

TRADE AND ENVIRONMENTAL SUSTAINABILITY STRUCTURED
DISCUSSIONS (TESSD)
Working Group on Circular Economy – Circularity
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Developments regarding the Prior Informed Content procedure and e-waste under the Basel Convention

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BRS 2023 COPs

Basel Convention **COP-16**

Rotterdam Convention **COP-11**

Stockholm Convention **COP-11**



“Accelerating Action: Targets for the Sound Management of Chemicals and Waste”

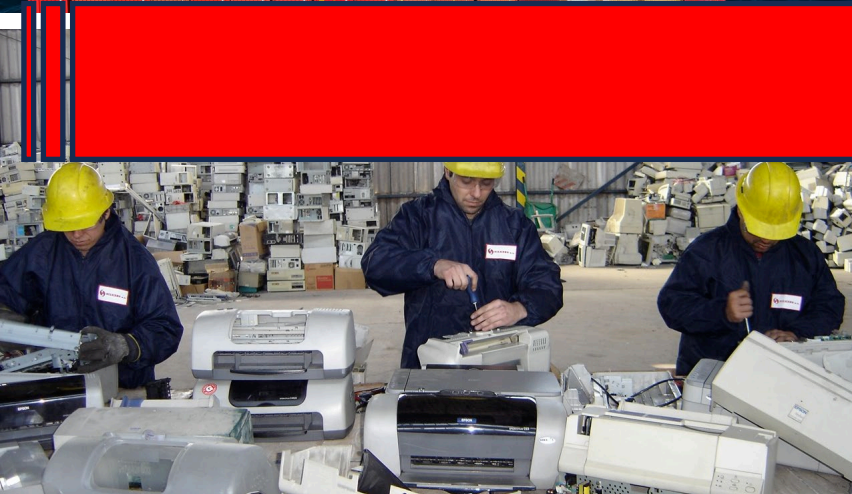
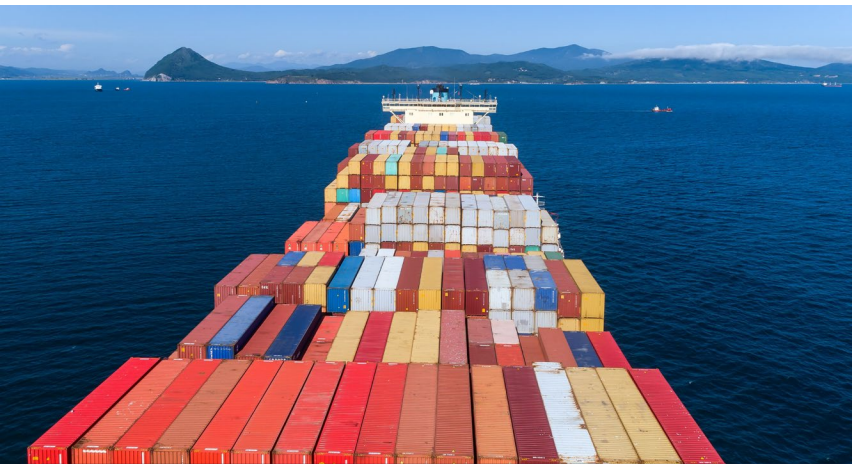
1-12 May 2023, Geneva, Switzerland



Content

- I. Prior informed consent procedure (PIC procedure)
- II. E-waste: amendments, technical guidelines, awareness raising





3 Pillars of the Basel Convention

- Minimize** the generation of hazardous wastes in terms of quantity and degree of hazard
- Promote** the environmentally sound management of hazardous wastes and other wastes
- Control** transboundary movements of hazardous wastes and other wastes (conditions and the PIC procedure)

Controlling transboundary movements

Transboundary movements are **only allowed** if one of the following conditions is met:

- the State of export does not have the **technical capacity and the necessary facilities, capacity or suitable disposal sites** in order to dispose of the wastes in question in an “**environmentally sound manner**”; or
- the wastes in question are required as **raw material** for recycling or recovery industries in the State of import; or
- the transboundary movement in question is in accordance with *other criteria* decided by the Parties

Controlling transboundary movements

- A Party must not allow exports to a State when it has reason to believe that the wastes in question will not be managed in an environmentally sound manner
 - A transboundary movement should not occur with a non-Party unless Art.11 agreement
 - Only persons authorized or allowed to transport or dispose of wastes undertake such operations, and wastes subject to a transboundary movement be packaged, labeled and transported in conformity with generally accepted and recognized international rules and standards.
-



- Right of Parties to **restrict/prohibit the import** of hazardous or other wastes for recovery or disposal
- Right of Parties to **restrict/prohibit the export** of hazardous or other wastes for recovery or disposal

List of the restrictions/prohibitions under national law in individual Parties:

<http://basel.int/Countries/ImportExportRestrictions/tabid/4835/Default.aspx>

PIC procedure

- Parties need to ensure that they have the procedures in place to implement the **trade control procedure for** transboundary movements of hazardous and other wastes
- Based on **four key stages**:
 1. Notification;
 2. Consent and issuance of movement document;
 3. Transboundary movement; and
 4. Confirmation of disposal.

Competent authorities are responsible for the implementation of PIC procedure



Improving the functioning of the procedure

Challenges by Parties and observers (examples):

- Delays and uncertainty with timeframes
- Lack of efficient timelines in the Convention or non-compliance with them
- Use of mail and hardcopy for carrying out the PIC procedure
- Varying information and documentation requirements between countries
- Lack of response from competent authorities in States of import and transit
- Lack of harmonization amongst Parties regarding the term “State of transit”
- The growing number of transit countries required to provide consent, excessively demanding accompanying information requirements, and unclear or short timeframes on consents
- Incorrect, incomplete, or outdated contact information
- Refusal by sea carriers to take onboard hazardous waste or other wastes due to fear of the shipment being later blocked
- State consent might not guarantee that waste would be dealt with in an environmentally sound manner/Information on facilities
- (Observers) Impacts of the expansion of covered wastes in Annex II, lack of investment in the implementation of the procedure, exclusion of stakeholders, persistent use of hardcopy, and different waste classifications amongst countries



Improving the functioning of the procedure

Best practices, possible approaches, initiatives and views to improve the functioning of the procedure (examples):

- Better defining the procedural steps and establishing efficient timelines for the handling of the PIC procedure, such as the option of longer permits,
- Transboundary movements of waste destined to “pre-consented” facilities, for example modelled on the approach of the OECD.
- Acknowledgement of receipt of notification from the competent authority could be beneficial and inform an exporting Party that a notification had been submitted to the correct authority.
- Specific timeframe regarding notification and response from exporting and importing States /implementation of timelines for acknowledgement and consent in domestic legislation was also mentioned
- Acceptance of email and scanned versions of documents was also encouraged
- Use of tacit consent by States of transit as well as discussing and agreeing on a common interpretation of the meaning of “State of transit”
- Guidance to ensure the coverage of all potential costs in case of repatriation
- Flexibility should be allowed in very limited cases with advance agreement of competent authorities regarding change of routes
- (Observer) Adoption of a new legal arrangement or agreement under Article 11 to improve the procedure for material recovery flows for achieving a low-carbon, sustainable, and more circular economy, involving an “opt-in” to a control system for high value recoverable materials ensuring ESM, trade facilitating measures (e.g., electronic and tacit consent procedures and pre-approved recycling facilities), and increased transparency



BASEL CONVENTION

ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

PROTOCOL ON LIABILITY AND COMPENSATION FOR DAMAGE RESULTING FROM TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

TEXTS AND ANNEXES

REVISED IN 2019

Basel Convention COP 16

Adoption of Technical Guidelines

- Technical guidelines on **environmentally sound management (ESM) of plastic wastes**
- Technical guidelines on ESM of **POPs wastes**
- Technical guidelines on transboundary movements of **electronic and electrical waste and used electrical and electronic equipment** (on interim basis)
- Further work to take place on: Technical guidelines on **waste lead-acid batteries, other batteries and pneumatic tyres**

Improving the PIC Procedure

- Established a small intersessional working group (SIWG) to improve the PIC procedure
- Extended the work on electronic approaches to notification and movement documents

Strategic framework

- SIWG to develop a new strategic framework

Establishment of the Small intersessional working group (SIWG) on Improving the PIC procedure

- Nominations are to be received by 30 September by Parties and observers, lead country to be determined
- 1st meeting, early 2024 (dates TBC)
- To prepare a report on challenges in the implementation of the PIC procedure and best practices, possible approaches and initiatives to improve its functioning, and options for possible ways forward



E-wastes



Amendments



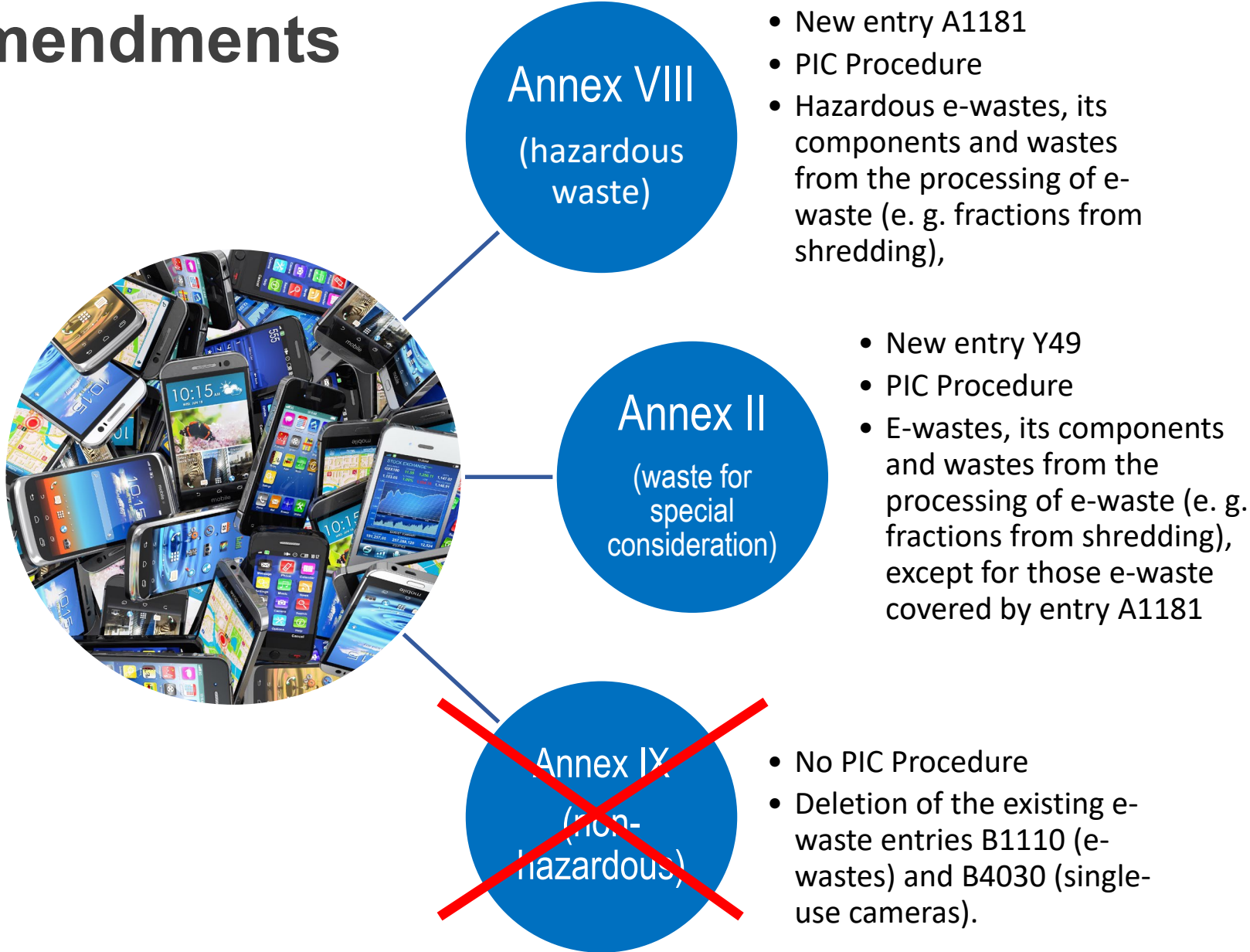


HS codes
**85.49 xx Electrical and
electronic waste and scrap**

E-waste amendments adopted by COP-15 in 2022

- Enlarged the control of transboundary movements of e-waste and making all electrical and electronic waste subject to the PIC procedure.
- Become effective on 1 January 2025

E-waste amendments



Outreach and awareness raising activities

- Awareness raising regional workshops for Parties (initially for Africa and Asia-Pacific) are planned for 2024
- Outreach materials
- Questions and answers about the e-waste amendments
- Collaboration with WCO, including on risk management

Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements
of Hazardous Wastes and Their Disposal
Sixteenth meeting
Geneva, 1–12 May 2023
Agenda item 4 (b) (i)

Matters related to the implementation of the
Convention: scientific and technical matters: technical
guidelines

**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**

Note by the Secretariat

At its sixteenth meeting, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal adopted, on an interim basis, in decision BC-16/5 on 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, the technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, on the basis of document UNEP/CHW.16/INF/10. The text of the technical guidelines, as adopted, is set out in the annex to the present note. The present note, including its annex, has not been formally edited.

Contents

Abbreviations and acronyms.....	4
I. Introduction.....	5
A. Scope.....	5
B. About electrical and electronic waste.....	6
II. Relevant provisions of the Basel Convention.....	7
A. General provisions of the Basel Convention.....	7
B. Control procedure for transboundary movements of waste.....	8
C. Definitions of wastes, hazardous wastes and other wastes.....	9
III. Guidance on the distinction between waste and non-waste.....	10
A. General considerations.....	10
B. Situations where used equipment should normally be considered waste, or not be considered waste.....	10
C. Evaluation and testing of used equipment destined for direct reuse.....	15
IV. Guidance on transboundary movements of electrical and electronic waste.....	15
A. General considerations.....	15
B. Distinction between hazardous waste and non-hazardous waste.....	16
V. Guidance on the enforcement of provisions regarding transboundary movements of electrical and electronic waste and used equipment.....	18
VI. Guidance related to facilities for conducting failure analysis, repair and refurbishment.....	19
References.....	21
Appendix I: Glossary of terms.....	23
Appendix II: Information accompanying transboundary transports of used equipment falling under paragraph 33 (a), including on recording the results of evaluation and testing of used equipment.....	25
Appendix III: Information accompanying transboundary transports of used equipment falling under paragraph 33 (b).....	27
Appendix IV: Reference materials.....	29

Scope of the technical Guidelines on Transboundary Movement of E-waste

- Distinction between waste and (used equipment which may be considered) non-waste
- Transboundary movements of e-waste
- Enforcement of provisions regarding transboundary movements of e-waste and used equipment
- Distinction between hazardous and non-hazardous waste
- Guidance to facilities for conducting failure analysis, repair and refurbishment
- 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





Some final points regarding TBM of waste (e-waste) and circularity

Circularity requires various elements in place:

- National legislation to create level playing field for the private sector to responsibly manage wastes in ESM.
- Not to a circularity at all costs – we can not hide avoidance of environmental costs behind recycling and circularity.
- Informal sector and circularity – informal practices, e. g. burning cables to recover metals in Africa – safeguarding health and the environment.
- Financial schemes to support circularity - extended producer responsibility and other mechanisms
- Building trust and credibility of the labelling
- Certification schemes and standards for collection, recycling and all steps for the ESM of e-waste
- Classification is a complex tasks, e.g. distinguishing used equipment and near/ end-of-life vs end-of-life equipment at the border by customs, destiny of waste (disposal operations)

Thank you

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