
Submission by Brazil to the draft glossary of terms - out/2014

I. DEFINITIONS

Direct re-use: the use of waste in a process without its biological, physical or physico-chemical transformation, subject to the conditions and standards of national law.

Disposal: Any operation specified in Annex IV to the Basel Convention (see Article 2 paragraph 4 of the Basel Convention), including material and energy recovery, recycling, reclamation, direct re-use or alternative uses.

Final disposal: Disposal operations specified in Annex IV A to the Basel Convention, i.e., operations which do not lead to the possibility of resource recovery (including energy recovery), recycling, reclamation, direct re-use or alternative uses.

Hazardousness: any of the characteristics contained in Annex III that makes a residue a risk to public health or environmental quality.

Hazardous wastes:

(a) Wastes that belong to any category contained in Annex I to the Convention, unless they do not possess any of the characteristics contained in Annex III; and

(b) Wastes that are not covered under paragraph (a) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit (see Article 1 paragraph 1 of the Basel Convention).

Intent to dispose of: Determination inferred from an act that could reasonably be expected to result in disposal.

Non-hazardous waste: A waste that does not meet the definition of “hazardous waste”. A non-hazardous waste can present solubility in water, combustibility or biodegradability properties.

Non-waste: A material, substance, object or a discarded good that is not disposed, or are not intended to be disposed of or are not required to be disposed of by the provisions of national law.

Prevention: any measure that is taken, in order to avoid a material, substance or product to become a waste. These measures aim to reduce:

- (a) the content of harmful substances or hazardous elements in materials and in products;
- (b) the amount of waste generated, including through the intermediary process of reuse or by lengthening the lifespan of products;
- (c) the potential hazards of waste disposal, both on the environment and on human health.

Recovery: Any process of transformation of waste that involves changing their physical, physico-chemical and biological properties, with a view to transforming it into a useful purpose by replacing other raw materials which would otherwise have been used to fulfil a particular function. Some recovery operations are identified in Annex IVB to the Basel Convention. The term does not include reuse or direct re-use of waste or components.

Recycling: Any process of transformation of waste that involves changing their physical, physico-chemical and biological properties, with a view to transforming it into new products, materials or substances for any purposes [other than energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations]. Some recycling operations are identified in section B of Annex IV to the Convention. The term does not include reuse or direct re-use.

Reduction: any measure that is taken to reduce the volume or the hazardousness of waste generated and that is sent to final disposal, including the design and manufacture of products with minimum volume of material, minimum hazards content, and a longer useful life.

Refurbishment: Modification of a used electrical-electronic equipment to increase its performance and/or functionality or to meet applicable technical standards or regulatory requirements. Both a waste

and non-waste may be refurbished, in order to postpone its sent to disposal (prevention and reduction measure).

Repair: Fixing a specified fault or series of faults in a **used electrical-electronic equipment** or component and/or replacing defective components, with the result of making the good or component fully functional for its intended purpose. Both a waste and non-waste may be repaired, **in order to postpone its sent to disposal (prevention and reduction measure).**

Reuse: The using again, by a person other than its previous owner, of a **material, substance, object** or a **discarded good** that is **not sent for disposal**, for the same purpose for which it was conceived, **in order to postpone its sent to disposal (prevention and reduction measure).**

Wastes: **Material**, substances, objects or **discarded goods** which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law (see Article 1 paragraph 2 of the Basel Convention).

II. EXPLANATIONS¹

1. “**Wastes**” are defined by the Convention as “Substances or objects that are disposed of, are intended to be disposed of or are required to be disposed of by the provisions of national law.” When assessing whether a **material, substance or object** is **waste** or **non-waste**, all the circumstances must be taken into account. The origin of the substance or object may also be relevant.

2. The Convention defines “**disposal**” as “any operation specified in Annex IV to the Convention.” Annex IV includes two categories of disposal operations: (1) **final disposal** operations; and (2) **recovery** operations. **These terms only applies for operations with waste.**

3. **Recovery** operations make better use of resources and can reduce the negative impact of wastes. **Wastes** destined for these operations might have economic value and are capable, as such, of forming the subject of commercial transactions. **If the waste is subject to a transboundary movement, than it will have to be declared in one customs code for goods (Harmonized System), while it is still a waste.** Economic value by itself is not a suitable criterion to distinguish **waste** from **non-waste**.

4. **Preparing a waste for reuse** can be consider as a reduction measure, because many disposal operations needs the waste to have certain properties before submit for a recovery operation or to gain scale. Annex VA and VB present codes D13, D14, D15 and R12, R13 that encompasses such preparations.

5. Transfer of a **used product or good** that is destined for **use**, for purposes of charity and without any monetary rewards or benefits, or for barter is a **charitable donation**. **This practice is not environmentally sound management of waste.**

6. **Waste** may cease to be **waste** if it has undergone an **environmentally sound recycling** operation, when that operation is completed. In accordance with applicable national law, waste can cease to be waste when it has undergone **an environmentally sound** recovery, including recycling, operation, and the resulting material meets a predefined set of criteria, such as the following:

- (a) It is commonly used as a **raw material** in a process;
- (b) A market or demand exists for it;
- (c) It fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products;
- (d) Its use will not lead to overall adverse environmental or human health impact; and
- (e) Limit values for pollutants are specified, where necessary.

7. **A production residue that results from a production process, the primary aim of which is not the production of that item and that meets the following conditions:**

- (a) Further use of the production residue in a non-disposal operation is certain; and,
- (b) Production residue can be used directly in the same industry it was generated without any further processing other than normal industrial practice.

Can be consider as a by-product, and thus, a non-waste.

¹ The explanations must be reviewed after the definitions been agreed.

8. **Reuse** of **waste** is to be encouraged because it promotes resource efficiency, especially of non-renewable resources. Encouraging **reuse** will sometimes help prevent a **used good or product to be discarded, and thus from becoming waste**. Where a **waste** is exported for **reuse**, there needs to be sufficient certainty that it will actually be **reused**, because if it is not, its **disposal** may pose a threat to human health and the environment.

9. In the context of **used electrical-electronic equipment**, it is necessary to consider factors such as functionality and the need for processing prior to **reuse**. A **fully functional used electrical-electronic equipment** that is destined for **direct re-use** is not considered to be a **waste**, unless so-classified by national law.

10. National legislation may recognize that where **repair** or **refurbishment** are necessary to prepare a **used electrical-electronic equipment** for **reuse**, they should be regarded as **recovery** operations. **Repair** or **refurbishment** are operations that apply to both **waste** and **non-waste**. Therefore by itself, the need for **repair** or **refurbishment** is not a suitable criterion for distinguishing between **waste** and **non-waste**.

11. **Reuse** refers to the point at which the **waste** is being used for the purpose for it was conceived and not any operations to enable that to occur. Once a **waste** is being **reused**, it is not considered as a disposal operation.

12. In addition, factors such as obsolescence and insufficient protection against damage during transport, loading and unloading may cast doubt on whether reuse will actually occur. Rather, these factors may suggest instead an **intent to dispose of the used electrical-electronic equipment**, which would make it a **waste**. **Intent to dispose** may be inferred from an act that could reasonably be expected to result in **disposal**.

13. A product is a thing intentionally produced by or resulting from a process that meets defined characteristics. A production process may be intended to produce several different products. Each will be a product as long as it is sought by the producer – i.e. it is intentionally produced as a result of a technical choice. A product may become a **waste** if the **waste** definition applies. A product may **still keep some original characteristics** after becoming a **waste**.

Other terms that need to have some more explanations, but can be defined as presented are:

Essential function*: An originally intended function of **an electro-electronic equipment** that will satisfactorily enable it to be used.

Fully functional*: An **electro-electronic equipment** is fully functional if it was tested and demonstrated to be capable of performing the essential functions that it was designed to perform.

Good: A material, substance, object or good, such as a product or a component, that has economic value and which is capable, as such, of forming the subject of commercial transactions.

Product: output or result of a fabrication, manufacturing, or production process.

Second-hand product: A used **product** that is or has been used by a second or subsequent owner **and it was not discarded**.

Upgrading: Modification of a fully functional **used electrical-electronic equipment** to increase its performance and/or functionality.

Use: Utilization of a **good or product**, whether by its first or a subsequent owner. The term “use” includes reuse and direct re-use of **an electrical-electronic equipment**.

Used good/product: A good that is or has been used, either by its first or subsequent owner. **Measures can be taken in order to avoid a used good to be discarded and becomes a waste**, depending upon its characteristics, intended destination, and fate, as well as the provisions of national law.