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## Appendix 2

### DRAFT

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#### Call for comments

Switzerland and Ghana would welcome comments on this proposal. Please provide your comments until 1 June 2020 to [michel.tschirren@bafu.admin.ch](mailto:michel.tschirren@bafu.admin.ch), with copy to [marco.buletti@ecopartner.ch](mailto:marco.buletti@ecopartner.ch) and [adukumisam@yahoo.com](mailto:adukumisam@yahoo.com)

## Amendment of the Basel Convention Proposal of Switzerland and Ghana

### CLASSIFICATION OF NON-HAZARDOUS E-WASTE ON ANNEX II OF THE BASEL CONVENTION

#### Proposal

A new entry on ANNEX II "Categories of waste requiring special consideration" of the Basel Convention (BC) for non-hazardous Waste Electrical and Electronic Equipment (WEEE) its components and constituents is proposed. In addition, it is proposed to delete the WEEE entry B1110 in ANNEX IX and reword entry A1180 in ANNEX VIII of the Basel Convention.

#### Reasoning and goal

WEEE and its components and constituents not treated in an environmentally sound manner harms human health and burdens the environment. This is not only valid for WEEE classified as hazardous but also for WEEE not classified as hazardous. With the introduction of an additional listing of non-hazardous WEEE and its components and constituents in Annex II of the BC the Prior Informed Consent (PIC) procedure would not only be mandatory for WEEE and its components and constituents classified as hazardous but also for WEEE and its components and constituents not classified as hazardous under the Basel Convention. Thus, ensuring environmentally sound management and state of the art treatment of WEEE as a whole.

#### 1. Introduction

10.1 million tons (Metric tons) of electrical and electronic equipment (EEE) were put on the EU market in 2015 (Eurostat) and worldwide the production of EEE is strongly growing every year. This is because of the growing demand of EEE and the continuing development of new products. In addition, the life span of many e-products becomes shorter and thus triggers the demand and the amount of WEEE generated.

As for every product once EEE reaches its end of life without the intent of re-use it becomes a waste. The "Global E-Waste Monitor 2017" estimates for the year 2016 a production of around 44.7 million tons of WEEE, which correspond to 6.1 kg per person. By the end of the decade,

a volume of close to 50 million tons WEEE is predicted. Indeed WEEE is one of the fastest growing waste streams, specifically consumer EEE. The growing rate for WEEE is estimated to be between 3-5% per year<sup>1,2</sup>.

## 2. Management of WEEE

Recovery of WEEE is sensible and ecologically worthwhile. WEEE managed and treated in an environmentally sound manner leads to the recovery of valuable materials. The UNU-ITU report estimates the intrinsic material value of the worldwide WEEE (mainly gold, copper and Plastics) to be 55 billion EURO (approx. 60 billion US\$). Environmentally sound recovery also means that during treatment harmful constituents are removed and disposed of in a proper way.

Unfortunately, this is not the case worldwide. WEEE – whether classified as hazardous or non-hazardous – if not treated with state-of-the-art technology can harm human health and burden the environment. E.g., open burning of WEEE or acid leaching of printed circuit boards. Today the UNU report estimates that only around 20% of the WEEE generated worldwide is collected and treated in an environmentally sound manner; 80% is undocumented.

## 3. Transboundary movements (TBMs) of WEEE

Because of the often high material value and the comparatively high disposal costs of WEEE in many countries huge amounts of e-waste are moved transboundary for disposal. These TBMs often are directed into countries (mainly certain Asian or African countries) lacking the necessary capacity for the ESM of these WEEE. The components and constituents of WEEE exported are mainly WEEE, which are - rightly or wrongly - classified as non-hazardous under the Basel Convention, and thus the PIC-procedure is not applied.

## 4. Current classifications of e-waste under the Basel Convention

The Basel Convention lists two entries for e-waste.

### (i) An entry in Annex VIII for e-waste classified as hazardous:

A1180 *Waste electrical and electronic assemblies or scrap<sup>1</sup> 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)<sup>2</sup>*

<sup>1</sup> This entry does not include scrap assemblies from electric power generation.

<sup>2</sup> PCBs are at a concentration level of 50 mg/kg or more.

### (ii) An entry in Annex IX for e-waste not classified as hazardous:

B1110 *Electrical and electronic assemblies:*

- *Electronic assemblies consisting only of metals or alloys*
- *Waste electrical and electronic assemblies or scrap<sup>1</sup> (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<sup>2</sup>, and not for recycling or final disposal<sup>3</sup>.*

<sup>1</sup> Global E-waste Monitor 2017, Baldé C.P., Forti V., Gray V. Kuehr R, Stegmann P., UNU and ITU, 2017

<sup>2</sup> E-waste in the international context – A review of trade flows, regulations, hazards, waste management strategies and technologies for value recovery. I.M.S.K. Ilankon, Yousef Ghorbani, Meng Nan Chong, Gamini Herath, Thandazile Moyo, Jochen Petersen, 2018 Elsevier

- <sup>1</sup> This entry does not include scrap from electrical power generation.
- <sup>2</sup> Reuse can include repair, refurbishment or upgrading, but not major reassembly.
- <sup>3</sup> In some countries these materials destined for direct re-use are not considered wastes.

As a consequence, this classification means that planned TBMs:

- of WEEE classified as hazardous, underlie the PIC-procedure. TBMs can only be carried out with the consent of the involved countries. In addition, the Basel Ban-amendment prohibiting movements from Annex VII countries to non-Annex VII countries applies;
- and
- of WEEE classified as non-hazardous must not be notified in advance and therefore are not controlled.

As indicated above, hazardous WEEE and its components and constituents (as listed on ANNEX VIII) as well as non-hazardous WEEE (as listed on ANNEX IX) which are not treated with state-of-the-art technology can harm human health and burden the environment. It is therefore necessary to ensure that the transboundary movements of all categories of WEEE and its components and constituents for environmentally sound management and recovery undergo the PIC-procedure. Applying the PIC procedure to all WEEE is a prerequisite for the assurance of the ESM of all such categories of wastes.

## 5. Expert Working Group (EWG) on the Review of Annexes of the Basel Convention

The intention of this proposal is to introduce a new entry in Annex II covering all non-hazardous WEEE and its components and constituents. By COP decision BC-14/16 the mandate of the Expert Working Group (EWG) on the review of Annexes of the Basel Convention was extended to also review the WEEE entries B1110 in Annex IX as well as the mirror entry A1180 in ANNEX VIII and also to review consequential implications of the review of Annexes I, III and IV of the Convention.

The results of the discussions of the EWG concerning WEEE entries A1180 and B1110 are compiled in document UNEP/CHW/RA\_EWG.3/8<sup>3</sup>.

- Appendix II of the report contains a recommended option for possible amendments to A1180 and B1110.
- Appendix III contains additional options for possible amendments to A1180 and B1110. Note that these proposals in Appendix III (options 1 and 2) were presented during the third meeting of the EWG but were not discussed. Some examples in these options were not retained merely for presentation purposes.

The above mentioned COP Decision BC-14/16 also stipulated that amendment proposals of the EWG with respect to ANNEX IV, entry A1180 and ANNEX IX entry B1110 X were to be presented and discussed during the twelfth meeting of the Open-ended Working Group (OEWG) and negotiated and possibly adopted by the Conference of the Parties during its fifteenth meeting. In this regard, any amendment proposal by a party to be considered by COP 15 would need to be made available to the Secretariat of the Basel Convention by 16 October 2020.

The current proposal for amending Annex II of the Basel Convention picks up proposed language in Appendix III of the report of the EWG.

<sup>3</sup> "Report of the third meeting of the Expert Working Group on the review of Annexes (Bratislava, Slovakia, 5–8 November 2019)"

## 6. Proposal of Switzerland and Ghana

In addition to the proposals of the EWG (see section 5 above) and in order to making progress on this matter Switzerland and Ghana, propose the following:

- classifying all non-hazardous WEEE and its components and constituents as a new entry Y49 in ANNEX II “Categories of waste requiring special consideration” of the Basel Convention;
- reword entry A1180 in ANNEX VIII of the Basel Convention; and
- delete entry B1110 on ANNEX IX of the Basel Convention.

***The following amendments of ANNEX II, VIII and IX of the Basel Convention are proposed***

### ***New entry Y49 on ANNEX II of the Basel Convention***

**Y 49** *Waste electrical and electronic equipment not containing components included on list A and not containing or contaminated with ANNEX I constituents to an extent that the waste exhibits an ANNEX III characteristic; or waste electrical components not containing and not contaminated with ANNEX I constituents to an extent that the waste exhibits an ANNEX III characteristic (note the related entry on list A1180).*

### ***ANNEX VIII entry A1180 (reworded)***

**A1180** *Waste electrical and electronic equipment containing components included on list A and or containing or contaminated with ANNEX I constituents to an extent that the waste exhibits an ANNEX III characteristic; or waste electrical components containing or contaminated with ANNEX I constituents to an extent that the waste exhibits an ANNEX III characteristic (note the related entry on ANNEX II Y49).*

### ***ANNEX IX entry B1110***

**B1110** *entry deleted*

## 7. Benefits and implications

The benefits and implications of classifying non-hazardous WEEE and its components and constituents on ANNEX II of the BC include the following:

- *PIC procedure for all WEEE and its components and constituents*

With a listing of WEEE and its components and constituents not classified as hazardous on ANNEX II of the BC there will be no further discussions whether planned TBMs of WEEE and its components and constituents – be they classified as non-hazardous or as hazardous – must be notified or not. The PIC procedure will apply to all TBMs of WEEE and its components and constituents.

- *Tracking and monitoring TBMs*

With a classification of non-hazardous WEEE and its components and constituents on ANNEX II of the BC tracking and monitoring of TBMs of all WEEE and its components and constituents will be possible.

- *Ensuring ESM of all WEEE and its components and constituents*

The formalization of monitoring will assist all countries to better ensure ESM of these wastes and develop the necessary and adequate ESM-treatment recycling capacities and ensure proper protection of human health and the environment from WEEE burdens.

- *Ensuring ESM of all WEEE and its components and constituents*

The formalization of monitoring will assist all countries to better ensure ESM of these wastes and develop the necessary and adequate ESM-treatment recycling capacities and ensure proper protection.

- *Ensuring a more valuable recovery*

Applying the required state of the art technologies will ensure a clearly higher recovery rate of the intrinsic value of WEEE and its components and constituents.

- *Informal sector*

The PIC procedure will allow countries to better assisting and integrating the informal e-waste sector and ensure proper protection of human health and the environment from WEEE burdens.

- *Illegal trade of e-waste*

With a classification of non-hazardous WEEE and its components and constituents on ANNEX II of the BC and the introduction of the PIC procedure for all WEEE the situation for importers and exporters will be much clearer. This will contribute to legal clarity and enforcement will be facilitated which will contribute to reduction of illegal trade.

- *BAN amendment and national or national or regional import bans*

With this new proposed classification, the Ban amendment of the Basel Convention for hazardous WEEE and its components and constituents will still apply. In addition, national or regional import bans for hazardous waste such as the Bamako Convention will still apply. Exports of non-hazardous WEEE to countries that have not banned the import would still be possible but would have to follow the PIC procedure.