

OEWG-10/5: 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 Open-ended Working Group,

Noting with appreciation the comments¹ received from Parties and others on the outstanding issues regarding the 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,² a revised version of which³ was adopted by the Conference of the Parties on an interim basis in its decision BC-12/5,

Recognizing the need to collect more information on the experiences of Parties in the implementation of the technical guidelines and on the outstanding issues,

Noting that certain elements of the technical guidelines may require further elaboration,

1. *Invites* interested Parties and others to join the small intersessional working group on e-waste established under decision BC-10/5;

2. *Also invites* interested Parties to consider serving as lead country, or to provide financial support, for further development of the technical guidelines, in consultation with the small intersessional working group, and to inform the Secretariat of their willingness to do so;

3. *Requests* the Secretariat to send out a questionnaire, to be developed in consultation with the small intersessional working group, to Parties and others by 29 July 2016, in order to gather information on their experiences in the implementation of the technical guidelines;

4. *Invites* Parties to provide responses to the questionnaire mentioned in paragraph 3 above to the Secretariat by 15 January 2017;

5. *Requests* the Secretariat to prepare a compilation of responses received pursuant to paragraph 4 above for consideration by the thirteenth meeting of the Conference of the Parties;

6. *Invites* Parties and others to provide comments on the issues mentioned in paragraph 5 of decision BC-12/5 to the Secretariat by 30 October 2016;

7. *Requests* the Secretariat to publish the comments received pursuant to paragraph 6 above on the Basel Convention website and to prepare a compilation of all comments pertaining to paragraph 5 of decision BC-12/5 for consideration by the Conference of the Parties at its thirteenth meeting;

8. *Mandates* the small intersessional working group, working by electronic means and, subject to the availability of funding, through a face-to-face meeting, to further explore options for addressing outstanding issues, in particular those listed in appendix V of the technical guidelines, taking into account the following:

(a) That the residual lifetime and age of used equipment may be based on country-level criteria;

(b) That the management of hazardous wastes resulting from failure analysis, repair and refurbishment operations in countries may focus on environmentally sound management and that the transboundary movement of such hazardous wastes should take place in case of the non-availability of environmentally sound management in the importing country;

¹ UNEP/CHW/OEWG.10/INF/22.

² UNEP/CHW.12/5/Add.1.

³ UNEP/CHW.12/5/Add.1/Rev.1.

(c) That the potential link between the amendment set out in decision III/1 and the technical guidelines should be examined;

(d) That the concept of obsolete technologies, including the link with subparagraph 5 (d) of decision BC-12/5, should be further clarified, taking into consideration other relevant multilateral environmental agreements and country-level criteria;

(e) That the differences between consumer goods and special-purpose equipment such as medical equipment should be examined when referring to cathode ray tubes in the context of subparagraph 31 (b) of the technical guidelines;

(f) That the procedure for party notification referred to in item 1 of appendix V should be further examined in terms of its practicality and legal implications;

9. *Requests* the Secretariat to provide legal advice on the issues referred to in subparagraphs 8 (c) and 8 (f) above;

10. *Also requests* the Secretariat to report on progress in the implementation of the present decision for consideration by the Conference of the Parties at its thirteenth meeting.