on the use of technical guidelines and certain issues related to the above-mentioned work.

Contents of the Guidelines:

- III. Guidance on the **distinction between waste and non-waste**
- IV. Guidance on **transboundary movements of e-waste**
- V. Guidance on the **enforcement** of provisions regarding transboundary **movements of e-waste and used equipment-Distinction between hazardous and non hazardous waste**
- VI. Guidance to facilities for **conducting failure analysis, repair and refurbishment**

The Convention defines wastes as “substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law”

Hazardous wastes are defined in

- Article 1, paragraphs (a) and (b), of the Convention as “(a) wastes that belong to any category contained in Annex I, unless they do not possess any of the characteristics contained in Annex III [“List of hazardous characteristics”]; and
- (b) wastes that are not covered under paragraph 1(a) but are defined as, or considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit

Used equipment is waste in a country if it is defined as or considered to be waste under the provisions of that country's national legislation

Used equipment should normally be considered waste if:

- The equipment is destined for disposal or recycling instead of reuse or failure analysis;
- It is not functional;
- It is not packaged properly, so that it can be damaged during transport;
- The equipment has among its constituent part(s) hazardous components not to be exported.

Used equipment should normally not be considered wastes in two cases:

- a) The equipment is destined for **direct reuse, or extended use by the original owner**
- b) the equipment is destined for **failure analysis, or for repair and refurbishment**

- a) The equipment is destined for **direct reuse, or extended use by the original owner** and it is not destined for recovery, recycling or final disposal (Annex IV operations)
- These documents should accompany the shipments:
 - A copy of the invoice and contract relating to the sale and/or transfer of ownership of the used equipment
 - Evidence of evaluation or testing

Cont.

- A declaration made by the person who arranges the transport that none of the equipment within the shipment is defined as or is considered to be waste in any of the countries involved in the transport (countries of export and import and, if applicable, countries of transit)
- Each piece of equipment is individually protected against damage and to prevent hazards during transportation, loading and unloading, in particular through sufficient packaging and stacking of the load

(b) When the person who arranges the transport of the used equipment claims that the equipment is destined for **failure analysis, or for repair and refurbishment with the intention of** reuse, or extended use by the original owner

- A valid contract exists between the person who arranges the transport and the legal representative of the facility where the equipment is to be repaired or refurbished or undergo failure analysis. Or equivalent document, in cases where there is no change of ownership of the equipment.

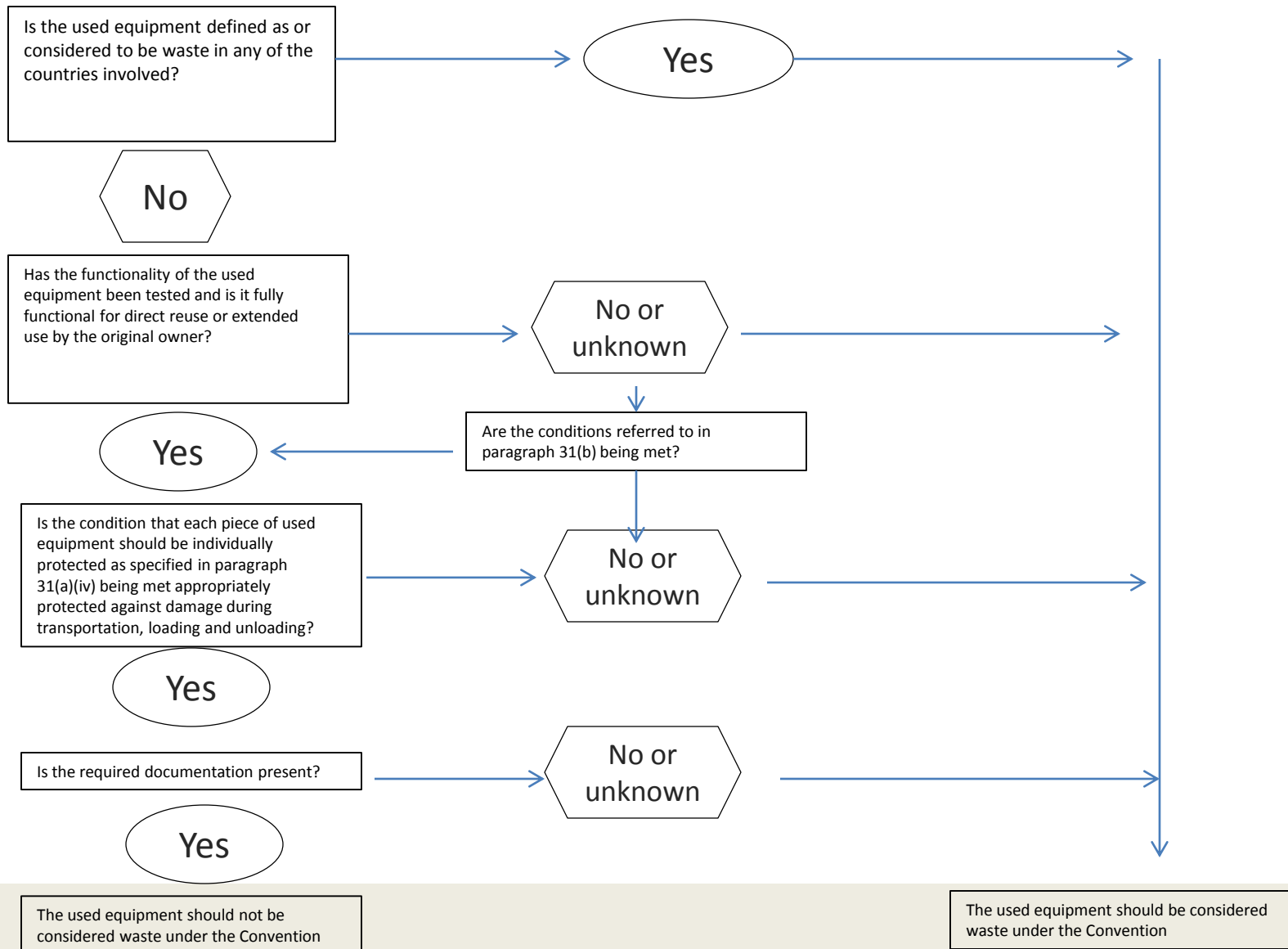
- Accompanying documentation containing information according to paragraph 32: proposed form in Appendix III:
 - Name of the person arranging the transport
 - Description of the transport
 - A declaration that a contract exist, etc.

Cont.

- Each piece of equipment is individually protected against damage and to prevent hazards during transportation, loading and unloading, in particular through sufficient packaging and stacking of the load
- A declaration made by the person who arranges the transport that none of the equipment within the shipment is defined as or is considered to be waste in any of the countries involved in the transport (countries of export and import and, if applicable, countries of transit)

- Upon receipt of the shipment, the receiving facility should provide a signed declaration of receipt.

Figure 1: Decision steps described in paragraph 31(a) and (b)



A party wishing not to allow the import or export of used electrical and electronic equipment destined for failure analysis, repair or refurbishment is fully entitled to do so provided that it complies with applicable international, regional and national legal instruments, and it should notify the Secretariat of the Basel Convention

Without prejudice to paragraph 31 of the guidelines, a party wishing to import used electrical and electronic equipment destined for failure analysis, repair or refurbishment should notify the Secretariat of the Basel Convention, in accordance with Articles 3 and 13 paragraph 2, as appropriate, that it does not consider such used equipment to be waste when destined for:

- (a) Facilities that perform such operations in its country; or
- (b) Facilities they have specifically identified, but not to any other facilities.

- **Target groups:**
- 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.

Guidelines set out in the annex Document
UNEP/CHW.12/5/Add.1/Rev.1:

<http://www.basel.int/TheConvention/ConferenceoftheParties/Meetings/COP12/tabid/4248/mctl/ViewDetails/EventModID/8051/EventID/542/xmid/13027/Default.aspx>

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Thank you for your attention!

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