

巴塞爾公約(COP14)廢塑膠修正規定

附件八 A 清單	附件二 其他廢棄物	附件九 B 清單
新增 A3210 塑膠廢棄物	新增 Y48 塑膠廢棄物	<ul style="list-style-type: none"> ◆ 修正 B3010 塑膠廢棄物，有效期至 2020 年底 ◆ 新增 B3011 塑膠廢棄物，2021 年起適用
包括 <u>混合廢塑膠</u> ，含有或被附件一成分污染者，具有附件三 <u>有害</u> 特性者	包括 <u>混合廢塑膠</u> ，但下列情況除外 <ul style="list-style-type: none"> ◆ A3210 塑膠廢棄物 ◆ B3011 塑膠廢棄物 	以下所列之塑膠廢棄物，需以 <u>環境無害方式進行再利用</u> ， <u>幾乎不受污染及其他類型的廢棄物的影響</u> <ul style="list-style-type: none"> ◆ <u>單一非鹵化聚合廢塑膠</u> (non-halogenated polymer)：PE、PP、PS、ABS、PET、PC、聚醚 ◆ <u>單一熱固型樹脂</u> (cured resin or condensation product)：尿素甲醛樹脂 (UF)、酚醛樹脂等 ◆ <u>單一氟化聚合物</u> (fluorinated polymer wastes)：鐵氟龍 (FEP)、聚氟乙烯 (PVF) 等 ◆ 以<u>單一材質回收再利用目的</u>之 PE、PP、PET 混合廢塑膠

廢塑膠判定順序

1. 是否有害>是>A 清單>輸出須事前取得輸入國同意，我國有害禁止輸入。
2. 是否有害>否>是否屬 B 清單>是>原則免事前取得輸入國同意>輸入我國應依屬產業用料需求之事業廢棄物規範，符合單一材質、單一型態且屬合法工廠，方得輸入。
3. 是否有害>否>是否屬 B 清單>否>輸出須事前取得輸入國同意，依廢棄物管理法第 38 條規定，應依法申請輸入許可始得為之。



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**Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Fourteenth meeting
Geneva, 29 April–10 May 2019**

Provisional agenda

1. Opening of the meeting.
2. Adoption of the agenda.
3. Organizational matters:
 - (a) Election of officers;
 - (b) Organization of work;
 - (c) Report on the credentials of representatives to the fourteenth meeting of the Conference of the Parties.
4. Matters related to the implementation of the Convention:
 - (a) Strategic issues:
 - (i) Strategic framework;
 - (ii) Addressing the entry into force of the Ban Amendment;
 - (iii) Development of guidelines for environmentally sound management;
 - (iv) Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes;
 - (b) Scientific and technical matters:
 - (i) Technical guidelines;
 - (ii) Classification and hazard characterization of wastes;
 - (iii) National reporting;
 - (iv) Electronic approaches to the notification and movement documents;
 - (v) Marine plastic litter and microplastics;¹
 - (vi) Waste containing nanomaterials;
 - (c) Legal, compliance and governance matters:
 - (i) Committee Administering the Mechanism for Promoting Implementation and Compliance;

¹ This item will cover any related proposal to amend the annexes to the Basel Convention.

- (ii) Providing further legal clarity;
 - (iii) National legislation, notifications, enforcement of the Convention and efforts to combat illegal traffic;
 - (d) Technical assistance;
 - (e) Basel Convention Partnership Programme;
 - (f) Financial resources;
 - (g) Work programme of the Open-ended Working Group for the period 2020–2021.
5. Enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions:
- (a) International cooperation and coordination;
 - (b) Clearing house mechanism for information exchange;
 - (c) Mainstreaming gender;
 - (d) Synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes;
 - (e) From science to action.
6. Programme of work and budget.
7. Memorandum of understanding between the United Nations Environment Programme and the Conference of the Parties to the Basel Convention.
8. Venue and date of the fifteenth meeting of the Conference of the Parties.
9. Other matters.
10. Adoption of the report.
11. Closure of the meeting.
-



UNEP/CHW.14/INF/2
UNEP/FAO/RC/COP.9/INF/2
UNEP/POPS/COP.9/INF/2



**Basel Convention on the Control of
Transboundary Movements of
Hazardous Wastes and Their Disposal**

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**Rotterdam Convention on the Prior
Informed Consent Procedure for
Certain Hazardous Chemicals and
Pesticides in International Trade**



**Stockholm Convention on Persistent
Organic Pollutants**

**Conference of the Parties to the
Basel Convention on the Control
of Transboundary Movements
of Hazardous Wastes and
Their Disposal
Fourteenth meeting**
Geneva, 29 April–10 May 2019
Item 3 (b) of the provisional agenda**
**Organizational matters:
organization of work**

**Conference of the Parties to the
Rotterdam Convention on the Prior
Informed Consent Procedure for
Certain Hazardous Chemicals and
Pesticides in International Trade
Ninth meeting**
Geneva, 29 April–10 May 2019
Item 3 (b) of the provisional agenda***
**Organizational matters:
organization of work**

**Conference of the Parties to the
Stockholm Convention on
Persistent Organic Pollutants
Ninth meeting**
Geneva, 29 April–10 May 2019
Item 3 (b) of the provisional agenda****
**Organizational matters:
organization of work**

**Tentative schedule of work of the meetings of the conferences of
the Parties to the Basel, Rotterdam and Stockholm conventions**

Note by the Secretariat

The annexes to the present note contain a tentative schedule of work of the meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions (annex I) and a list of possible contact and other groups (annex II). The tentative schedule of work, which was agreed to by the bureaux of the conferences of the Parties to the three conventions at their joint meeting on 15 and 16 November 2018, is provisional and could be subject to changes before or during the two weeks of the meetings.¹ The present note, including its annexes, has not been formally edited.

** UNEP/CHW.14/1.

*** UNEP/FAO/RC/COP.9/1.

**** UNEP/POPS/COP.9/1.

¹ Participants may wish to take into account that each of the sessions of the conferences of the Parties may last longer or begin earlier, subject to the decisions taken by the bureaux, which would be expected to meet each morning from 8 a.m. to 9 a.m. to agree on the order of business for the day, and by the conferences of the Parties. Delegates are therefore advised to allow for a certain level of flexibility when making travel arrangements.

Annex I: Tentative schedule of work of the meetings of the conferences of the Parties from 29 April to 10 May 2019 in Geneva¹

	Mon, 29 April 2019	Tue, 30 April 2019	Wed, 1 May 2019	Thu, 2 May 2019	Fri, 3 May 2019	Sat, 4 May 2019
Morning session 10 a.m. – 1 p.m.	BC Item 1: Opening of the BC meeting BC Item 2: Adoption of the agenda	Joint sessions of the COPs: <i>Reports of contact groups</i>	Joint sessions of the COPs: <i>Reports of contact groups</i>	Joint sessions of the COPs: <i>Reports of contact groups</i>	Joint sessions of the COPs: <i>Reports of contact groups</i>	Joint sessions of the COPs: <i>Reports of contact groups</i>
	RC Item 1: Opening of the RC meeting RC Item 2: Adoption of the agenda	Joint sessions of the COPs: BC Item 4 (cont.)	Session of SC COP-9: Item 5 (cont.)	Session of SC COP-9: <i>Consideration of the outcomes of the contact groups and draft decisions</i>	Session of BC COP-14: Item 4 (cont.)	Session of BC COP-14: Item 4 (cont.)
	SC Item 1: Opening of the SC meeting SC Item 2: Adoption of the agenda	(b) Scientific and technical matters: (i) Technical guidelines (only POPs wastes)	(a) Measures to reduce or eliminate releases from intentional production and use: (ii) DDT; (iii) Polychlorinated biphenyls;	(a) Measures to reduce or eliminate releases from intentional production and use: (v) Evaluation of the continued need for the procedure under paragraph 2(b) of Article 3.	(b) Scientific and technical matters: (i) Technical guidelines (cont.) (excluding POPs wastes) (a) Strategic issues: (i) Strategic framework; (ii) Addressing the entry into force of the Ban Amendment; (iii) Development of guidelines for environmentally sound management; (iv) Cartagena Declaration	(c) Legal, compliance and governance matters: (ii) Providing further legal clarity (b) Scientific and technical matters (cont.): (v) Marine plastic litter and microplastics; ² (iv) Electronic approaches to the notification and movement documents; (vi) Waste containing nanomaterials.
	Joint sessions of the COPs: BC Item 3; RC Item 3; SC Item 3: Organizational matters (b) Organization of work (a) Election of officers (c) Credentials ³ BC Item 4: Matters related to the implementation of the Convention (d) Technical assistance RC Item 5: Matters related to the implementation of the Convention (e) Technical assistance SC Item 5: Matters related to the implementation of the Convention (f) Technical assistance BC Item 4 (cont.) (f) Financial resources RC Item 5 (cont.) (f) Financial resources SC Item 5 (cont.) (g) Financial resources and mechanisms	SC Item 5 (cont.) (c) Measures to reduce or eliminate releases from wastes BC Item 5; RC Item 6; SC Item 6: Enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions (a) International cooperation and coordination; (b) Clearing house mechanism for information exchange; (c) Mainstreaming gender; (d) Synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes (e) From science to action. BC Item 7; RC Item 8; SC Item 8: MOU between UNEP and BC COP; MOU between FAO, UNEP and RC COP; MOU between UNEP and SC COP BC Item 8; RC Item 9; SC Item 9: Venue and date of the next COPs BC Item 9; RC Item 10; SC Item 10: Other matters (only admission of observers and guidelines on preventing harassment)	Session of SC COP-9: Item 4: Rules of procedure Item 5 (cont.) (j) Compliance; (cont.) (a) Measures to reduce or eliminate releases from intentional production and use: (i) Exemptions; (iv) Perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride;	Session of SC COP-9: Item 5 (cont.) (b) Measures to reduce or eliminate releases from unintentional production; (d) Implementation plans; (h) Reporting pursuant to Article 15;	Item 5 (cont.) (i) Effectiveness evaluation; (a) Measures to reduce or eliminate releases from intentional production and use: (v) Evaluation of the continued need for the procedure under paragraph 2(b) of Article 3.	(c) Legal, compliance and governance matters: (i) Committee Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention; (cont.)
Afternoon session 3–6 p.m.	Joint sessions of the COPs: BC item 4 (cont.) (c) Legal, compliance and governance matters: (i) Committee Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention RC Item 5 (cont.) (d) Compliance SC Item 5 (cont.) (j) Compliance BC Item 6; RC Item 7; SC Item 7: Programme of work and budget	Session of SC COP-9: Item 4: Rules of procedure Item 5 (cont.) (a) Measures to reduce or eliminate releases from intentional production and use: (i) Exemptions; (iv) Perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride;	Session of SC COP-9: Item 5 (cont.) (b) Measures to reduce or eliminate releases from unintentional production; (d) Implementation plans; (h) Reporting pursuant to Article 15;	Session of SC COP-9: <i>Consideration of the outcomes of the contact groups and draft decisions</i> Item 10 (cont.) (excluding admission of observers and guidelines on preventing harassment)	Session of SC COP-9: <i>Consideration of the outcomes of the contact groups and draft decisions</i> Item 11: Adoption of the report Joint sessions of the COPs: <i>Adoption of the sections of the reports on the joint sessions of the meetings of the COPs</i> ⁴	Session of BC COP-14: Item 4 (cont.) (b) Scientific and technical matters (cont.): (ii) Classification and hazard characterization of wastes; (iii) National reporting; (c) Legal, compliance and governance matters (cont.): (iii) National legislation, notifications, enforcement of the Convention and efforts to combat illegal traffic
	Session of SC COP-9: (e) Listing of chemicals in Annex A, B or C to the Convention ⁵ ;					

¹ Items listed in the tentative schedule are from the provisional agendas of the meetings (UNEP/CHW.14/1; UNEP/FAO/RC/COP.9/1; UNEP/POPS/COP.9/1).

² This item will cover the proposals submitted by Norway to amend annexes II, VIII and IX of the Basel Convention.

³ The bureaux of the conferences of the Parties have agreed that, when examining credentials, they would accept, in addition to original credentials in good order, copies of credentials on the understanding that original credentials would be submitted as soon as possible. Each Bureau would present its report to the respective Conference of the Parties in the afternoon of Thursday, 9 May 2019.

⁴ The conferences of the Parties are scheduled to meet in joint sessions to adopt the section of their report covering the joint sessions held on Monday, 29 April 2019 and on the morning of Tuesday, 30 April 2019.

⁵ This item will cover the proposals submitted by the Russian Federation to amend Article 8 and Annex D of the Stockholm Convention.

	Sun, 5 May 2019	Mon, 6 May 2019	Tue, 7 May 2019	Wed, 8 May 2019	Thu, 9 May 2019	Fri, 10 May 2019
Morning session 10 a.m.– 1 p.m.	No formal meetings	Joint sessions of the COPs: <i>Reports of contact groups</i>	Joint sessions of the COPs: <i>Reports of contact groups</i>	Joint sessions of the COPs: <i>Reports of contact groups</i>	Joint sessions of the COPs: <i>Reports of contact groups</i>	Joint sessions of the COPs: <i>Reports of contact groups</i>
		Session of BC COP-14: <i>Consideration of the outcomes of the contact groups and draft decisions</i> Item 4 (cont.) (g) Work programme of the OEWG for 2020–2021 Item 9 (cont.) (excluding admission of observers and guidelines on preventing harassment)	Session of RC COP-9: Item 5 (cont.) (d) Compliance ⁶ ; (cont.) (c) Enhancing the effectiveness of the Convention ⁷ ; (b) Listing of chemicals in Annex III to the Convention;	Session of RC COP-9: Item 5 (cont.) (b) Listing of chemicals in Annex III to the Convention (cont.); Item 4: Rules of procedure for the Conference of the Parties Item 5 (cont.) (a) Status of implementation	Session of RC COP-9: <i>Consideration of the outcomes of the contact groups and draft decisions</i>	Session of RC COP-9: <i>Consideration of the outcomes of the contact groups and draft decisions</i> Item 11: Adoption of the report
Afternoon session 3–6 p.m.	No formal meetings	Session of BC COP-14: <i>Consideration of the outcomes of the contact groups and draft decisions</i>	Session of BC COP-14: <i>Consideration of the outcomes of the contact groups and draft decisions</i> Item 10: Adoption of the report	Session of RC COP-9: Item 10 (cont.) (excluding admission of observers and guidelines on preventing harassment) <i>Consideration of the outcomes of the contact groups and draft decisions</i>	Joint sessions of the COPs: <i>Consideration of the outcomes of the joint contact groups, adoption of the reports on credentials and adoption of outstanding decisions</i>	Adoption of BC budget decision
						Adoption of RC budget decision
						Adoption of SC budget decision
						BC Item 11; RC Item 12; SC Item 12: Closure of the meetings

Stockholm Convention Conference of the Parties (SC COP)	
Basel Convention Conference of the Parties (BC COP)	
Rotterdam Convention Conference of the Parties (RC COP)	
Joint sessions of the meetings of the conferences of the Parties	

⁶ This item will cover the proposal submitted by Canada, Colombia, Costa Rica, Ghana, Jordan, Mali, Nigeria, Peru, Switzerland, Thailand, the United Republic of Tanzania and Zambia to add a new Annex VII to the Rotterdam Convention.

⁷ This item will cover the proposals to amend Article 16 and Article 22 of the Rotterdam Convention which were submitted prior to the eighth meeting of the Conference of the Parties by Botswana, Cameroon, Ghana, Kenya, Lesotho, Malawi, Mozambique, Namibia, Nigeria, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe in the case of Article 16, and by Botswana, Cameroon, Ghana, Kenya, Lesotho, Malawi, Mozambique, Namibia, Nigeria, Swaziland, Tanzania and Zambia in the case of Article 22.

Annex II: Possible contact and other groups at the meetings of the conferences of the Parties from 29 April to 10 May 2019 in Geneva

The following contact and other groups have been tentatively identified and may be established during the two-week period of the meetings, and meet during a set amount of time, as needed. The total number of groups meeting at any one time would need to be limited to ensure that there is adequate opportunity for the interests of all delegations to be factored into the discussions. The groups are expected to complete their work by the day before the last convention-specific session in order to allow for adoption of decisions as much as possible by the end of convention-specific sessions they relate to.

1) Joint contact and other groups:

- Group on programmes of work and budgets
- Group on joint issues
- Group on technical assistance/financial resources and mechanisms

2) Stockholm Convention-specific contact and other groups:

- Group on listing of chemicals
- Group on compliance

3) Basel Convention-specific contact and other groups:

- Group on technical matters
- Group on strategic matters
- Group on compliance and legal matters
- Group on marine plastic litter and microplastics

4) Rotterdam Convention-specific contact and other groups:

- Group on enhancing the effectiveness of the Convention
 - Group on the listing of chemicals
 - Group on compliance
-

Tentative schedule of side events at the meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions, 29 April - 10 May 2019, Geneva, Switzerland

	Mon, 29 April 2019	Tue, 30 April 2019	Wed, 1 May 2019	Thu, 2 May 2019	Fri, 3 May 2019	Sat, 4 May 2019
Lunch time events	The implementation of GEF-7 in the context of the Stockholm Convention (GEF) [Room 3]	Best Practices for the Management of Chemicals and Waste in the Healthcare Sector: results and best practices from GEF-funded projects (GEF, UNDP and UNIDO) [Room 3]	Lessons learned: 15 years of capacity building for POPs monitoring in three regions (in implementation of GEF supported projects) (Czech Republic, Uruguay, UNEP Chemicals and Health Branch) [Room 3]	Opening of the Information Fair Update on the Environmentally Sound Management of Waste Lead-acid Batteries (UNEP Chemicals and Health Branch) [Room 3]	Combating illegal traffic: successes, lessons learned and way forward (Basel Convention Implementation and Compliance Committee and ENFORCE) [Room 3]	Implementation of regional conventions on transboundary movement of hazardous wastes (UNEP Law Division, Bamako Convention Secretariat, Cote d'Ivoire, Republic of Congo, Mozambique) [Room 3]
	1:15-2:45 p.m.	From knowledge to action to strengthen implementation of the BRS Conventions – Insights from the Global Chemicals Outlook II (UNEP Chemicals and Health Branch) [Room 4]	Strengthening the governance for the sound management of chemicals and waste beyond 2020 (German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety) [Room 4]	Pesticide risk reduction and promotion of alternatives to hazardous pesticides: lessons learnt from Small Island Developing States countries (Caribbean and African lusophone countries) (Rotterdam Convention Secretariat in FAO) [Room 4]	PCBs in open applications and country support activities for the elimination of PCB (Sweden, UNEP and BRS) [Room 4]	Electrical and electronic waste management: national experiences (Solidarité Technologique and International Environmental Technology Centre, Japan) [Room 4]
Evening events	Reception hosted by Switzerland	Plastics and toxic additives, and the circular economy. Sharing of experience and challenges ahead (Stockholm Convention Regional Centre in Spain) [Room 15]	The Global PFAS Problem: Fluorine-Free Alternatives as a Solution (IPEN) [Room 15] Foam fights Fire (EUROFEU) [Room 16]	Chemicals of Emerging Arctic Concern, POPs Trends, Climate Interactions: Arctic Information Contributing to Work of the BRS Conventions (Finland and Arctic Monitoring and Assessment Programme) [Room 15]	Best Practices in countering the illegal trade of Pesticides (OECD, FAO, BRS) [Room 15]	Closure of the Information Fair
	6:15-7:45 p.m.	Public Participation to Sound Chemicals and Waste Management in China (Shenzhen Zero Waste, China Biodiversity Conservation and Green Development Foundation; Institute of Public & Environmental Affairs, Green Anhui) [Room 16]	PFAS in Fire-fighting foam – the fire-fighters perspective (German Industrial Fire Protection Association and LASTFIRE) [Room 17]	e-Waste: Responsible Global Guidance for a Circular Economy (Basel Action Network) [Room 16]	Management and practice of environmentally sound management of waste batteries (Basel Convention Regional Centre for Asia and the Pacific) [Room 16]	

	Sun, 5 May 2019	Mon, 6 May 2019	Tue, 7 May 2019	Wed, 8 May 2019	Thu, 9 May 2019	Fri, 10 May 2019
Lunch time events 1:15-2:45 p.m.	X	Policy approaches on circular economy: Plastics and e-waste (Government of Finland and Government of Ghana) <i>[Room 3]</i>	Briefing on the ESM toolkit (Basel Convention Expert Working Group on Environmentally Sound Management) <i>[Room 3]</i>	Highly Hazardous Pesticides: international management (Pesticide Action Network) <i>[Room 3]</i>	Bringing the benefits of BRS Conventions to Small Island Developing States (BRS) <i>[Room 3]</i>	X
		Global Plastic Scrap Trade (GRID-Arendal) <i>[Room 4]</i>	Enhancing the effectiveness of the Rotterdam Convention (Switzerland) <i>[Room 4]</i>	Cooperation with World Customs Organization for implementing the BRS Conventions (BRS and World Customs Organization) <i>[Room 4]</i>	Integrating gender into sound management of chemicals and waste (BRS, Women Engage for a Common Future, GRID Arendal) <i>[Room 4]</i>	
Evening events 6:15-7:45 p.m.	X	Turn Back the Plastic Tide: The Norwegian Proposal (Break Free From Plastics Movement, BAN) <i>[Room 15]</i>	Work of Household Waste Partnership (GRID-Arendal, on behalf of the Basel Convention Household Waste Partnership working group) <i>[Room 15]</i>	Information sharing on the Special Programme on institutional strengthening for the chemicals and waste cluster (Special Programme) <i>[Room 15]</i>	X	X
		Tackling E-waste - Towards Sustainable and Responsible Reverse Supply Chains in a circular economy for electronics (Secretariat of the Environment Management Group in cooperation with the BRS Secretariat and the World Economic Forum) <i>[Room 16]</i>	Strengthening national infrastructures, institutions and legal frameworks for effective implementation of the Rotterdam Convention: An African example (Eswatini, Zambia, BRS) <i>[Room 16]</i>	Labour Unions' role in safe use of chemicals – implementation of new technologies (International Alliance of Trade Union Organizations “Chrysotile”) <i>[Room 16]</i>	X	



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on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Fourteenth meeting**

Geneva, 29 April–10 May 2019

Item 4 (b) (i) of the provisional agenda*

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

Technical guidelines

Addendum

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

1. As is mentioned in document UNEP/CHW.14/7, the annex to the present note sets out the suggestions for amendments to 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 the Conference of the Parties at its twelfth meeting¹.
2. The expert working group met twice and the reports of both face-to-face meetings, which contain details about the proposed changes to the technical guidelines, can be found on the Convention website.²
3. The suggestions prepared by the expert working group have been tracked so that they can be easily identified. The present note, including its annex, has not been formally edited.

* UNEP/CHW.14/1.

¹ UNEP/CHW.12/5/Add.1/Rev.1.

² <http://basel.int/Implementation/Ewaste/TechnicalGuidelines/Meetings/tabid/4235/Default.aspx>.

Annex

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

(Draft of 29 June 2018)

ADVANCE

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Abbreviations and acronyms

BFR	brominated flame retardant
CFCs	chlorofluorocarbons
CMR	Convention Relative au Contrat de Transport International de Marchandises par Route (Convention on the Contract for the International Carriage of Goods by Road)
COP	Conference of the Parties
CRT	cathode ray tubes
EC	European Community
ESM	environmentally sound management
EU	European Union
HS	Harmonized Commodity Description and Coding System ("Harmonized System" for short) (developed by WCO)
ILO	International Labour Organization
kg	kilogram
LCD	liquid crystal display
mg	milligram
MPPI	Mobile Phone Partnership Initiative
OECD	Organisation for Economic Co-operation and Development
OHS	occupational health and safety
OHSAS	occupational health and safety assessment series
PACE	Partnership for Action on Computing Equipment
PBBs	polybrominated biphenyls
PC	personal computer
PCBs	polychlorinated biphenyls
PCNs	polychlorinated naphthalenes
PCTs	polychlorinated terphenyls
POPs	persistent organic pollutants
PVC	polyvinyl chloride
RoHS	Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS Directive)
StEP	Solving the e-waste problem (international initiative)
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNU	United Nations University
TBM	transboundary movement
WCO	World Customs Organization
WEEE	waste electrical and electronic equipment

I. Introduction

A. Scope

1. The present technical guidelines provide guidance on transboundary movements of waste electrical and electronic equipment (hereinafter referred to as “e-waste”) and used electrical and electronic equipment (used equipment) that may or may not be e-waste, in particular on the distinction between waste and non-waste, pursuant to decisions IX/6, BC-10/5, BC-11/4, [BC-12/5](#), [BC-13/5](#) and [BC-12/5/14/\[...\]](#) of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal (hereinafter referred to as “the Convention”).
2. The present guidelines focus on clarifying aspects related to transboundary movements of e-waste and used equipment that may or may not be waste. Countries define and evaluate the distinction between waste and non-waste in different manners when considering used equipment destined, e.g., for direct reuse or extended use by the original owner for the purpose for which it was conceived, or for failure analysis, repair and refurbishment. Certain parties may consider used equipment destined for failure analysis, repair or refurbishment to be waste, while others may not. Further, the present guidelines consider which e-waste is hazardous waste or “other waste” and therefore would fall under the provisions of the Convention. Such distinctions will be helpful for enforcement agencies to assess if the provisions of the Basel Convention on transboundary movements apply, as the Convention only applies to hazardous wastes and other wastes.
3. Only the transboundary transport of whole used equipment and components that can be removed from equipment, be tested for functionality and subsequently be directly reused, sent for failure analysis or reused after repair or refurbishment is considered in the present guidelines. For the purpose of these guidelines, the term “equipment” also covers such components.³ Transboundary movements of materials that have been removed or that derive from the dismantling or recycling of e-waste and are waste, such as metals, plastics, PVC-coated cables or activated glass, are not addressed in the present guidelines, regardless of whether or not they fall under the provisions of the Convention.
4. The present guidelines provide:
 - (a) Information on the relevant provisions of the Convention applicable to transboundary movements of e-waste;
 - (b) Guidance on the distinction between waste and non-waste when used equipment is moved across borders;
 - (c) Guidance on the distinction between hazardous waste and non-hazardous waste when used equipment is moved across borders; and
 - (d) General guidance on transboundary movements of hazardous e-waste and used equipment and enforcement of the control provisions of the Convention.
5. The present guidelines are intended for 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 the application of the Basel Convention and other considerations when preparing or arranging for transboundary movements of such items.
6. Their application should help reduce transboundary movements of e-waste in the scope of the Convention to the minimum consistent with the environmentally sound and efficient management of such waste and reduce the environmental burden of e-waste that currently may be exported to countries and facilities that cannot handle it in an environmentally sound manner.
7. The present guidelines do not address other aspects of environmentally sound management (ESM) of e-wastes, such as collection, treatment-~~or~~ disposal- or extended producer responsibility (EPR). These aspects ~~may be~~ covered in other guidance documents developed under the Basel Convention. There are documents covering ESM generally, including the ESM toolkit⁴, for example a practical manual on EPR. There is also a series of guidelines developed in the context of the following

³ For definitions and explanations of the terms used in the present guidelines, see appendix I (glossary of terms).

⁴

<http://basel.int/Implementation/CountryLedInitiative/EnvironmentallySoundManagement/ESMToolkit/Overview/tabid/5839/Default.aspx>

two public-private partnership initiatives under the Basel Convention (See decisions BC-10/20, BC-10/21, [BC-11/15](#) and [BC-14/15-13/12](#) by the Conference of the Parties regarding these initiatives):

- (a) Mobile Phone Partnership Initiative (MPPI):
 - (i) Revised guidance document on the environmentally sound management of used and end-of-life mobile phones (UNEP/CHW.10/INF/27/Rev.1);
 - (ii) Guideline on awareness raising-design considerations (MPPI, 2009a);
 - (iii) Guideline on the collection of used mobile phones (MPPI, 2009b);
 - (iv) Guideline for the transboundary movement of collected mobile phones (MPPI, 2009c);
 - (v) Guideline on the refurbishment of use mobile phones (MPPI, 2009d);
 - (vi) Guideline on material recovery and recycling of end-of-life phones (MPPI, 2009e);
- (b) Partnership for Action on Computing Equipment (PACE):
 - (i) Guidance document on the environmentally sound management of used and end-of-life computing equipment (UNEP/CHW.11/6/Add.13/INF/31/Rev.1) ~~(See Sections 1, 2, 4 and 5, annex I)~~;
 - (ii) Environmentally sound management criteria recommendations (PACE, 2009);
 - (iii) Guideline on environmentally sound testing, refurbishment and repair of used computing equipment (PACE, [2013a](#));
 - (iv) Guideline on environmentally sound material recovery and recycling of end-of-life computing equipment (PACE, [2013b](#)).
 - ~~(v) Guidance on transboundary movement (TBM) of used and end of life computing equipment (PACE, 2011e).~~

B. About e-waste

8. The volume of e-waste being generated is growing rapidly due to the widespread use of electrical and electronic equipment in both developed and developing countries. The total amount of global e-waste generated in 2005 was estimated to be 40 million tonnes (StEP, 2009). The latest estimates indicate that in ~~2012 48.9~~[2016 44.7](#) million ~~metric~~ tonnes of e-waste were generated globally (~~Huisman, 2012~~)-[The Global E-waste Monitor 2017](#). The amount of e-waste ~~generated~~ in the European Union was estimated at between 8.3 million and 9.1 million tonnes in 2005 ~~and was expected to reach some 12.3 million tonnes in 2020~~ (United Nations University, 2007). [The latest estimation of the total e-waste generation in Europe in 2016 was 12.3 million tonnes \(Global E-waste Monitor 2017\)](#). Currently e-waste is exported to countries that are not likely to possess the infrastructure and societal safety nets to prevent harm to human health and the environment, due to factors such as exports being less expensive than managing the waste domestically, the availability of markets for raw materials or recycling facilities, and the location of manufacturers of electrical and electronic equipment. However, there are also examples of formal recycling facilities in developing countries and economies in transition that are repairing, refurbishing and recycling used equipment and e-waste in an environmentally sound manner. However, in some cases the practices outside such facilities, e.g., downstream waste management, may not constitute environmentally sound management.

9. As a result of the EU Directive on Restrictions of the use of certain hazardous substances in electrical and electronic equipment (RoHS Directive)⁵ and similar national legislation elsewhere, the use of hazardous substances in various kinds of electrical and electronic equipment has been greatly reduced or eliminated in recent years. However, certain types of e-waste may still contain hazardous substances such as lead, cadmium, mercury, POPs, asbestos and CFCs that pose risks to human health and the environment when improperly disposed of or recycled and that require specific attention to ensure their environmentally sound waste management. In most developing countries and countries with economies in transition, the capacity to manage hazardous substances in e-waste is lacking. As an

⁵ Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment. OJ L 174, 1.7.2011, pp. ~~88-110~~[88-110](#) (see http://ec.europa.eu/environment/waste/rohs_eee/legis_en.htm)

example, there is clear evidence that the informal recovery industry in Asia ~~exploit~~exploited women and child labourers who ~~cook~~cooked circuit boards, ~~burn~~burned cables and ~~submerge~~submerged equipment in toxic acids to extract precious metals such as gold (Schmidt, 2006), and ~~subjects~~subjected them and their communities to damaged health and a degraded environment. Moreover, the techniques used by the informal sector are not only damaging human health and the environment, but often they also perform poorly in recovering valuable resources, thereby squandering precious resources such as critical metals for future use. Even management of non-hazardous wastes can cause significant harm to human health and the environment if not undertaken in an environmentally sound manner. As a further example, there is evidence that there is extensive lead contamination in both ambient air and topsoil at the Agbogbloshie e-waste recycling/disposal site in Accra, Ghana, and that the potential for human health impact both to workers and local residents is substantial given the urban nature of this site as well as the large adjacent food distribution market (Caravanos J. et al., 2013).

10. E-waste often contains valuable materials that can be recovered for recycling, including iron, aluminium, copper, gold, silver, platinum, palladium, indium, gallium and rare earth metals, and thereby contribute to sustainable resource management, since the extraction of these metals from the Earth has significant environmental impacts. The recovery and use of such materials as raw materials after they have become waste can increase the efficiency of their use and lead to the conservation of energy and a reduction in greenhouse gas emissions when adequate technologies and methods are applied.

11. Direct reuse of equipment or reuse after repair or refurbishment can contribute even more to sustainable development. By extending the life of equipment, reuse reduces the environmental footprint of the resource-intensive processes involved in producing the equipment. Reuse may also facilitate the availability of equipment to groups in society that otherwise would not have access to it, since the cost of ~~second-hand~~used equipment is lower than that of new equipment. In many instances, there are regional facilities that are specialized and have trained personnel in order to properly repair or refurbish used equipment. Since these facilities are not present in all countries, used equipment destined for repair or refurbishment may need to be moved across borders prior to reuse.

12. Failure to handle equipment properly can have negative impacts and often entails disposal when parts are replaced and discarded. The lack of clarity in defining when used equipment is waste and when it is not has led to a number of situations where such equipment is exported to, in particular, developing countries ostensibly for reuse but where a large percentage of the exported equipment is in fact not suitable for further use or is not marketable and must be disposed of as waste in recipient countries.

II. Relevant provisions of the Basel Convention

A. General provisions of the Basel Convention

13. -The Basel Convention aims to protect human health and the environment against the adverse effects resulting from the generation, management, transboundary movements and disposal of hazardous and other wastes.

14. Article 2 (“Definitions”), paragraph 1, of 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”. Paragraph 4 of that article defines disposal as “any operation specified in Annex IV” to the Convention. Paragraph 8 of the same article defines the environmentally sound management of hazardous wastes or other wastes as “taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes.”

15. Article 4 (“General obligations”), paragraph 1, establishes the procedure by which parties exercising their right to prohibit the import of hazardous wastes or other wastes for disposal shall inform the other parties of their decision. Paragraph 1 (a) states: “Parties exercising their right to prohibit the import of hazardous or other wastes for disposal shall inform the other Parties of their decision pursuant to Article 13.” Paragraph 1 (b) states: “Parties shall prohibit or shall not permit the export of hazardous or other wastes to the parties which have prohibited the import of such wastes when notified pursuant to subparagraph (a) above.”

16. Article 4, paragraphs 2 (a)-(e) and 2 (g), contains key provisions of the Basel Convention pertaining to environmentally sound management, transboundary movement, waste minimization and waste disposal practices aimed at mitigating adverse effects on human health and the environment:

“Each Party shall take the appropriate measures to:

- (a) Ensure that the generation of hazardous wastes and other wastes within it is reduced to a minimum, taking into account social, technological and economic aspects;
- (b) Ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes, that shall be located, to the extent possible, within it, whatever the place of their disposal;
- (c) Ensure that persons involved in the management of hazardous wastes or other wastes within it take such steps as are necessary to prevent pollution due to hazardous wastes and other wastes arising from such management and, if such pollution occurs, to minimize the consequences thereof for human health and the environment;
- (d) Ensure that the transboundary movement of hazardous wastes and other wastes is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes, and is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement;
- (e) Not allow the export of hazardous wastes or other wastes to a State or group of States belonging to an economic and/or political integration organization that are Parties, particularly developing countries, which have prohibited by their legislation all imports, or if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner, according to criteria to be decided on by the Parties at their first meeting;
- (g) Prevent the import of hazardous wastes and other wastes if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner.”

17. Hazardous wastes and other wastes should, as far as is compatible with environmentally sound and efficient management, be disposed of in the country where they were generated (preambular paragraph 8). Transboundary movements of such wastes from the country of their generation to any other country should be permitted only when conducted under conditions that do not endanger human health and the environment (preambular paragraph 9). In addition, transboundary movements of hazardous wastes and other wastes are permitted only if:

- (a) Such wastes, if exported, are managed in an environmentally sound manner in the country of import or elsewhere (Article 4, paragraph 8); and
- (b) One of the following conditions is met (Article 4, paragraph 9):
 - (i) The country of export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites to dispose of the wastes in question in an environmentally sound and efficient manner; or
 - (ii) The wastes in question are required as a raw material for recycling or recovery industries in the country of import; or
 - (iii) The transboundary movement in question is in accordance with other criteria decided by the parties.

B. Control procedure for transboundary movements of waste

18. Any transboundary movement of hazardous and other wastes is subject to prior written notification from the exporting country and prior written consent from the importing country and, if appropriate, transit countries (Article 6, paragraphs 1-4). Parties shall prohibit the export of hazardous wastes and other wastes if the country of import prohibits the import of such wastes (Article 4, paragraph 1 (b)). Some countries have implemented national prohibitions, *inter alia* following Decision III/1 of the Conference of the Parties, which contains an amendment to the Convention that has not yet entered into force and bans the export of hazardous wastes from the countries listed in Annex VII (OECD and EU countries and Liechtenstein) to non-Annex VII countries. The Basel Convention also requires that information regarding any proposed transboundary movement of hazardous and other wastes be provided to the countries concerned using the accepted notification form (Article 4, paragraph 2 (f)) and that the approved shipment be accompanied by a movement document from the point at which the transboundary movement commences to the point of disposal (Article 4, paragraph 7 (c)).

19. Furthermore, hazardous wastes and other wastes subject to transboundary movements should be packaged, labelled and transported in conformity with international rules and standards (Article 4, paragraph 7 (b)).⁶

20. When transboundary movements of hazardous and other wastes to which consent of the countries concerned has been given cannot be completed, the country of export shall ensure that the wastes in question are taken back into the country of export if alternative arrangements cannot be made for their disposal in an environmentally sound manner (Article 8, first sentence). In the case of illegal traffic (as defined in Article 9, paragraph 1) as a result of conduct on the part of the exporter or generator, the country of export shall ensure that the wastes in question are:

(a) Taken back by the exporter or the generator or, if necessary, by itself into the country of export, or, if impracticable,

(b) Otherwise disposed of in accordance with the provisions of the Convention (Article 9, paragraph 2).

21. No transboundary movements of hazardous wastes and other wastes are permitted between a party and a non-party to the Convention (Article 4, paragraph 5) unless a bilateral, multilateral or regional arrangement exists, as required under Article 11 of the Convention.

C. Definitions of waste and hazardous waste

22. 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” (Article 2, paragraph 1). It defines disposal in Article 2, paragraph 4, as “any operation specified in Annex IV to this Convention.” It is important to note that national provisions concerning the definition of waste may differ and, therefore, the same material may be regarded as waste in one country but as non-waste in another country.

23. Hazardous wastes are defined in Article 1, paragraphs 1(a) and 1(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.” The definition of hazardous waste therefore incorporates domestic law such that material regarded as a hazardous waste in one country but not another is defined as hazardous waste under the Convention. The Convention also requires that parties inform the other parties, through the Secretariat of the Convention, of their national definitions (Article 3). Providing detailed and specific information on the national definitions of hazardous waste can promote compliance and avoid ambiguity concerning the applicability of national definitions.

24. To help parties to distinguish hazardous wastes from non-hazardous wastes for the purpose of Article 1, paragraph 1 (a), two annexes have been added to the Convention. Annex VIII lists wastes considered to be hazardous according to Article 1, paragraph 1 (a), of the Convention unless they do not possess any of the characteristics of Annex III (“List of hazardous characteristics”). Annex IX lists wastes that are not covered by Article 1, paragraph 1 (a), unless they contain Annex I material to an extent that causes them to exhibit an Annex III characteristic. Both Annex VIII and Annex IX list various types of e-waste. More information on the distinction between hazardous and non-hazardous e-waste is included in section IV.B of the present guidelines.

III. Guidance on the distinction between waste and non-waste

A. General considerations

25. To determine if used equipment is waste it may be necessary to examine all circumstances, including the history of an item and its proposed fate, on a case-by-case basis. However, there are characteristics of used equipment that are likely to indicate whether or not the equipment is waste.

26. Without prejudice to paragraph 31 below, when the person who arranges the transport of used equipment claims that the transport is or is intended to be a transboundary transport of used equipment for direct reuse, or extended use by the original owner, for the originally intended purpose of the equipment (see paragraph 31 (a) below), or for failure analysis, repair ~~and/or~~ refurbishment (see

⁶ In this connection, the United Nations Recommendations on the Transport of Dangerous Goods (Model Regulations) (~~ECE, 2003a~~ [\(UNECE, 2015](#) – see [annex appendix V, bibliography references](#)) of ~~2003~~2015, or later versions, should be used.

paragraph 31 (b) below), and is not a transport of e-waste, the evidence required in paragraph 31 should be provided or be in place to support this claim upon the request of the authorities (both prior to and during transport).

27. 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~~must notify the Secretariat of the Basel Convention ~~of its wishes~~ in accordance with Article 3 (“National definitions of hazardous wastes”) and Article 13 (“Transmission of information”), paragraph 2, of the Convention, as appropriate.

27bis. 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 . Furthermore, any party wishing to apply criteria in addition to those mentioned in paragraphs 30 and 31, for example in relation to the age or residual lifetime of equipment, obsolete technologies, equipment containing cathode ray tubes or the management of residual waste generated during failure analysis, repair or refurbishment, is fully entitled to do so provided that it complies with applicable international, regional and national legal instruments.

28. When a party considers used electrical and electronic equipment to be hazardous waste, both the exporting and importing parties should comply with the Basel Convention provisions, including those pertaining to the prior informed consent (PIC) procedure.

29. Without prejudice to paragraph 31 below, 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.

B. Situations where used equipment should normally be considered waste, or not be considered waste

~~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.~~30. Without prejudice to paragraph 31, used equipment should normally be considered waste if:

- (a) The equipment is destined for disposal or recycling, instead of failure analysis or reuse, or its fate is uncertain;
- (b) The equipment is not complete - essential parts are missing and the equipment cannot perform its key functions;
- (c) The equipment shows a defect that materially affects its functionality and fails relevant functionality tests;
- (d) The equipment shows physical damage that impairs its functionality or safety, as defined in relevant standards, and cannot be repaired at a reasonable cost;
- (e) The protection against damage during transport, loading and unloading operations is inappropriate, e.g., the packaging or stacking of the load is insufficient;
- (f) The equipment is particularly worn or damaged in appearance and its appearance reduces its marketability;
- (g) The equipment
 - has among its constituent part(s) a hazardous ~~components~~component that are, or
 - contains hazardous substances to an extent that the equipment
 - is required to be disposed of under national legislation or are, is prohibited to be exported or are is prohibited for use in such equipment under national legislation;⁷

⁷ For instance, asbestos, PCBs and CFCs, whose use is phased out or prohibited for certain applications under specific multilateral environmental agreements or in the national legislation of certain countries.

specific multilateral environmental agreements and relevant international standards and guidelines.⁸

~~(e)(h)~~ There is no regular market for the equipment ~~to be reused, including where the equipment contains a cathode ray tube, except when there is a regular market for equipment for professional use containing a cathode ray tube.~~

~~(i)~~ The equipment is destined for disassembly and cannibalization (to gain spare parts); or

~~(j)~~ The price paid for the equipment is significantly lower than would be expected for fully functional equipment intended for reuse.

31. Used equipment should normally not be considered waste:

(a) When it is not destined for any of the operations listed in Annex IV of the Convention (recovery or disposal operations) and it is destined for **direct reuse, or extended use by the original owner** for the purpose for which it was originally intended and the following is provided or is in place both prior to and during transport:

- (i) A copy of the invoice and contract relating to the sale and/or transfer of ownership of the used equipment, and documentation accompanying the equipment in accordance with paragraph 40 and appendix II below, ~~including, inter alia, a signed declaration that indicates that the equipment has been tested and is destined for direct reuse and fully functional, and information on its future user or, where this is not possible, its retailer or distributor~~³² and 40 and appendix II below;
- (ii) Evidence of evaluation or testing⁹ in the form of a copy of records (certificate of testing – proof of functionality) on every item within the shipment and a protocol containing all recorded information (see section III.C below);
- (iii) A declaration made by the person who arranges the transport of the equipment 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);
- (iv) ~~(iv)~~ — 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/or refurbishment** with the intention of reuse, or extended use by the original owner, for its originally intended purpose, provided that the criteria set out in sub-paragraphs (a) (iii) and (a) (iv) of paragraph 31 above and all of the following conditions are met:

- (i) The documentation described in paragraph 32 and appendix III below accompanies the equipment;
- (ii) A valid contract¹⁰ 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. The contract should contain a minimum set of provisions, including the following:
 - a. The intention of the transboundary transport (failure analysis, repair or refurbishment);
 - b. Provisions ~~on adherence to the principles of ESM for the treatment of~~ ensure that any residual hazardous waste generated through the failure analysis, repair or refurbishment activities is managed in an environmentally sound manner, either in the country where the facility is located or in another country (see first sentence of Article 4(8)¹¹) and a

⁸ For instance, asbestos, POPs, mercury and ozone depleting substances.

⁹ Testing of used equipment should be performed before shipment in the country of export.

¹⁰ Or equivalent document, in cases where there is no change of ownership of the equipment.

¹¹ “Each Party shall require that hazardous wastes or other wastes, to be exported, are managed in an environmentally sound manner in the State of import or elsewhere.”

provision to allocate responsibility for such environmentally sound waste management;

- c. A provision stating the responsibility of the person who arranges the transport to comply with applicable national legislation and international rules, standards and Basel Convention guidelines. To ensure such compliance, the following provisions ~~d. and e. immediately below~~ should be included:

- A provision allocating responsibility to specific persons throughout the whole process, from export until the equipment is either analysed or repaired or refurbished to be fully functional, including cases where the equipment is not accepted by a facility and has to be taken back;

- A provision requiring the facility to provide the person who arranged the transport with a feedback report on the failure analysis, repair or refurbishment activities that were performed on the equipment and on the management of any residual hazardous waste that may have been generated from such activities. If appropriate, the contract may include the possibility of a review of the feedback report by the person who arranged the transport, or by a third party.

32. The documentation accompanying a shipment of used equipment falling under paragraph 31 ~~(a)~~ should contain the following information ~~referred to in:~~

~~(a) For both paragraphs 31-(a) and 40. The documentation accompanying a shipment of used equipment falling under paragraph 31 (b) should include the recommended form contained in appendix III to the present guidelines and provide the following information:⁴²:~~

~~(a)(i) Name (including contact details) of the person who arranges the transport and of the person who receives the shipment at the receiving facility;~~

~~(ii) Description of the equipment (e.g., name);~~

~~(iii) Name of the producer, if available;~~

~~(iv) Identification number, if applicable and/or if available;~~

~~(v) Year of production, if available;~~

~~(vi) Year of earlier repair or refurbishment and kind of repair or refurbishment (optional);~~

~~(vii) Under warranty (yes/no) and if yes, remaining duration of warranty ;~~

~~(iii)(viii) Quantity of equipment;~~

~~(d) Purpose of the transboundary transport (e.g., failure analysis, repair, refurbishment)~~

~~(iv)(ix) Starting date of the transport;~~

~~(v)(x) Countries concerned;~~

~~(xi) Signed declaration made in accordance with paragraph 31 (a) (iii) above and that he/she will provide additional information to authorities upon request.~~

(b) For paragraph 31(a) the information referred to in paragraph 40 and, in addition to subparagraph (a) above, the following:

(i) Name (including contact details) of the company responsible for evidence of functionality (if different than person who arranges for the transport);

⁴² Insofar as the information (except for that described in subparagraph (c) of paragraph 32) relating to a single shipment is identical for all equipment in that shipment, a single form may be used to provide such information.

(ii) Name (including contact details) of the user or, where this is not possible, the retailer or distributor

(iii) Date of functionality testing;

(iv) Kind of tests performed and results of test;

(v) Signed declaration that indicates that the equipment has been tested and is destined for direct reuse and fully functional;

(c) For paragraph 31(b), in addition to subparagraph (a) above, the following:

(i) Name (including contact details) of the receiving facility;

(ii) Purpose of the transboundary transport (e.g., failure analysis, repair, refurbishment);

(iii) Signed declaration by the person who has arranged the transport of the equipment affirming the existence of a contract fulfilling the requirements specified in paragraph 31(b) (ii) and that he/she will provide additional information to authorities upon request, and a declaration made in accordance with paragraph 31 (a) (iii) above.

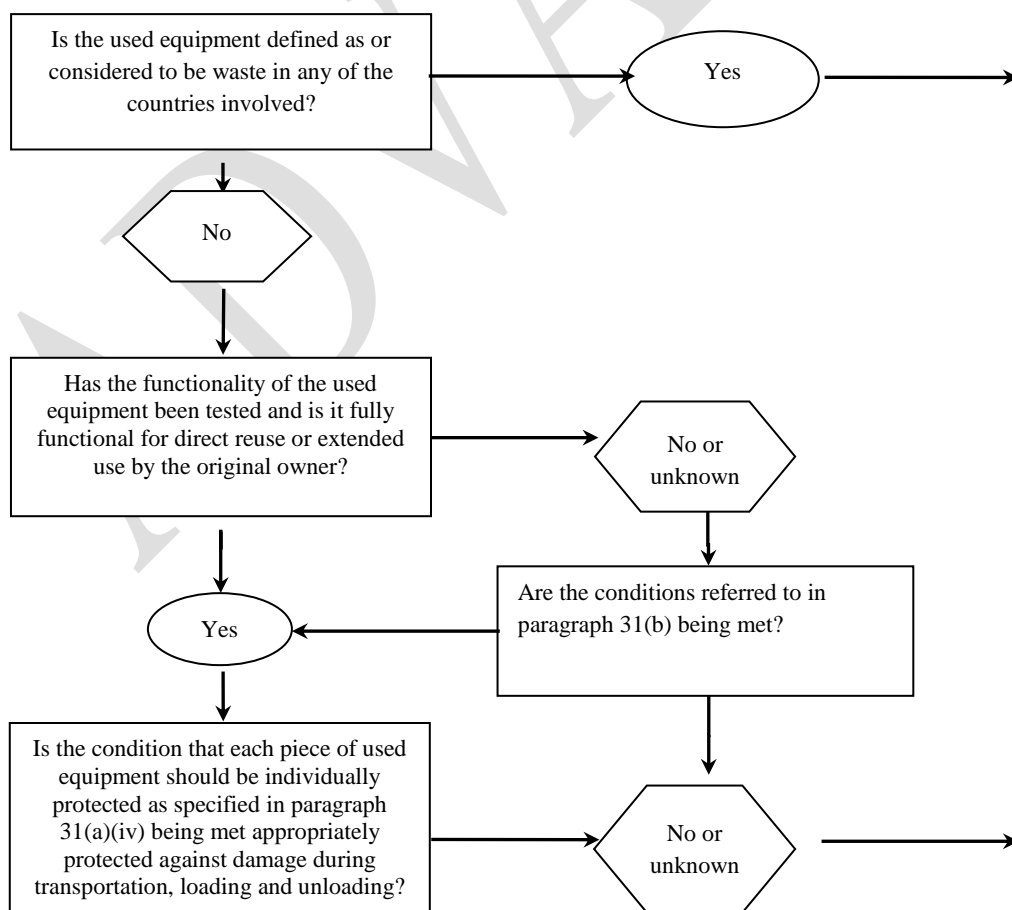
32bis. For the documentation accompanying a shipment of used equipment falling under paragraph 31 (a) and (b), appendix II and III to the present guidelines, respectively, contain recommended forms¹³.

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

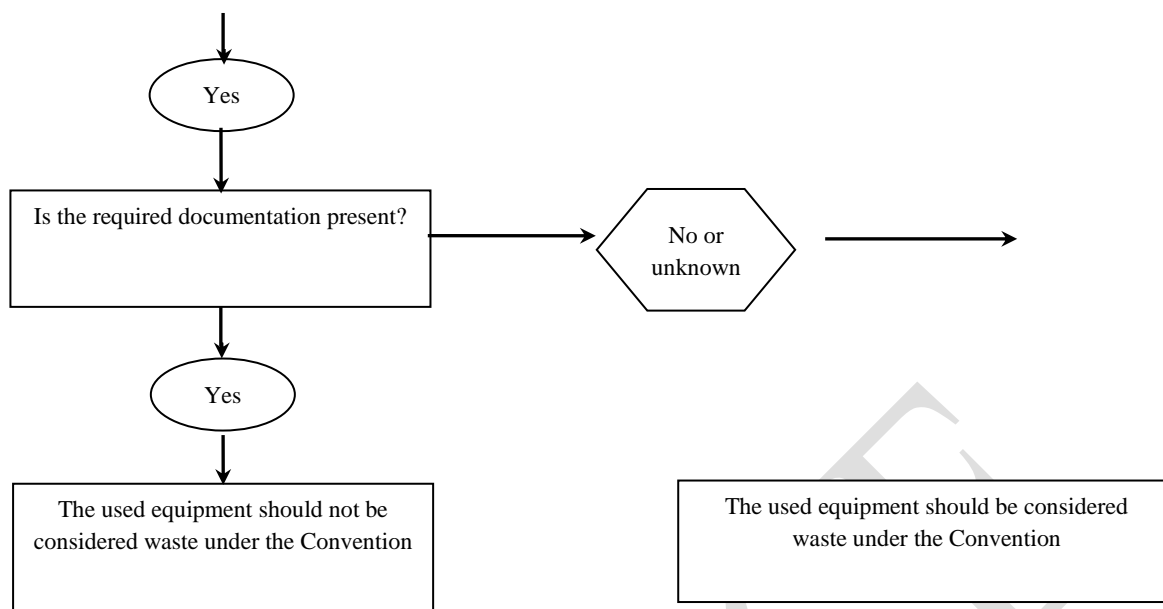
34. Persons who arrange the transport should retain the documentation referred to in paragraphs 32-33 for a period of one year following the date a transboundary transport commences.

35. Figure 1 summarizes the decision steps described in this section.

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



¹³ Insofar as the information relating to a single shipment is identical for all equipment in that shipment, a single form may be used to provide such information.



C. Evaluation and testing of used equipment destined for direct reuse

36. -When preparing the transboundary transport of used equipment destined for direct reuse covered by paragraph 31 (a), rather than of e-waste, the person who arranges for the transport should take the following steps:

Step 1: evaluation and testing

37. The tests to be conducted depend on the kind of equipment in question. Equipment functionality should be tested and the presence of hazardous substances or components in the equipment should be evaluated. The completion of a visual inspection of the equipment without testing its functionality is unlikely to be sufficient. For most of equipment, a functionality test of key functions is sufficient. Section IV.B of the present guidelines provides guidance on evaluation for the presence of hazardous substances and components. A list of examples of functionality tests for certain categories of used equipment is provided in appendix IV to the present document.

38. Testing should be conducted by a qualified, certified or trained technician.

Step 2: recording

39. Results of evaluation and testing should be recorded. The record should contain the following information:

- (a) Name of the item;
- (b) Name of the producer (if available);
- (c) Identification number of the item (type No.), where applicable;
- (d) Year of production (if available);
- (e) Name and address of the company responsible for evidence of functionality;
- (f) Result of tests described in step 1 (e.g., naming of defective parts and defects or indication of full functionality), including date of the functionality test;
- (g) Kind of tests performed;

(h) Signed declaration by the company responsible for evidence of functionality.

40. The record should accompany the shipment and be fixed securely but not permanently either on the used equipment itself (if not packaged) or on the packaging so that it can be read without unpacking the equipment. A recommended form for recording the results of evaluation and testing, including the declaration referred to in paragraph 31(a)(i)-32(b)(iii) above, is contained in appendix II to the present guidelines.

IV. Guidance on transboundary movements of e-waste

A. General considerations

41. When e-waste is considered to be hazardous waste according to Article 1, paragraph 1 (a), of the Convention, or to national legislation (Article 1, paragraph 1 (b)), national import or export prohibitions must be respected. When no such national prohibitions exist, the control procedure described in section II. B of the present guidelines applies. For e-waste that is not considered to be hazardous, the Basel Convention does not contain a specific procedure. However, some parties have developed procedures to deal with such cases, such as those applicable to transboundary movements of “green-listed” waste under European Union legislation,¹⁴ or the procedure for pre-movement inspection of recycling materials applicable in China.¹⁵

42. In cases where the competent authority of a country involved in a transboundary movement of e-waste considers a specific item to be hazardous waste according to that country’s national law, while other authorities would not, the control procedure for hazardous waste described in Article 6, paragraph 5 of the Convention would apply. The same mechanism is suggested in cases where there are differences of opinion between competent authorities as to whether or not a piece of equipment constitutes waste. In those cases, the procedures applicable to transboundary movements of waste would apply. If this approach is taken and the applicable procedures are not followed, the movement would be regarded as illegal.

43. Some parties may consider used equipment destined for failure analysis, repair or refurbishment to be waste, while others may not. In accordance with the principles of the Convention, if one of the countries concerned considers used equipment to be waste the procedures on transboundary movement of e-waste, as indicated in paragraph 42 above, should be followed. Note that in some cases, the decision to classify used equipment destined for failure analysis, repair or refurbishment as hazardous waste could result in the imposition of a ban on the export or import of such equipment under national legislation or pursuant to the Convention’s prohibition on trade with non-parties.

B. Distinction between hazardous waste and non-hazardous waste

44. E-waste is included in Annex VIII to the Convention under the following entry for hazardous waste:

“A1180 Waste electrical and electronic assemblies or scrap¹⁶ 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).”¹⁷

¹⁴ Regulation (EC) No. 1013/2006 on shipments of waste and Regulation (EC) No. 1418/2007 concerning the export for recovery of certain waste listed in annex III or IIIA to Regulation (EC) No. 1013/2006 to certain countries to which the OECD decision on the control of transboundary movements of wastes does not apply (see: <http://ec.europa.eu/environment/waste/shipments/legis.htm>).

¹⁵ Pre-movement inspections for recycling materials are established by the General Administration of Quality Supervision, Inspection and Quarantine of China (AQSIQ). Information on the procedure can be found on the website of the China Certification & Inspection Group (CCIC), which is authorized to handle this procedure in various countries worldwide, e.g., in Europe, from: <http://www.ccic-europe.com>.

¹⁶ This entry does not include scrap assemblies from electric power generation.

¹⁷ PCBs are at a concentration level of 50 mg/kg or more.

45. E-waste is also included in Annex IX to the Convention under the following entry for non-hazardous waste¹⁸:

“B1110 Electrical and electronic assemblies:

- Electronic assemblies consisting only of metals or alloys;
- Waste electrical and electronic assemblies or scrap¹⁹ (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,²⁰ and not for recycling or final disposal.”²¹

46. Equipment will often contain hazardous components or substances, examples of which are listed in entry A1180 of Annex VIII. E-waste containing such components or substances may qualify as hazardous waste if the waste exhibits the hazardous characteristics listed in Annex III. However, the presence of such a component or substance in equipment should not necessarily cause the equipment as a whole to be deemed hazardous waste under the Convention.

47. E-waste should therefore be presumed to be hazardous waste unless it can be shown either that it does not exhibit hazardous characteristics or that it does not contain hazardous components or substances, in particular:²²

(a) Lead-containing glass from cathode ray tubes (CRTs) and imaging lenses, which fall under Annex VIII entries A1180 and A2010 (“glass from cathode ray tubes and other activated glass”) and Annex I category Y31 (“Lead; lead compounds”) and are likely to possess Annex III hazardous characteristics H6.1, H11, H12 and H13;

(b) Nickel-cadmium batteries and batteries containing mercury, which fall under Annex VIII entry A1170 (“unsorted waste batteries...”) and Annex I categories Y26 (“Cadmium; cadmium compounds”) and Y29 (“Mercury, mercury compounds”) and are likely to possess Annex III hazardous characteristics H6.1, H11, H12 and H13;

(c) Selenium drums, which fall under Annex VIII entry A1020 (“selenium; selenium compounds”) and Annex I category Y25 (“Selenium; selenium compounds”) and are likely to possess Annex III hazardous characteristics H6.1, H11, H12 and H13;

(d) Printed circuit boards, which fall under Annex VIII entries A1180 (“waste electrical and electronic assemblies...”) and A1020 (“antimony; antimony compounds” and “beryllium; beryllium compounds”) and contain brominated compounds and antimony oxides as flame retardants, lead in solder and beryllium in copper alloy connectors. They also fall under Annex I categories Y31 (“Lead; lead compounds”), Y20 (“Beryllium, beryllium compounds”), Y27 (“Antimony, antimony compounds”) and Y45 (“organohalogen compounds other than substances referred to” elsewhere in Annex I) and are likely to possess Annex III hazardous characteristics H6.1, H11, H12 and H13;

(e) Fluorescent tubes and backlight lamps from liquid crystal displays (LCD), which contain mercury and therefore fall under Annex VIII entry A1030 (“Mercury; mercury compounds”) and Annex I category Y29 (“Mercury; mercury compounds”) and are likely to possess Annex III hazardous characteristics H6.1, H11, H12 and H13;

(f) Plastic components containing brominated flame retardants (BFRs), in particular BFRs that are persistent organic pollutants according to the Stockholm Convention, may in some cases fall under Annex VIII entry A3180 (“Wastes, substances and articles containing, consisting of or

¹⁸ [Entry B1110 is under review in accordance with decision BC-13/2.](#)

¹⁹ This entry does not include scrap from electrical power generation.

²⁰ Reuse can include repair, refurbishment or upgrading, but not major reassembly.

²¹ In some countries these materials, when destined for direct reuse, are not considered wastes.

²² The hazardous components and constituents listed in this paragraph are provided as examples; the list provided here is therefore not exhaustive.

contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT), polychlorinated naphthalene (PCN) or polybrominated biphenyl (PBB), or any other polybrominated analogues of these compounds, at a concentration of 50 mg/kg or more”). In general, wastes containing BFRs also fall under Annex I category Y45 (“organohalogen compounds other than substances referred to” elsewhere in Annex I) and, if antimony compounds are used as synergists of the BFRs, under category Y27 (“Antimony, antimony compounds”). Depending on the concentration and the chemical properties of the BFRs and their synergists, plastic components containing BFRs may possess Annex III hazardous characteristics H6.1, H11, H12 and H13.

(g) Other components containing or contaminated with mercury, such as mercury switches, contacts and thermometers, which fall under Annex VIII entries A1010, A1030 and A1180 and Annex I category Y29 (“Mercury; mercury compounds”) and are likely to possess Annex III hazardous characteristics H6.1, H11, H12 and H13;

(h) Oils/liquids, which fall under Annex VIII entry A4060 (“Waste oil/water, hydrocarbons/water mixtures, emulsions”) and Annex I categories Y8 (“Waste mineral oils unfit for their originally intended use”) and Y9 (“Waste oil/water, hydrocarbons/water mixtures, emulsions”) and are likely to possess hazardous characteristics H3, H11, H12 and H13; and

(i) Components containing asbestos, such as wires, cooking stoves and heaters, which fall under Annex VIII entry A2050 (“Waste asbestos (dusts and fibres)”) and Annex I category Y36 (“Asbestos (dust and fibres)”) and are likely to possess Annex III hazardous characteristic H11.

48. Further guidance on and examples of hazardous and non-hazardous equipment and hazardous components that may be found in electrical and electronic equipment are contained in appendix IV to the present document.

V. Guidance on the enforcement of provisions regarding transboundary movements of e-waste and used equipment

49. Inspections should be undertaken by competent bodies of State authorities (e.g., police, customs and environmental inspectors) at facilities and during movements.

50. Persons who arrange the transport of used equipment should ensure that the equipment is accompanied by appropriate documentation in accordance with paragraphs 31, 32, 39, 40 and 51 of the present guidelines and that it is appropriately protected against damage during transportation, loading and unloading, in particular through sufficient packaging or appropriate stacking of the load in order to demonstrate that the items concerned are not e-waste. Sample photographs of illegal shipments²³ and examples of documentation could be used and/or developed to help educate officers at borders, ports and other inspection points on how to identify illegal shipments.

51. For practical reasons of control, every load of used equipment should also be accompanied by a declaration of the liable person affirming his/her responsibility and by the relevant transport document, e.g., a waybill or a CMR document,²⁴ where applicable. The transport document should contain a description of the goods transported using the Harmonized Commodity Description and Coding System (normally referred to as the “Harmonized System”) developed by the World Customs Organization (WCO).

52. In the absence of proof that an item is used equipment and not e-waste through appropriate documentation issued in accordance with paragraphs 31, 32, 39, 40 and 51 of the present guidelines and appropriate protection against damage during transportation, loading and unloading, in particular through sufficient packaging and appropriate stacking of the load by the person who arranges the

²³ Examples of sample photographs include manuals developed in Austria that are available at: http://www.bundesabfallwirtschaftsplan.at/dms/bawp/Handbuch_Leitfaden_Abfall_versus_Gebrauchtware_de-eng_end_2014-06-24_eBook/Handbuch%20Leitfaden%20Abfall%20versus%20Gebrauchtware%20-%20de-eng_end_2014-06-24_eBook.pdf https://www.wko.at/branchen/information consulting/entsorgungsressourcenmanagement/Handbuch_Leitfaden_Abfall_versus_Gebrauchtware_-de-eng_e_2.pdf (in English and German) and http://www.bundesabfallwirtschaftsplan.at/dms/bawp/Manual_Abfallverbringung_2012neu/Manual%20Abfallverbringung%202012neu.pdf <https://www.bmmt.gv.at/dam/jcr:93f32c3f-a978-44fe-8f47-c8a71848b56b/Manual%20Abfallverbringung%202012%20neu%20-%20Web.pdf> (only in German).

²⁴ Document containing the information required under the Convention on the Contract for the International Carriage of Goods by Road (CMR Convention). Although the use of a particular form to present the information is not mandatory, it is recommended that the parties use standard CMR forms to facilitate communication with inspection authorities in case of a control.

transport, the relevant State authorities (e.g., customs, police or environmental inspectors) should consider the item to be potentially hazardous e-waste and, in the absence of consent provided in accordance with the requirements of the Basel Convention, should presume that the export constitutes a case of illegal traffic under Article 9 of the Convention. In such circumstances, the relevant competent authorities must comply with the provisions of Article 9. The parties consider that illegal traffic in hazardous wastes or other wastes is criminal (Article 4, paragraph 3, of the Convention).

53. When e-waste is exported as hazardous waste, the documentation required under the control procedure of the Convention should accompany each shipment.

54. The Secretariat of the Basel Convention has cooperated with WCO to create a table providing an overview of which codes of the Harmonized System contain materials found in annexes VIII and IX to the Basel Convention.²⁵ This table can facilitate a comparison of CMR documents with the documents that should accompany shipments of used equipment or e-waste in accordance with the procedures described in the present guidelines. While the table may be a useful tool, transboundary shipments should be evaluated on a case-by-case basis and hazardous waste determinations should be based on all available information.

55. Health and safety issues and potential risks for enforcement agents (such as customs officers) are important for any inspection of shipments of e-waste or used equipment. Enforcement officers should have specific training before conducting such inspections. Particular care should be applied when opening containers. In particular, if the shipment consists of waste, the items may not have been stacked in a stable way and items may fall out of the container when the container is opened for inspection. The load may also contain hazardous substances that could be released when the load is inspected. Further information regarding health and safety aspects of inspections is contained in appendix IV to the present document.

VI. **Guidance related to facilities for conducting failure analysis, repair and refurbishment**

56. At facilities receiving used equipment that is not waste and is intended for failure analysis, repair or refurbishment, inspections should be undertaken to verify if the relevant national provisions for environmental protection, including waste-related provisions, and any environmental permits or licenses have been followed. The *Guideline on environmentally sound testing, refurbishment and repair of used computing equipment* developed under PACE (PACE, 2011a) can be used by countries to help ensure that any such operation is environmentally sound. In addition, compliance with the conditions set out in paragraph 31 (b) of the present guidelines should be checked.

56bis. It is recommended to facilities receiving used equipment that is not waste and is intended for failure analysis, repair or refurbishment to, as appropriate, include provisions in the contract with the person who arranges the transport that:

(a) Used equipment that was destined for failure analysis, repair or refurbishment, but for which no failure analysis, repair or refurbishment has been conducted and that is still non-waste, is returned to the person who arranges the transport or a facility in another country, and

(b) The waste generated during failure analysis, repair or refurbishment is returned to the person who arranges the transport, or is disposed of in an environmentally sound manner. In case of non-availability of environmentally sound management in the country where the failure analysis, repair or refurbishment was conducted, such waste should be managed in an environmentally sound manner in another country.

56ter. It is recommended, as appropriate, that facilities receiving used equipment that is not waste and is intended for failure analysis, repair or refurbishment require, as part of the contract with the person who arranges the transport or on the basis of applicable national legislation, the person who arranges the transport to ensure that the equipment is returned to the country of export or a facility in another country at their expense, in the case that used equipment did not undergo failure analysis, repair or refurbishment in the country of import.

²⁵ The latest version of the table can be found on the WCO website at:

<http://www.wcoomd.org/en/topics/nomenclature/instrument-and-tools/interconnection-table.aspx>

<http://www.wcoomd.org/en/topics/nomenclature/instrument-and-tools/interconnection-table.aspx>. The table contains correlations between the WCO Harmonized System codes and the products covered by a number of international conventions, including the Basel Convention.

56quat. A party is fully entitled to require a financial guarantee from facilities receiving used equipment that is not waste and is intended for failure analysis, repair or refurbishment located in their country to cover costs related to environmentally sound management of waste, including for cases of bankruptcy and abandonment. In addition, a party is fully entitled to require a financial guarantee from the person who arranges the transport to cover costs to ensure that used equipment that did not undergo failure analysis, repair or refurbishment in the country of import is returned to the country of export or a facility in another country.

57. For example, some developing countries²⁶ where facilities conduct failure analysis, repair and refurbishment activities have implemented policies that require those facilities to assure that all of the used equipment that they receive will be exported after failure analysis, repair or refurbishment. In addition, in these countries all the waste generated by such activities must be exported²⁷ to facilities that meet ESM standards. These requirements are part of the environmental operating permits of these facilities and assure that the activities of the facilities will not result in unwanted imports of equipment that would need to be managed as e-waste. They also assure that the waste generated by those activities will not burden the national waste management infrastructure of importing countries and will be managed in accordance with ESM standards.

VII. Concluding remarks

~~58. It is acknowledged that certain issues addressed in the present guidelines require further consideration and that relevant information should be obtained. Appendix V provides an overview of those issues and specific texts that were discussed by the Conference of the Parties at its twelfth meeting but on which no agreement was reached. Pursuant to decision BC 12/5 of the Conference of the Parties, further work will be undertaken on the guidelines in the lead up to the thirteenth meeting of the Conference of the Parties.~~

²⁶ ~~The current example is based on the practices in Malaysia and China.~~

²⁷ In accordance with the provisions of the contract for the shipment.

Appendix I

Glossary of terms

Note: Some of the descriptions and definitions of the terms listed below were developed for the purpose of the present guidelines and should not be considered as having been agreed to internationally. Their purpose is to assist readers to better understand the present guidelines. Insofar as appropriate, the use of these terms has been aligned with terms used in other guidelines and guidance documents developed under the Basel Convention.

Terminology	Description/definition
Basel Convention	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, adopted on March 22, 1989 and entered into force in 1992.
Component	Element with electrical or electronic functionality designed to be connected together with other components, including by soldering to a printed circuit board, to create an electric or electronic circuit with a particular function (for example, as an amplifier, radio receiver, monitor, hard-drive, motherboard or battery).
Direct reuse	The using again of fully functional equipment that is not waste, for the same purpose for which it was conceived, without the necessity of repair or refurbishment.
Disposal	Any operation specified in Annex IV to the Basel Convention (Article 2, paragraph 4, of the Convention).
Environmentally sound management	Taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner that will protect human health and the environment against the adverse effects that may result from such wastes (Article 2, paragraph 8, of the Convention).
Equipment	Electrical and electronic equipment that is dependent on electric currents or electromagnetic fields in order to work properly, including components that can be removed from equipment and can be tested for functionality and either be subsequently directly reused or reused after repair or refurbishment.
<u>Equipment for professional use</u>	<u>Equipment that is designed to be used solely by professional users. Equipment that can be used either by private household or by professional users is not equipment for professional use.</u>
Key function	The essential function of a unit of equipment that will satisfactorily enable the equipment to be used as originally intended.
Failure analysis	Test performed by the original manufacturer or a party on his/her behalf, collecting and analyzing data to determine the cause of a failure. Root cause analysis (RCA) is a particular kind of failure analysis.
Fully functional	Equipment is fully functional if it has been tested and demonstrated to be capable of performing the key functions that it was designed to perform.
Other wastes	Wastes listed in Annex II to the Convention.
Non-waste	A substance or object that does not meet the definition of “waste”.
Person who arranges the transport	The natural or legal person <u>that, if required, submits the customs declaration and is, if required, located in the country of export, and</u> that assumes the responsibility to ensure that the conditions to be met when equipment should normally not be considered waste mentioned in paragraph 31 are met.
Recycling	Relevant operations specified in Annex IV, part B, IVB to the Basel Convention.
Recovery	<u>Relevant</u> <u>Commonly used to refer to</u> operations specified in Annex IV, part B, IVB to the Basel Convention.
Refurbishment	Modification of used equipment to increase or restore its performance and/or functionality or to meet applicable technical standards or regulatory requirements, with the result of making it a fully functional product to be used for a purpose that is at least the one for which it was originally intended, including through such activities as cleaning and data sanitization.

Repair	Fixing a specified fault in used equipment that is a waste or a product and/or replacing defective components of equipment in order to make the equipment a fully functional product to be used for its originally intended purpose.
Reuse	The using again of fully functional equipment that is not waste for the same purpose for which it was conceived, possibly after repair or refurbishment.
Wastes	Substances or objects that are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law (Article 2, paragraph 1, of the Basel Convention).
Waste electrical and electronic equipment	Electrical or electronic equipment that is waste, including all components, sub-assemblies and consumables that are part of the equipment at the time the equipment becomes waste.

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Appendix II

Information accompanying transboundary transports of used equipment falling under paragraph 31 (a), including on recording the results of evaluation and testing of used equipment

1. Person who arranges the transport (responsible for testing): Name: Address: Contact person: Tel: E-mail:	2. Company responsible for evidence of functionality (if different than person who arranges for the transport): Name: Address: Contact person: Tel: E-mail:	3. <input type="checkbox"/> User or, <u>where this is not possible,</u> <input type="checkbox"/> retailer or <input type="checkbox"/> distributor: Name: Address: Contact person: Tel: E-mail:
<u>4. Countries/States concerned:</u>		
<u>Export/dispatch</u>	<u>Transit</u>	<u>Import/destination</u>
<u>5. Start date of the transport:</u>		
<u>4e. Declaration:</u> I, the person who conducted the evaluation and testing, declare that the results of evaluation and testing are complete and correct, to the best of my knowledge. Name: <u>Function:</u> Date: Signature:		
I, the person who arranges the transport of the equipment listed below, hereby declare that prior <u>I am entitled to represent my company and that:</u> <u>a) Prior</u> to export the used equipment listed below was tested and is fully functional. ¹ I confirm that this		

¹ Equipment is “fully functional” if it has been tested and demonstrated to be capable of performing the key functions that it was designed to perform.

- b) This equipment is not defined as or considered to be waste in any of the countries involved in the transport and is destined for direct reuse² and not for recovery or disposal operations.
- c) A contract according to paragraph 31(a) (i) of the Basel Convention *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, is in place.*
- d) Upon request from the relevant authorities, I will make available underlying documentation (e.g., contracts or equivalent documents) that can be used to verify the statements contained in subparagraphs (a), (b) and (c) above.
- e) The above information is complete and correct, to the best of my knowledge.

Name: _____ Function: _____ Date: _____ Signature: _____

<u>5. Name</u> <u>7. Description of the item of equipment (e.g. name)</u> ³	<u>6. Name of the producer (if available)</u>	<u>7. Identification number (type No.) (if applicable and/or if available)</u>	<u>8. Year of production (if available)</u>	<u>9. Year of earlier repair or refurbishment and kind of repair or refurbishment (optional);</u>	<u>10. Under warranty (yes/no) and if yes, remaining duration of warranty</u>	<u>11. Quantity of equipment</u>	<u>12. Date of functionality testing</u>	<u>13. Kind of tests performed and results of test (e.g. indication of full functionality or indication of defective parts and defect)</u> ⁴

² The using again of fully functional equipment that is not waste for the same purpose for which it was conceived without the necessity of repair or refurbishment.

³ List the equipment for which the information in the boxes 1 to 3 is the same and that is intended to be moved together, and identify the names of the equipment, such as PC, refrigerator, printer, TV, etc.

⁴ Attach details if necessary.

Appendix III

Information accompanying transboundary transports of used equipment falling under paragraph 31 (b)

1. Person who arranges the transport Name: Address: Contact person: Tel.: Fax: E-mail:		2. Receiving facility Name: Address: Contact person: Tel.: Fax: E-mail:		3. Description/Purpose of the equipment (e.g. name)+transport:¹ <input type="checkbox"/> Failure analysis <input type="checkbox"/> Repair <input type="checkbox"/> Refurbishment	
4. Purpose of the transport:[‡] <input type="checkbox"/> Failure analysis <input type="checkbox"/> Repair <input type="checkbox"/> Refurbishment			5. Start date of the transport:		
6. Actual quantity: 65. Countries/States concerned:					
7. Countries/States concerned: Export/dispatch		Transit		Import/destination	
67. Declaration of the person who arranges the transport of the equipment: I declare that I am entitled to represent my company and that:				Transit	
a) <u>The equipment in this transport is equipment that is not defined as or considered to be waste in any of the countries involved in the transport.</u> b) <u>A contract fulfilling the conditions set out in paragraph 31(b) (ii) of the Basel Convention <i>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</i>, is in place.</u> c) <u>Upon request from the relevant authorities, I will make available underlying documentation (e.g., contracts or equivalent documents) that can be used to verify the statements contained in subparagraphs (a) and (b) above.</u> d) <u>The above information is complete and correct, to the best of my knowledge.</u>				Import/destination	

¹ If multiple options apply to the equipment, please indicate them all.

[‡] If multiple options apply to the equipment, please indicate them all.

Name:		Function:		Date:	Signature: Export/dispatch			
<p>87. Description of the equipment (e.g. name)²⁸ Declaration of the person who arranges the transport of the equipment: I declare that I am entitled to represent my company and that:</p> <p>a) The equipment in this transport is equipment that is not defined as or considered to be waste in any of the countries involved in the transport.</p> <p>b) A contract fulfilling the</p>								
8. Name of the producer (if available)		9. Identification number (type No.) (if applicable and/ or if available)		10. Year of production (if available)		11. Year of earlier repair or refurbishment and kind of repair or refurbishment (optional);		
					12. Under warranty (yes/no) and if yes, remaining duration of warranty		13. Quantity of equipment	

²⁸ List the equipment for which the information in the boxes 1 to 3 is the same and that is intended to be moved together, and identify the names of the equipment, such as PC, refrigerator, printer, TV, etc.

<p>conditions set out in paragraph 31(b) (ii) of the Basel Convention <i>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, is in place.</i></p> <p>e) Upon request from the relevant authorities, I will make available underlying documentation (e.g., contracts or equivalent documents) that can be used to verify the statements</p>						
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<p>contained in subparagraphs (a) and (b) above.</p> <p>d) — The above information is complete and correct, to the best of my knowledge.</p>						
<p>TO BE COMPLETED BY THE RECEIVING FACILITY</p>						
<p>914. Movement received at the receiving facility: <input type="checkbox"/></p>			<p>Quantity/volume received:</p>			
<p>Name:</p>	<p>Date:</p>	<p>Signature:</p>				

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Appendix IV

Reference materials

The present appendix contains references to information on functionality testing for certain categories of used equipment (paragraph 37), hazardous and non-hazardous equipment and hazardous components that can be found in such equipment (paragraph 47), and information regarding health and safety aspects of inspections (paragraph 55).

1. Functionality testing or evaluation

This section contains references to functionality tests of electrical and electronic equipment and related procedures. The examples are not meant to be exhaustive but illustrate procedures as they are applied by some parties or recommended in other guidance documents developed under the Basel Convention. Testing procedures and protocols for other categories of used equipment are not yet available.

References from parties

Australia

Criteria for the export and import of used electronic equipment (DEH, 2005). Available at: <http://pandora.nla.gov.au/pan/51666/20050902-0000/www.deh.gov.au/settlements/publications/chemicals/hazardous-waste/electronic-paper.html>.

Annex B of the document contains parameters that may be used when testing the functionality of certain types of equipment.

European Union

~~Revised~~ Correspondents' Guidelines No. 1 on shipments of waste electrical and electronic equipment (WEEE) ([2007/2017](http://ec.europa.eu/environment/waste/shipments/guidance.htm)). Available from: <http://ec.europa.eu/environment/waste/shipments/guidance.htm>.

Appendix 1 to these guidelines contains parameters that may be used when testing the functionality of certain types of equipment.

Malaysia

Guidelines for the classification of used electrical and electronic equipment in Malaysia. (DOE, 2008). Available at: http://www.doe.gov.my/portal/wp-content/uploads/2010/07/ELECTRICAL_AND_ELECTRONIC_EQUIPMENTIN_MALAYSIA.pdf.

Paragraph 7 of these guidelines contains parameters that may be used when testing functionality of certain types of equipment.

Norway

A guide for exporters of used goods, Norwegian Pollution Control Authority (2009). Available at: <http://www.miljodirektoratet.no/old/klif/publikasjoner/2516/ta2516.pdf>.

Example images of criteria on pages 4-8 can be used when evaluating the functionality of used goods.

References from guidance documents produced under the Basel Convention

MPPI - Mobile phones

The guidance document on the environmentally sound management of used and end-of-life mobile phones adopted by the Conference of the Parties at its tenth session (UNEP/CHW.10/INF/27/Rev.1) contains a number of proposed tests on functionality for mobile phones in section 5.2.1.4.

PACE - Computing equipment

The ~~revised~~ guidance document on environmentally sound management of used and end-of-life computing equipment adopted at the eleventh session of the Conference of the Parties (UNEP/CHW.~~11/6/Add.13/INF/31/Rev.1~~, [annex I](#)) contains in appendix ~~VI~~ a set of functionality tests for used computing equipment.

PACE - Laptop batteries

The ~~revised~~ guidance document on environmentally sound management of used and end-of-life computing equipment that was adopted at the eleventh session of the Conference of the Parties (UNEP/CHW.14/6/Add.13/INF/31/Rev.1, [annex I](#)) contains in appendix ~~VIV~~ a ~~set of functionality test testing methods~~ for laptop batteries.

Basel Convention Regional Centre for South-East Asia (BCRC-SEA)

The annexes to the Technical Guidelines on the Reduce, Reuse, Recycle (3R) of End-of-Life Electronic Products developed by BCRC-SEA contain a number of functionality tests for different types of equipment. The annexes provide for specific tests for refrigeration systems, twin-tub washing machines, automatic washing machines, TVs, audio systems and PCs. The guidelines are available from: <http://www.bcrc-sea.org/?content=publication&cat=2>.

2. Hazardous and non-hazardous equipment and hazardous components that can be found in such equipment

Section IV.B of the present guidelines contains information about the distinction between hazardous and non-hazardous e-waste. Additional guidance and examples of hazardous and non-hazardous equipment and on hazardous components that can be found in equipment can be found in the following reference materials:

Switzerland

The e-waste guide developed as part of the “Global Knowledge Partnerships in e-Waste Recycling” programme, initiated by the Swiss State Secretariat for Economic Affairs (SECO) and implemented by the Swiss Federal Laboratories for Materials Science and Technology (EMPA) contains a section on hazardous substances in e-waste, which is available at: <http://ewasteguide.info/node/219>.

Exporting consumer goods: Second-hand articles or waste?”, No UD-1042-E, 2nd updated edition, April 2016. Federal Office for the Environment (FOEN) Switzerland. www.bafu.admin.ch → waste: <https://www.bafu.admin.ch/bafu/en/home/topics/waste/publicationsstudies/publications/exporting-consumer-goods.html>

Sweden

See “Recycling and disposal of electronic waste – health hazards and environmental impacts”, report No. 6417, March 2011, Swedish Environmental Protection Agency: <http://www.naturvardsverket.se/Documents/publikationer6400/978-91-620-6417-4.pdf>.

3. Health and safety aspects of inspections

Section V of the present guidelines provides information for controls of transboundary movements of used equipment and e-waste. One of the issues to be taken into account when carrying out such controls is the health and safety of enforcement agents. Additional information on how to take these issues into account can be found in the following reference materials:

Standardization bodies

OHSAS 18001 Standards for Occupational Health and Safety Management Systems. The standards are available from national standards institutions, such as the British Standards Institution at: www.bsigroup.com.

International Labour Organization (ILO)

The ILO guidelines on occupational safety and health management systems (ILO-OSH 2001) are available at: http://www.ilo.org/safework/info/standards-and-instruments/WCMS_107727/lang--en/index.htm.

ILO has also developed an electronic tool kit on occupational health and safety that includes standards and advice. It is available for a fee of \$395 from: <http://www.ohsas-18001-occupational-health-and-safety.com/ohsas-18001-kit.htm>.

Basel Convention Regional Centre for South-East Asia (BCRC-SEA)

A guidance on occupational safety and health aspects specifically developed as guidance for hazardous materials/waste inspection, titled “Panduan Singkat Pengelolaan Limbah B3 Dalam Rangka Pelaksanaan Konvensi Basel - Segi Keselamatan Dalam Inspeksi Bahan Berbahaya” (“Brief guidance for hazardous waste management under the Basel Convention implementation – safety aspects in

hazardous materials inspection”), was written by D. Wardhana Hasanuddin Suraadiningrat, former Senior Technical Advisor to the BCRC-SEA, in 2008. Because the guidance was prepared for the Directorate General of Customs and Excise of Indonesia, it was written in Bahasa Indonesia (Malay language) and may thus need translation. For further information, contact baseljakarta@bcrc-sea.org.

Ireland

Ireland’s Health and Safety Authority provides advice through an online directory on how to develop an occupational health and safety (OHS) management system for a number of different occupations and industries. While waste management is not yet included in the directory, the site contains some useful videos covering elements of an OHS system (as per Irish legislation) and risk assessment, which can be viewed at:

<http://vimeo.com/19383449> (on the online system)

<http://vimeo.com/19971075> (on risk assessment)

<http://vimeo.com/19970831> (on safety statement)

The guidance on risk assessment and the development of safety policy and a safety statement could be adapted for use by enforcement agents.

United Kingdom of Great Britain and Northern Ireland

The United Kingdom Health and Safety Executive has developed online guidance on occupational health and safety in the waste industry specifically pertaining to waste electrical and electronic equipment. Information is available from:

<http://www.hse.gov.uk/waste/index.htm>.

<http://www.hse.gov.uk/waste/waste-electrical.htm>.

Appendix V

Issues for further work

It is acknowledged that certain issues addressed in the present guidelines require further consideration and that relevant information should be obtained. The present appendix contains an overview of the issues and specific texts that were discussed by the Conference of the Parties at its twelfth meeting (COP-12) but on which no agreement was reached. Further work will be undertaken on the guidelines in accordance with COP decision BC 12/5.

The tables presented below include the relevant texts from the discussions during COP-12 and references to the parts of the guidelines to which those texts relate.

1. Party notifications as per paragraphs 27 and 29

Paragraphs 27 and 29 of the present guidelines address the fact that countries may or may not wish to allow imports or exports of used electrical and electronic equipment destined for failure analysis, repair or refurbishment. The paragraphs indicate that parties should notify the Secretariat of the Basel Convention in accordance with Articles 3 and 13, paragraph 2, as appropriate, of their wishes on that issue.

Further work is needed to address those cases in which parties have not so notified the Secretariat.

Guideline references	Text discussed by the COP
27, 29	{In case a country has not communicated any such information, exports to that country are only allowed if the person who arranges the transport has obtained written confirmation from the authorities in the country of destination that the equipment is not considered to be waste.}

Further work is also needed on how to reflect the information contained in the notification from countries in the declaration made by the person who arranges the transport.

Guideline reference	Text discussed by the COP
Appendix III, box 8	{the receiving facility is covered by a notification by the authorities of the country of import indicating it may receive equipment as non-waste as published by the Secretariat of the Basel Convention};

2. Residual life time and age of used equipment

Three texts were discussed that relate to this subject

— a) When equipment normally should be considered waste

Guideline reference	Text discussed by the COP
30	{The residual life of the equipment is no longer than 1/3 of the normal life span of this kind of new equipment.}

— b) Requirements for transport of used equipment destined for root cause analysis, repair and refurbishment

Guideline reference	Text discussed by the COP
31(b)	{and that the residual life of the equipment is more than 1/3 of the normal life span of this kind of equipment}

— c) Documentation to be provided by the person who arranges the transport

Guideline reference	Text discussed by the COP
32	{date of production of every piece (age) (excluding for spare parts or components)}

3. Obsolete technologies, including cathode ray tubes

Requirements for transport of used equipment destined for failure analysis, repair and refurbishment

Guideline reference	Text discussed by the COP
31(b)	[Used equipment transported across borders is compliant with applicable national legislation and relevant international rules, standards and guidelines on restrictions of the use of hazardous substances [, do not contain cathode ray tubes (CRTs)]]

4.— Identification of relevant actors in the documentation

Further work is needed to assess if some additional actors should be added to paragraph 32 (a) and appendix III.

Guideline reference	Text discussed by the COP
32(a)	{Name of Original Equipment Manufacturer (name and contacts of importer)}
Appendix III	<ul style="list-style-type: none"> • {Carrier} • {Importer} • {Country of export{/dispatch} • {Country of import{/destination}

5.— Specific exemption for medical devices

Further work is needed on specific exemptions for medical equipment in the context of transports for failure analysis, repair and refurbishment.

Guidelines reference	Text discussed by the COP
31(b)	<p>[Where used medical devices and their components¹ are sent by and to the manufacturer or a third party acting on behalf of the manufacturer, for any of the following purposes:</p> <ul style="list-style-type: none"> (i) — failure analysis, diagnostic testing, (ii) — refurbishment, or (iii) — repair, <p>under a valid agreement² and hazardous wastes resulting from these operations are shipped for environmentally sound management [to Annex VII Countries] [or to non Annex VII countries as long as systems are in place to achieve the equivalent level of environmental protection].]</p>

6.— Specific exemption for used parts

Further work is needed on specific exemptions for used parts in the context of transports for failure analysis, repair and refurbishment.

Guidelines reference	Text discussed by the COP
31	[Used parts for service and maintenance of equipment which may contain electrical or electronic components, handled in a closed circular economy for remanufacturing ³ .]

¹ As per definition in GHTF in SG1(PD)/N71R04.

² "Valid agreement": a long-term contract between the manufacturer and the third party shipping or performing the refurbishment, repair or failure analysis identifying responsibilities and procedures for the correct handling of used electrical and electronic equipment.

³ Remanufacturing is a standardized industrial process that restores used parts to fulfill a function that is at least equivalent compared to the original part.

7.—Waste resulting from failure analysis, repair and refurbishment activities

Guideline references	Texts discussed by the COP
31 (b)	<p>[[All equipment that after failure analysis, repair and refurbishment is still unusable will be taken back to the country of export]. All residual waste generated from the failure analysis, repair and refurbishment operation which is hazardous according to the Basel Convention definitions (Article 1, 1(a) and 1(b)) or its hazardous characteristics are unknown, shall be disposed of [in an environmentally sound manner (ESM) in accordance with the Basel Convention][in an Annex VII country][in [the export country or] an Annex VII country unless accompanied by a conclusive proof that the residual hazardous waste can be treated at a facility in the importing country is ESM]. Any transboundary movements necessary shall be accomplished in accordance with the Basel Convention;]</p>
31 (b)	<p>[[All equipment that after failure analysis repair and refurbishment is still unusable [must be managed in an environmentally sound manner. If the equipment cannot be repaired or refurbished [, and was exported by an Annex VII country] it should be returned[, under the full responsibility of the country of export,] to the [country of export] [exporter] [person] [if the country of export is a non Annex VII country, it should be dealt with in an ESM and according to the principle of proximity] [or another country where an appropriate ESM facility exists in accordance with the Basel Convention.] [will be taken back to the country of export.] All residual waste generated from the failure analysis, repair and refurbishment operation which is hazardous according to the Basel Convention definitions (Article 1, 1(a) and 1(b)) or its hazardous characteristics are unknown, shall be disposed of [in an environmentally sound manner (ESM) in accordance with the Basel Convention][in an Annex VII country][in [the export country or] an Annex VII country unless accompanied by a conclusive proof that the residual hazardous waste can be treated at a facility in the importing country is ESM]. Any transboundary movements necessary shall be accomplished in accordance with the Basel Convention;]</p>
Section VI	<p>[[It is recommended to facilities receiving used equipment that is not waste and is intended for failure analysis, repair and refurbishment to, as appropriate, include provisions in the contract with the person who arranges the transport that</p> <ul style="list-style-type: none"> <li data-bbox="628 1384 1331 1473">a) used equipment that was destined for failure analysis, repair or refurbishment, but for which no failure analysis, repair or refurbishment has been conducted, <li data-bbox="628 1491 1378 1581">b) waste generated during failure analysis, repair or refurbishment; is returned to the person who arranges the transport or disposed of in an environmentally sound manner in another country]

Appendix VI

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ADVANCE



**Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Fourteenth meeting**

Geneva, 29 April–10 May 2019

Item 4 (b) (ii) of the provisional agenda*

**Matters related to the implementation of the
Convention: scientific and technical matters:
classification and hazard characterization of wastes**

Cooperation with the World Customs Organization on the Harmonized Commodity Description and Coding System

Note by the Secretariat

I. Introduction

1. In paragraph 2 of its decision BC-13/7, on cooperation with the World Customs Organization and its Harmonized System Committee, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal requested the Secretariat to continue, under the guidance of the Open-ended Working Group, its cooperation with the Harmonized System Committee and relevant subcommittees of the World Customs Organization in order to facilitate the inclusion of wastes covered by the Basel Convention in the Harmonized Commodity Description and Coding System (hereinafter the Harmonized System) and to report on progress in that regard to the Open-ended Working Group at its eleventh meeting and the Conference of the Parties at its fourteenth meeting.

II. Implementation

2. As was reported to the Conference of the Parties at its twelfth meeting (UNEP/CHW.12/7), at its forty-sixth session, held in Brussels in October 2013, the Harmonized System Review Subcommittee considered a proposal by the Secretariat for amending the Harmonized System (UNEP/CHW.13/INF/19, annex IV) that had been prepared on the basis of information on the types of wastes submitted by the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Peru pursuant to decision BC-10/10 (UNEP/CHW.11/9, annex). As is described in the report on the status of work of the World Customs Organization on the Harmonized System related to the Basel Convention (UNEP/CHW.13/INF/19), after extensive discussions on the proposal at its forty-eighth session, held in April 2015, the Harmonized System Review Subcommittee agreed to focus its discussions on how to amend section XVI of the Harmonized System to allow for the classification of electrical and electronic waste. The Subcommittee also agreed that after working on those amendments it would decide on the possibility of extending its discussions on the topic to other chapters and categories of waste.

* UNEP/CHW.14/1.

3. Progress on the work of the Harmonized System Review Subcommittee regarding the classification of electrical and electronic waste undertaken up to its fifty-first session, held in December 2016, is described in the report on the status of work of the World Customs Organization on the Harmonized System related to the Basel Convention (UNEP/CHW.13/INF/19). The Subcommittee continued discussing possible amendments to the Harmonized System in relation to electrical and electronic waste on several occasions during its subsequent sessions and referred relevant matters to the Harmonized System Committee for decision-making. The outcomes of the discussions of the Harmonized System Review Subcommittee at its sessions held in May 2017, December 2017 and June 2018 and of the Harmonized System Committee at its session held in February 2018 are summarized in document UNEP/CHW/OEWG.11/INF/34. The outcomes of the discussions of the Harmonized System Review Subcommittee at its session held in November 2018 and of the Harmonized System Committee at its session held in September 2018 are summarized in annex I to document UNEP/CHW.14/INF/14.

4. The sixth review cycle of the Harmonized System will end in June 2019. As described in document UNEP/CHW/OEWG.11/INF/34, the proposed amendments to the Harmonized System in relation to Basel Convention wastes currently under consideration by the Harmonized System Review Subcommittee would provide for the inclusion in the 2022 edition of the Harmonized System of two of the types of waste that were originally included in the list of types of wastes submitted by Parties in response to decision BC-10/10 (UNEP/CHW.11/9, annex), namely electrical and electronic waste and waste lead-acid batteries. If a conclusion is reached regarding the amendment to the Harmonized System in relation to electrical and electronic waste during the current review cycle of the Harmonized System, the Harmonized System Review Subcommittee could consider proposals for amendments related to other types of waste during the seventh review cycle, which is due to begin in the second half of 2019.

5. At its eleventh meeting, in its decision OEWG-11/14, the Open-ended Working Group, among other things, took note of the progress made by the Harmonized System Committee and its Harmonized System Review Subcommittee in considering the proposed amendments to the Harmonized System with respect to the list of types of wastes submitted by Parties in response to decision BC-10/10, as described in documents UNEP/CHW.13/INF/19 and UNEP/CHW/OEWG.11/INF/34. In paragraph 3 of that decision, the Secretariat was requested to revise the list of types of wastes submitted by Parties in response to decision BC-10/10, taking into account the progress made by the Harmonized System Committee and its Harmonized System Review Subcommittee. In paragraph 4 of the decision, Parties were invited to inform the Secretariat, by 31 October 2018, of the types of wastes in the revised list for which it would be useful to request the World Customs Organization to introduce codes in the Harmonized System, ranked in order of priority. On 27 September 2018, the Secretariat sent the revised list to Parties with an invitation to prioritize the types of waste set out therein and to provide the prioritized list to the Secretariat by 31 October 2018. The revised list prepared by the Secretariat and the information received from Parties are set out in annex II to document UNEP/CHW.14/INF/14. The Secretariat has prepared a summary of the submissions received, which is set out in the annex to the present note.

III. Proposed action

6. The Conference of the Parties may wish to adopt a decision along the following lines:

The Conference of the Parties

1. *Takes note* of the report on the status of work of the World Customs Organization on the Harmonized Commodity Description and Coding System related to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal;¹

2. *Also takes note* of the revised list of types of wastes submitted by Parties in response to decision BC-10/10, taking into account the progress made by the Harmonized System Committee and its Harmonized System Review Subcommittee, as well as of the information received from Parties on the types of wastes for which it would be useful to request the World Customs Organization to introduce codes in the Harmonized Commodity Description and Coding System;²

¹ UNEP/CHW/OEWG.11/INF/34; UNEP/CHW.14/INF/14, annex I.

² UNEP/CHW.14/INF/14, annex II.

3. *Requests* the Secretariat:

(a) To submit to the World Customs Organization a proposal for amending the Harmonized Commodity Description and Coding System to allow the identification of the following types of wastes:

[to be inserted]

(b) To continue, under the guidance of the Open-ended Working Group, its cooperation with the Harmonized System Committee and relevant subcommittees of the World Customs Organization in order to facilitate the inclusion of wastes covered by the Basel Convention in the Harmonized Commodity Description and Coding System;

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

Annex

Types of wastes proposed for submission to the World Customs Organization for inclusion in the Harmonized Commodity Description and Coding System: summary of information submitted by Parties¹

Canada

- **Priority 1:** A1010, A1020, A1030, A1040: Metal wastes/compounds
- **Priority 2:** A4030: Wastes from production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides
- **Priority 3:** A3020, A3180: Waste mineral oils unfit for their originally intended use; wastes containing PCB or other polybrominated analogues

European Union and its member States

- **High priority:** B1110 and A1180: Electrical and electronic assemblies
- **High priority:** B1250: Waste end-of-life motor vehicles
- **High priority:** B3140: Waste pneumatic tyres

New Zealand

- **Priority 1:** B1110 and A1180: Electrical and electronic assemblies
- **Priority 2:** A1160: Waste lead-acid batteries, whole or crushed
- **Priority 3:** A3020: Waste mineral oils unfit for their originally intended use
- **Priority 4:** A4030: Wastes from the production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides
- **Priority 5:** A3180: Wastes, substances and articles containing, consisting of or contaminated with PCB, PCT, PCN or PBB, or any other polybrominated analogues of these compounds
- **Priority 6:** A1010, A1020, A1030, A1040: Metal wastes/compounds
- **Priority 7:** A4130: Waste packages and containers containing Annex I substances
- **Priority 8:** B3140: Waste pneumatic tyres

¹ The original submissions are set out in annex II to document UNEP/CHW.14/INF/14. Waste codes are from the entries in Annexes XIII and IX to the Basel Convention. In cases where waste codes were not included in the original submissions, codes were added to the summary for ease of reference. Please refer to the relevant Annexes for a complete description of the entries.



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Item 4 (b) (v) of the provisional agenda*

**Matters related to the implementation of the Convention:
scientific and technical matters: marine plastic litter and
microplastics**

Marine plastic litter and microplastics

Note by the Secretariat

I. Introduction

1. At its thirteenth meeting, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal included activities related to marine plastic litter and microplastics in the programme of work of the Open-ended Working Group of the Basel Convention for the biennium 2018–2019 set out in the annex to decision BC-13/17. The activities, subject to the availability of resources, were as follows:

(a) To consider relevant options available under the Convention to further address marine plastic litter and microplastics, taking into account, among other things, the assessment requested by the United Nations Environment Assembly of the United Nations Environment Programme in its resolution 2/11, any relevant resolution adopted by the Environment Assembly at its third session and existing guidance documents and activities under the Convention that addressed issues related to marine plastic litter and microplastics;

(b) To develop a proposal for possible further action, within the scope of the Convention and avoiding duplication with activities relating to the matter in other forums, for consideration by the Conference of the Parties at its fourteenth meeting.

2. The Conference of the Parties to the Basel Convention and the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants, in their decisions BC-13/11 and SC-8/15, respectively, encouraged interested regional and coordinating centres to work, under the conventions, on the impact of plastic waste, marine plastic litter, microplastics and measures for prevention and environmentally sound management.

3. By its resolution 3/7, on marine litter and microplastics, the United Nations Environment Assembly invited relevant international and regional organizations and conventions, including the Convention on Biological Diversity, the Basel Convention, the Stockholm Convention, the International Maritime Organization and its conventions, the Food and Agriculture Organization of the United Nations, regional fisheries management organizations and arrangements, the regional seas conventions and programmes, the Organization for Economic Cooperation and Development and the Strategic Approach to International Chemicals Management, as appropriate within their mandates, to

* UNEP/CHW.14/1.

increase their action to prevent and reduce marine litter and microplastics and their harmful effects and to coordinate where appropriate to achieve that end.

4. In paragraph 10 of the same resolution, the Assembly decided to convene, subject to the availability of resources, meetings of an open-ended ad hoc expert group to further examine the barriers to and options for combating marine plastic litter and microplastics from all sources, especially land-based sources. The first and the second meetings of the group were held in Nairobi from 29 to 31 May 2018 and in Geneva from 3 to 7 December 2018, respectively.

II. Implementation

5. In accordance with the activities specified in its programme of work, at its eleventh meeting, the Open-ended Working Group considered possible further action on marine plastic litter and microplastics (UNEP/CHW/OEWG.11/7, annex) and a related report prepared by the Secretariat (UNEP/CHW/OEWG.11/INF/22 and UNEP/CHW/OEWG.11/INF/22/Add.1), thanks to generous financial support provided by the Government of Norway.

6. By its decision OEWG-11/8, the Open-ended Working Group agreed on the draft elements set out in the annex to that decision, to be a basis for a decision by the Conference of the Parties at its fourteenth meeting on further actions on marine plastic litter and microplastics. In accordance with decision OEWG-11/8, the Secretariat prepared a draft decision based on those elements, taking into account the comments submitted by Parties and observers,¹ and reflected the draft elements set out in sections 7, 8 and 9 of the annex to decision OEWG-11/8, where relevant, in the draft decisions on relevant agenda items to be considered by the Conference of the Parties at its fourteenth meeting.²

7. In its decision OEWG-11/8, the Open-ended Working Group welcomed with appreciation the proposal submitted by Norway on the establishment of a plastic waste partnership, and recommended to the Conference of the Parties at its fourteenth meeting the establishment of a partnership under the Basel Convention on plastic wastes that also addressed marine plastic litter and microplastics. In accordance with that decision, the Secretariat prepared draft terms of reference and a draft workplan of the partnership for the biennium 2020–2021, as set out in annexes I and II to document UNEP/CHW/COP.14/INF/16, respectively, taking into account the discussions at the eleventh meeting of the Open-ended Working Group and the comments submitted by Parties and others.³

8. In its decision OEWG-11/8, the Open-ended Working Group took note of its related decision OEWG-11/7 on amendments to annex IX to the Convention and the intention of the Government of Norway to submit a proposal to amend annex II to the Convention for consideration and possible adoption by the Conference of the Parties at its fourteenth meeting. The information on the proposal for amendments to the annexes to the Convention can be found in document UNEP/CHW/COP.14/27 and documents referenced therein.

9. In its decision OEWG-11/6, the Open-ended Working Group agreed on the types of wastes for which practical guidance on the development of inventories should be developed, and recommended that the Conference of the Parties, at its fourteenth meeting, consider requesting the Secretariat to develop such guidance. The list included plastic wastes with higher priority. The proposed action for the Conference of the Parties on national reporting can be found in document UNEP/CHW/COP.14/9.

10. Furthermore, as requested by the Open-ended Working Group, the Secretariat communicated decision OEWG-11/8 to the open-ended ad hoc expert group on marine litter and microplastics referred to in paragraph 10 of resolution 3/7 of the Environment Assembly and will do so at the fourth session of the Environment Assembly, to be held in Nairobi from 11 to 15 March 2019. The information on those meetings can be found in document UNEP/CHW/COP.14/INF/53.

¹ See www.basel.int/tabid/7746/Default.aspx.

² The draft decisions to be considered are set out in documents on the Basel Convention Partnership Programme (UNEP/CHW.14/18), on technical assistance and capacity-building for the implementation of the Basel, Rotterdam and Stockholm conventions (UNEP/CHW.14/16–UNEP/FAO/RC/COP.9/15–UNEP/POPS/COP.9/16), on Basel Convention regional and coordinating centres (UNEP/CHW.14/17), on Stockholm Convention regional and subregional centres for capacity-building and the transfer of technology (UNEP/POPS/COP.9/17), on international cooperation and coordination (UNEP/CHW.14/20–UNEP/FAO/RC/COP.9/16–UNEP/POPS/COP.9/23) and on a clearing-house mechanism for information exchange (UNEP/CHW.14/21–UNEP/FAO/RC/COP.9/17–UNEP/POPS/COP.9/24).

³ Ibid.

III. Proposed action

11. The Conference of the Parties may wish to adopt a decision along the following lines:

The Conference of the Parties,

Noting with concern that high and rapidly increasing levels of marine plastic litter and microplastics represent a serious environmental problem on a global scale, negatively affecting marine biodiversity, ecosystems, fisheries, maritime transport, recreation and tourism, and local societies and economies,

Acknowledging that the current approaches to producing and using plastics and managing plastic wastes pose a significant threat to the environment, to livelihoods and potentially to human health and represent a significant loss of value, resources and energy,

Aware of paragraph 4 of article 15 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, which provides that the Parties at their first meeting shall consider any additional measures needed to assist them in fulfilling their responsibilities with respect to the protection and preservation of the marine environment in the context of this Convention,

Recalling the 2030 Agenda for Sustainable Development and its Sustainable Development Goals and targets, in particular Goal 12.5 calling for a substantial reduction of waste generation by 2030 through prevention, reduction, recycling and reuse, and Goal 14.1 calling for the prevention and significant reduction of marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution,

[*Noting* its decision BC-14/[...], whereby the Conference of the Parties decided to develop guidance on the development of inventories of plastics wastes,]

I

General

1. *Emphasizes* that work under the Basel Convention can and will play an important role in addressing the high and rapidly increasing levels of marine plastic litter and microplastics by preventing plastic wastes from land-based sources from entering the marine environment;
2. *Notes* that plastic litter and microplastics may also be found on land and in rivers, wetlands and lakes, and that the environmentally sound management and prevention of plastic waste generation as well as the effective control of its transboundary movement will reduce the amount of marine plastic litter and microplastics entering the marine environment;
3. *Commits* to working to support efforts to achieve the minimization and the environmentally sound management of plastic waste, as well as the effective control of its transboundary movement;
4. *Stresses* the importance of cooperation and coordination with other international organizations and activities related to plastic wastes and marine plastic litter and microplastics, including under the United Nations Environment Programme, the Stockholm Convention on Persistent Organic Pollutants, the Strategic Approach to International Chemicals Management, the Convention on Biological Diversity, the International Maritime Organization, the Food and Agriculture Organization of the United Nations, the World Health Organization, regional fisheries management organizations and arrangements, and regional seas conventions and programmes, while avoiding duplication;
5. *Notes* that the work under the Basel Convention on technical assistance and information exchange, including the work done by the Basel Convention and Stockholm Convention regional centres, has the potential to support efforts to minimize plastic wastes and to support their environmentally sound management;
6. *Takes note* of the report of the open-ended ad hoc expert group referred to in paragraph 10 of resolution 3/7 of the United Nations Environment Assembly and the resolutions of the fourth session of the Environment Assembly on matters related to marine plastic litter and microplastics;

II

Preventing and minimizing the generation of plastic wastes, improving their environmentally sound management and controlling their transboundary movement

7. *Underlines* that reducing the generation of hazardous and other wastes to a minimum and reducing transboundary movements to a minimum consistent with the environmentally sound management of such wastes are among the general obligations of all Parties to the Convention;
8. *Emphasizes* the need to adopt a lifecycle approach and to increase resource efficiency and the importance of the waste management hierarchy;
9. *Also emphasizes* the relevance of the Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes⁴ and the importance of the activities identified in the road map for action on its implementation⁵ in addressing plastic waste, including challenges related to marine plastic litter;
10. *Welcomes* the many national, regional and international initiatives that countries, organizations, industry, regional centres and civil society have taken in response to the challenge of marine plastic litter and microplastics, including regulatory action, financial and other incentives, extended producer responsibility, public awareness and voluntary action;
11. *Calls upon* Parties and others:
- (a) To make further efforts to prevent and minimize the generation of plastic waste, including through increasing the durability and furthering the repair, refurbishment and remanufacturing of plastic products;
- (b) To ensure the environmentally sound management of plastic waste by improving the collection, treatment and recycling of plastic wastes, by improving or creating markets for recycled materials from plastic wastes, by improving other means of recovery, and by reducing the leakage of plastic waste, including microplastics, during the transboundary movement of waste and at waste management facilities;
- (c) To ensure that transboundary movements of plastic wastes are undertaken in accordance with the provisions of the Convention, including that such wastes are managed in an environmentally sound manner in the State of import or elsewhere;
12. *Invites* Parties and others:
- (a) To set targets and adopt adequate measures to ensure that, by 2030, all plastic packaging is designed to be recyclable or reusable in a cost-effective manner; at least half of plastic packaging (by weight) is recycled; and recycled content in plastic products is significantly increased;
- (b) To take specific measures targeting single-use plastic products, such as the substitution of such products where alternatives are available, the reduction in their consumption, the setting of specific collection targets and obligations for producers to cover the costs of waste management, clean-up and awareness-raising measures, including through extended producer responsibility schemes and measures to inform consumers about reuse, waste management options and the impacts of littering;
- (c) To take measures to foster innovation in relation to plastic wastes, taking into account the life-cycle approach, with a view to better addressing marine plastic litter and microplastics;

⁴ UNEP/CHW.10/28, annex IV.

⁵ See decision BC-12/2.

III

Reducing the risk from hazardous constituents in plastic wastes

13. *Notes* that plastic wastes may contain potentially hazardous substances, including additives such as plasticizers and flame retardants, or may be contaminated by hazardous substances, and, as such, may pose a risk to human health and the environment, including marine ecosystems;
14. *Encourages* Parties and others to make efforts to create new technologies and processes or improve existing technologies to remove or reduce the use of hazardous constituents in the production of plastics and at any subsequent stage of their life-cycle, including during the recycling process;
15. *Welcomes* the work of the Stockholm Convention on Persistent Organic Pollutants to eliminate or control the production or use of persistent organic pollutants that may reduce the risk associated with marine plastic litter and microplastics at the global level;
16. *Also welcomes* the work of the Strategic Approach to International Chemicals Management, in particular in relation to nanomaterials and to chemicals in products, that may reduce the risk associated with marine plastic litter and microplastics at the global level;
17. *Decides* to engage with the Stockholm Convention to clarify roles and responsibilities as well as linkages pursuant to the respective mandates of the Basel Convention and the Stockholm Convention related to marine plastic litter and microplastics that could merit further work;

IV

Review of Annexes I and III

18. *Requests* the expert working group on the review of annexes I, III and IV and related aspects of annex IX to the Basel Convention to assess the applicability of the categories of wastes in annex I and the list of hazardous characteristics in annex III and their appropriateness in controlling plastic waste that contains hazardous constituents, and suggest modifications as appropriate, through the ongoing process on the review of annexes;
19. *Also requests* the expert working group on the review of annexes to consider, as part of its mandate, whether any additional constituents or characteristics should be added to annex I or annex III, respectively, to the Convention;

V

Technical guidelines

20. *Decides* to update the technical guidelines for the identification and environmentally sound management of plastic wastes and for their disposal,⁶ as a contribution to addressing the challenge of marine plastic litter and microplastics;
21. *Invites* Parties to consider serving as lead countries for the updating of the guidelines and to inform the Secretariat of their willingness to do so by 31 August 2019;
22. *Decides* to establish a small intersessional working group composed of members from Parties and open to observers, operating by electronic means and, subject to the availability of resources, through face-to-face meetings, to undertake the updating of the guidelines;
23. *Invites* Parties and observers to nominate experts to participate in the small intersessional working group and to inform the Secretariat by 31 August 2019;
24. *Requests* the lead country, or in the absence of a lead country, the Secretariat, subject to the availability of resources, to prepare the draft updated technical guidelines in consultation with the working group, for consideration by the Open-ended Working Group at its twelfth meeting;

⁶ Decision BC-11/1 and UNEP/CHW.11/3/Add.1/Rev.1.

VI

Basel Convention Partnership on Plastic Wastes

25. *Welcomes* the proposal to establish a Basel Convention partnership on plastic wastes and adopts the terms of reference for the partnership;⁷
26. *Decides* to establish a working group of the Basel Convention Partnership on Plastic Wastes and requests the working group to implement the workplan;⁸
27. *Requests* the working group to coordinate and collaborate on activities with other organizations and initiatives, as appropriate, in order to achieve synergies and avoid duplication, and in particular with the Household Waste Partnership and the Global Partnership on Marine Litter;
28. *Invites* Parties and observers, in accordance with the terms of reference for the partnership, to nominate members of the working group of the partnership and to inform the Secretariat by 31 August 2019;
29. *Emphasizes* that the partnership does not have the authority to create additional or abrogate existing rights or responsibilities of Parties under the Basel Convention;
30. *Requests* the Secretariat to facilitate and provide expertise to the partnership, subject to the availability of resources;

VII

Public awareness, education and information exchange

31. *Recognizes* that while Governments have a responsibility to provide environmentally sound waste deposit solutions to the public, behavioural changes by private and professional consumers play an important role in waste prevention strategies;
32. *Invites* Parties and others to take measures to enhance public awareness, education and information exchange at the national level regarding plastic waste and the importance of its improved management, including through promoting behaviour changes towards its prevention, collection and recycling, with a view to addressing marine plastic litter and microplastics;
33. *Requests* the Secretariat, for consideration by the Open-ended Working Group at its twelfth meeting, to develop options on ways to effectively make available information on environmental and health effects, best practices, socioeconomic considerations and expertise related to the prevention, reduction and environmentally sound management of plastic wastes, with a view to addressing marine plastic litter and microplastics at the level of the Basel Convention by building on existing work, taking into account the scope of the Basel Convention Partnership on Plastic Wastes and the work of the United Nations Environment Programme and other agencies in order to achieve maximum impact and avoid duplication;

VIII

Further consideration

34. *Decides* to include in the programme of work of the Open-ended Working Group for 2020–2021, under topic II C on marine plastic litter and microplastics, the consideration of the following:
- (a) What information and data should be gathered, and by whom, related to the generation, disposal, and transboundary movement of plastic wastes in different waste streams; the constituents present in plastic waste; the impact of the mismanagement of plastic waste on human health and the environment; and national policies and progress towards the environmentally sound management of plastic wastes;
- (b) Whether, how and when the Conference of the Parties should assess the effectiveness of the measures taken under the Convention to address the plastic wastes contributing to marine plastic litter and microplastics;

⁷ UNEP/CHW/COP.14/INF/16, annex I.

⁸ UNEP/CHW/COP.14/INF/16, annex II.

(c) How the Convention may respond to developments in scientific knowledge and environmental information related to plastic wastes as a source of marine plastic litter and microplastics, as a basis for consideration under the Convention of the need to enhance waste-related response measures;

35. *Requests* the Secretariat to communicate the decisions of the fourteenth meeting of the Conference of the Parties related to plastic wastes, including marine plastic litter and microplastics,⁹ to the United Nations Environment Assembly, the Conference of the Parties to the Stockholm Convention, and the International Conference on Chemicals Management;

36. *Also requests* the Secretariat to report on progress in the implementation of the present decision to the Open-ended Working Group at its twelfth meeting and to the Conference of the Parties at its fifteenth meeting.

ADVANCE

⁹ [Reference to decisions on international cooperation, technical assistance, clearing-house mechanism, regional centres and partnerships to be inserted.]



**Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Fourteenth meeting**

Geneva, 29 April–10 May 2019

Item 4 (b) (vi) of the provisional agenda*

**Matters related to the implementation of the
Convention: scientific and technical matters:
waste containing nanomaterials**

Waste containing nanomaterials

Note by the Secretariat

I. Introduction

1. In paragraph 5 of decision BC-13/17, on the work programme and operations of the Open-ended Working Group for the biennium 2018–2019, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal requested the Secretariat to prepare, for consideration by the Open-ended Working Group at its eleventh meeting and subject to the availability of resources, a document compiling information on existing activities that address waste containing nanomaterials and identifying issues related to waste containing nanomaterials that may be relevant to work under the Convention and on options for further work that may be carried out under the Basel Convention related to waste containing nanomaterials within the scope of the Convention, avoiding duplication with activities relating to the matter in other forums.

II. Implementation

2. To assist in collecting information for preparing the above-mentioned document on waste containing nanomaterials, on 2 June 2017, the Secretariat sent a communication to all Parties and others inviting them to provide information on existing activities that address waste containing nanomaterials and issues related to such waste that may be relevant to the work under the Basel Convention. In response to the invitation, six Parties¹ provided information to the Secretariat.

3. The Secretariat, with the financial support of the Government of Switzerland, engaged consultants to assist in collecting information on existing activities that address waste containing nanomaterials, in identifying issues related to such waste and in preparing recommendations on options for further work that may be carried out under the Basel Convention related to such waste. A report identifying issues related to waste containing nanomaterials and setting out options for further work under the Convention was considered by the Open-ended Working Group at its eleventh meeting (UNEP/CHW/OEWG.11/INF/24).

* UNEP/CHW.14/1.

¹ Argentina, Colombia, Germany, Mexico, the Philippines and Thailand. The information provided is available on the website of the Convention at <http://www.basel.int/tabid/7621/Default.aspx>.

4. At its eleventh meeting, in its decision OEWG-11/10 on waste containing nanomaterials, the Open-ended Working Group welcomed the report referred to in paragraph 3 above and invited Parties and others to submit comments thereon, in particular on the options for further work under the Convention, by 31 January 2019. On 27 September 2018, the Secretariat sent a letter to Parties and others inviting them to provide comments on the report. Comments received are set out in document UNEP/CHW.14/INF/19 for consideration by the Conference of the Parties at its fourteenth meeting.

III. Proposed action

5. The Conference of the Parties may wish to take note of the report on issues related to waste containing nanomaterials and options for further work under the Basel Convention,² and to consider further work that may be carried out in relation to waste containing nanomaterials, taking into account the above-mentioned report and the comments received thereon from Parties and others.³

² UNEP/CHW/OEWG.11/INF/24.

³ UNEP/CHW.14/INF/19.



**Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Fourteenth meeting
Geneva, 29 April–10 May 2019
Item 4 (b) (v) of the provisional agenda*
Matters related to the implementation of the
Convention: scientific and technical matters: marine
plastic litter and microplastics**

Proposals to amend Annexes II, VIII and IX to the Basel Convention

Note by the Secretariat

I. Introduction

1. The provisions pertaining to the proposal, adoption and entry into force of amendments to the annexes to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal are set out in Articles 17 and 18 of the Convention.
2. With regard to Annexes VIII and IX, at its eighth meeting, the Conference of the Parties adopted decision VIII/15 on revisions to the procedure for the review or adjustment of the lists of wastes contained in Annexes VIII and IX to the Convention. According to the revised procedure, applications for any changes to Annex VIII or IX received by the Secretariat at least three months prior to a meeting of the Open-ended Working Group will be forwarded to the Working Group for its consideration at that meeting. The decision of the Working Group on any such application will be transmitted in a report, through the Secretariat, to the Conference of the Parties for consideration at its next meeting.

II. Implementation

3. On 2 June 2018, the Government of Norway transmitted to the Secretariat an application for the removal of the entry “B3010: solid plastic wastes” from Annex IX to the Basel Convention. As part of the information provided in the application form under “Summary of reasons for proposed placement”, it was indicated that the applicant proposed an amendment to Annex IX to remove entry B3010 in order to provide clarity concerning the regulation of wastes containing plastics. It was also indicated that the applicant intended to propose at a later stage an amendment to Annex II to the Basel Convention to add a new entry to cover plastic waste. It was further indicated that these proposed amendments to Annexes II and IX were intended to increase the effectiveness of the Convention with regard to plastic wastes, and especially plastic wastes leading to marine pollution.
4. On 8 June 2018, pursuant to the procedure set out in the annex to decision VIII/15, the Secretariat placed the application on the website of the Basel Convention¹ and sent a communication

* UNEP/CHW.14/1.

¹ <http://www.basel.int/TheConvention/Communications/tabid/1596/Default.aspx>.

to all Parties to the Convention to announce that the application made by the Government of Norway was available. Parties were invited to provide comments on the application directly to the applicant by 28 June 2018. On 13 June 2018, the Secretariat sent a follow-up communication to all Parties to the Convention with information relevant to the application that had previously been inadvertently omitted.

5. At its eleventh meeting, the Open-ended Working Group considered the application under agenda item 3 (b) (vi), on amendments to the annexes to the Basel Convention, together with its consideration of agenda item 3 (b) (iv), on marine plastic litter and microplastics, and on the basis of the information provided in documents UNEP/CHW/OEWG.11/14 and UNEP/CHW/OEWG.11/INF/36. Following its consideration of the matter, the Working Group adopted decision OEWG-11/7 on the amendment to Annex IX to the Basel Convention, whereby it:

(a) Took note of the proposed amendment to Annex IX to the Basel Convention submitted by the Government of Norway for consideration by the Conference of the Parties at its fourteenth meeting;²

(b) Recommended that the Conference of the Parties consider at its fourteenth meeting whether to amend entry B3010 on solid plastic waste in Annex IX to the Convention and, if so, in what form; and

(c) Took note of the intention of the Government of Norway to submit a proposal to amend Annex II to the Convention for consideration by the Conference of the Parties at its fourteenth meeting.

6. On 12 October 2018, the Secretariat received from the Government of Norway proposals to amend Annexes II, VIII and IX to the Basel Convention, followed by a corrigendum on 19 November 2018. The proposals are set out in annex I to the present note. For the convenience of Parties, annex II to the present note shows in tracked changes the proposed amendments to the current texts of Annexes II, VIII and IX. An explanatory note from the Government of Norway is set out in document UNEP/CHW.14/INF/18, which will be issued in the six official languages of the United Nations.

7. Pursuant to paragraph 2 of Article 17 and paragraphs 2 (a) and 3 of Article 18 of the Convention, on 26 October 2018, more than six months before the fourteenth meeting of the Conference of the Parties, the Secretariat communicated the proposals to amend Annexes II, VIII and IX to the Convention to the Parties and signatories to the Convention.³ The corrigendum was communicated on 6 December 2018. A compilation of comments received from Parties about the proposed amendments is set out in document UNEP/CHW.14/INF/17.

8. Pursuant to paragraph 2 of Article 17 and paragraphs 2 (a) and 3 of Article 18 of the Convention, amendments to the Annexes of the Convention are to be adopted at a meeting of the Conference of the Parties.

9. Pursuant to paragraph 3 of Article 17 and paragraphs 2 (a) and 3 of Article 18 of the Convention, the Parties are to take decisions on an amendment to the annexes by consensus. If, for a particular proposed amendment, all efforts at consensus have been exhausted and no agreement has been reached, as a last resort the amendment may be adopted by a three-fourths majority vote of the Parties present and voting at the meeting.

10. If the Conference of the Parties decides to amend an annex to the Convention, pursuant to paragraphs 2 (b) and 3 of Article 18 of the Convention, any Party that is unable to accept the amendment shall so notify the Depositary, in writing, within six months from the date of communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous notification of non-acceptance in respect of an additional annex, and the annex shall thereupon enter into force for that Party.

11. Pursuant to paragraphs 2 (c) and 3 of Article 18 of the Convention, on the expiry of six months from the date of the communication by the Depositary, the amendment to the annex shall enter into force for all Parties that have not submitted a notification in accordance with the provisions of paragraphs 2 (b) and 3 of Article 18 of the Convention.

² UNEP/CHW/OEWG.11/INF/36.

³ <http://www.basel.int/TheConvention/Communications/tabid/1596/Default.aspx>.

III. Proposed action

12. The Conference of the Parties may wish to consider adopting the proposed amendments to Annexes II, VIII and IX of the Basel Convention, which are set out in annex I to the present note.

ADVANCE

Annex I

Proposals by the Government of Norway to amend Annexes II, VIII and IX of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal

Annex II

Proposal for a new entry:

Y 48 Plastic waste not covered by entry AXXXX of Annex VIII or B3010 of Annex IX.

Annex VIII

Proposal for a new entry:

AXXX Plastic waste

Plastic waste containing or contaminated with Annex I constituents to an extent that they exhibit an Annex III characteristic (note the related entry on list B B3010)

Annex IX

Proposal for a new text to replace the existing chapeau of the entry, the existing indents and sub indents to remain unchanged:

B3010 Plastic waste:

The plastic materials listed below, provided they are not to an extent which prevents the recycling of the waste in an environmentally sound manner, mixed with each other, mixed with other wastes¹ or contaminated². Consignments of such plastic material should be prepared to a specification and suitable for immediate recycling requiring only minimal further mechanical preparatory treatment processes, if any (note the related entry on list A AXXXX):

- Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following:
 - ethylene
 - styrene
 - polypropylene
 - polyethylene terephthalate
 - acrylonitrile
 - butadiene
 - polyacetals
 - polyamides
 - polybutylene terephthalate
 - polycarbonates
 - polyethers
 - polyphenylene sulphides

¹ Mixed with other wastes means waste that result from an intentional or unintentional mixing of two or more different wastes.

² Contamination may comprise:

- non-recyclable material, e.g. nappies, rubble, dog waste;
- non-targeted material, e.g. plastic packaging included in 'plastic bottles only' collections; or
- targeted materials contaminated with unwanted items, e.g. dirt, stones, food-contaminated cardboard or plastic bottles containing liquids.

- acrylic polymers
- alkanes C10-C13 (plasticiser)
- polyurethane (not containing CFCs)
- polysiloxanes
- polymethyl methacrylate
- polyvinyl alcohol
- polyvinyl butyral
- polyvinyl acetate

- Cured waste resins or condensation products including the following:

- urea formaldehyde resins
- phenol formaldehyde resins
- melamine formaldehyde resins
- epoxy resins
- alkyd resins
- polyamides

- The following fluorinated polymer wastes:

- perfluoroethylene/propylene (FEP)
- perfluoro alkoxy alkane
- tetrafluoroethylene/per fluoro vinyl ether (PFA)
- tetrafluoroethylene/per fluoro methylvinyl ether (MFA)
- polyvinylfluoride (PVF)
- polyvinylidene fluoride (PVDF)

ADVANCE

Annex II

Tracked changes to the current texts of Annexes II, VIII and IX reflecting the amendment proposals

1. Proposal to amend Annex II

ANNEX II

CATEGORIES OF WASTES REQUIRING SPECIAL CONSIDERATION

Y46	Wastes collected from households
Y47	Residues arising from the incineration of household wastes
<u>Y48</u>	<u>Plastic waste not covered by entry A5010 of Annex VIII or B3010 of Annex IX.</u>

2. Proposal to amend Annex VIII

ANNEX VIII⁷

LIST A

Wastes contained in this Annex are characterized as hazardous under Article 1, paragraph 1 (a), of this Convention, and their designation on this Annex does not preclude the use of Annex III to demonstrate that a waste is not hazardous.

A1 Metal and metal-bearing wastes

[...]

A 4160	Spent activated carbon not included on list B (note the related entry on list B B2060)
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A5 Plastic waste

<u>A5010</u>	<u>Plastic waste containing or contaminated with Annex I constituents to an extent that they exhibit an Annex III characteristic (note the related entry on list B B3010)</u>
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3. Proposal to amend Annex IX

ANNEX IX¹⁶

⁷ The amendment whereby Annex VIII was added to the Convention entered into force on 6 November 1998, six months following the issuance of depositary notification C.N.77.1998 of 6 May 1998 (reflecting Decision IV/9 adopted by the Conference of the Parties at its fourth meeting). The amendment to Annex VIII whereby new entries were added entered into force on 20 November 2003 (depositary notification C.N.1314.2003), six months following the issuance of depositary notification C.N.399.2003 of 20 May 2003 (reflecting Decision VI/35 adopted by the Conference of the Parties at its sixth meeting). The amendment to Annex VIII whereby one new entry was added entered into force on 8 October 2005 (depositary notification C.N.1044.2005), six months following the issuance of depositary notification C.N.263.2005 of 8 April 2005 (re-issued on 13 June 2005, reflecting Decision VII/19 adopted by the Conference of the Parties at its seventh meeting). The present text includes all amendments.

¹⁶ The amendment whereby Annex IX was added to the Convention entered into force on 6 November 1998, six months following the issuance of depositary notification C.N.77.1998 (reflecting Decision IV/9 adopted by the Conference of the Parties at its fourth meeting). The amendment to Annex IX whereby new entries were added entered into force on 20 November 2003 (depositary notification C.N.1314.2003), six months following the issuance of depositary notification C.N.399.2003 of 20 May 2003 (reflecting Decision VI/35 adopted by the Conference of the Parties at its sixth meeting). The amendment to Annex IX whereby one entry was added entered into force on 8 October 2005 (depositary notification C.N.1044.2005) six months following the issuance of depositary notification C.N.263.2005 of 8 April 2005 (re-issued on 13 June 2005, reflecting Decision VII/19 adopted by the Conference of the Parties at its seventh meeting). The amendment to Annex IX whereby new entries were added entered into force on 27 May 2014 (depositary notification C.N. 304.2014) six months

LIST B

Wastes contained in the Annex will not be wastes covered by Article 1, paragraph 1 (a), of this Convention unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic.

[...]

B3 Wastes containing principally organic constituents, which may contain metals and inorganic materials

B3010 ~~Solid plastic waste:~~

~~The plastic materials listed below, provided they are not to an extent which prevents the recycling of the waste in an environmentally sound manner, mixed with each other, mixed with other wastes²³ or contaminated.²⁴ Consignments of such plastic material should be prepared to a specification and suitable for immediate recycling requiring only minimal further mechanical preparatory treatment processes, if any (note the related entry on list A5010).~~

- ~~• The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification. Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following:²³~~

- ~~- ethylene~~
- ~~- styrene~~
- ~~- polypropylene~~
- ~~- polyethylene terephthalate~~
- ~~- acrylonitrile~~
- ~~- butadiene~~
- ~~- polyacetals~~
- ~~- polyamides~~
- ~~- polybutylene terephthalate~~
- ~~- polycarbonates~~
- ~~- polyethers~~
- ~~- polyphenylene sulphides~~
- ~~- acrylic polymers~~
- ~~- alkanes C₁₀-C₁₃ (plasticiser)~~
- ~~- polyurethane (not containing CFCs)~~
- ~~- polysiloxanes~~
- ~~- polymethyl methacrylate~~
- ~~- polyvinyl alcohol~~
- ~~- polyvinyl butyral~~
- ~~- polyvinyl acetate~~

- ~~• Cured waste resins or condensation products including the following:~~

- ~~- urea formaldehyde resins~~
- ~~- phenol formaldehyde resins~~
- ~~- melamine formaldehyde resins~~
- ~~- epoxy resins~~
- ~~- alkyd resins~~
- ~~- polyamides~~

following the issuance of depositary notification C.N. 965.2013 of 26 November 2013 (reflecting decision BC-11/6 adopted by the Conference of the Parties at its eleventh meeting). The present text includes all amendments.

²³ Mixed with other wastes means waste that result from an intentional or unintentional mixing of two or more different wastes.

²⁴ Contamination may comprise:

- ~~- non-recyclable material, e.g. nappies, rubble, dog waste;~~
- ~~- non-targeted material, e.g. plastic packaging included in 'plastic bottles only' collections; or~~
- ~~- targeted materials contaminated with unwanted items, e.g. dirt, stones, food-contaminated cardboard or plastic bottles containing liquids.~~

²³ ~~It is understood that such scraps are completely polymerized.~~

- The following fluorinated polymer wastes²⁴:

- perfluoroethylene/propylene (FEP)
- perfluoro alkoxy alkane
- tetrafluoroethylene/per fluoro vinyl ether (PFA)
- tetrafluoroethylene/per fluoro methylvinyl ether (MFA)
- polyvinylfluoride (PVF)
- polyvinylidene fluoride (PVDF)

[...]

ADVANCE

²⁴ ~~Post consumer wastes are excluded from this entry:~~

~~— Wastes shall not be mixed~~

~~— Problems arising from open burning practices to be considered~~



UNEP/CHW.14/L.1–
UNEP/FAO/RC/COP.9/L.1–
UNEP/POPS/COP.9/L.1



**Basel Convention on the Control of
Transboundary Movements of
Hazardous Wastes and Their Disposal**

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**Rotterdam Convention on the Prior
Informed Consent Procedure for
Certain Hazardous Chemicals and
Pesticides in International Trade**



**Stockholm Convention on persistent
Organic Pollutants**

**Conference of the Parties to the
Basel Convention on the Control
of Transboundary Movements
of Hazardous Wastes and
Their Disposal
Fourteenth meeting**
Geneva, 29 April–10 May 2019

**Conference of the Parties to the
Rotterdam Convention on the
Prior Informed Consent
Procedure for Certain
Hazardous Chemicals and
Pesticides in International Trade
Ninth meeting**
Geneva, 29 April–10 May 2019

**Conference of the Parties to the
Stockholm Convention on
Persistent Organic Pollutants
Ninth meeting**
Geneva, 29 April–10 May 2019

**Draft report of the joint sessions of the fourteenth ordinary
meeting of the Conference of the Parties to the Basel
Convention, the ninth ordinary meeting of the Conference of
the Parties to the Rotterdam Convention and the ninth ordinary
meeting of the Conference of the Parties to the Stockholm
Convention**

Introduction

1. At their 2017 meetings, the conferences of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants, respectively, decided to hold the fourteenth meeting of the Conference of the Parties to the Basel Convention, the ninth meeting of the Conference of the Parties to the Rotterdam Convention and the ninth meeting of the Conference of the Parties to the Stockholm Convention (hereinafter, “the 2019 meetings”) in Geneva from 29 April to 10 May 2019 in a format similar to that of the 2017 meetings, with joint sessions covering matters of relevance to at least two of the three conventions and separate sessions of the meetings of each of the three conferences of the Parties. They also decided that the 2019 meetings would not feature a high-level segment and that such segments would occur only at every second set of meetings of the conferences of the Parties.

2. Accordingly, and as described in greater detail below under “Organization of work”, the 2019 meetings featured joint sessions to address cross-cutting issues of concern to the three conventions, as

well as the opening and organization of the meetings. Those joint sessions are described in the present report.

3. The present report has been prepared solely as an in-session document to allow the conferences of the Parties to agree upon and adopt the official record of their joint sessions. As a purely in-session document it will not be published as a final post-session document; instead its text, as adopted, will be reproduced as appropriate in each of the separate final reports of the 2019 meetings.

I. Opening of the meetings

4. Ms. Abiola Olanipekun, Chief, Science and Technical Assistance Branch, Secretariat of the Basel, Rotterdam and Stockholm conventions, acting as master of ceremonies, welcomed participants to the 2019 meetings.

5. The meetings began with a Swiss cultural musical performance.

A. Opening remarks

6. Opening remarks were delivered by Mr. Marc Chardonens, State Secretary, Swiss Federal Office for the Environment; Ms. Joyce Msuya, acting Executive Director of the United Nations Environment Programme (UNEP), delivered via video message; Mr. Rolph Payet, Executive Secretary of the Basel, Rotterdam and Stockholm conventions; Mr. Hans Dreyer, Executive Secretary of the Rotterdam Convention; and Mr. Mohammed Oglah Hussein Khashashneh (Jordan), President of the Conference of the Parties to the Stockholm Convention, speaking also on behalf of Mr. Abraham Zivayi Matiza (Zimbabwe), President of the Conference of the Parties to the Basel Convention, and Mr. Osvaldo Patricio Álvarez-Pérez (Chile), President of the Conference of the Parties to the Rotterdam Convention.

7. In his remarks, Mr. Chardonens noted that, according to the second edition of the Global Chemicals Outlook report, a projected doubling of the global chemicals market between 2017 and 2030 would increase global chemical releases, exposures, concentrations and adverse health and environmental impacts unless prevailing gaps to manage chemicals and waste were addressed. Furthermore, the sixth edition of the Global Environment Outlook report indicated that significant gaps remained in the evaluation and regulation of hazardous chemicals, in part due to insufficient legislation and inadequate implementation. Together, the two reports delivered a strong message that the status quo was not a viable option; robust action was required, both to ensure that chemicals showed real value added where they were used and to prevent their adverse effects on human health and the environment. An international regime was needed for the sustainable management of chemicals and waste, for which environmental agreements were a key tool, and the work of the three conferences of the Parties was therefore of great importance for the future of societies the world over. During the following two weeks, the Parties would have the opportunity to strengthen the international regime by listing new substances under the Stockholm and Rotterdam conventions and setting up a compliance mechanism for the obligations under the Rotterdam Convention. The 2019 meetings also provided an opportunity to address the challenge of plastics; as the only global convention on waste, the Basel Convention needed an approach to plastics that was as comprehensive as possible, based on a new regulatory framework and stronger cooperation, particularly with the private sector, to implement broader, more appropriate solutions. Importantly, the Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Ban Amendment) required only two additional ratifications to enter into force, and once in force would significantly improve the situation for many developing countries.

8. Ms. Msuya, in her video message, said that while chemicals had improved daily lives, health, food security and much more besides, the mismanagement of hazardous chemicals and waste critically threatened health and the environment, running counter to the aim of ensuring healthy people and a healthy planet. With the Basel, Rotterdam and Stockholm conventions playing a vital role in meeting the challenge of sound chemicals and waste management, at their 2019 meetings the conferences of the Parties to the three conventions would be seeking to achieve progress on a range of issues crucial to the success of the 2030 Agenda for Sustainable Development. Through increased synergy, investment and commitment to that challenge, it would be possible to secure the future of the planet.

9. Mr. Payet, in his statement, said that the three conventions had remained relevant and responsive to emerging global chemicals and waste issues over the decades due to the avant-garde decisions they had adopted; at the current meetings Parties were encouraged to turn their attention to plastic wastes and electronic waste, with particular consideration of upstream issues and preventing pollution and waste at source. The 2019 meetings presented an opportunity to define how the conventions were linked to climate change and biodiversity, which the Secretary-General of the

United Nations had designated as a priority. In that regard, the Stockholm Convention targets of eliminating polychlorinated biphenyls (PCBs) in equipment by 2025 and achieving the environmentally sound management of liquids containing PCB and equipment contaminated with PCB by 2028 were important, and Mr. Payet called on the international community, in particular donors and the funding institutions, to assist Parties in achieving those targets. He took the opportunity to thank Australia, China, Denmark, the European Union, Finland, France, Germany, Japan, Netherlands, Norway, Sweden, Switzerland, and the United Kingdom of Great Britain and Northern Ireland as donors to the voluntary trust funds, which funded much of the work under the conventions. Gender also remained an important consideration, and Parties were urged to take gender balance into account when selecting their representatives for the various subsidiary bodies of the conferences of the Parties.

10. Mr. Dreyer, in his remarks, said that the use of pesticides and severely hazardous pesticide formulations was often the first reaction to pest outbreaks, which were responsible for major crop losses predicted only to rise as climate change effects intensified. In those circumstances, sustainable agriculture was key to achieving food security as well as to preventing the indiscriminate use of hazardous pesticides responsible for continuing biodiversity loss and human health problems. Less hazardous, nature-based, replicable and scalable solutions were needed, which in turn demanded strong cooperative efforts and functioning legal frameworks of relevance. In support of those needs, the technical assistance programme of the Rotterdam Convention had been successfully designed to promote sound pesticides management and the use of safer alternatives. Furthermore, the secretariat of the Convention worked with the Food and Agriculture Organization of the United Nations (FAO) to address cross-cutting areas relating to the Sustainable Development Goals, among them child labour in agriculture and the identification of high-risk scenarios, with a view to helping Parties to implement the 2030 Agenda.

11. Mr. Khashashneh, in his remarks, said that urgent measures were needed to end deaths from chemicals and hazardous wastes by creating clean alternatives. Any adverse socioeconomic consequences that might ensue were incomparable to the priceless value of health and a clean environment conducive to sustainable development. Concerning the proposal to list two new chemicals under the Stockholm Convention, it must be considered in the light of the successes achieved in eliminating substances already listed, albeit that further efforts to eliminate some of those substances were still necessary. As to the Basel Convention, its developing partnerships promised further success towards the attainment of its objectives, while its establishment of a new partnership on plastic waste would be a key step towards the sound environmental management of all wastes. With regard to the Rotterdam Convention, the approval of the compliance mechanism would enable it to emulate the accomplishments of the Basel Convention in providing technical assistance within the framework of its compliance mechanism and would also promote synergy among the three conventions. Through the environmentally sound management of chemicals and waste, the Parties to each Convention must also take concrete action to reduce the growing effects of climate change. Finally, technical support, financial resources, and appropriate decision-making in connection with the Special Programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm Conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management were all vital to the implementation of the three conventions.

B. Formal opening

12. The fourteenth ordinary meeting of the Conference of the Parties to the Basel Convention, the ninth ordinary meeting of the Conference of the Parties to the Rotterdam Convention and the ninth ordinary meeting of the Conference of the Parties to the Stockholm Convention were formally opened at 11.40 a.m. on 29 April 2019 by Mr. Matiza (Zimbabwe), President of the Conference of the Parties to the Basel Convention, Mr. Álvarez-Pérez (Chile), President of the Conference of the Parties to the Rotterdam Convention, and Mr. Khashashneh (Jordan), President of the Conference of the Parties to the Stockholm Convention, respectively.

C. Regional statements

13. Representatives speaking on behalf of groups of countries made general statements on the issues to be discussed during the meetings.

II. Adoption of the agendas (item 2 of the agendas for the Basel, Rotterdam and Stockholm conventions)

14. The agendas for the 2019 meetings were adopted as described in the present section.

A. Adoption of the agenda for the fourteenth meeting of the Conference of the Parties to the Basel Convention

15. The Conference of the Parties to the Basel Convention adopted the following agenda for its fourteenth meeting on the basis of the provisional agenda set out in document UNEP/CHW.14/1:

1. Opening of the meeting.
2. Adoption of the agenda.
3. Organizational matters:
 - (a) Election of officers;
 - (b) Organization of work;
 - (c) Report on the credentials of representatives to the fourteenth meeting of the Conference of the Parties.
4. Matters related to the implementation of the Convention:
 - (a) Strategic issues:
 - (i) Strategic framework;
 - (ii) Addressing the entry into force of the Ban Amendment;
 - (iii) Development of guidelines for environmentally sound management;
 - (iv) Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes;
 - (b) Scientific and technical matters:
 - (i) Technical guidelines;
 - (ii) Classification and hazard characterization of wastes;
 - (iii) National reporting;
 - (iv) Electronic approaches to the notification and movement documents;
 - (v) Marine plastic litter and microplastics;¹
 - (vi) Waste containing nanomaterials;
 - (c) Legal, compliance and governance matters:
 - (i) Committee Administering the Mechanism for Promoting Implementation and Compliance;
 - (ii) Providing further legal clarity;
 - (iii) National legislation, notifications, enforcement of the Convention and efforts to combat illegal traffic;
 - (d) Technical assistance;
 - (e) Basel Convention Partnership Programme;
 - (f) Financial resources;
 - (g) Work programme of the Open-ended Working Group for the period 2020–2021.
5. Enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions:
 - (a) International cooperation and coordination;
 - (b) Clearing house mechanism for information exchange;
 - (c) Mainstreaming gender;

¹ This item will cover any related proposal to amend the annexes to the Basel Convention.

- (d) Synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes;
- (e) From science to action.
- 6. Programme of work and budget.
- 7. Memorandum of understanding between the United Nations Environment Programme and the Conference of the Parties to the Basel Convention.
- 8. Venue and date of the fifteenth meeting of the Conference of the Parties.
- 9. Other matters.
- 10. Adoption of the report.
- 11. Closure of the meeting.

16. In adopting its agenda, the Conference of the Parties agreed to discuss under item 9, other matters, the admission of observers, and guidelines on preventing and addressing harassment at meetings of the Basel, Rotterdam and Stockholm conventions.

B. Adoption of the agenda for the ninth meeting of the Conference of the Parties to the Rotterdam Convention

17. The Conference of the Parties to the Rotterdam Convention adopted the following agenda for its ninth meeting on the basis of the provisional agenda set out in document UNEP/FAO/RC/COP.9/1:

- 1. Opening of the meeting.
- 2. Adoption of the agenda.
- 3. Organizational matters:
 - (a) Election of officers;
 - (b) Organization of work;
 - (c) Report on the credentials of representatives to the ninth meeting of the Conference of the Parties.
- 4. Rules of procedure for the Conference of the Parties.
- 5. Matters related to the implementation of the Convention:
 - (a) Status of implementation;
 - (b) Listing of chemicals in Annex III to the Convention;
 - (c) Enhancing the effectiveness of the Convention;
 - (d) Compliance;
 - (e) Technical assistance;
 - (f) Financial resources.
- 6. Enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions:
 - (a) International cooperation and coordination;
 - (b) Clearing house mechanism for information exchange;
 - (c) Mainstreaming gender;
 - (d) Synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes;
 - (e) From science to action.
- 7. Programme of work and budget.
- 8. Memorandum of understanding between the Food and Agriculture Organization of the United Nations, the United Nations Environment Programme and the Conference of the Parties to the Rotterdam Convention.
- 9. Venue and date of the tenth meeting of the Conference of the Parties.

10. Other matters.
11. Adoption of the report.
12. Closure of the meeting.

18. In adopting its agenda, the Conference of the Parties agreed to discuss under item 10, other matters, the admission of observers, guidelines on preventing and addressing harassment at meetings of the Basel, Rotterdam and Stockholm conventions, and further developing partnerships.

C. Adoption of the agenda for the ninth meeting of the Conference of the Parties to the Stockholm Convention

19. The Conference of the Parties to the Stockholm Convention adopted the following agenda for its ninth meeting, on the basis of the provisional agenda set out in document UNEP/POPS/COP.9/1:

1. Opening of the meeting.
2. Adoption of the agenda.
3. Organizational matters:
 - (a) Election of officers;
 - (b) Organization of work;
 - (c) Report on the credentials of representatives to the ninth meeting of the Conference of the Parties.
4. Rules of procedure for the Conference of the Parties.
5. Matters related to the implementation of the Convention:
 - (a) Measures to reduce or eliminate releases from intentional production and use:
 - (i) Exemptions;
 - (ii) DDT;
 - (iii) Polychlorinated biphenyls;
 - (iv) Perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride;
 - (v) Evaluation of the continued need for the procedure under paragraph 2 (b) of Article 3;
 - (b) Measures to reduce or eliminate releases from unintentional production;
 - (c) Measures to reduce or eliminate releases from wastes;
 - (d) Implementation plans;
 - (e) Listing of chemicals in Annex A, B or C to the Convention;
 - (f) Technical assistance;
 - (g) Financial resources and mechanisms;
 - (h) Reporting pursuant to Article 15;
 - (i) Effectiveness evaluation;
 - (j) Compliance;
6. Enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions.
 - (a) International cooperation and coordination;
 - (b) Clearing house mechanism for information exchange;
 - (c) Mainstreaming gender;
 - (d) Synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes;
 - (e) From science to action.

7. Programme of work and budget.
8. Memorandum of understanding between the United Nations Environment Programme and the Conference of the Parties to the Stockholm Convention.
9. Venue and date of the tenth meeting of the Conference of the Parties.
10. Other matters.
11. Adoption of the report.
12. Closure of the meeting.

20. In adopting its agenda, the Conference of the Parties agreed to discuss under item 10, other matters, the admission of observers, guidelines on preventing and addressing harassment at meetings of the Basel, Rotterdam and Stockholm conventions, and further developing partnerships.

III. Organizational matters (item 3 of the agendas for the Basel, Rotterdam and Stockholm conventions)

A. Election of officers

21. Introducing the sub-item, the President noted that the Parties would need to elect the officers of the three conferences of the Parties whose terms of office would start at the closure of the 2019 meetings, as well as officers and members of subsidiary bodies and expert groups. Continuing the introduction, the representative of the Secretariat outlined the information in documents UNEP/CHW.14/2, UNEP/FAO/RC/COP.9/2 and UNEP/POPS/COP.9/2, and drew attention to document UNEP/CHW.14/INF/3–UNEP/FAO/RC/COP.9/INF/3–UNEP/POPS/COP.9/INF/3, containing the overview table of elections, as well as documents UNEP/FAO/RC/COP.9/INF/4 and UNEP/POPS/COP.9/INF/4/Rev.1, containing the curricula vitae received in advance of the meetings of candidates nominated for appointment during the 2019 meetings of the Conference of the Parties as, respectively, members of the Chemical Review Committee and of the Persistent Organic Pollutants Review Committee.

1. Basel Convention

22. In accordance with rule 21 of the rules of procedure, the following members of the Bureau elected at the thirteenth meeting of the Conference of the Parties to the Basel Convention served during the fourteenth meeting of the Conference of the Parties:

Vice-Presidents:

- Ms. Florencia Grimalt (Argentina)
- Ms. Els Van de Velde (Belgium)
- Mr. Luis Vayas Valdivieso (Ecuador)
- Mr. Sidi Ould Aloueimine (Mauritania)
- Mr. Dragan Asanovic (Montenegro)
- Ms. Magda Gosk (Poland)
- Mr. Yaser Abu Shanab (State of Palestine)
- Mr. Felix Wertli (Switzerland)

23. Ms. Petronella Shoko (Zimbabwe), elected President at the thirteenth meeting of the Conference of the Parties, and Mr. Bishwananth Sinha (India), elected Vice-President at the thirteenth meeting of the Conference of the Parties, were unable to complete their terms of office. Pursuant to rule 24, their compatriots, Mr. Matiza (Zimbabwe) and Mr. Ritesh Kumar Singh (India), respectively, served in their stead.

24. Mr. Shanab served as Rapporteur.

25. *[To be completed]*

2. Rotterdam Convention

26. In accordance with rule 22 of the rules of procedure, the following members of the Bureau elected at the eighth meeting of the Conference of the Parties to the Rotterdam Convention served during the ninth meeting of the Conference of the Parties:

President:	Mr. Álvarez-Pérez (Chile)
Vice-Presidents:	Mr. Nicolas Encausse (France)
	Mr. Heidar Ali Balouji (Islamic Republic of Iran)
	Ms. Suzana Andrejević Stefanović (Serbia)
	Mr. Abderrazak Marzouki (Tunisia)

27. Ms. Stefanović served as Rapporteur.

28. *[To be completed]*

3. Stockholm Convention

29. In accordance with rule 22 of the rules of procedure, the following members of the Bureau elected at the eighth meeting of the Conference of the Parties to the Stockholm Convention served during the ninth meeting of the Conference of the Parties:

President:	Mr. Khashashneh (Jordan)
Vice-Presidents:	Mr. Jean Claude Emene Elenga (Democratic Republic of the Congo)
	Mr. Mehari Wondmagegn Taye (Ethiopia)
	Ms. Ana Berejiani (Georgia)
	Ms. Silvija Nora Kalnins (Latvia)
	Mr. Reginald Hernaus (Netherlands)
	Mr. Sverre Thomas Jahre (Norway)
	Mr. Ali Al-Dobhani (Yemen)

30. Ms. Agustina Camilli (Uruguay) and Mr. Marcus L. Natta (Saint Kitts and Nevis), elected vice-presidents at the eighth meeting of the Conference of the Parties, were unable to complete their terms of office. Pursuant to rule 25, their respective compatriots, Ms. Valentina Sierra (Uruguay) and Ms. Jeanelle Kelly (Saint Kitts and Nevis), served in their stead.

31. Mr. Taye served as Rapporteur.

32. *[to be completed]*

B. Organization of work

33. The three conferences of the Parties agreed to conduct their meetings in accordance with the scenario note set out in document UNEP/CHW.14/INF/1–UNEP/FAO/RC/COP.9/INF/1–UNEP/POPS/COP.9/INF/1 and the schedule set out in document UNEP/CHW.14/INF/2–UNEP/FAO/RC/COP.9/INF/2–UNEP/POPS/COP.9/INF/2, which prior to the meetings had been agreed upon by the bureaux of the three conferences. The schedule and conduct of the meetings would be adjusted by the bureaux each day, as necessary, in the light of the progress of the meetings.

34. In accordance with the agreed arrangements, and as described in the scenario note, the conferences of the Parties to the three conventions would hold both joint and separate sessions during their meetings. During the joint sessions, the conferences of the Parties would discuss cross-cutting issues affecting at least two of the three conventions. In addition, the conferences of the Parties would establish such contact and other groups as they deemed necessary for the various meetings. All decisions would be adopted pending confirmation from the contact group on budget matters that any activities contemplated by the decisions had been taken into account in the proposed programmes of work and budgets for the biennium 2020–2021 or that they would have no budgetary implications. The total number of contact groups meeting at any one time would be limited to facilitate participation by all delegations. The conferences of the Parties also agreed that the presidents of the three conferences would take it in turn to preside over joint sessions and that each, when so presiding, would act on behalf of all three.

35. In carrying out their work at the current meetings, the conferences of the Parties had before them working and information documents pertaining to the various items on the agenda for the meetings. A list of those documents for each meeting, arranged according to the agenda items to which the documents pertain, are set out in documents UNEP/CHW.14/INF/59, UNEP/FAO/RC/COP.9/INF/49 and UNEP/POPS/COP.9/INF/61.

C. Credentials

36. Introducing the sub-item, the President said that during the period leading up to the 2019 meetings the bureaux of the respective meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions had agreed to take the same common approach to their consideration of credentials for the current meetings as had been taken during the 2015 and 2017 meetings of the conferences of the Parties to the three conventions. Pursuant to that approach each bureau would accept original credentials in good order as well as copies, on the understanding that, in the case of the latter, originals would be submitted as soon as possible.

37. Continuing the introduction, the representative of the Secretariat outlined the requirements in respect of credentials set out in rule 18 of the rules of procedure of the Conference of the Parties to the Basel Convention, rule 19 of the rules of procedure of the Conference of the Parties to the Rotterdam Convention and rule 19 of the rules of procedure of the Conference of the Parties to the Stockholm Convention, saying that in accordance with those rules the bureaux would examine the credentials of the representatives of the Parties present at the fourteenth meeting of the Conference of the Parties to the Basel Convention, the ninth meeting of the Conference of the Parties to the Rotterdam Convention and the ninth meeting of the Conference of the Parties to the Stockholm Convention, respectively, and that each Bureau would report on the results of its examination to its conference of the Parties on the afternoon of Thursday, 9 May 2019.

38. The President added that the Parties were to submit the credentials of their representatives to the Secretariat by 1 p.m. on Wednesday, 8 May 2019.

39. Also under the item it was announced that, as at the start of the 2019 meetings, there were 187 Parties to the Basel Convention, 161 Parties to the Rotterdam Convention and 182 Parties to the Stockholm Convention.

40. *[to be completed]*

IV. Enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions (item 5 of the agenda for the Basel Convention and item 6 of the agendas for the Rotterdam and Stockholm conventions)

A. International cooperation and coordination

41. The representative of the Secretariat introduced document UNEP/CHW.14/20–UNEP/FAO/RC/COP.9/16–UNEP/POPS/COP.9/23, which described international cooperation and coordination activities undertaken by the Secretariat in response to decisions BC-13/16, RC-8/10 and SC-8/20 and included a draft decision on the matter. She also drew attention to a number of related information documents.

42. In the ensuing discussion, representatives thanked the Secretariat and the other international organizations for the reports and for their efforts to enhance international cooperation and coordination, which were crucial for achieving sound chemicals and waste management and the objectives of the three conventions, and for avoiding duplication of effort and using resources efficiently.

43. The representative of the European Union and its member States introduced a conference room paper on cooperation between the joint Secretariat of the Basel, Rotterdam and Stockholm conventions and the Secretariat of the Minamata Convention. Another representative expressed support for the conference room paper and lamented the fact that the proposal by the Executive Director of UNEP for a stable framework for sharing of relevant secretariat services, requested by decision MC-2/7, on cooperation between the secretariat of the Minamata Convention and the secretariat of the Basel, Rotterdam and Stockholm conventions, adopted by the Conference of the Parties to the Minamata Convention at its second meeting, had not yet been finalized and had therefore not been presented for consideration at the current meetings

44. Several representatives expressed support for the invitation set out in the draft decision to the participating organizations of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) to consider inviting the Basel, Rotterdam and Stockholm conventions to become participating organizations of IOMC.
45. A number of representatives suggested that international cooperation should prioritize capacity-building, technical assistance and financial support to help developing-country Parties to implement the three conventions, with one emphasizing that such cooperation should adhere to the principles of non-politicization, non-discrimination and impartiality, and should include closer collaboration with the United Nations Development Programme. Another said that efforts should be made to broaden cooperation with regional organizations to enhance the political visibility of, and support for, the sound management of chemicals and waste.
46. One representative drew attention to the work being carried out by the intersessional process considering the Strategic Approach and the sound management of chemicals and waste beyond 2020, which had identified the need to achieve greater coherence, communication and coordination between the international organizations working on chemicals and waste issues. He called on the Secretariat, Parties and observers to promote synergies at the national level in order to achieve results at the international level.
47. One representative, speaking on behalf of a group of countries, urged UNEP and the World Health Organization to work closely together in the framework of the partnership on alternatives to DDT in order to help African countries to combat malaria while protecting the environment.
48. Several representatives, including one speaking on behalf of a group of countries, drew attention to some of the findings and conclusions of the second edition of the Global Chemicals Outlook report, including that the 2020 goal of the Strategic Approach would not be met and that the global chemicals industry had almost doubled in size in the period 2000–2017. One representative called for discussions on that issue, while another, speaking on behalf of a group of countries, called on the Parties to join other bodies in urging Governments and all relevant stakeholders to intensify and prioritize efforts to achieve the 2020 goal.
49. One representative, speaking on behalf of a group of countries requested that at future meetings of the conferences of the Parties the issue of international cooperation and coordination be included as a stand-alone agenda item given that it went beyond enhancing cooperation and coordination between the three conventions.
50. The representative of the secretariat of the Minamata Convention outlined the information presented in document UNEP/CHW.14/INF/38–UNEP/FAO/RC/COP.9/INF/31–UNEP/POPS/COP.9/INF/40, noting that the secretariat of the Minamata Convention cooperated closely with the Secretariat of the Basel, Rotterdam and Stockholm Conventions on a number of programmatic and technical issues. She said that the two secretariats were working with UNEP on the proposal, which would be submitted for consideration by the Conference of the Parties to the Minamata Convention at its third meeting.
51. The representative of UNEP outlined the information provided in document UNEP/CHW.14/INF/37–UNEP/FAO/RC/COP.9/INF/30–UNEP/POPS/COP.9/INF/39, stressing that the United Nations Environment Assembly attached great importance to the issue of sound chemicals and waste management and had adopted numerous resolutions directly and indirectly related to that issue.
52. The representative of the Secretariat of the Strategic Approach to International Chemicals Management outlined the information presented in document UNEP/CHW.14/INF/54–UNEP/FAO/RC/COP.9/INF/44–UNEP/POPS/COP.9/INF/57, noting that the Secretariat of the Strategic Approach cooperated actively across the chemicals and waste cluster. He invited the Parties to engage in the Strategic Approach intersessional process to elaborate the future arrangements for the Strategic Approach and the sound management of chemicals and waste beyond 2020.
53. The representative of WHO, speaking on behalf of IOMC, said that the Programme looked forward to further strengthening its collaboration with the Basel, Rotterdam and Stockholm conventions. He explained the process for becoming a participating organization of IOMC and said that the Inter-Organization Coordinating Committee of IOMC had discussed the issue at its fifty-first meeting, held in April 2019, and was working to ensure it was ready to process such a request, should it be made.
54. The United Nations Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes drew attention

to the links between hazardous substances and wastes throughout their life cycles and human rights and urged the Parties to strengthen the ability of the Basel, Rotterdam and Stockholm conventions to protect human beings, in particular children, from chemical pollution. He drew attention to a new General Comment on the right to life of the United Nations Human Rights Committee, which clarified that everyone was entitled to freedom from acts or omissions that might cause premature death, and placed on all States a duty to protect the human right to a life free from pollution.

55. Following the discussion, the conferences of the Parties established a joint contact group on joint issues, to be co-chaired by Ms. Elizabeth Kay Williams (United Kingdom of Great Britain and Northern Ireland) and Ms. Angela Rivera (Colombia), to prepare a revised draft decision on international cooperation and coordination, based on document UNEP/CHW.14/20–UNEP/FAO/RC/COP.9/16–UNEP/POPS/COP.9/23, taking into account the discussion in plenary. The conferences of the Parties further agreed to adopt the draft decision set out in the conference room paper submitted by the European Union and its member States, pending confirmation from the contact group on budget matters that any activities contemplated by the decision had been taken into account in the proposed programmes of work and budgets for the biennium 2020–2021.

56. [To be completed]

B. Clearing house mechanism

57. Introducing the sub-item, the representative of the Secretariat recalled that, at their meetings in 2017, the conferences of the Parties had welcomed the proposed joint clearing house mechanism strategy and a draft workplan for the implementation of the mechanism for the biennium 2018–2019. The progress made by the Secretariat in that respect was outlined in document UNEP/CHW.14/21–UNEP/FAO/RC/COP.9/17–UNEP/POPS/COP.9/24. New activities for the provision of access to thematic information had been made possible thanks to generous financial support provided by the European Union and Norway. The Secretariat had also prepared a workplan for the mechanism for the biennium 2020–2021 (UNEP/CHW.14/INF/39–UNEP/FAO/RC/COP.9/INF/32–UNEP/POPS/COP.9/INF/41).

58. One representative, speaking on behalf of a group of countries, although supportive of the clearing house mechanism, highlighted the need to find the right balance between the resources devoted to it, the level of ambition for the mechanism and the scope of the activities envisaged for its implementation. She said that the decisions adopted by the conferences of the Parties at their 2017 meetings remained valid and, as such, any subsequent decision should refer only to new elements. She stressed the importance of proceeding to implementation of the strategy in a gradual and cost-effective manner.

59. Subsequently the conferences of the Parties adopted the draft decision contained in document UNEP/CHW.14/21–UNEP/FAO/RC/COP.9/17–UNEP/POPS/COP.9/2, pending confirmation from the contact group on budget matters that any activities contemplated by the decision had been taken into account in the proposed programme of work and budget for the biennium 2020–2021.

C. Mainstreaming gender

60. Introducing the sub-item, the representative of the Secretariat said that, as requested in decisions BC-13/20, RC-8/13 and SC-8/23, on gender mainstreaming, the Secretariat had continued its efforts to implement the Gender Action Plan of the Secretariat of the Basel, Rotterdam and Stockholm Conventions and to mainstream gender in its activities, projects and programmes. Document UNEP/CHW.14/22–UNEP/FAO/RC/COP.9/18–UNEP/POPS/COP.9/25 set out information concerning those efforts, which encompassed further activities made possible thanks to a generous financial contribution from the Government of Sweden. Documents UNEP/CHW.14/INF/55–UNEP/FAO/RC/INF/45–UNEP/POPS/COP.9/INF/58 also provided additional details on gender-related activities implemented by the Secretariat and included the Gender Action Plan, which had been updated to incorporate indicators for monitoring progress.

61. In the ensuing discussion, many representatives underscored the importance of gender mainstreaming in the work of the conventions, expressing strong support for the continuation of the Secretariat's gender-related activities and welcoming the updated Gender Action Plan. One representative, speaking on behalf of a group of countries, encouraged all Parties and other stakeholders to participate and engage in mainstreaming gender in the implementation of the conventions, noting that gender equality at all levels would spur progress towards the attainment of the Sustainable Development Goals. Others stressed the importance of empowering women and girls as decision makers and agents of change.

62. Numerous representatives highlighted the disproportionate impact of hazardous chemicals and wastes on vulnerable groups, in particular women and children, with one emphasizing the need to focus also on persons with disabilities. Another said that the consideration of that impact in the development of business initiatives would enable countries to improve their ranking in the vulnerability index. One representative suggested that national and regional case studies should be conducted in order to identify the different impacts of hazardous chemicals and waste both on women and on men.

63. A representative speaking on behalf of a group of countries highlighted entrenched cultural norms as a barrier to gender equality in his region, where technical assistance for gender mainstreaming at the national level was therefore essential in connection with activities relating to the implementation of the conventions. Another representative likewise mentioned his country's need for such assistance to ensure that gender issues were taken into account in the management of hazardous chemicals and waste, while others commented on the usefulness of capacity-building assistance already received. Some representatives also shared information concerning gender-related activities, policies and programmes in their own countries.

64. Following the discussion, the conferences of the Parties took note of the updated Gender Action Plan and requested the Secretariat to report on its implementation to the conferences of the Parties at their meetings in 2021.

65. *[To be completed]*

D. Synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes

66. Introducing the sub-item, the representative of the Secretariat drew attention to a note by the Secretariat on synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes (including draft decisions) (UNEP/CHW.14/23–UNEP/FAO/RC/COP.9/19–UNEP/POPS/COP.9/26). In addition, information collected from Parties and stakeholders on synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes was set out in document UNEP/CHW.14/INF/42–UNEP/FAO/RC/COP.9/INF/33–UNEP/POPS/COP.9/INF/42, and a report on further areas in which legal clarity could be improved as a means of preventing and combating illegal traffic and trade in hazardous chemicals and wastes was set out in document UNEP/CHW.14/INF/41–UNEP/FAO/RC/COP.9/INF/34–UNEP/POPS/COP.9/INF/43.

67. Many representatives expressed appreciation for the efforts of the Secretariat to promote synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes. The importance of a cooperative, collaborative approach was underscored, both between the Basel, Rotterdam and Stockholm conventions, and with other relevant bodies such as the Montreal Protocol on Substances that Deplete the Ozone Layer. One representative said that the diverse nature of illegal traffic and trade required the involvement of a wide variety of partners. Another, speaking on behalf of a group of countries, said that it was important to ensure that the work was cost-effective, building on previous decisions and work under each of the conventions, and complementing rather than repeating existing mandates.

68. A number of representatives, including one speaking on behalf of a group of countries, spoke of the need to build the capacity of developing countries and those with economies in transition to combat illegal traffic and trade, including through financial assistance, technology transfer and technical support, and training and capacity-building of customs officers. Some representatives highlighted the role of the Basel Convention and Stockholm Convention regional centres in harmonizing action at the regional and subregional levels, promoting regulatory measures, and building capacity in identifying hazardous materials.

69. A representative of a developing country, supported by others, said that significant quantities of plastic waste had been illegally shipped in containers to his country from certain developed countries, and he called on those countries to fulfil their international environmental commitments.

70. The conferences of the Parties agreed to refer further discussion of the matter to the joint contact group on joint issues, with a mandate that the group prepare a revised draft decision based on the proposed action set out in document UNEP/CHW.14/23–UNEP/FAO/RC/COP.9/19–UNEP/POPS/COP.9/26, taking into account the discussion in plenary.

71. *[To be completed]*

E. From science to action

72. The representative of the Secretariat introduced document UNEP/CHW.14/24–UNEP/FAO/RC/COP.9/20–UNEP/POPS/COP.9/27, which presented background information on the preparation and revision of a road map for further engaging Parties and other stakeholders in an informed dialogue for enhanced science-based action in the implementation of the conventions, as well as a draft decision on the matter. The revised road map was set out in document UNEP/CHW.14/INF/40–UNEP/FAO/RC/COP.9/INF/35–UNEP/POPS/COP.9/INF/44.

73. Following the presentation, several representatives, including a number speaking on behalf of groups of countries, expressed support for the revised version of the draft road map and for its implementation as called for in the draft decision. A number of representatives underscored the need for continued cooperation and coordination between UNEP, the Basel, Rotterdam and Stockholm conventions and other relevant bodies to strengthen the science-policy interface, and others, including one speaking on behalf of a group of countries, highlighted the importance of capacity-building and training activities to support Parties in taking science-based action to implement the conventions. One called for improved relations with the scientific community and academia at the national, regional and international levels to support decision-making, particularly within the framework of the chemicals conventions.

74. One representative speaking on behalf of a group of countries, while generally supporting the draft decision, suggested several changes to the text. Another, also speaking on behalf of a group of countries, asked for time to consult on those changes.

75. The conferences of the Parties agreed to refer the matter to the joint contact group on joint issues to establish the final wording of the proposed changes to the text of the draft decision.

76. *[To be completed]*

V. Technical assistance (item 4 (d) of the agenda for the Basel Convention, item 5 (e) of the agenda for the Rotterdam Convention and item 5 (f) of the agenda for the Stockholm Convention)

77. Introducing the item, the President said that there were three main topics to be considered: the technical assistance plan prepared by the Secretariat for the delivery of technical assistance under the conventions; regional centres under the Basel and Stockholm conventions; and implementation of decision V/32 of the Conference of the Parties to the Basel Convention relating to the emergency trust fund.

A. Technical assistance

78. Introducing the sub-item, the representative of the Secretariat outlined the information contained in document UNEP/CHW.14/16–UNEP/FAO/RC/COP.9/15–UNEP/POPS/COP.9/16, on technical assistance and capacity-building for the implementation of the Basel, Rotterdam and Stockholm conventions, which set out information on activities undertaken under the four-year technical assistance plan for the period 2018–2021, and document UNEP/CHW.14/INF/25/Rev.1–UNEP/FAO/RC/COP.9/INF/24/Rev.1–UNEP/POPS/COP.9/INF/25/Rev.1, which set out further information on the implementation of the plan. A draft monitoring and evaluation strategy prepared by the Secretariat for consideration by the conferences of the Parties was set out in document UNEP/CHW.14/INF/27–UNEP/FAO/RC/COP.9/INF/26–UNEP/POPS/COP.9/INF/26.

79. A number of representatives expressed appreciation for the efforts of the Secretariat, donor countries, the regional centres and relevant partners in providing technical assistance and capacity-building to developing countries and countries with economies in transition to implement their obligations under the three conventions, with several providing specific examples of the assistance they had received. One representative said that adequate provision of technical assistance was an essential element of any discussion regarding the establishment of a compliance mechanism. Another representative stressed the importance of training in laboratory and analytical techniques to increase the capacity of countries to deal with harmful chemicals, including the growing number of regulated persistent organic pollutants. One representative highlighted the need for further technical assistance for the management of hazardous wastes generated during ship dismantling.

80. One representative, speaking on behalf of a group of countries, welcomed the projects undertaken in implementing the technical assistance plan, but expressed concern that some of the

Secretariat's activities had not been discussed by the conferences of the Parties or agreed upon in decisions on technical assistance, and that a monitoring and evaluation strategy for the technical assistance plan had been prepared by the Secretariat without it having a mandate to perform that task. In addition, use should be made of the database developed by the Secretariat containing past and present information on technical assistance. Another representative said that the monitoring and evaluation strategy would be an effective tool for supporting the attainment of the goals of the technical assistance plan.

81. Several representatives said that there was still a need for increased mobilization of financial and technical assistance to strengthen national capabilities for the sound management of chemicals and waste. One representative said that such assistance should be rendered in accordance with the stipulations of the conventions, including paragraph 4 of Article 12 of the Stockholm Convention and Articles 14 and 16 of the Basel Convention. One representative highlighted the challenges faced in directing assistance to countries suffering from instability or conflict.

B. Regional centres

82. Introducing the sub-item, the representative of the Secretariat said that documents UNEP/CHW.14/17 and UNEP/POPS/COP.9/17 set out information on the regional centres of the Basel and Stockholm conventions. Further information pertaining to the activities of the centres was set out in document UNEP/CHW.14/INF/29–UNEP/POPS/COP.9/INF/28 and its addendum, and a draft performance evaluation of all the regional centres of the Basel and Stockholm conventions was contained in document UNEP/CHW.14/INF/28/Rev.1–UNEP/POPS/COP.9/INF/27/Rev.1.

83. A number of representatives, including one speaking on behalf of a group of countries, stressed the important role of the regional centres of the Basel and Stockholm conventions in assisting developing countries and those with economies in transition with technical assistance and capacity-building. Some representatives also referred to the role of regional centres in facilitating information exchange. Several representatives expressed their commitment to supporting the work of the regional centres they hosted in their own countries. The representative of Panama thanked the countries of Latin America and the Caribbean for supporting their offer to host the regional centre for the Central America and Mexico region. A number of representatives said that greater efforts should be made to ensure that regional centres were provided with the necessary financial and technical support to enable them to fulfil their mandates.

84. One representative, speaking on behalf of a group of countries, noted that some centres had not addressed their own work plans as expected, and encouraged them to rectify any shortcomings. A number of representatives pointed out that one centre had recently been unable to provide sufficient support to Parties and needed to be strengthened. One representative requested that regional and subregional centres consider the management of newly added persistent organic pollutants, particularly those in products and articles, when developing their business plans to support Parties in meeting their obligations under the Stockholm Convention.

85. Several representatives highlighted the valuable role that regional centres could play in helping countries to address the growing threat of plastic waste, marine plastic litter and microplastics, with particular merit attached to the work of the Stockholm Convention regional centre in Barcelona, Spain, in promoting dialogue on the matter. Some representatives said that while there was a strong current focus on marine litter, due attention needed to be given to regulating the land-based sources of plastic waste and microplastics.

C. Implementation of decision V/32

86. Introducing the sub-item, the representative of the Secretariat said that information on the status of the Trust Fund to Assist Developing and other Countries in Need of Technical Assistance in the Implementation of the Basel Convention was contained in document UNEP/CHW.14/INF/56, while information on the implementation of technical assistance activities was provided in document UNEP/CHW.14/INF/25/Rev.1–UNEP/FAO/RC/COP.9/INF/24/Rev.1–UNEP/POPS/COP.9/INF/25/Rev.1. In addition, information on cooperation with the Joint United Nations Environment Programme/Office for the Coordination of Humanitarian Affairs Environment Unit was provided in document UNEP/CHW.14/INF/36–UNEP/FAO/RC/COP.9/INF/29–UNEP/POPS/COP.9/INF/38.

87. The Conference of the Parties to the Basel Convention took note of the information provided.

D. Establishment of a contact group

88. Following the discussions under the item, the conferences of the Parties established a joint contact group on technical assistance and financial resources, to be co-chaired by Mr. Reginald Hernaus (the Netherlands) and Mr. David Kapindula (Zambia). The group was mandated to prepare for consideration at a subsequent session of the meetings draft decisions on technical assistance using the draft decision in document UNEP/CHW.14/16–UNEP/FAO/RC/COP.9/15–UNEP/POPS/COP.9/16 as a starting point, taking into account discussions in plenary; and on the Basel and Stockholm convention regional centres using the draft decisions in documents UNEP/CHW.14/17 (with the exception of paragraph 9) and UNEP/POPS/COP.9/17 as starting points and taking into account discussions in plenary. The draft decisions for the agenda item would be in omnibus form, with part I on technical assistance (for the Basel, Rotterdam and Stockholm conventions) and part II on regional centres (for the Basel and Stockholm conventions).

89. *[to be completed]*

VI. Financial resources and mechanisms (item 4 (f) of the agenda for the Basel Convention, item 5 (f) of the agenda for the Rotterdam Convention and item 5 (g) of the agenda for the Stockholm Convention)

90. Under the item, the conferences of the Parties first considered issues relating to the financial mechanism of the Stockholm Convention and second the integrated approach to financing for chemicals and wastes and the Special Programme to support institutional strengthening at the national level for the implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management.

A. Financial mechanism of the Stockholm Convention

91. The representative of the Secretariat introduced the matter, outlining the information in document UNEP/POPS/COP.9/18 and noting that it related to five topics: first, guidance from the Conference of the Parties of the Stockholm Convention to the financial mechanism of that Convention; second, the report of the GEF Council to the Conference of the Parties to the Stockholm Convention at its ninth meeting, including an executive summary thereof (annex I); third, monitoring and evaluation, including draft terms of reference for the fifth review of the financial mechanism (annex II); fourth, cooperation between the Secretariat and the GEF secretariat, reciprocal representation at relevant meetings and the transmission of information; and fifth, assessment of the funding needed by developing countries and countries with economies in transition to implement the Convention during the period 2022–2026, including terms of reference therefor (annex III). A number of other documents had been prepared to support the discussions.

92. The representative of the GEF secretariat provided an overview of the information contained in document UNEP/POPS/COP.9/INF/30, which contained the full report of GEF to the Conference of the Parties to the Stockholm Convention at its ninth meeting. She summarized the activities undertaken by GEF in support of the implementation of the Stockholm Convention during the two-year period from 1 July 2016 to 30 June 2018, with particular emphasis on the ways in which it had responded to the guidance provided by the Conference of the Parties at its eighth meeting. She also provided an overview of the support provided during the entire period of the sixth replenishment of the GEF Trust Fund, from July 2014 to June 2018, which had totalled \$281.87 million in GEF grants for the expected reduction of 76,251 metric tons of persistent organic pollutants. She went on to describe the outcome of the seventh replenishment process, which had notionally allocated \$599 million to the GEF focal area of chemicals and wastes, \$359 million of which was specifically for the implementation of the Stockholm Convention.

93. In the ensuing discussion, many representatives of countries that had benefited from GEF support expressed their gratitude therefor and noted the difference that it had made, helping them in areas such as reviewing and updating of national implementation plans for the Stockholm Convention; managing obsolete stockpiles of persistent organic pollutants in an environmentally sound manner; and reducing the release of unintentional persistent organic pollutants.

94. Many of them stressed the need for ongoing and additional support from the Facility and highlighted particular areas in which that help would be required, including the management of newly listed persistent organic pollutants, the related updating of national implementation plans and the destruction of perfluorooctanoic acid (PFOA).

95. While a number of representatives made a point of thanking the Facility's donors, two other representatives, including one speaking on behalf of a group of countries, underscored how the available resources were insufficient to meet the needs of developing countries and countries with economies in transition in relation to their compliance obligations under the Stockholm Convention. One of them called upon developed countries to increase their support to such countries; a third representative called upon GEF itself to increase its allocation of funds for activities on persistent organic pollutants under the Stockholm Convention.
96. One representative, speaking on behalf of a group of countries, expressed concern that there were often significant delays in countries receiving funding after projects had been approved by the Facility and was concerned that that would have a negative impact on countries, in particular their ability to meet the 2025 target to eliminate the use of polychlorinated biphenyls.
97. A number of representatives, with one saying that he spoke for many countries in the region, supported by another, stressed the importance of avoiding politicization of access to financial resources to ensure that countries had equal access to such funding.
98. A number of representatives, one of whom spoke on behalf of a group of countries, expressed support for the draft terms of reference for the fifth review of the financial mechanism and the terms of reference for assessment of funding needs contained in document UNEP/POPS/COP.9/18.
99. Following the discussion, the Conference of the Parties to the Stockholm Convention decided that the contact group on technical assistance and financial resources established as described in section VI above (para. 88) should prepare a draft decision based on the proposed action set out in paragraph 15 of document UNEP/POPS/COP.9/18, taking into account the discussions in plenary. With regard to the guidance to the financial mechanism, the contact group was also mandated to compile any such guidance being considered by the Conference of the Parties to the Stockholm Convention.
100. *[To be completed]*

B. Integrated approach and the Special Programme

101. Introducing the sub-item, the representative of the Secretariat said that, in accordance with decisions BC-12/18, RC-7/8 and SC-7/22 on the implementation of the integrated approach to financing sound management of chemicals and waste, the Secretariat had continued to take the integrated approach as a reference in its mandated activities and its support for the Parties to the three conventions. It had also continued to participate in the internal task team of the Special Programme and had attended as an observer all the meetings of the Programme's Executive Board. A report on the implementation of the aforementioned decisions was contained in document UNEP/CHW.14/INF/34–UNEP/FAO/RC/COP.9/INF/27–UNEP/POPS/COP.9/INF/33.
102. The representative of UNEP reported on the activities of the Special Programme, outlining the information set out in document UNEP/CHW.14/INF/35–UNEP/FAO/RC/COP.9/INF/28–UNEP/POPS/COP.9/INF/34.
103. In the ensuing discussion, numerous representatives, including two speaking on behalf of groups of countries, and many from countries benefiting from Special Programme projects, praised the work of the Special Programme and the efforts to mobilize resources for promoting implementation of the conventions.
104. A number of representatives emphasized the importance of continuing the integrated approach, including several speaking on behalf of groups of countries, one of whom also underscored the need to advance further in mainstreaming in national budgets, development plans and sector policies and in fostering the involvement of industry and the private sector throughout the value chain by way of, inter alia, clear legislative and regulatory frameworks that took into account extended producer responsibility and the polluter pays principle. Concerning dedicated external finance, the provision of assistance through multilateral, bilateral and regional mechanisms had achieved welcome progress and should be continued.
105. In supporting those views, other representatives, including one speaking on behalf of a group of countries, agreed that sustainable, predictable, adequate and accessible long-term funding was crucial, together with technical assistance, to the sound management of chemicals and waste. One representative endorsed the position of another that such funding must furthermore be allocated on an equitable, non-discriminatory and non-political basis. Others said that industry should be more actively involved in project financing and one said that the allocation of funding should be subject to monitoring to ensure that it was meaningful and would achieve the intended objectives.

106. One representative suggested that some aspects of the Programme's project application guidelines should be reviewed in order to prevent the rejection of applications for administrative reasons alone. Another requested further capacity-building assistance that would promote successful project applications, with yet another agreeing that the application process was too complex and should be simplified.

107. The conferences of the Parties took note of the information provided.

VII. Compliance (item 4 (c) (i) of the agenda for the Basel Convention, item 5 (d) of the agenda for the Rotterdam Convention and item 5 (j) of the agenda for the Stockholm Convention)

108. Introducing the item, the President indicated that an initial consideration of the sub-items would take place in a joint session, with each President presiding over the discussions pertaining to their respective conventions. Each Conference of the Parties would decide on any action to be taken during their respective Convention-specific sessions.

A. Basel Convention

109. Introducing the sub-item, the representative of the Secretariat said that the main issue under consideration was the report of the Committee Administering the Mechanism for Promoting Implementation and Compliance set out in document UNEP/CHW.14/13, including a proposed draft decision. The addendums to the report contained guidance documents for consideration and possible adoption, namely revised guidance on improving national reporting; the guide for the development of national legal frameworks to implement the Basel Convention; guidance on improving implementation of paragraph 11 of Article 6 of the Convention on insurance, bond and guarantee; and the benchmark report on facilitating reporting under paragraph 3 of Article 13 (UNEP/CHW.14/13/Add.1–Add.4). The work of the Committee had benefited from financial support from the Governments of Japan, Norway, Switzerland and the European Union.

110. Mr. Simonelli, in his role as chair of the Committee Administering the Mechanism for Promoting Implementation and Compliance, gave a presentation on the work of the Committee during the biennium 2018–2019. With regard to specific submissions, the Committee had considered a total of 10 submissions during its thirteenth meeting, of which 7 concerned national reporting. Of those matters, 6 had been resolved, and progress was continuing on the remaining 4. In March 2019 the Secretariat had made a further 16 submissions to the Committee, of which 15 were concerned with national reporting. With regard to national reporting (UNEP/CHW.14/INF/21), the overall reporting rate was 58 per cent for 2014 and 55 per cent for 2015. The generally low numbers of Parties complying with their reporting obligations, and the failure to meet the reporting targets set by the Conference of the Parties at its thirteenth meeting, highlighted the importance of the work of the Committee in assisting Parties to address compliance. The revised reporting format, introduced in 2016, was expected to bring improvements in the reporting rate and the increased transmission of completed and timely reports.

111. With regard to illegal traffic, the Committee had considered what additional steps could be taken to improve implementation of and compliance with Article 9 of the Convention. Recommendations included holding a dialogue with other multilateral environmental agreements with trade control provisions, and exploring modalities for disseminating guidance and technical assistance tools to assist Parties to prevent and combat illegal traffic. With respect to national legislation, the Committee had completed all its mandated tasks. Among other things, the Committee had identified a need to more closely monitor activities undertaken by or with the support of the Basel and Stockholm convention regional centres, UNEP and other entities aimed at assisting Parties to develop legal frameworks for the implementation of the Basel Convention. Finally, a review of the operation of the implementation fund was contained in document UNEP/CHW.14/INF/22.

112. In the ensuing discussion, many representatives, including two speaking on behalf of groups of countries, expressed appreciation for the work of the Committee. One representative, and another speaking on behalf of a group of countries, said that the four new guidance documents would contribute to improving implementation of the Convention. Some representatives, including one speaking on behalf of a group of countries, drew attention to the challenges faced by developing countries in submitting national reports in a timely manner. One representative proposed retaining the extended possibility for the Secretariat to make a submission to the Committee under paragraph 9 (c) of the terms of reference, and, with regard to the timeliness and completeness of national reporting, recommended that the Secretariat base its submissions to the Committee on its consultations with those Parties that had not transmitted a report since 2009.

113. Following the discussion, it was agreed that further consideration of the matter would be continued during the separate sessions of the meeting of the Conference of the Parties to the Basel Convention.

114. *[to be completed]*

B. Rotterdam Convention

115. Introducing the sub-item, the representative of the Secretariat said that compliance had been discussed at all previous meetings of the conferences of the Parties to the Rotterdam Convention, but consensus had not been reached on the issue. She outlined the information in document UNEP/FAO/RC/COP.9/14/Rev.1, including the text of the annex to decision RC-7/6 and the text of the draft decision submitted by the co-chairs of the contact group on compliance matters at the seventh meeting of the Conference of the Parties. In addition, document UNEP/FAO/RC/COP.9/14/Add.1/Rev.1 contained a proposal by a number of Parties for a new annex VII to the Convention entitled “Procedures and mechanisms on compliance with the Rotterdam Convention”. Comments from Parties on the proposal were set out in document UNEP/FAO/RC/COP.9/INF/25, while document UNEP/FAO/RC/COP.9/INF/41 contained an explanatory note from the proponents.

116. The representative of Switzerland, speaking on behalf of the Parties proposing the new annex, recalled that Article 17 of the Convention required the Conference of the Parties to develop a compliance mechanism “as soon as practicable”. While a large majority of Parties had supported proposed text for such a mechanism at both the seventh and eighth meetings of the Conference of the Parties in 2015 and 2017 respectively, consensus on the matter had proved elusive. The proposed annex, which was essentially the same text that had been considered by those previous meetings, would establish a compliance committee, set out its procedures, define who could make submissions to the Committee and define the possible measures to address compliance issues. The primary objective was to work with Parties to facilitate compliance and help Parties to develop compliance plans.

117. In the ensuing discussion, many representatives supported the establishment of a compliance mechanism for the Rotterdam Convention, as stipulated by Article 17. Several representatives, including one speaking on behalf of a group of countries, said that a compliance mechanism was a fundamental requirement in ensuring that multilateral environmental agreements achieved their objectives and were fully implemented. One representative said that a compliance mechanism would support implementation of the provisions of the Rotterdam Convention by drawing attention to challenges faced by Parties in fulfilling their obligations under the Convention and helping to identify areas where technical or financial assistance or other support would assist Parties in overcoming those challenges. Another representative said that the effectiveness of a convention was linked to its capacity to evaluate compliance through non-punitive, facilitative instruments.

118. Many representatives supported the proposal to add a new annex on compliance to the Convention. Some representatives, including one speaking on behalf of a group of countries, said that a practically agreed negotiated text existed from the seventh meeting of the Conference of the Parties and should not be reopened, while one representative said that there was merit in building on the discussions at the eighth meeting. Many representatives expressed a clear preference for any decision establishing compliance procedures and mechanisms to be adopted by consensus, with several stating that, however, if all efforts at consensus had been exhausted, the adoption of a new annex could be by a three-fourths majority vote pursuant to paragraph 3 of Article 21.

119. One representative said that the proposal to introduce a compliance mechanism using an annex offered flexibility to Parties in accordance with paragraph 3 (b) of Article 22, which stated that any Party unable to accept an additional annex could convey its non-acceptance to the depositary, which would then inform all Parties of any such notification. Another representative said that inclusion of a compliance mechanism in the form of an annex could result in a mechanism that was applicable to some Parties and not others, compromising the integrity and efficiency of the Convention. Another representative said that there was a potential contradiction between a modality allowing non-acceptance of a compliance mechanism and the provision of Article 27 stating that “No reservations may be made to this Convention.” Some Parties said that the proposed annex did not fulfil the requirement of Article 22 of the Convention that “Annexes shall be restricted to procedural, scientific, technical or administrative matters.”

120. Following the discussion, it was agreed that further consideration of the matter would be continued during the separate sessions of the meeting of the Conference of the Parties to the Rotterdam Convention.

121. *[to be completed]*

C. Stockholm Convention

122. The representative of the Secretariat recalled that the issue of compliance had been considered at all eight previous meetings of the Conference of the Parties to the Stockholm Convention. At the eighth meeting, the Conference had considered draft texts on procedures and mechanisms on compliance, but, given the lack of consensus, it had decided to defer further consideration of the issue to its ninth meeting. She drew attention to document UNEP/POPS/COP.9/22, which reproduced two draft texts on compliance from annexes to compliance-related decisions adopted at the sixth and seventh meetings.

123. In the general discussion that ensued, there was substantial support for the establishment of a compliance mechanism. Many representatives stressed that any such mechanism needed to be facilitative and non-punitive. In addition, several representatives underscored that the developing countries and countries with economies in transition needed adequate technical and financial assistance to be in a position to meet their compliance obligations; such support should therefore accompany any future mechanism. A number of representatives, one speaking on behalf of a group of countries, drew attention to the role that the mechanism could play in identifying systemic problems and priority issues that required specific action. One representative, speaking on behalf of a group of countries, questioned the sense of focusing on compliance when a lack of resources limited countries' ability to implement the provisions of the convention in the first place.

124. One representative expressed the view that submissions to any future compliance committee should be made by Parties only, not the Secretariat.

125. Individual representatives made various proposals for moving forward with the discussions. These included further consultations, formal or informal, or further discussions in a contact group or in a smaller group of friends of the President, which might facilitate resolution of some of the outstanding issues. One representative said that a completely different approach was required if progress were to be made.

126. One representative said that it was important not to reopen discussions on what had already been agreed at previous meetings and to concentrate only on outstanding issues. One representative was of the view that the outcome of the seventh meeting was a step backward in relation to that of the sixth, while another said that it would be a setback not to take into account the content of the rich discussions that had occurred at the eighth meeting.

127. Following the discussion, it was agreed that further consideration of the matter would be continued during the separate sessions of the meeting of the Conference of the Parties to the Stockholm Convention.

128. *[to be completed]*

VIII. Basel Convention technical guidelines on wastes consisting of, containing or contaminated with persistent organic pollutants and Stockholm Convention measures to reduce or eliminate releases of persistent organic pollutants from wastes (item 4 (b) (i) of the agenda for the Basel Convention and item 5 (c) of the agenda for the Stockholm Convention)

A. Basel Convention technical guidelines on wastes consisting of, containing or contaminated with persistent organic pollutants

129. Introducing the sub-item, the representative of the Secretariat recalled that in accordance with decision BC-13/4, the small intersessional working group on persistent organic pollutants wastes had prepared draft updated general technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants (UNEP/CHW.14/7/Add.1); draft technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with short-chain chlorinated paraffins (UNEP/CHW.14/7/Add.2); draft updated technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexabromodiphenyl ether and heptabromodiphenyl ether, and tetrabromodiphenyl ether and pentabromodiphenyl ether or decabromodiphenyl ether (UNEP/CHW.14/7/Add.3); draft updated technical guidelines on the

environmentally sound management of wastes containing or contaminated with unintentionally produced polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans, hexachlorobenzene, polychlorinated biphenyls, pentachlorobenzene, polychlorinated naphthalenes or hexachlorobutadiene (UNEP/CHW.14/7/Add.4); and draft updated technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexachlorobutadiene (UNEP/CHW.14/7/Add.5).

130. The Government of Japan had provided financial support that had allowed the small intersessional working group to convene a face-to-face meeting, and the Government of Norway had led the work on the updated technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexabromodiphenyl ether and heptabromodiphenyl ether, and tetrabromodiphenyl ether and pentabromodiphenyl ether to include decabromodiphenyl ether. The Secretariat, with the support of the small intersessional working group, had led the work to develop the new technical guidelines on short-chain chlorinated paraffins and to update the other three guidelines. Following decision OEWG-11/3 adopted by the Open-ended Working Group of the Basel Convention at its eleventh meeting, all five technical guidelines had been further updated and revised. Document UNEP/CHW.14/7 provided more details on those developments and contained a relevant draft decision. A compilation of comments received from Parties and others on the draft technical guidelines on wastes consisting of, containing or contaminated with persistent organic pollutants was contained in document UNEP/CHW.14/INF/9.

131. The Conference of the Parties expressed appreciation to Norway for taking a lead role in the work, to Japan for its financial support, and to the small intersessional working group for their invaluable contribution.

132. In the ensuing discussion, all the representatives who spoke underscored the importance of developing and updating the technical guidelines. A number of representatives, including one speaking on behalf of a group of countries, reported on how the use of such guidelines had assisted efforts in their countries to augment the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants and the consequential importance of adopting new or updated guidelines to assist future work.

133. Many representatives, including two speaking on behalf of groups of countries, expressed general support for adopting the guidelines under discussion but noted that certain aspects of the guidelines or the associated draft decision required further discussion and potential refinement. Issues of concern included, inter alia, the thresholds for low persistent organic pollutants content assigned to particular substances, with some expressing support for lower thresholds; the scientific methodologies on which low thresholds were determined; the cost-effectiveness of putting certain guidelines into practice; the lack of guidelines for remediation of contaminated sites; objections to the recycling of persistent organic pollutants; the absence of information on particular issues that had been included in previous guidelines; a variety of technical issues that speakers indicated would be best discussed in a contact group; and the importance of providing developing countries with technical, financial and capacity-building assistance so that they could implement the guidelines effectively.

134. Following the discussion, the Conference of the Parties to the Basel Convention established a contact group on technical matters to be co-chaired by Ms. Nanette Laure (Seychelles) and Ms. Magda Gosk (Poland). The group was mandated to prepare revised versions of the technical guidelines, as appropriate, and a draft decision using the draft text in paragraph 19 of document UNEP/CHW.14/7 as a starting point and taking into account discussions in plenary.

135. *[To be completed]*

B. Measures to reduce or eliminate releases of persistent organic pollutants from wastes under the Stockholm Convention

136. The representative of the Secretariat outlined the information provided in document UNEP/POPS/COP.9/10, recalling that the Conference of the Parties to the Stockholm Convention, with regard to the three new persistent organic pollutants listed at its eighth meeting, had invited the appropriate bodies of the Basel Convention to establish the levels of destruction and irreversible transformation of the chemical necessary to ensure that no characteristics of persistent organic pollutants were exhibited, to determine the methods constituting the environmentally sound management of disposal, to establish the concentration levels of the chemical in order to define the low persistent-organic-pollutant content, to update, if needed, the general technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants, and to develop or update specific technical guidelines under the Basel

Convention. The small intersessional working group under the Basel Convention had worked on updating the general and specific technical guidelines for wastes.

137. The representative of the European Union introduced a conference room paper setting out proposed changes to the draft decision in the document.

138. The Conference of the Parties to the Stockholm Convention requested the Secretariat to prepare a revised draft decision based on the proposed action set out in document UNEP/POPS/COP.9/10, the changes proposed in the conference room paper and the discussions in plenary, for its subsequent consideration.

139. *[To be completed]*

IX. Programme of work and budget (item 6 of the agenda for the Basel Convention and item 7 of the agendas for the Rotterdam and Stockholm conventions)

140. Introducing the item, the Executive Secretary of the Basel, Rotterdam and Stockholm conventions drew attention to voluntary contributions, which were on an increasing trend and had risen substantially during the biennium 2018–2019, as more fully described in document UNEP/CHW.14/INF/46–UNEP/FAO/RC/COP.9/INF/39–UNEP/POPS/COP.9/INF/48 on contributions to the technical cooperation and voluntary special trust funds of the Basel, Rotterdam and Stockholm conventions. He also spoke about the success of measures taken to reduce arrears but indicated that more work needed to be done.

141. Continuing the introduction, the representative of the Secretariat presented an overview of the proposed programmes of work and budgets for the biennium 2020–2021, including the main budget proposal and draft decisions in document UNEP/CHW.14/25–UNEP/FAO/RC/COP.9/21–UNEP/POPS/COP.9/28, the budget tables reflecting the executive secretaries' scenario and the zero nominal growth scenario in document UNEP/CHW.14/INF/43–UNEP/FAO/RC/COP.9/INF/36–UNEP/POPS.9/INF/45, and the budget activities fact sheets with detailed information on programmes of work activities, set out in document UNEP/CHW.14/INF/44–UNEP/FAO/RC/INF/37–UNEP/POPS/COP.9/INF/46.

142. A second representative of the Secretariat then drew attention to documents UNEP/CHW.14/INF/45/Rev.1, UNEP/FAO/RC/COP.9/INF/38/Rev.1 and UNEP/POPS/COP.9/INF/47/Rev.1, containing information on income and expenditures for the general and special voluntary Basel, Rotterdam and Stockholm trust funds for the bienniums 2016–2017 and 2018–2019, including details on voluntary contributions to the special and technical cooperation trust funds and on the FAO contribution to the Rotterdam Convention Secretariat.

143. In the ensuing discussion, all those who spoke expressed a desire to pursue the discussion in a contact group, with some citing issues about which they intended to seek clarification or additional information, including with respect to the services and support provided to the secretariat of the Minamata Convention. Several representatives expressed support for the executive secretaries' scenario, but others said that they were not in a position to increase their financial contributions to the conventions and therefore preferred the zero nominal growth scenario. A number of representatives speaking on behalf of groups of countries, while not expressing a preference for either scenario, recognized the link between the budget and implementation, with one voicing her desire to agree on a budget that was resource-efficient, well-targeted, balanced and affordable for all.

144. Several representatives, including one speaking on behalf of a group of countries, acknowledged the reduction achieved in arrears but noted that the level of arrears was still a concern, and one urged Parties to pay their assessed contributions as soon as possible.

145. The conferences of the Parties established a joint contact group on budget matters for the three conventions, to be co-chaired by Mr. Linroy Christian (Antigua and Barbuda) and Mr. Premek Stepanek (Czechia). The group was asked to prepare for consideration and separate adoption by the conferences of the Parties draft programmes of work and budgets for the biennium 2020–2021 and related draft decisions, based on the draft texts set out in document UNEP/CHW.14/25–UNEP/FAO/RC/COP.9/21–UNEP/POPS/COP.9/28, taking into account the discussion in plenary.

146. The conferences of the Parties also agreed to discuss issues related to cooperation with the Minamata Convention under the item on enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions.

147. *[To be completed]*

X. Memorandums of understanding between the United Nations Environment Programme and the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions (item 7 of the agenda for the Basel Convention and item 8 of the agendas for the Rotterdam and Stockholm conventions)

148. The representative of the Secretariat introduced the documents relating to the item, which included draft decisions on the adoption of convention-specific memorandums of understanding between the Conference of the Parties and UNEP for the Basel Convention (UNEP/CHW.14/26/Rev.1) and the Stockholm Convention (UNEP/POPS/COP.9/29/Rev.1) and between the Conference of the Parties, UNEP and FAO for the Rotterdam Convention (UNEP/FAO/RC/COP.9/22/Rev.1).

149. Ms. Elizabeth Maruma Mrema, Director of the Law Division of UNEP, explained the basic principles underlying the draft memorandums of understanding and some of the proposed modalities. Ms. Eve Fontaine Benedetti, Legal Officer, FAO, outlined the specific issues relating to the memorandum of understanding between UNEP, FAO and the Conference of the Parties to the Rotterdam Convention.

150. A number of representatives speaking on behalf of groups of countries expressed support for the adoption of the proposed decisions and the signature of the memorandums of understanding.

151. The conferences of the Parties to the Basel, Rotterdam and Stockholm conventions adopted the decisions on draft memorandums of understanding with UNEP and, in the case of the Rotterdam Convention, also with FAO.

152. *[To be completed]*

XI. Venue and dates of the next meetings of the conferences of the Parties

153. Introducing the item, the representative of the Secretariat recalled that the rules of procedure of the three conferences of the Parties provided for their meetings to take place at the seat of the Secretariat unless other appropriate arrangements were made. In addition, the conferences of the Parties had decided in 2017 not to include a high-level segment in their 2019 meetings and that such segments would occur only at every second set of meetings of the conferences of the Parties, meaning that the next high-level segment would take place during the 2021 meetings. He outlined the information in document UNEP/CHW.14/INF/57–UNEP/FAO/RC/COP.9/INF/46–UNEP/POPS/COP.9/INF/60 on the hosting of meetings of the conferences of the Parties outside the seat of the Secretariat. The information had been brought to the attention of Parties during the regional preparatory meetings, and the Secretariat had subsequently received an offer from the Government of Kenya to host the 2021 meetings at UNEP headquarters in Nairobi.

154. The representative of Kenya made a brief presentation on the offer made by the Government of Kenya, as set out in document UNEP/CHW.14/INF/57/Add.1–UNEP/FAO/RC/COP.9/INF/46/Add.1–UNEP/POPS/COP.9/INF/60/Add.1.

155. Following the presentation, several representatives welcomed the offer of the Government of Kenya. One representative, speaking on behalf of a group of countries, said that she looked forward to receiving the Secretariat's assessment of the costs involved and of the question of the use of United Nations venues for meetings before coming to a decision on the matter. She also called for any decision on the matter to include a clear invitation to Parties to submit offers to host future meetings of the conferences of the Parties that would increase the political and public visibility of the conventions and generate cost savings.

156. The conferences of the Parties agreed to request the Secretariat to prepare a draft decision in which they would accept the offer of the Government of Kenya to hold the meetings in Nairobi in 2021, subject to the conclusion of a host country agreement between the host Government and the Secretariat; decide that the meetings would be held back to back and include a high-level segment; request the Executive Secretary to organize regional preparatory meetings; and invite Parties to submit offers for hosting the meetings in 2023 by the end of March 2021 so that they could be considered by the conferences of the Parties at their meetings in 2021.

157. *[To be completed]*

XII. Other matters (item 9 of the agenda for the Basel Convention and item 10 of the agendas for the Rotterdam and Stockholm conventions)

A. Admission of observers

158. Introducing the sub-item, the representative of the Secretariat said that information on bodies or agencies requesting admission to participate in meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions was set out in documents UNEP/CHW.14/INF/58, UNEP/FAO/RC/COP.9/INF/47 and UNEP/POPS/COP.9/INF/50, respectively. She outlined the admission procedures described in those documents and established pursuant to the provisions of each of the respective Conventions as well as the related rules of procedure. She said that, following the publication of the documents and in addition to the requests contained therein, the Secretariat had received further requests from three entities that it had verified met the relevant criteria in relation to the Basel and Rotterdam conventions.

159. The conferences of the Parties took note of the bodies or agencies making requests for admission as observers to each respective Convention.

B. Guidelines on preventing and addressing all forms of harassment at meetings of the Basel, Rotterdam and Stockholm conventions

160. Introducing the sub-item, the representative of the Secretariat drew attention to document UNEP/CHW.14/INF/47–UNEP/FAO/RC/COP.9/INF/48–UNEP/POPS/COP.9/INF/51, containing guidelines on preventing and addressing all forms of harassment at meetings of the Basel, Rotterdam and Stockholm conventions. She explained that the Secretariat had developed the guidelines in line with the United Nations' zero tolerance policy on all forms of harassment, including sexual harassment, and approaches taken by other secretariats of multilateral environmental agreements, with the goal of ensuring the smooth running of meetings.

161. The conferences of the Parties took note of the guidelines and agreed that the Secretariat should make them available on the websites of the conventions.

C. Further developing partnerships

162. The President, introducing the item, recalled that the programme of work of the Basel Convention envisioned two types of partnerships in support of promoting the objectives of the Convention: global partnerships established by the Conference of the Parties, such as the Household Waste Partnership and the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE), for which the Secretariat had a facilitating role and provided expertise; and partnerships established or intended to be established by the Secretariat with non-State stakeholders to implement activities of its work programme, with an added potential to increase the reach and visibility of the Convention. Those types of partnerships could be of common interest to the three conventions.

163. Continuing the introduction, the representative of the Secretariat drew attention to document UNEP/CHW.14/18, concerning the Basel Convention Partnership Programme and containing a draft decision on proposed actions that could be considered by the conferences of the Parties to all three conventions in the light of the recommendations on opportunities to further develop partnerships under the Basel Convention set out in document UNEP/CHW.14/INF/33, which additionally contained a report on evaluating past and ongoing partnerships. The report had been prepared thanks to a generous financial contribution from the Government of Switzerland and circulated to Parties and observers for comment. It had then been revised to take into account comments received.

164. In the ensuing discussion, a number of representatives expressed support for partnership initiatives as an innovative means of promoting synergies, providing guidance and increasing collaboration with stakeholders on such issues as illegal trade. Joining another representative in highlighting the activities of regional centres on that and other issues, one representative expressed reservations concerning the recommendations on further developing partnerships and said that it would be preferable for a contact group to discuss the matter. Another, while noting the positive results achieved through partnerships under the Basel Convention in facilitating an inclusive work process, said that partnerships also carried the risk of creating competitiveness with respect to core activities. Another representative, speaking on behalf of a group of countries, said that a joint discussion of an issue concerning which there was no joint document should be approached with caution, but expressed a willingness nonetheless to engage with others in the margins of the meeting in

order to gain understanding of the issue and determine if and how it might be brought forward for consideration by the Parties at future meetings.

165. One representative suggested that a partnership for action on lead-acid batteries should be established, for which other representatives voiced support, with one of them adding that action was needed on used batteries in general.

166. Following the discussion, the conferences of the Parties agreed to mandate the joint contact group on joint issues to prepare draft decisions based on the proposed action in part IV of the draft decision set out in document UNEP/CHW.14/18 and the recommendations set out in document UNEP/CHW.14/INF/33, taking into account the discussion in plenary.

167. [*To be completed*]



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Hazardous Wastes and Their Disposal
Fourteenth meeting
Geneva, 29 April–10 May 2019

**Draft report of the Conference of the Parties to the Basel
Convention on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal on the work of its
fourteenth meeting**

Addendum

I. Organizational matters (agenda item 3) (continued)

A. Election of officers

1. [To be completed]

**B. Report on the credentials of representatives to the fourteenth meeting of the
Conference of the Parties (*continued*)**

2. [To be completed]

**II. Matters related to the implementation of the Convention (agenda
item 4)**

A. Strategic issues

1. Strategic framework

3. Introducing the sub-item, the representative of the Secretariat recalled that, in its decision BC-13/1, the Conference of the Parties had agreed to forgo the midterm evaluation of the strategic framework for the implementation of the Basel Convention for 2012–2021 and adopt a new approach for the preparation of the final evaluation in time for its fifteenth meeting. A small intersessional working group had been established to undertake several activities leading towards the preparation of a report on that final evaluation as described in document UNEP/CHW.14/3. Document UNEP/CHW.14/INF/5 contained a revised draft compilation of information related to the indicators to be used for the preparation of the final evaluation of the strategic framework. She thanked the Government of Norway for its generous financial contribution to the work of the group.

4. Mr. Patrick McKell (United Kingdom of Great Britain and Northern Ireland) introduced the report on the work of the small intersessional working group on behalf of the group's chair, Mr. Zaghoul Samhan (State of Palestine). He said that, in revising the compilation of information related to the indicators to be used for the preparation of the final evaluation, the group had identified a broad range of additional sources of information for each objective set forth in the strategic framework and had assessed their usefulness for the final evaluation of those objectives. Data gathered in the

context of Basel Convention activities remained the most reliable and pertinent, but they were complemented by data from other sources. For the final evaluation to be successful, it was important that a meaningful number of Parties from all regions provided up-to-date information on the indicators for the year 2019, using the reporting format developed by the Secretariat. In closing, Mr. McKell said that the group would welcome an opportunity to meet face to face during the subsequent biennium, ahead of the fifteenth meeting of the Conference of the Parties, as that would greatly facilitate its work.

5. In the ensuing discussion, one representative expressed the view that better communication within the group would have enabled it to advance more effectively. One representative undertook to submit information on the indicators for 2019 by the stipulated deadline.

6. Many representatives expressed support for the proposed action in document UNEP/CHW.14/3, with several of them stating that the work on the strategic framework was important enough for it to be funded using the core budget of the Convention. Several others, however, said that they were unable to agree to that and preferred to refer the matter to the contact group on budget matters for its consideration.

7. One representative, speaking on behalf of a group of countries, proposed a correction to the draft decision in document UNEP/CHW.14/3.

8. The Conference of the Parties adopted the draft decision on the strategic framework, as orally amended, pending confirmation from the contact group on budget matters that any activities contemplated by the decision had been taken into account in the proposed programme of work and budget for the biennium 2020–2021.

2. Addressing the entry into force of the Ban Amendment

9. Introducing the sub-item, the representative of the Secretariat outlined the information in document UNEP/CHW.14/4, concerning the assistance provided by the Secretariat, thanks to the generous financial support from the Government of Switzerland, to Parties on request in their efforts to ratify or accept the Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Ban Amendment).

10. She said that to date, 95 Parties had deposited their instruments of ratification, approval or acceptance of the Ban Amendment. According to information received from the United Nations Office of Legal Affairs and provided to the Conference of the Parties at its eleventh meeting (UNEP/CHW.11/INF/34), 66 of the 87 Parties that were Parties at the time of adoption of the Amendment were required to deposit their instruments for the Amendment to enter into force. To date, 64 of those Parties had done so, meaning that only a further two of those Parties were required to deposit their instruments for the Ban Amendment to enter into force. Since the thirteenth meeting of the Conference of the Parties, instruments of ratification and acceptance of the Ban Amendment had been deposited by Algeria, Iceland, Lebanon, Malawi, Maldives and Namibia.

11. In the ensuing discussion, several representatives, including a number speaking on behalf of groups of countries, congratulated those Parties that had deposited their instruments of ratification or acceptance of the Ban Amendment, recognized the efforts to that end to date, and urged Parties that had not yet done so to follow suit in order to achieve another milestone in the history of the Convention. A number of representatives, including some speaking on behalf of groups of countries, expressed support for the draft decision set out in document UNEP/CHW.14/4. One representative, speaking on behalf of a group of countries, added that one of the Parties she represented was in the process of ratifying the Ban Amendment, while another representative, also speaking on behalf of a group of countries, highlighted the plight of victims of illegal traffic in hazardous waste, notably in his region. He said that the entry into force of the Ban Amendment would send a strong signal concerning the protection of the human rights of vulnerable populations around the globe. The representative of Switzerland reiterated his country's support for the entry into force of the Ban Amendment and invited Parties to celebrate that important step forward at a ceremony later in the meeting.

12. The representative of Indonesia expressed the hope that the initiative led by his country and Switzerland to improve the effectiveness of the Convention by, inter alia, addressing the entry into force of the Ban Amendment, would contribute towards ensuring that developing countries did not become a dumping ground for hazardous wastes. He joined previous speakers in encouraging Parties that had not yet done so to ratify the Ban Amendment so as to allow its entry into force and subsequent implementation.

13. The Parties adopted the draft decision set out in document UNEP/CHW.14/4, pending confirmation from the contact group on budget matters that any activities contemplated by the decision had been taken into account in the proposed programme of work and budget for the biennium 2020–2021.

3. Development of guidelines for environmentally sound management

14. Introducing the sub-item, the representative of the Secretariat said that, thanks to generous financial support provided by the European Union, Germany, Japan and Norway, and hosting arrangements by the Government of Ghana and the Stockholm Convention Regional Centre in Brazil, the expert working group on environmentally sound management had held two meetings aimed at developing the activities in its work programme outlined in the annex to decision BC-13/2. Following the first meeting, it had submitted for the consideration of the Open-ended Working Group of the Basel Convention at its eleventh meeting new draft tools it had developed, which it had then finalized at its second meeting on the basis of the comments received. It had also completed its consideration of all the activities listed in its work programme, other than the finalization of ongoing pilot projects. A report on the activities undertaken by the expert working group was set out in the annex to document UNEP/CHW.14/5, which also contained a draft decision.

15. She drew attention to documents UNEP/CHW.14/5/Add.1, containing revised draft practical manuals on extended producer responsibility and financing systems for environmentally sound management; UNEP/CHW.14/INF/6, containing a revised draft practical manual for stakeholders to ensure that notifications of transboundary movements met environmentally sound management requirements; UNEP/CHW.14/INF/7, containing a revised draft guidance document to assist Parties in developing efficient strategies for the recycling and recovery of hazardous and other wastes; and UNEP/CHW.14/INF/8, containing revised draft guidance on how to address environmentally sound management in the informal sector. Thanks to generous funding from the Government of Switzerland, the draft tools before the Parties for consideration had been translated and were available in the six official languages of the United Nations.

16. Mr. Yorg Aerts, co-chair of the expert working group on environmentally sound management, reported briefly on the group's six years of work, listing the components of the toolkit for environmentally sound management that it had developed and expressing the hope that the Conference of the Parties would wish to adopt the remaining tools the group had developed for the consideration of the Conference of the Parties. Believing that it had now completed its ambitious mandate, the expert working group expected that it could now be disbanded to make way for other initiatives under discussion, such as those on plastic and household waste.

17. In the ensuing discussion, numerous representatives, including one speaking on behalf of a group of countries, welcomed the development of guidelines on such a core component of the Basel Convention. Some representatives, including one speaking on behalf of a group of countries, nonetheless expressed the view that the draft manuals and guidance required further discussion in a contact group, with one adding that such a group might also be tasked with considering the way forward. Others, including one speaking on behalf of a group of countries, said that the draft manuals and guidance were already suitable for adoption.

18. One representative urged Parties to put the manuals and guidance into practice at the local and national levels and requested the Secretariat to organize workshops, especially in developing countries, to raise awareness of the benefits of doing so. Another emphasized the need for technical assistance to promote the use of the toolkit for environmentally sound management.

19. Following the discussion, the Parties agreed to establish a contact group on strategic matters, co-chaired by Mr. Christoffer Vestli (Norway) and Mr. Zaigham Abbas (Pakistan), to consider further the draft decision set out in document UNEP/CHW.14/5, the two revised draft practical manuals set out in document UNEP/CHW.14/5/Add.1, and the three other tools set out in the relevant information documents.

20. Subsequently, the Conference of the Parties adopted, as orally amended, the draft decision prepared by the contact group on strategic matters, pending confirmation from the contact group on budget matters that any activities contemplated by the decision had been taken into account in the proposed programme of work and budget for the biennium 2020–2021.

4. Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes

21. Introducing the sub-item, the President recalled that, in its decision BC-13/3, on the Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes,

the Conference of the Parties had considered the outcome of the second session of the United Nations Environment Assembly in terms of their relevance to the subject of the Declaration. It had deemed to be of particular relevance the resolutions adopted at that session on the sound management of chemicals and waste, sustainable consumption and production, marine plastic litter and microplastics, and delivering on the 2030 Agenda for Sustainable Development. At its fourth session, in March 2019, the Environment Assembly had adopted further decisions of relevance to waste prevention and minimization, and the concept of the circular economy. He suggested that those particular resolutions and decisions should be borne in mind during the discussion of the Cartagena Declaration.

22. Continuing the introduction, the representative of the Secretariat drew attention to the information contained in document UNEP/CHW.14/4, on the activities of the Secretariat to implement decision BC-13/3. In June 2017, the Secretariat had communicated a request for Parties and other stakeholders to provide information on activities undertaken to implement the road map for action on the implementation of the Cartagena Declaration and submit good practices and examples with regard to waste prevention and minimization. No information had been received with respect to the first information request, while two Parties had submitted good practices and examples with regard to waste prevention and minimization, which were available on the website of the Convention.

23. In the ensuing discussion, one representative described action taken by her country to implement the Cartagena Declaration and expressed regret that only two Parties had responded to the Secretariat's requests for information. She therefore urged Parties to submit the information requested, noting that it would inform the new strategic framework for the implementation of the Convention. Another representative, speaking on behalf of a group of countries, stressed the importance of sharing information on good practices and examples of waste prevention and minimization in particular. Supported by another representative, also speaking on behalf of a group of countries, he said that the Conference of the Parties should invite the submission of such information to the Secretariat by a set deadline for subsequent posting on the Convention's website. One representative said that the reasons for the poor response to the Secretariat's information requests should be identified with a view to the provision of technical and financial assistance aimed at improving that response. Another representative agreed with that suggestion, adding that mechanisms for such assistance should also be established to help Parties in their development of effective strategies and a road map for waste prevention and minimization, enabling them at the same time to make the most of capacity-building received through the regional centres.

24. Responding to a query, the representative of the Secretariat confirmed that the expert working group on environmentally sound management had completed its work and that the Secretariat would take on the role of gathering information on good practices and examples of waste prevention and minimization for posting on the Convention's website.

25. The President noted the continued support for the Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes and its road map, and encouraged Parties and other stakeholders to continue to work towards its implementation and to provide such information to the Secretariat for publication on the website. The Parties took note of the information provided in document UNEP/CHW.14/4.

B. Scientific and technical matters

1. Technical guidelines

a. 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

26. Introducing the sub-item, the representative of the Secretariat outlined the information in section II of document UNEP/CHW.14/7. She recalled that, by its decision BC-13/5, the Conference of the Parties had established an expert working group, under the leadership of China, to further develop the technical guidelines. The expert working group had developed a revised version 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, as set out in the annex to document UNEP/CHW.14/7/Add.6. A draft decision on the matter was set out in document UNEP/CHW.14/7.

27. The representative of China delivered a statement on the work of the expert working group in producing the revised technical guidelines.

28. In the ensuing discussion, many representatives expressed appreciation for the work carried out by the expert working group, China as lead country, and the Secretariat in developing the draft

technical guidelines. Several representatives, including one speaking on behalf of a group of countries, said that the guidelines had been revised in an inclusive and participatory process and merited adoption with no or few changes. One representative said that timely adoption of the guidelines would enable Parties to focus on implementation, while another said that the guidelines were an important step in helping industry to better understand the requirements of the Basel Convention in relation to both electrical and electronic waste as hazardous waste, and used electrical and electronic equipment. One representative, speaking on behalf of a group of countries, said that the technical guidelines would serve as an important reference in helping countries to develop instruments, regulations and standards for the environmentally sound management of hazardous wastes, as stipulated in paragraph 8 of Article 2 of the Convention. Several representatives provided examples of actions in their own countries to deal with electrical and electronic waste in an environmentally sound manner.

29. One representative said that the guidance on the distinction between waste and non-waste would help customs officers to determine whether shipments were waste or not. He suggested that test methods and procedures be developed to assess the functionality of electrical and electronic equipment, and testing laboratories accredited to ensure appropriate quality management. In addition, facilities in importing countries should provide details of failure analysis, repair or refurbishment procedures as evidence that used equipment and related wastes and residues would be managed in an environmentally sound manner.

30. The representative of India, introducing a conference room paper, expressed concern that the present distinction between waste and non-waste under the Basel Convention could have major negative consequences for developing countries. In particular, paragraph 31 (b) in the draft technical guidelines, classifying as non-waste electrical and electronic equipment that was not functional and was destined for failure analysis, repair or refurbishment with the intention of reuse, could result in the dumping of such equipment in the absence of sufficient capacity to undertake the stipulated actions, and would also result in the movement of large quantities of electrical and electronic waste outside the scope of the Basel Convention. In addition, basing the provisions of paragraph 31 (b) on the intentions of the person arranging transport was an unverifiable and insufficiently stringent criterion. It was therefore in the best interest of the Convention to treat as waste all used electrical and electronic equipment destined for failure analysis, repair or refurbishment with the intention of reuse.

31. Several representatives referred to the challenges faced in their own countries with the continued illegal import and dumping of electrical and electronic waste, and called on the international community to take concerted action on the matter. One representative said that a project to develop an inventory of electrical and electronic waste in his country had found that most obsolete electronic equipment being shipped to the country contained polychlorinated biphenyls (PCB). Several called for source countries to take greater responsibility for dealing with such waste, including through the application of extended producer responsibility. There was support for the suggestion by the representative of India that further discussion was needed on the section in the draft technical guidelines pertaining to situations in which used equipment should be considered waste and those in which it should not be considered waste. Some representatives called for additional financial and technical assistance to help implement the guidelines, including capacity-building in such areas as customs and specialized laboratories.

32. The Conference of the Parties agreed to refer further consideration of the issue to the contact group on technical matters, with a mandate to consider the possible revision of paragraph 31 (b) of the revised technical guidelines on electrical and electronic waste, taking into account the conference room paper submitted by India and the discussion in plenary.

33. [To be completed]

b. Technical guidelines on incineration on land (D10), on specially engineered landfill (D5) and on hazardous waste physico-chemical treatment (D9) and biological treatment (D8)

34. Introducing the sub-item, the representative of the Secretariat outlined the information in section III of document UNEP/CHW.14/7. She recalled that, by decision BC-13/6, the Conference of the Parties had decided that the technical guidelines on incineration on land (D10) and specially engineered landfill (D5) should be updated and had established a small intersessional working group to carry out the work. The group, co-chaired by Argentina and Canada, had prepared revised draft technical guidelines that were set out in documents UNEP/CHW.14/INF/11 and UNEP/CHW.14/INF/12, based on comments submitted by Parties, which were set out in document UNEP/CHW.14/INF/13.

35. The representative of Argentina, as co-chair of the intersessional working group, provided a brief summary of the work carried out by the small intersessional working group, as described in the

document. She introduced a conference room paper, submitted by the group's co-chairs, containing proposed amendments to the draft decision in document UNEP/CHW.14/7, noting that the draft decision proposed to extend the mandate of the small intersessional working group to allow it to further update the technical guidelines based on discussions at the present meeting.

36. In the ensuing discussion, several representatives, including one speaking on behalf of a group of countries, expressed appreciation for the progress made during the intersessional period on updating the guidelines. A number of issues remained to be discussed, however. One representative asked for more information on air pollution control costs and environmental quality monitoring costs in the D10 guidelines. In addition, given that developing countries often lacked a landfill permitting system, the D5 guidelines could support licensing agencies and landfill owners by setting out quality assurance and quality control processes for each step in the construction process. Another representative asked that special attention be paid to the different requirements for landfills for hazardous wastes and those for urban and other non-hazardous wastes; in particular, the guidelines should make it clear that there should not be any gas emissions from hazardous wastes.

37. One representative, speaking on behalf of a group of countries, indicated that she had submitted to the Secretariat proposed amendments to the draft decision set out in the conference room paper, which were intended to extend the scope of the D10 technical guidelines to include disposal operation R1, use as a fuel other than in direct incineration or other means to generate energy.

38. The Conference of the Parties decided to ask the contact group on technical matters to prepare revised versions of the updated technical guidelines, as appropriate, as well as a revised draft decision, taking into account the conference room paper submitted by the co-chairs of the small intersessional working group, the proposed amendments submitted to the Secretariat and the discussion in plenary.

39. [To be completed]

c. Technical guidelines on the environmentally sound management of waste lead-acid batteries

40. Introducing the sub-item, the representative of the Secretariat outlined the information in section IV of document UNEP/CHW.14/7, relating to the invitation by the United Nations Environment Assembly in its resolution 3/9 for the Conference of the Parties to consider updating of the technical guidelines on the environmentally sound management of waste lead-acid batteries adopted by the Conference of the Parties in its decision VI/22.

41. One representative, speaking on behalf of a group of countries, proposed that given the planned workload, the consideration of whether the technical guidelines for waste lead-acid batteries should be updated be deferred to the next biennium, and that a corresponding activity be included in the work programme of the Open-ended Working Group of the Basel Convention for the biennium 2020–2021, as had been done for the D8 and D9 technical guidelines. Another representative, however, said that given the environmental and human health risks posed by waste lead-acid batteries, the discussion on the matter should be taken up in a contact group at the current meeting. Her position was supported by a third representative, who spoke on behalf of a group of countries.

42. The Conference of the Parties agreed to request the contact group on technical matters to prepare a revised draft decision reflecting the discussion in plenary.

43. Subsequently, the Conference of the Parties adopted the revised draft decision prepared by the contact group on technical matters, pending confirmation from the contact group on budget matters that any activities contemplated by the decision had been taken into account in the proposed programme of work and budget for the biennium 2020–2021.

d. Technical guidelines on the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury

44. Introducing the sub-item, the representative of the Secretariat outlined the information in section V of document UNEP/CHW.14/7 and drew attention to the draft decision contained therein. She recalled that the Conference of the Parties to the Minamata Convention, at its second meeting, had, by its decision MC-2/2, invited the Conference of the Parties to the Basel Convention to consider reviewing, as appropriate, the technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with mercury or mercury compounds (UNEP/CHW.12/5/Add.8/Rev.1), which had been adopted by the Conference of the Parties to the Basel Convention by decision BC-12/4, with additional guidance for certain mercury wastes.

45. During the ensuing discussion, there was agreement on the importance of close cooperation between the Basel and Minamata conventions on the matter of mercury wastes and on the need to update the technical guidelines. One representative, supported by another, highlighted the issue of

contaminated sites and the threat they posed to human health and the environment, and suggested that specific provision for the remediation of those sites be included in any revision of the guidelines. Another representative spoke of the urgent need to define mercury waste thresholds in a collaborative process involving the Conference of the Parties to the Minamata Convention and the relevant bodies of the Basel Convention, as stipulated by Article 11 of the Minamata Convention, in order to inform the update of the guidelines.

46. The representative of the Minamata Convention said that the context for the discussion was provided by Article 11 of the Convention, which provided that each Party should take appropriate measures to manage mercury wastes in an environmentally sound manner. In addition, work was under way to develop appropriate strategies for the management of contaminated sites, as stipulated by Article 12 of the Minamata Convention.

47. The Conference of the Parties agreed to refer further discussion of the item to the contact group on technical matters, with a mandate to prepare a draft decision on the issue taking into account the discussion in plenary.

48. Subsequently, the Conference of the Parties adopted the draft decision prepared by the contact group on technical matters, pending confirmation from the contact group on budget matters that any activities contemplated by the decision had been taken into account in the proposed programme of work and budget for the biennium 2020–2021.

2. Classification and hazard characterization of wastes

49. Introducing the sub-item, the representative of the Secretariat reported that, as outlined in document UNEP/CHW.14/8, the Secretariat continue to cooperate with the World Customs Organization to facilitate the inclusion of types of waste controlled under the Basel Convention in the Harmonized System Nomenclature. Since April 2015, the Harmonized System Committee and its Review Subcommittee had worked on draft amendments to the Harmonized System in relation to the classification of electrical and electronic waste. The discussions of the Subcommittee and their outcomes were summarized in annex I to document UNEP/CHW/COP.14/INF/14. In March 2019, the Harmonized System Committee had provisionally adopted amendments that provided for the separate identification of electrical and electronic waste and scrap.

50. Pursuant to relevant decisions adopted by the Conference of Parties and its Open-Ended Working Group, the Secretariat had revised the list of types of wastes submitted by Parties, taking into account the progress made by the Harmonized System Committee and its Review Subcommittee. The Secretariat had also invited Parties to provide additional information on the types of wastes for which it would be useful for the World Customs Organization to introduce codes in the Harmonized System, ranked in order of priority.

51. On behalf of the Conference of the Parties, the President expressed appreciation for the efforts of the World Customs Organization and its Secretariat in amending the Harmonized System Nomenclature to provide for the identification of types of wastes controlled under the Basel Convention, including the provisional adoption of Harmonized System codes for identifying electrical and electronic waste and scrap.

52. Several representatives, including a number speaking on behalf of groups of countries, called on the Secretariat to continue its cooperation with the Harmonized System Committee and relevant subcommittees of the World Customs Organization to facilitate the inclusion of wastes covered by the Basel Convention in the Harmonized Commodity Description and Coding System, as the formal adoption of such codes would assist Parties to implement the Basel Convention effectively. Some representatives expressed an interest in continuing to discuss the types of waste to be included in the draft decision, with one, speaking on behalf of a group of countries, highlighting in that regard waste end-of-life vehicles and waste pneumatic tyres.

53. The Conference of the Parties decided to refer further consideration of the issue to the contact group on technical matters, including the types of wastes that the Secretariat should propose to the World Customs Organization for inclusion in the Harmonized System Nomenclature, with a mandate to prepare a draft decision relevant to the agenda item, based on the draft decision in paragraph 6 of document UNEP/CHW.14/8 and taking into account the discussion in plenary.

54. [To be completed]

3. National reporting

55. Introducing the sub-item, the representative of the Secretariat reported that it had updated the electronic reporting system of the Convention to reflect the revised format for national reporting.

Parties that had used the system to submit their national reports for 2016 were listed in document UNEP/CHW/COP.14/INF/14. She recalled that in its decision OEWG-11/6, the Open-ended Working Group had agreed on a list of types of wastes for which practical guidance on the development of inventories should be developed, and had recommended that the Conference of the Parties consider requesting the Secretariat to develop such guidance. The recommendations of the Open-ended Working Group were reflected in paragraph 4 (c) of the draft decision set out in section III of document UNEP/CHW.14/9.

56. Several representatives, including one speaking on behalf of a group of countries, expressed appreciation for the work undertaken by the Secretariat in developing and enhancing the electronic reporting system. A number expressed concern, however, that only around half of all the Parties had submitted the reports for 2015 and 2016 required under Article 13 of the Convention.

57. General support was expressed for the draft decision, with one representative highlighting the need to finalize the list of waste streams for which additional guidelines on the development of inventories should be developed. The representative of the European Union and its members States introduced a conference room paper to amend elements of the draft decision.

58. Several representatives called for increased technical assistance and capacity-building to assist developing countries in meeting their reporting requirements, including augmenting their ability to conduct the necessary inventories, gather other relevant information, and utilize the reporting system.

59. One representative, speaking on behalf of a group of countries, expressed appreciation to the Secretariat for initiating the implementation of pilot projects to test the draft practical guidance on the development of inventories of used lead-acid batteries, of electrical and electronic waste, and of waste oils, and invited feedback from Parties regarding their experiences with using those guidance documents.

60. Following the discussion, the Conference of the Parties requested the Secretariat to prepare for its consideration a revised version of the draft decision set out in document UNEP/CHW.14/9, taking into account the proposed amendments contained in the conference room paper and the discussion in plenary.

61. During subsequent consideration of the draft decision prepared by the Secretariat, further amendments were proposed by one representative. The Parties requested the Secretariat to prepare a revised version of the draft decision taking into account the proposed amendments.

62. [To be completed]

4. Electronic approaches to the notification and movement documents

63. Introducing the sub-item item, the representative of the Secretariat recalled that, in its decision BC-13/17, the Conference of the Parties had requested the Secretariat to prepare a document containing options on how to move forward on electronic approaches to the notification and movement of hazardous waste for consideration by the Open-ended Working Group at its eleventh meeting. In its decision OEWG-11/9, the Open-ended Working Group had recommended that the Conferences of the Parties at its fourteenth meeting consider requesting the Secretariat to undertake a number of activities to enhance Parties' understanding of electronic systems for exchanging information on the movements of wastes and exploring options for the development of such a system under the Basel Convention. The recommendations of the Open-ended Working Group were reflected in the draft decision set out in paragraph 5 of document UNEP/CHW.14/10.

64. Several representatives, including a number speaking on behalf of groups of countries, expressed support for the proposed actions set out in the draft decision, including the request to the Secretariat to prepare a report for consideration by the Open-Ended Working Group on national and international experiences in developing and implementing electronic systems for monitoring and exchanging information on the movement of hazardous waste and lessons learned in that regard. One, speaking on behalf of a group of countries, also proposed several amendments to the draft decision intended to clarify the sequence and timing of activities to be undertaken.

65. A number of representatives, including one speaking on behalf of a group of countries, said that if a unified electronic system were to be developed under the Basel Convention, it should be available in all six official languages of the United Nations. A number of representatives, including one speaking on behalf of a group of countries, underscored the importance of providing adequate financial, technical and capacity-building assistance to assist Parties in using such an electronic system, with one highlighting the value of regional workshops.

66. The Conference of the Parties agreed to adopt the draft decision set out in paragraph 5 of document UNEP/CHW.14/10, as orally amended, pending confirmation from the contact group on budget matters that any activities contemplated by the decisions had been taken into account in the proposed programme of work and budget for 2020–2021.

5. Marine plastic litter and microplastics

67. The representative of the Secretariat, introducing the sub-item, drew attention to document UNEP/CHW/COP.14/11, which contained information on activities undertaken related to marine plastic litter and microplastics, as well as a draft decision prepared by the Secretariat on the basis of the elements agreed on by the Open-ended Working Group at its eleventh meeting. At that meeting, the Open-ended Working Group had welcomed a proposal by Norway to establish a plastic waste partnership. Draft terms of reference for the partnership and a draft workplan for the working group of the Partnership for the biennium 2020–2021 were set out in document UNEP/CHW/COP.14/INF/16.

68. Another representative of the Secretariat introduced the documents related to the proposals by the Government of Norway to amend Annexes II, VIII and IX to the Basel Convention. The proposals themselves were set out in document UNEP/CHW.14/27, while document UNEP/CHW.14/INF/18 contained an explanatory note by Norway on the proposed amendments, in the six official languages of the United Nations, and document UNEP/CHW.14/INF/17 contained Parties' comments on the proposals. The Governments of the Congo, Samoa, Switzerland, Togo and Zambia had indicated their desire to co-sponsor the proposals.

69. The representative of Norway presented his Government's proposals as set out in document UNEP/CHW.14/27.

70. During the ensuing discussion, the representatives of Japan, Uruguay and Vanuatu indicated their Governments' desire to also be considered co-sponsors of the proposals to amend the annexes to the Convention. Many representatives, including several speaking on behalf of groups of countries, took the floor to underscore the extent of the problem of plastic waste and the importance of taking action, and in some cases to describe the steps their countries were taking to manage plastic waste.

71. Broad support was expressed for Norway's proposals to amend the annexes, as well as for the establishment of the new partnership on plastic waste and the draft decision set out in document UNEP/CHW/COP.14/11. While many expressed the hope that the proposed amendments would be adopted at the current meeting, aspects meriting additional consideration were also highlighted, including the need for clarifications regarding Annex IX entry B3010 on solid plastic waste, the importance of using the life-cycle approach, the need to extend the scope of the measures to plastic waste on land and in waterways and the need for data on the current situation and the potential impacts of the proposed measures. Many representatives also called for adequate technical and financial assistance to enable developing countries to manage plastic waste properly.

72. The representative of Argentina, citing the need to avoid creating barriers to recycling efforts, introduced a conference room paper setting out amendments to Annexes VIII and IX aimed at facilitating the identification of hazardous plastic wastes and deleting the proposed amendments to Annex II.

73. The representative of the European Union introduced two conference room papers, one with proposed changes to the proposals by Norway and the other setting out proposed changes to the draft decision and the partnership provisions.

74. Following the discussion, the Conference of the Parties established a contact group on plastic waste, to be co-chaired by Ms. Vivienne Ahern (Ireland) and Mr. Manoj Gangeya (India). The mandate of the contact group was to consider the amendments to Annexes II, VIII and IX to the Basel Convention proposed by Norway, using the text set out in document UNEP/CHW.14/27 as a starting point and taking into account the amendments proposed by the European Union and Argentina in their respective conference room papers, and to prepare a draft decision on the amendments. The group was also tasked with preparing a draft decision regarding further action to address plastic waste under the Convention on the basis of the text set out in paragraph 11 of document UNEP/CHW.14/11 and to revise the draft terms of reference and workplan of the partnership set out in document UNEP/CHW.14/INF/16, taking into account the proposals made by the European Union in its conference room paper on the matter.

75. [To be completed]

6. Waste containing nanomaterials

76. Introducing the item, the representative of the Secretariat recalled that, by decision BC-13/17, the Conference of the Parties had requested the Secretariat to prepare for consideration by the Open-ended Working Group at its eleventh meeting a document that compiled information on existing activities that addressed waste containing nanomaterials and identified issues related to such waste that might be relevant to work under the Convention. The document was also to provide options for further work that could be carried out under the Convention related to such waste. In decision OEWG-11/10, the Open-ended Working Group welcomed the report (UNEP/CHW/OEWG.11/INF/24), which had been prepared with generous financial support from the Government of Switzerland, and invited Parties and others to submit to the Secretariat comments thereon, particularly with regard to the options for further work. The comments received from Parties and others were contained in document UNEP/CHW.14/INF/19, while the proposed action for the Conference of the Parties at the current meeting was outlined in document UNEP/CHW.14/12.

77. All the representatives who took the floor said that it was crucial to carry out further work in relation to waste containing nanomaterials and there was insufficient knowledge of an array of aspects of nanotechnology and nanosafety. One representative said that different nanomaterials had different physical properties and applications and thus the classification of all waste containing nanomaterials as hazardous was not appropriate and needed further evaluation. Another representative highlighted that certain metals already fell within the scope of the Basel Convention, in bulk and in nano form, if they were listed in Annex I and defined as hazardous according to Annex III.

78. Several individual representatives shared steps taken by their countries to deal with nanomaterials and nanotechnologies, including the development of a national strategy or strategic management plan on nanomaterials; a fund to support harmonization of national standards with international provisions; databases on nanomaterials and related safety issues; a standardized programme for evaluating the safety of the nanotechnology industry; and guidelines for employee safety.

79. Several representatives thanked the United Nations Institute for Training and Research (UNITAR) for its technical assistance. One said that it was important for all Parties to benefit from attendance at relevant meetings and workshops. In addition, several representatives welcomed the WHO guidelines on protecting workers from potential risks of manufactured nanomaterials.

80. The representative of UNITAR said that, with the generous support of the Government of Switzerland, UNITAR had supported the implementation of six national projects on manufactured nanomaterials that aimed to develop national policies to manage nanomaterials and raise awareness of the issues at the national level and three rounds of regional workshops on nanosafety. Speaking also of behalf of the WHO and the International Labour Organization (ILO), he said that WHO encouraged countries to implement its new guidelines on protecting workers from potential risks of manufactured nanomaterials and that ILO, concerned about workers' exposures to occupational risks relating to nanomaterials, was in the process of developing a strategic plan for the protection of workers to emerging risks, including manufactured nanomaterials.

81. Individual representatives made various proposals as to the way forward.

82. Following the discussion, the Conference of the Parties agreed to refer further consideration of the issue to the contact group on technical matters, with a mandate to discuss options for further work that could be carried out under the Convention related to waste containing nanomaterials and to prepare a draft decision for consideration by the Conference, taking into account the discussion in plenary.

83. [to be completed]

C. Legal, compliance and governance matters

1. Committee Administering the Mechanism for Promoting Implementation and Compliance

84. [Continued]

85. During subsequent consideration of the matter, one representative, speaking on behalf of a group of countries, said, in reply to a comment by an observer, that the prior written consent of Parties to transboundary movement was often unavoidably hampered or delayed owing to the late submission of the documentation required for such consent and the frequent inadequacy of the information provided in that documentation.

86. The representative of the European Union and its member States said that his delegation had submitted a conference room paper containing suggestions for minor changes to the benchmark report

aimed at facilitating reporting under paragraph 3 of Article 13 of the Convention. One representative requested the establishment of a contact group to discuss those changes and other issues previously raised, including the matter of the insurance, bond or other guarantee provided for in Article 6, paragraph 11, of the Convention.

87. Following the discussion, the Parties decided to establish a contact group on compliance and legal matters, co-chaired by Mr. Juan Simonelli (Argentina) and Ms. Isabelle Baudin (Switzerland), to consider further the draft decision set out in document UNEP/CHW.14/13, as well as the benchmark report on facilitating reporting under paragraph 3 of Article 13 and the related conference room paper submitted by the European Union and its members States and the guidance on improving implementation of paragraph 11 of Article 6 of the Convention on the insurance, bond or guarantee.

88. [To be completed]

2. Providing further legal clarity

89. Introducing the item, the representative of the Secretariat drew attention to a note by the Secretariat on providing further legal clarity (UNEP/CHW.14/14) and the draft decision contained therein, the recommendations by the group presented in document UNEP/CHW.14/INF/23, and comments from Parties on the recommendations set out in document UNEP/CHW.14/INF/24/Rev.1.

90. Mr. Joost Meijer, co-chair of the expert working group on the review of the annexes, speaking also on behalf of co-chair Ms. Magda Gosk, gave a report on the work of the expert working group to date. Regarding the review of Annex IV, he said that the group had reviewed the captions, introductions and each existing and proposed new entry for Annex IV, and that it had only undertaken an initial review of entry B1110 due to a lack of clarity on the scope of the mandate. The group had developed recommendations for revisions to Annex IV, which had been made available on 8 January 2019, a corrected version of which was set out in the annex to document UNEP/CHW.14/INF/23. Regarding the review of Annexes I and III, he said that the group had undertaken an initial review of those and that the members of the group had been invited to submit their views on general issues pertaining to the review of Annexes I and III by 31 July 2019. Regarding the mandate of the group, he recalled that, in decision OEWG-11/12, the Open-ended Working Group had recommended that the Conference of the Parties at its fourteenth meeting consider including the review of entry B1110 in Annex IX and the review of mirror entry A1180 in Annex VIII in the terms of reference of the expert working group and had suggested that the Conference of the Parties consider extending the mandate of the expert working group to enable it to assess the implications of the review of Annexes I, III and IV for other annexes of the Convention and for relevant decisions of the Conference of the Parties. He also drew attention to the way forward for the group, as set out in the annex to document UNEP/CHW.14/14, whereby the Conference of the Parties would consider, at its fifteenth meeting, possible amendments to Annex IV, A1180 and B1110 and, at its sixteenth meeting, possible amendments to Annexes I and III.

91. The Conference of the Parties decided to refer further consideration of the draft decision in document UNEP/CHW.14/14, taking into account documents UNEP/CHW.14/INF/23 and UNEP/CHW.14/INF/24/Rev.1, as well as a conference room paper submitted by the European Union and its member States to the contact group on compliance and legal matters.

92. [To be completed]

3. National legislation, notifications, enforcement of the Convention and efforts to combat illegal traffic

93. Introducing the item, the representative of the Secretariat drew attention to document UNEP/CHW.14/15, which set out information on the activities undertaken by the Secretariat pursuant to decision BC-13/10, as well as a draft decision on the matter.

94. The representative of the European Union and its member States introduced a conference room paper proposing changes to the draft decision to ensure consistency with previous related decisions of the Conference of the Parties and with the text of the Convention, and to provide additional text on the implementation of paragraph 4 of Article 6, relating to transit.

95. Many representatives spoke of the importance to developing countries of the provisions of the Convention related to transit and import and export of hazardous substances, and the need for further technical assistance and finance to help them overcome the challenges they faced in relation to transit and the regulation of illegal traffic, including through capacity-building of customs officers and the development and enforcement of national legislation. One representative supported the suggestion in the draft decision that Parties share information, through the Secretariat on best practices in preventing and combating illegal traffic to assist country learning and capacity development.

96. One representative, supported by many others, said that the current measures in place, and the proposed amendment to the draft decision, did not go far enough in protecting countries against illicit traffic and regulating the transit of hazardous wastes, especially in cases where countries lacked the capacity to control such movement. More stringent measures were required to ensure that hazardous wastes were not moved between countries without prior written authorization, and to ensure the compliance of all Parties with their obligations under the Convention.

97. At the suggestion of the President, the Conference of the Parties agreed to request the Secretariat to prepare for its consideration a revised version of the draft decision, in consultation with interested Parties, based on the proposed action in document UNEP/CHW.14/15, the conference room paper presented by the European Union, and taking into account the discussion in plenary.

98. [To be completed]

D. Technical assistance

1. Technical assistance

99. [To be completed]

2. Basel Convention regional and coordinating centres

100. [continued]

101. Subsequently, the Conference of the Parties adopted the draft decision on the Basel Convention regional and coordinating centres prepared by the contact group on technical assistance and financial resources, pending confirmation from the contact group on budget matters that any activities contemplated by the decision had been taken into account in the proposed programme of work and budget for the biennium 2020–2021.

102. At the time of the adoption of the decision, the representative of El Salvador thanked the Government of Panama for hosting the Basel Convention Regional Centre for the Central America Subregion including Mexico, and pledged El Salvador's ongoing commitment to the implementation of future activities.

103. [To be completed]

3. Implementation of decision V/32

104. [To be completed]

E. Basel Convention Partnership Programme

105. Introducing the sub-item, the President said that it would encompass a proposal to establish a new partnership as a follow-up to the Partnership for Action on Computing Equipment (PACE), and two other existing partnerships, the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE) and the Household Waste Partnership.

1. Follow-up partnership to the Partnership for Action on Computing Equipment (PACE)

106. Introducing the matter, the representative of the Secretariat drew attention to document UNEP/CHW.14/18, which contained information on the Basel Convention Partnership Programme and a related draft decision, and document UNEP/CHW.14/INF/30, which included a proposal for a new partnership as a follow-up to PACE as well as a report on activities on e-waste implemented by the Basel Convention regional and coordinating centres. She recalled that, in its decision BC-13/12, the Conference of the Parties had disbanded the working group of PACE and invited interested Basel Convention regional and coordinating centres to take the lead in the implementation of activities set out in a concept note on a follow-up partnership to PACE and, based on the work undertaken, to propose further development of the concept for a follow-up partnership to PACE at the regional or international level. In 2018, in its decision OEWG-11/13, the Open-Ended Working Group of the Basel Convention had welcomed the establishment of an interim group on a follow-up partnership to PACE, chaired by the directors of the regional centres in Argentina, Senegal, Slovakia and South Africa, which was to develop a concept note, terms of reference and a programme of work for a follow-up partnership to PACE. She drew attention to those elements, which were set out in annexes I to III of document UNEP/CHW.14/INF/30.

107. At the invitation of the President, Ms. Leila Devia, director of the Basel Convention Regional Centre of Argentina and one of the former PACE co-chairs, presented the proposal for a follow-up partnership to PACE developed by the interim group and highlighted the activities described in annex V of document UNEP/CHW.14/INF/30, and in document UNEP/CHW.14/INF/31/Rev.1. She said that

the proposal for a follow-up partnership stemmed from the need to give continued attention to the challenge of e-waste. The new partnership would focus on concrete, on-the-ground activities led by the Basel Convention regional centres and would build on strategic cooperation with former PACE stakeholders and United Nations entities working on e-waste, such as the International Telecommunication Union and ILO.

108. In the ensuing discussion, representatives expressed appreciation to the Secretariat, the interim group and the Basel Convention regional and coordinating centres for the documents presented, the work conducted on e-waste and the proposed follow-up partnership to PACE, stressing the urgency of tackling the global e-waste challenge, which posed serious risks to human health and the environment.

109. The representative of El Salvador introduced a conference room paper, co-sponsored by Argentina, Costa Rica, Côte d'Ivoire, Ecuador, El Salvador, Mali, Panama and Senegal, setting out a draft decision according to which the follow-up partnership to PACE would be established in order to continue to support environmentally sound e-waste management activities at the national, regional and international levels, taking into account the life cycle of electrical and electronic products and the need to build on the progress achieved. Bearing in mind that e-waste generation continued to grow regionally and globally, the new partnership would strengthen awareness-raising, capacity-building to disseminate best practices set out in the guidelines already developed under the Convention, strengthening cooperation with all relevant stakeholders.

110. A number of representatives, each speaking on behalf of a group of countries, expressed support for the establishment of the proposed new partnership. One representative said that the outputs prepared by the interim group (UNEP/CHW.14/INF/30) represented a solid foundation for the establishment of the partnership.

111. One representative, speaking on behalf of a group of countries, said that he had a number of questions on the proposed new partnership and suggested that the issue be discussed further in a contact group.

112. Several representatives expressed support for the draft decision contained in the conference room paper presented by El Salvador. One representative said that PACE had been very successful in developing and disseminating guidelines for environmentally sound management of end-of-life computing equipment, but it was clear that further work was needed to support their implementation at the local level. Another said that a sustainable funding mechanism was needed to support the partnership, as reflected in the conference room paper.

113. A number of representatives described efforts being undertaken by their countries and regions to address the e-waste challenge, including through regional projects supported by the Basel Convention regional centres. Many representatives, including one speaking on behalf of a group of countries, emphasized the role of the Basel Convention regional and coordinating centres in helping countries to tackle the e-waste challenge through technical assistance, capacity-building and information exchange and suggested that, with the right support, the work of the centres under a new partnership would greatly enhance the Convention's chances of success in the area of e-waste.

114. Following the discussion the Conference of the Parties agreed that the contact group on strategic matters should prepare a draft decision on the new partnership, based on part I of the draft decision in paragraph 22 of document UNEP/CHW.14/18 and the recommendations set out in annex IV to document UNEP/CHW.14/INF/30, and taking into account the conference room paper submitted by El Salvador and the discussion in plenary. The decision text would be part I of an omnibus decision on the Basel Convention partnership programme.

115. [To be completed]

2. Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic

116. Introducing the matter the representative of the Secretariat drew attention to document UNEP/CHW.14/INF/31, which provided a progress report by the chair of the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE). She recalled that, in its decision BC-13/13, the Conference of the Parties had elected the members of ENFORCE and encouraged them to continue collaborating by exchanging experiences, providing relevant information and undertaking capacity-building activities to prevent and combat illegal traffic of hazardous wastes and other wastes. Part II of the proposed draft decision set out in paragraph 22 of document UNEP/CHW.14/18 related to ENFORCE.

117. Ms. Irma Gurguliani, chair of ENFORCE, outlined the information in document UNEP/CHW.14/INF/31, noting that, thanks to a generous contribution from Norway, the third face-to-face meeting of ENFORCE had been held in Geneva on 15 and 16 May 2018. At that meeting,

members had, among other things, discussed the latest trends in illegal traffic of hazardous wastes, identified opportunities for cooperation and agreed to revise a road map of activities to be undertaken by the members and observers of ENFORCE with a view to making the network more specific and action-oriented. The report of the third meeting, including the revised road map, was available on the ENFORCE section of the Basel Convention website. Informal consultations had also been held on 3 September 2018, during the eleventh meeting of the Open-ended Working Group of the Basel Convention.

118. In the ensuing discussion, all those who spoke expressed appreciation to the Secretariat and ENFORCE for the information presented and the work conducted in the area of illegal traffic.

119. One representative speaking on behalf of a group of countries expressed support for the text set out in part II of the draft decision set out in document UNEP/CHW.14/18.

120. Another representative, also speaking on behalf of a group of countries, said that ENFORCE needed to be complemented by other initiatives aimed at improving the implementation of the Convention, such as the cooperation between the Secretariat and the World Customs Organization on the Harmonized Commodity Description and Coding System, and should seek to ensure better monitoring of wastes.

121. One representative drew attention to the important work of the Basel Convention regional and coordinating centres in the area of illegal traffic, including the training of customs and revenue officials in environmental crime detection, as well as to support provided by ENFORCE to her country in amending its legislation.

122. Following the discussion, the Conference of the Parties adopted part II of the draft decision set out in paragraph 22 of document UNEP/CHW.14/18, pending confirmation from the contact group on budget matters that any activities contemplated by the decision had been taken into account in the proposed programme of work and budget for the biennium 2020–2021, and on the understanding that the names of the members of ENFORCE would be included in the draft decision prior to the end of the meeting. The decision text would be part II of an omnibus decision on the Basel Convention partnership programme.

3. Household Waste Partnership

123. Introducing the matter, the representative of the Secretariat drew attention to document UNEP/CHW.14/INF/32, which contained a revised draft overall guidance document on the environmentally sound management of household waste, recalling that, in its decision BC-13/14, the Conference of the Parties had adopted the terms of reference for the Household Waste Partnership and decided to establish a working group of the partnership to oversee organizational matters pertaining to the implementation of the partnership's activities.

124. Ms. Gabriela Medina, Basel Convention Coordinating Centre of Uruguay and co-chair of the Household Waste Partnership working group, outlined the progress achieved by the group, noting that, thanks to generous financial contributions from Norway and Switzerland, the group had held its first face-to-face meeting in Mauritius in May 2018 and identified priority modules to be drafted by the working group. Thereafter, the Secretariat had hired consultants to facilitate such drafting work. Accordingly, modules had been prepared and were contained in the draft overall guidance document (UNEP/CHW.14/INF/32), which had also been presented to the Open-ended Working Group at its eleventh meeting in document UNEP/CHW/OEWG.11/INF/33. In its decision OEWG-11/13, the Group had invited Parties and observers to provide comments on the document and had requested the Household Waste Partnership working group to consider revising the document taking into account the comments received for consideration at the current meeting.

125. In the ensuing discussion, one representative, speaking on behalf of a group of countries, thanked the Household Waste Partnership working group for the draft overall guidance document and proposed that, prior to the submission of further comments by Parties and observers, the working group be requested to prepare a complete draft taking into account the comments received prior to current meeting, the discussion in plenary at the current meeting, and existing guidance under the Basel Convention. He further proposed a number of changes to the draft decision, including a new paragraph to request the working group to take into consideration the existing guidance within the framework of the Basel Convention when further developing its work.

126. Following the discussion the Conference of the Parties adopted the draft decision set out in part III of paragraph 22 of document UNEP/CHW.14/18, as orally amended, pending confirmation from the contact group on budget matters that any activities contemplated by the decision had been taken into account in the proposed programme of work and budget for the biennium 2020–2021. The

decision text would be part III of an omnibus decision on the Basel Convention partnership programme.

F. Financial resources

127. [To be completed]

G. Work programme of the Open-ended Working Group for the period 2020–2021

128. The representative of the Secretariat introduced document UNEP/CHW.14/19, which contained the draft work programme of the Open-ended Working Group for the biennium 2020-2021 in an annex to a draft decision on the matter. The draft work programme had been prepared based on the decisions adopted by the Open-ended Working Group at its eleventh meeting and would have to be further revised during the current meeting to take into account the decisions adopted during the meeting.

129. She noted that the twelfth meeting of the Open-ended Working Group was scheduled to be held at the International Conference Centre Geneva over a four-day period during the week commencing on 22 June 2020.

130. In the ensuing discussion, one representative, speaking on behalf of a group of countries, said that the work programme should take into account the decisions adopted by the Conference of the Parties, particularly with respect to waste electrical and electronic equipment. In addition, the work programme should allow for consideration of the strategic framework and activities to improve legal clarity, as well as taking into account emerging issues such as waste containing nanomaterials, plastic wastes and marine plastic litter. Another representative echoed the call for the Open-ended Working Group to consider waste containing nanomaterials at its future meetings.

131. One representative, speaking on behalf of a group of countries, said that the work programme might have to reflect the discussion, as well as the decisions adopted by the Conference of the Parties, at the current meeting.

132. The Conference of the Parties requested the Secretariat to prepare for its consideration a revised version of the draft work programme set out in document UNEP/CHW.14/19, taking into account the discussion in plenary and any further developments during the current meeting.

133. [To be completed]

III. Enhancing cooperation and coordination among the Basel (agenda item 5), Rotterdam and Stockholm conventions (agenda items 6)

A. International cooperation and coordination

134. [To be completed]

B. Clearing house mechanism for information exchange

135. [To be completed]

C. Mainstreaming gender

136. [To be completed]

D. Synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes

137. [To be completed]

E. From science to action

138. [To be completed]

IV. Programme of work and budget (agenda item 6)

139. [To be completed]

V. Memorandum of understanding between the United Nations Environment Programme and the Conference of the Parties to the Basel Convention (agenda item 7)

140. [To be completed]

VI. Venue and date of the fifteenth meeting of the Conference of the Parties (agenda item 8)

141. [To be completed]

VII. Other matters (agenda item 9)

142. [To be completed]

VIII. Adoption of the report (agenda item 10)

143. [To be completed]

IX. Closure of the meeting (agenda item 11)

144. [To be completed]
