

BC-13/5: 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 Conference of the Parties

1. *Takes note* of the comments provided by Parties and others pertaining to paragraph 5 of decision BC-12/5¹ and the responses provided by Parties and others on their experience with the implementation of 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, and the preliminary legal advice on the issues referred to in subparagraphs 8 (c) and (f) of decision OEWG-10/5;²

2. *Acknowledges* the need to look further into 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, adopted on an interim basis by decision BC-12/5, including the guidance on the distinction between waste and non-waste, and the issues referred to in paragraph 5 of decision BC-12/5 and paragraph 8 of decision OEWG-10/5, to advance the work towards finalization of the guidelines;

3. *Invites* Parties and others to provide comments on 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, including suggestions for text on the issues mentioned in paragraph 5 of decision BC-12/5 and/or alternative text to Appendix V of the guidelines, to the Secretariat by 30 October 2017;

4. *Decides* to establish an expert working group to undertake the work outlined in paragraph 2 above;

5. *Decides* that the expert working group established in paragraph 4 above shall consist of twenty-five members nominated by Parties, based on equitable geographical representation of the five regional groups of the United Nations, shall be open to observers, including those from the Basel Convention regional centres, and may call for additional experts as needed;

6. *Requests* each regional group to nominate through its Bureau representatives, by 30 June 2017, five members of the expert working group with relevant knowledge and expertise;

7. *Requests* the expert working group to elect its own co-chairs and organize its working modalities according to the rules of procedure of the Basel Convention;

8. *Decides* that the expert working group shall operate by electronic means and shall also hold physical meetings, subject to available funding;

9. *Welcomes with appreciation* the offer by China to serve as the lead country for the work of the expert working group;

10. *Requests* the expert working group, taking into account, inter alia, the comments received in accordance with paragraph 3 above, to submit to the Open-ended Working Group at its eleventh meeting suggestions for amendments to the guidelines;

11. *Requests* the Secretariat to develop, as appropriate, and in consultation with the lead country, a revised questionnaire based upon paragraph 3 of decision OEWG-10/5 and to send it to Parties and others by 30 September 2017;

¹ UNEP/CHW.13/INF/15, annex; UNEP/CHW/OEWG.10/INF/22, annex.

² UNEP/CHW.13/INF/16, annex; UNEP/CHW.13/INF/17.

12. *Invites* Parties and others to provide responses to the questionnaire referred to in paragraph 11 above to the Secretariat by 30 November 2017;

13. *Requests* the Secretariat:

(a) To support the work of the expert working group;

(b) To publish any comments received pursuant to paragraph 3 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 expert working group and by the Open-ended Working Group at its eleventh meeting;

(c) To report on progress in the implementation of the present decision to the Open-ended Working Group at its eleventh meeting and to the Conference of the Parties at its fourteenth meeting.