



BASEL CONVENTION

Distr.: General

23 July 2018

English only

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**Open-ended Working Group of the Basel Convention  
on the Control of Transboundary Movements of  
Hazardous Wastes and Their Disposal  
Eleventh meeting**

Geneva, 3–6 September 2018

Item 3 (b) (i) b. of the provisional agenda\*

**Matters related to the work programme of the  
Open-ended Working Group for 2018–2019:  
scientific and technical matters: technical guidelines:  
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**

**Compilation of responses to the revised questionnaire on the  
experiences of Parties and others in the implementation of the  
technical guidelines on transboundary movements of electrical and  
electronic waste and used electrical and electronic equipment, in  
particular regarding the distinction between waste and non-waste  
under the Basel Convention**

**Note by the Secretariat**

1. As referred to in the note by the Secretariat on technical guidelines (UNEP/CHW/OEWG.11/4), by paragraph 11 of its decision BC-13/5, the Conference of the Parties to the Basel Convention at its thirteenth meeting requested the Secretariat to develop, as appropriate, and in consultation with the lead country on the technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste, a revised questionnaire based upon paragraph 3 of decision OEWG-10/5.
2. The annexes to the present note set out compilations of responses to the revised questionnaire on the experiences of Parties and others in the implementation of the technical guidelines mentioned above. The questionnaire was open for responses from 30 September 2017 to 30 November 2017. Annex I sets out a compilation of comments received from Parties; annex II sets out a compilation of comments received from other stakeholders; and annex III sets out the questionnaire for ease of reference. The present note, including its annexes, has not been formally edited.
3. The compilation of responses to the previous version of the questionnaire on the same topic, which was open for responses from Parties and others from 25 July 2016 and 15 January 2017, can be found in document UNEP/CHW.13/INF/16.

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\* UNEP/CHW/OEWG.11/1/Rev.1.

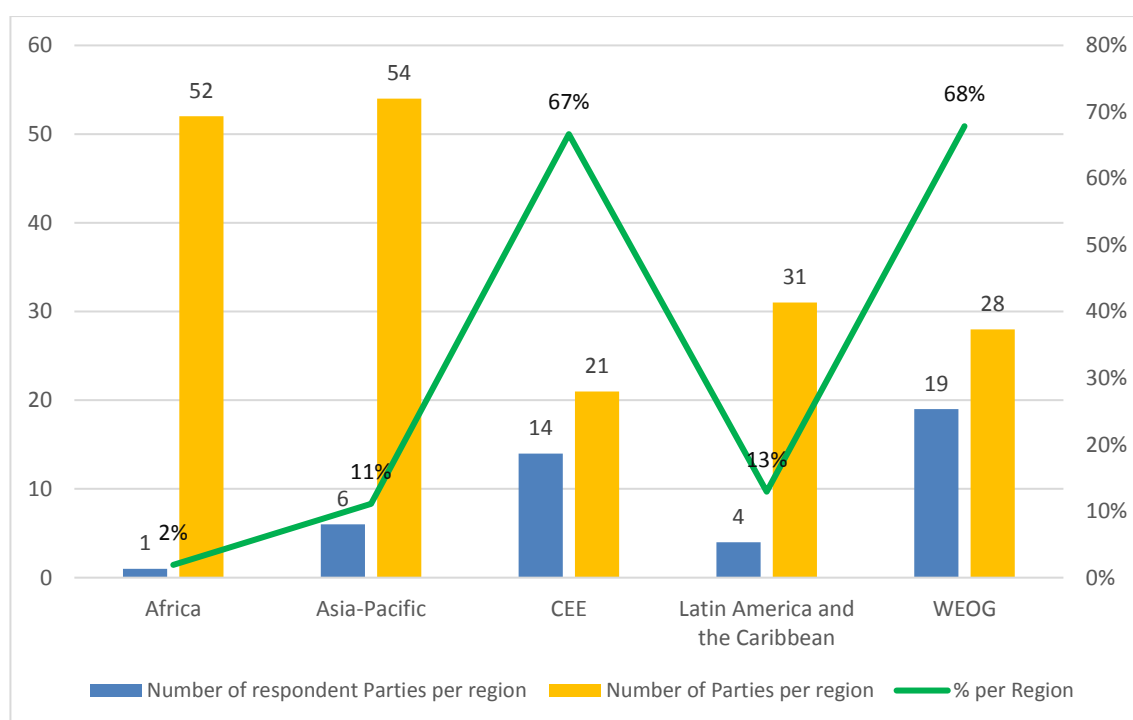
## Annex I

### Compilation of responses received from Parties on the experiences of Parties and others in the implementation of the technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention

#### I. Parties that responded to the questionnaire

1. A total of 16 responses were received from Parties to the Convention. The Parties that responded were Albania, Azerbaijan, Belarus, Costa Rica, European Union and its member States, Honduras, India, Israel, Lebanon, Nepal, Peru, State of Palestine, Swaziland, Switzerland, Trinidad and Tobago, and Uzbekistan.
2. As indicated by the European Union (EU) in its response, the submission by the EU was a coordinated response of the EU and its member States. For the statistics on the responses received from Parties, the response submitted by the EU was considered as having been reported by each of the EU member States that are Party to the Basel Convention, i.e. 28 Parties.
3. Therefore, a total of 43 Parties (23 %) were counted as having submitted a response, including the European Union and its member States, out of a total of 186 Parties as at 30 November 2017 (questionnaire cut-off date). The regional distribution of responses is provided in figure 1.

**Figure 1:** Regional distribution of responses to the questionnaire



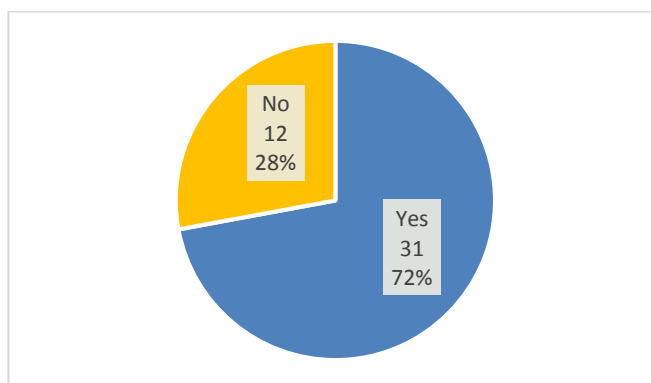
#### II. Use of the technical guidelines

**Question 1:** *Have 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 (technical guidelines), been used in your country/by your organization?*

4. Of the 43 Parties that responded to the questionnaire, 31 (72 %) reported that the technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment had been used in their country: Belarus, Costa Rica, the European Union (28

Parties) and Swaziland. Twelve responses (28 %) reported that the technical guidelines had not been used. The distribution of the responses on the use of the technical guidelines is provided in figure 2.

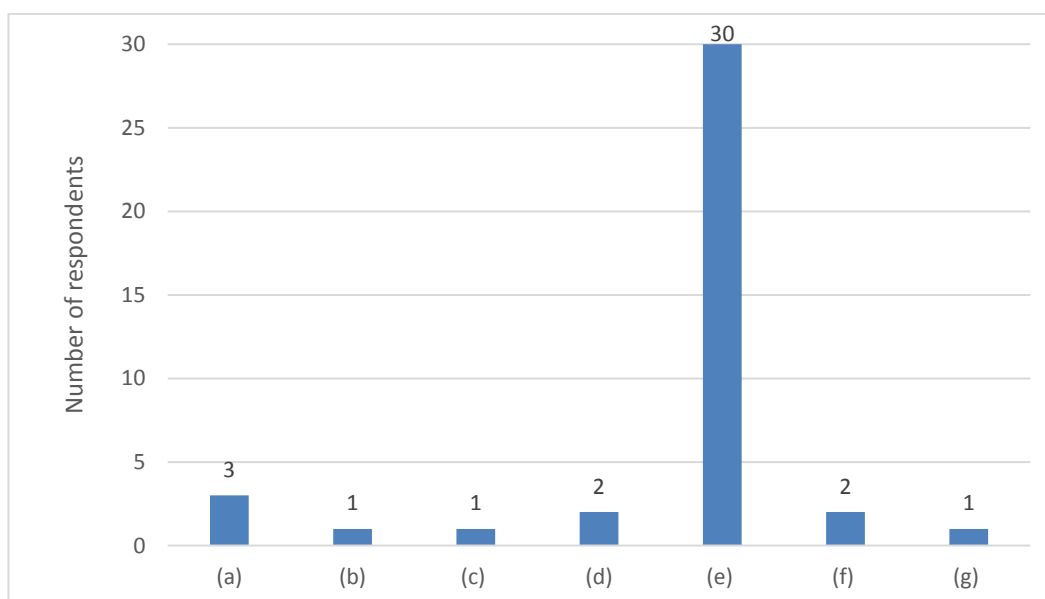
**Figure 2:** Distribution of the responses on the use of the technical guidelines



**Question 1.1:** [*“Yes” answer*] Please indicate how/where the technical guidelines have been used and your experiences with such use or implementation.

5. Those respondents that reported that the technical guidelines had been used in their countries were invited to indicate how and/or where the technical guidelines had been used and their experiences with such use or implementation. Respondents were offered a multiple choice selection of 7 options, including one for inputs on purposes other than the options presented. Thirty Parties (70 %) reported that the technical guidelines had been used for the development of non-regulatory policies, or guidance (option e). Three Parties (7 % of responses) reported that the technical guidelines had been used for controlling of transboundary movements (import/export) of e-waste (option a). Two Parties (5 %) reported that the technical guidelines had been used for controlling transboundary movements (import/export) of used equipment for direct reuse, or extended use by the original owner (option b). Two Parties (5 %) reported that the technical guidelines had been used for the development/elaboration of a national legislation or regulations (option d). Two Parties (5 %) reported that the technical guidelines had been used for training (option f). The distribution of responses as per each of the different options on how/where the technical guidelines have been used is presented in figure 3. Respondents also provided information on the experiences gathered from the use of the technical guidelines, as compiled in table 1.

**Figure 3:** Distribution of responses on the different options on how/where the technical guidelines have been used



(a) For controlling transboundary movements (import/export) of e-waste, in general.

(b) For controlling transboundary movements (import/export) of used equipment for direct reuse, or extended use by the original owner.

(c) For controlling transboundary movements (import/export) of used equipment for failure analysis, for repair and refurbishment (may include remanufacturing).
(d) For the development/elaboration of a national legislation or regulations.
(e) For the development of non-regulatory policies, or guidance, e.g. guidelines, manuals, technical notes, handbooks, others.
(f) For training, e.g. of enforcement and customs officers.
(g) For other purposes.

**Table 1:** Experiences gathered by Parties from the use of the technical guidelines

<b>(a) For controlling transboundary movements (import/export) of e-waste, in general</b>	
<b>Party</b>	<b>Experiences gathered</b>
Costa Rica	<p>A partir del año 2015 se implementaron las Directrices UNEP/CHW.12/5/Add.1/Rev.1. El artículo 34 de la Ley 8839, Ley para la Gestión Integral de Residuos, prohíbe la importación de residuos peligrosos y el artículo 33 de la misma ley establece que los movimientos transfronterizos se rigen de acuerdo a los convenios internacionales en la materia ratificados por el país incluyendo el Convenio de Basilea (Ley 7438). Con la implementación de las Directrices Técnicas, para asegurarse que se cumplan las disposiciones del Convenio y la Ley 8839, se debe solicitar ante el Ministerio de Salud (autoridad competente del Convenio de Basilea) un permiso para la importación y exportación de equipo electrónico usado. Para obtener dicho permiso se debe demostrar que el equipo electrónico contenido en el envío no son residuos, mediante la presentación de requisitos basados en las Directrices.</p> <p>Para lo anterior se incluyeron dentro de la Nota Técnica 269 (dentro del sistema aduanal de Costa Rica, las notas técnicas corresponden a permisos que deben tramitarse en determinadas dependencias del Estado) los equipos electrónicos usados. La Nota Técnica 269 (NT 269) abarca tanto exportaciones como importaciones. Cuando las cargas de equipo electrónico se clasifican en determinados códigos arancelarios, se activa la NT 269 y para proceder con la importación o exportación se debe obtener el permiso correspondiente en el Ministerio de Salud. La NT 269 afecta cualquier tipo de importación o exportación sin restricción, por lo que en nuestra experiencia varios tipos de usuarios han solicitado permisos incluyendo personas físicas, negocios, establecimientos y empresas.</p> <p>Uno de los mayores retos ha sido informar al público ya que muchos usuarios no tienen conocimiento del Convenio de Basilea y no comprenden la razón por la cual debe realizarse el trámite y presentar los requisitos que se solicitan. Esto causa que se realicen importaciones de equipo electrónico usado sin antes haber obtenido el permiso del Ministerio de Salud y los solicitantes deben pagar por el almacenaje de la carga retenida en bodegas de las aduanas. Otra situación ha sido el manejo de importaciones de equipo electrónico usado por motivos personales o familiares, por ejemplo, mudanzas o en situaciones en que los equipos fueron adquiridos a través de sitios de internet (p.ej. eBay), en cuyos casos resulta complejo presentar constancias de evaluación o pruebas de los equipos o contratos de reparación. Finalmente, el hecho de que el trámite debe realizarse para cada importación o exportación puntal, en algunos casos puede resultar engorroso para negocios o empresas que importan o exportan periódicamente. La meta es mejorar y agilizar el trámite de manera que se realice de forma rápida y eficiente.</p> <p>Para realizar movimientos transfronterizos de residuos electrónicos y equipos y componentes electrónicos que hayan sido declarados residuos se debe cumplir con el procedimiento de consentimiento previo fundamentado.</p>
Swaziland	Since there is no legal instrument/tool available to make reference to on issues of e-waste the guidelines are applied in all issues pertaining to e-waste for consistency and to be standard.
<b>(b) For controlling transboundary movements (import/export) of used equipment for direct reuse, or extended use by the original owner</b>	

Costa Rica	<p>Para movimientos transfronterizos de equipo electrónico usado para reutilización directa los requisitos son los siguientes basados en las Directrices Técnicas:</p> <ol style="list-style-type: none"> <li>1. Carta firmada por el representante legal del importador o exportador donde se mencione que los equipos electrónicos usados en el envío se encuentran en buen estado y no son residuos. Además, se debe indicar el motivo del movimiento (uso propio o venta).</li> <li>2. Copia de la factura y documento de embarque (carta de porte, guía aérea) del envío.</li> <li>3. Constancia de la evaluación o prueba de los equipos (de acuerdo al modelo de formulario presentado en las Directrices Técnicas). El formulario se conoce como "Apéndice III".</li> <li>4. Contar con el Permiso Sanitario de Funcionamiento (PSF) vigente.</li> </ol> <p>La gran mayoría de solicitudes corresponden a importaciones de equipo electrónico usado para reutilización directa (en buen estado de funcionalidad). De estas, la mayoría es por motivo de uso propio y no para la venta. En caso de venta, un requisito adicional es que el importador debe estar registrado como Unidad de Cumplimiento.</p> <p>Por no informarse, muchas veces ha ocurrido que se ha importado equipo sin contar el permiso del Ministerio de Salud. En estos casos luego se les informa que los equipos deben ser evaluados y probados en el país de origen, antes de la importación a nuestro país. Al inicio de la implementación de las Directrices Técnicas los solicitantes no presentaban el "Apéndice III" firmado desde el país de origen, sin embargo paulatinamente los importadores se han ido adaptando y ahora lo presentan. Incluso en ciertos casos se han presentado certificados adicionales por parte del exportador en el país de origen donde se señala el buen funcionamiento de los equipos, los tipos de pruebas realizadas y los resultados.</p> <p>En general la gran mayoría de los trámites han sido de importación y pocos de exportación. El trámite se realiza para cada importación o exportación puntual, lo que puede resultar complejo para empresas que realizan movimientos periódicamente especialmente si se trata de grandes cantidades de artículos. Recientemente, a modo de prueba, se otorgó a una empresa un permiso de importación y exportación de equipo usado de forma anual, con la condición que, para cada envío, los requisitos sean notificados al Ministerio de Salud vía correo electrónico. A la fecha ha funcionado y se han realizado aproximadamente 25 movimientos de esta forma.</p> <p>Un reto ha sido los equipos electrónicos que se importan por motivos personales o familiares, por ejemplo, equipos que han sido adquiridos a través de sitios de internet, artículos que vienen junto con otros objetos personales y en mudanzas. En estos casos resulta complejo presentar constancias de evaluación y pruebas de los equipos. Además, se trata de individuos y no negocios o empresas que requieren PSF para desarrollar su actividad. El ingreso de equipo electrónico usado adquirido mediante sitios de internet (p.ej. eBay) es algo que debe analizarse.</p>
<b>(c) For controlling transboundary movements (import/export) of used equipment for failure analysis, for repair and refurbishment (may include remanufacturing)</b>	
<b>Party</b>	<b>Experiences gathered</b>
Costa Rica	<p>Para movimientos transfronterizos de equipo electrónico usado para análisis de fallas, reparación o reconstrucción los requisitos son los siguientes basados en las Directrices Técnicas:</p> <ol style="list-style-type: none"> <li>1. Carta firmada por el representante legal donde se indique que el equipo se importa o exporta para análisis de fallas, reparación y/o reacondicionamiento</li> <li>2. Presentar la información adjunta a transportes transfronterizos de equipo usado para comprobación, reparación y/o reconstrucción (de acuerdo al modelo de formulario presentado en las directrices técnicas). El formulario se conoce como "Apéndice II".</li> <li>3. Copia del contrato entre el exportador en el país de origen y el importador que estipule la comprobación, reparación y/o reacondicionamiento del equipo (o certificado de garantía)</li> </ol>

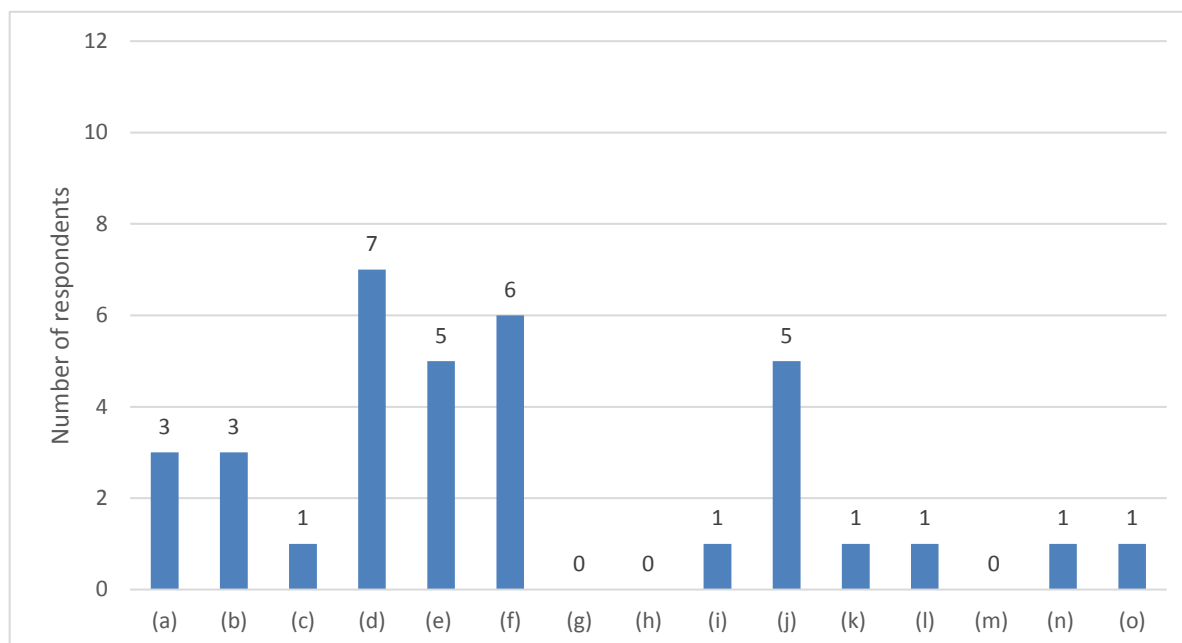
<p>4. El establecimiento importador o exportador debe contar con Permiso Sanitario de Funcionamiento vigente.</p> <p>5. El establecimiento responsable del análisis de fallas, reparación y/o reacondicionamiento debe contar con Permiso Sanitario de Funcionamiento.</p> <p>6. Copia del contrato entre el establecimiento responsable de la comprobación, reparación y/o reacondicionamiento y un Gestor de Residuos Autorizado que se encargará de los residuos que se generen de las operaciones de comprobación, reparación y/o reacondicionamiento.</p> <p>En nuestra experiencia las solicitudes de permiso para movimientos para análisis de fallas, reparación o reconstrucción son pocas comparadas con las de reutilización directa. Las importaciones y exportaciones más prominentes son las que se realizan bajo garantía de los equipos. Por ejemplo, en el caso de importaciones, el equipo es importado, reparado y luego reexportado al cliente.</p> <p>Ha habido casos en que personas o establecimientos han solicitado permisos de importación de equipos para reparación con el fin de comercializarlos o venderlos en el país o para su uso personal lo que genera incertidumbre ya que en estos casos existen dudas en cuanto a la capacidad y calificación que tienen los solicitantes para reparar los equipos.</p> <p>En otros casos se ha solicitado importar equipos dañados y que no funcionan para extraer algunos componentes de los mismos que sí se encuentran en buen estado con el fin de reparar otros equipos. En estos casos no se ha permitido la importación por tratarse de equipos dañados.</p> <p>Han sido pocos los casos en que se han solicitado movimientos de equipo electrónico para análisis de fallas o reconstrucción.</p>	
<b>(d) For the development/elaboration of a national legislation or regulations</b>	
<b>Party</b>	<b>Experiences gathered</b>
Costa Rica	A la fecha no se han utilizado las Directrices Técnicas para elaborar normativa o modificar normativa.
Swaziland	The country is in a process of developing an integrated waste management and pollution prevention & control policy which also covers e-waste management and guidance is sought from the guidelines in order for it to be relevant.
<b>(e) For the development of non-regulatory policies, or guidance, e.g. guidelines, manuals, technical notes, handbooks, others</b>	
Costa Rica	<p>Se incluyó en la página electrónica del Ministerio de Salud información con los requisitos para solicitar permisos de importación y exportación de equipo electrónico usado. Desde esta página los solicitantes descargan el “Apéndice III” y el “Apéndice II”.</p> <p><a href="https://www.ministeriodesalud.go.cr/index.php/tramites-ms/autorizaciones-y-certificados?id=870">https://www.ministeriodesalud.go.cr/index.php/tramites-ms/autorizaciones-y-certificados?id=870</a></p>
European Union	<p>For the EU, applying the Basel technical guidelines did not require changes to be made to its pre-existing legislative framework. The existing provisions of EU legislation, in particular the Directive on Waste Electrical and Electronic Equipment (WEEE Directive) (see Article 23 and Annex VI on minimum requirements for shipments) and the Waste Shipment Regulation are regarded to be an adequate and sufficiently stringent legal framework for the purpose of preventing the export of hazardous e-waste to developing countries.</p> <p>At EU level, the Correspondents' Guidelines No. 1 on shipments of Waste Electrical and Electronic Equipment provide a supporting role in the enforcement of EU legislation on the transboundary movement of e-waste, particularly in the efforts to prevent the illegal export of e-waste out of the EU notably through fraudulent misclassification of e-waste as non-waste.</p>

	Following the adoption of the Basel technical guidelines, the Correspondents' Guidelines No. 1 were revised and brought in line with the Basel technical guidelines. Through this revision these Correspondents' Guidelines were also brought in line with provisions of the WEEE Directive that had not yet been reflected in the older version. The Correspondents' Guidelines No. 1 apply from 3 April 2017 and should be reviewed at the latest five years from this date and, if necessary, revised.
<b>(f) For training, e.g. of enforcement and customs officers</b>	
Costa Rica	Se hizo una presentación a importadores y exportadores en conjunto con la Promotora de Comercio Exterior de Costa Rica, sin embargo, a la fecha no se ha realizado una capacitación oficial sobre las Directrices Técnicas, tanto a importadores y exportadores como a autoridades y personal de aduanas.
Swaziland	During the routine trainings, workshops and meetings reference is always made to the guidelines and they have been shared with all stakeholders.
<b>(g) For other purposes</b>	
Costa Rica	No se han utilizado para otros propósitos.

**Question 1.1:** [*“No” answer*] Please state the reasons for not using the technical guidelines or parts thereof.

6. Those respondents that reported that the technical guidelines had not been used in their countries were invited to state the reasons for not using the technical guidelines or parts thereof. Respondents were offered a multiple choice selection of 15 options, including one for inputs on reasons other than the options presented. Seven Parties (16 % of responses) indicated that more time was needed for the technical guidelines to be transposed at the national level (option d). Six Parties (14 %) indicated the lack of legislation or regulatory framework (option f). Five Parties (12 %) indicated the lack of resources for national transposition or enforcement (option e). Five Parties (12 %) indicated that the guidance on the distinction between waste and non-waste was inadequate for the needs in their country or difficult to implement (option j). The distribution of responses as per each of the different reasons for not using the technical guidelines is presented in figure 4. Respondents were also invited to provide explanations and details on some specific reasons for not using the technical guidelines, these are compiled in table 2. Additionally, Parties that selected options (j), (k) and (l) as the reasons for not using the technical guidelines were requested to specify if the guidance on the area indicated in each of the options was inadequate for the needs in the country or if it was difficult to implement, their responses are presented in figure 5 below. None of the Parties indicated that the text of the technical guidelines is too technical (option g) or that the text of the technical guidelines is too legally oriented (option h) as a reason for not using the technical guidelines.

**Figure 4:** Distribution of responses as per each of the different reasons indicated for not using the technical guidelines



(a) The technical guidelines have been adopted on an interim basis and certain issues require further consideration.
(b) The technical guidelines are inadequate or are not useful for the needs in my country/organization. Please elaborate why.
(c) Language issues/barrier (e.g. the technical guidelines would have to be translated to the national language, which is different from the UN six official languages).
(d) More time is needed for the technical guidelines to be transposed at the national level (i.e. in policy, legislation, etc.).
(e) Lack of resources for national transposition or enforcement.
(f) Lack of legislation or regulatory framework.
(g) The text of the technical guidelines is too technical.
(h) The text of the technical guidelines is too legally oriented.
(i) The technical guidelines are incompatible with current national legislation in my country. Please elaborate how they are incompatible.
(j) The guidance on the distinction between waste and non-waste is inadequate for the needs in my country/organization OR is difficult to implement (see section III of the technical guidelines). Please specify. Please elaborate why.
(k) The guidance on transboundary movement (import/export) of e-waste is inadequate for the needs in my country/organization OR is difficult to implement (see section IV of the technical guidelines). Please specify. Please elaborate why.
(l) The guidance on the enforcement of provisions regarding transboundary movements of e-waste and used equipment is inadequate for the needs in my country/organization OR is difficult to implement (see section V of the technical guidelines). Please specify. Please elaborate why.
(m) The forms contained in Appendices II and III of the technical guidelines are inadequate. Please elaborate why and include suggestions.
(n) There are impediments/issues/difficulties with the following parts or paragraphs. Please list them and explain why.
(o) Other reasons (please elaborate).

**Table 2:** Explanations and details provided by Parties on reasons for not using the technical guidelines

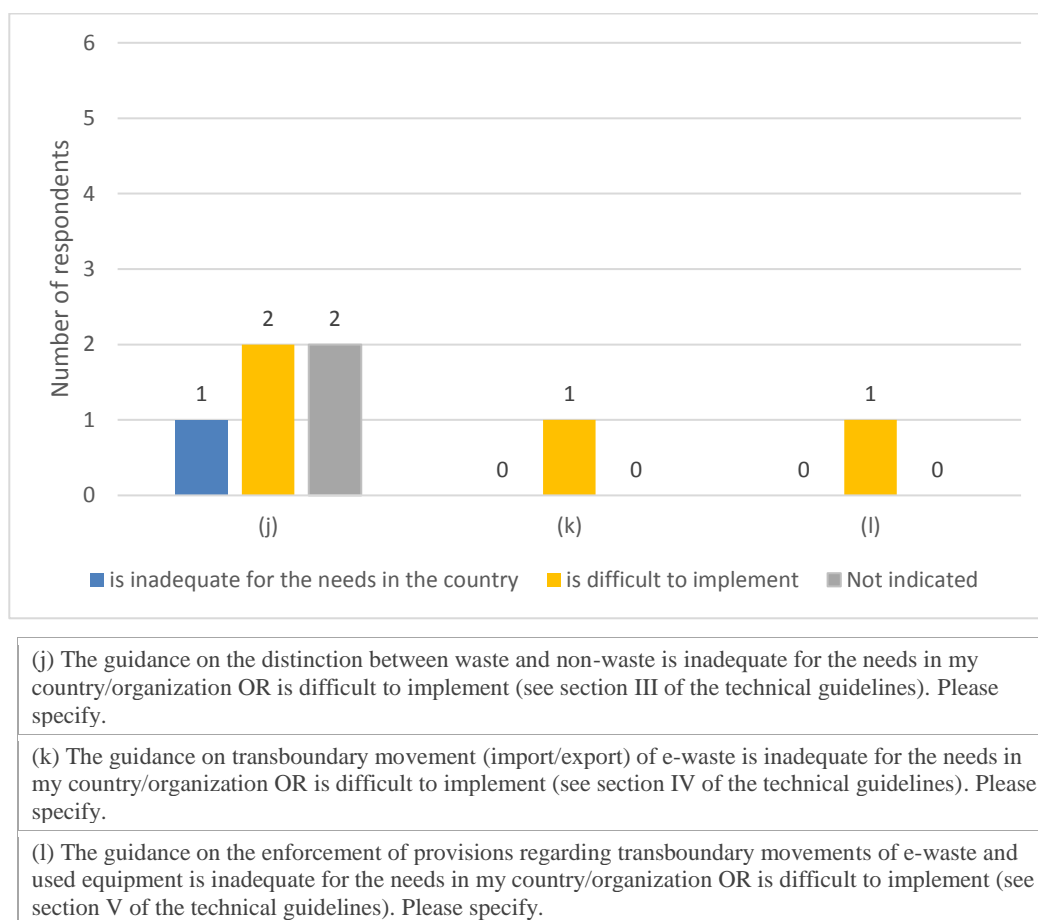
<b>(b) The technical guidelines are inadequate or are not useful for the needs in my country</b>	
<b>Party</b>	<b>Please elaborate why</b>
India	The technical guidelines are inadequate because crucial parts of its text, particularly outstanding issues as mentioned in Appendix V have not been addressed yet. The



	determination of whether used equipment is to be considered waste or non-waste is fundamental to the effective use of the guidelines, but without incorporating residual life and age of the equipment it is very difficult to determine whether the equipment can be considered functional. India has already submitted its reservations to COP and the EWG on the Technical Guidelines.
Peru	La regulación nacional sobre residuos no abarca a EEE usados, por lo tanto, no están sujetos a ningún control. Por aduanas ingresan ingentes cantidades de EEE supuestamente para ser repotenciados o reutilizados, cuanto de lo que ingresa son efectivamente destinados para tales fines?, se desconoce, pero lo más probable es que buena parte de lo que ingresa terminan como residuos al no ser factible su reuso o repotenciamiento. Años atrás, en un intento de control, del ingreso de EEE de segundo uso, se hizo una intervención de un embarque conteniendo EEE usados y lo que se evidencio era que se trataba de EEE rotos, antiguos, difícilmente podrían ser reutilizados. La debilidad de la regulación nacional difícilmente podrá ser cubierta por las directrices técnicas sobre movimientos transfronterizos de RAEE y EEE usados, al no considerar que en los países en vías de desarrollo no existen capacidades analíticas para corroborar que la información sobre funcionabilidad que presenta el importador de EEE usado son válidas técnicamente y menos aún, capacidades de monitoreo o seguimiento a los EEE usados que ingresen.
State of Palestine	In my country, huge quantities of e-waste and equipment are transferred daily from Israel without taking any kinds of environmental responsibility specially this technical guideline because Israel has the authority to control and regulate the Gates presents along the borders wall. so that it is very difficult to manage this issue separately without cooperation with Israel to implement this guideline. though, it is important to have some obligatory articles urge parties to amend and implement the e-waste and equipment guideline.
<b>(i) The technical guidelines are incompatible with current national legislation in my country</b>	
<b>Party</b>	<b>Please elaborate how they are incompatible</b>
State of Palestine	The Palestinian Environmental law ban the import of e waste from abroad.
<b>(j) The guidance on the distinction between waste and non-waste is inadequate for the needs in my country/organization OR is difficult to implement (see section III of the technical guidelines)</b>	
<b>Party</b>	<b>Please elaborate why</b>
India	[Difficult] (i) The situations where used equipment should normally be considered waste or non-waste as mentioned in paragraphs 30 and 31 must include two important factors that determine the utility of an equipment, i.e. (a) residual life and (b) age of the equipment. The tentative or expected residual life subject to certain conditions need to be indicated, specifically when import is for direct re-use in the importing country with no scope of re-export.
Peru	[Inadequate] Ya se explicó líneas arriba bajo literal b).
<b>(k) The guidance on transboundary movement (import/export) of e-waste is inadequate for the needs in my country/organization OR is difficult to implement (see section IV of the technical guidelines)</b>	
<b>Party</b>	<b>Please elaborate why</b>
No explanations provided.	
<b>(l) The guidance on the enforcement of provisions regarding transboundary movements of e-waste and used equipment is inadequate for the needs in my country/organization OR is difficult to implement (see section V of the technical guidelines)</b>	
<b>Party</b>	<b>Please elaborate why</b>
No explanations provided.	

<b>(m) The forms contained in Appendices II and III of the technical guidelines are inadequate</b>	
<b>Party</b>	<b>Please elaborate why and include suggestions</b>
No explanations provided.	
<b>(n) There are impediments/issues/difficulties with the following parts or paragraphs</b>	
<b>Party</b>	<b>Please list them and explain why</b>
India	<p>In paragraph 31 (a), a component on including necessary approvals from the competent authority of importing country has not been included.</p> <p>Paragraph 31(b) is difficult to implement. The contents of the contract should be modified as mentioned below:</p> <p>(i) Replace the line from “the person who arranges the transport” with “exporter”. This creates ambiguity as the Convention doesn’t define the role of “the person who arranges the transport” like how it does for other actors such as carrier, importer, exporter, etc.</p> <p>(ii) Point (b) in paragraph 31(b)(ii) may be replaced with the following text: A provision stating that used electrical and electronic assemblies are being imported for root cause analysis, repair or refurbishment and will be re-exported back within one year of import; or if to be retained in the importing country, then necessary permission from competent authority in the importing country, is in place, if applicable.</p> <p>(iii) Point d in paragraph 31(b)(ii) may be replaced with A provision that the management of hazardous wastes resulting from failure analysis, repair and refurbishment operations in countries may focus on environmentally sound management and that the transboundary movement of such hazardous wastes shall be responsibility of the exporter, in case of non-availability of environmentally sound management facility in the importing country.</p>
<b>(o) Other reasons</b>	
<b>Party</b>	<b>Please elaborate</b>
Switzerland	<p>In Switzerland, all waste electrical and electronic equipment are classified as wastes under control. Which means TBMs must be notified and the BAN-Decision is applied (Exports in non-OECD-Countries are prohibited). Concerning the distinction between waste and non-waste only fully functional equipment is considered as a product. In addition, Switzerland applies a list of criteria for deciding about this question. These criteria maybe further developed in future, taking into account the criteria of the guideline.</p> <p>For countries with no regulations or not having enough regulations we think that the BC-guideline is very useful.</p>

**Figure 5:** Distribution of responses specifying if the guidance on the area indicated in each of the selected options (j), (k) and (l) is inadequate for the needs in the country or if it is difficult to implement



### III. Usefulness of the technical guidelines

**Question 2:** *In your opinion, which sections or parts of the technical guidelines are useful to meet the needs in your country/organization?*

7. In the second part of the questionnaire, respondents were invited to provide their views on the usefulness of the different sections and parts of the technical guidelines for meeting the need of their respective countries. The distribution of the responses on their views about the usefulness of the different sections and parts of the technical guidelines is presented in figure 6. The distribution of responses on the views about the usefulness of the different sections and parts of the technical guidelines from Parties where the technical guidelines have been used is presented in figure 7, and the distribution from Parties where it has not been used is presented in figure 8.

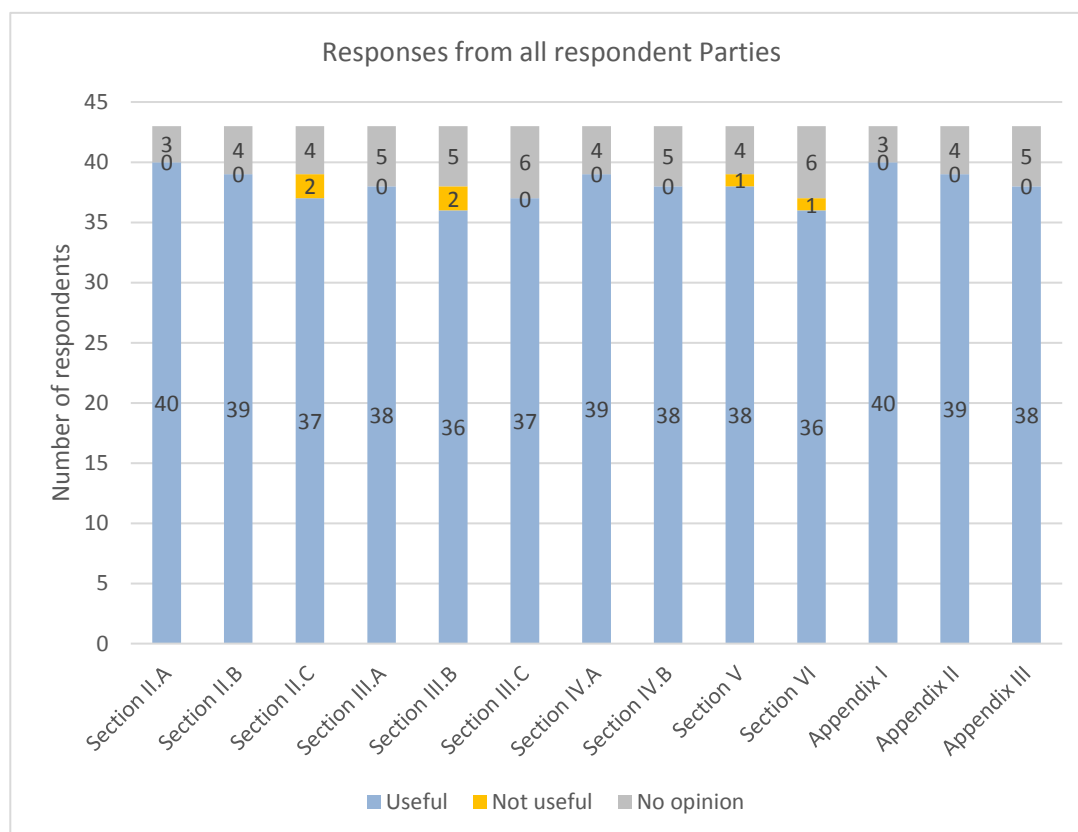
8. Section II.A. (General provisions of the Basel Convention) and Appendix I (Glossary of terms) were the sections that received the most positive views; each one of these sections were considered useful by 40 Parties (93 %) and not useful by none of the Parties (0 %), 3 Parties (7 %) indicated that they did not have any opinion on the sections. The second in the rank were sections II.B (Control procedure for transboundary movements of waste), IV.A (Guidance on transboundary movements of e-waste—General considerations) and Appendix II (Information accompanying transboundary transports of used equipment falling under paragraph 31 (a)—of the technical guidelines); each one of these sections were considered useful by 39 Parties (91 %) and not useful by none of the Parties (0 %), 4 Parties (9 %) indicated that they did not have any opinion on the section. In the group of the 31 Parties reporting that the technical guidelines had been used in their countries, all 31 Parties considered all sections as being useful, except for Section IV.B (Distinction between hazardous waste and non-hazardous waste) for which one Party indicated that they did not have any opinion.

9. In the group of the 12 Parties reporting that the technical guidelines had not been used in their countries, sections II.A (General provisions of the Basel Convention) and Appendix I (Glossary

of terms) were the sections that received the most positive views; where each of these sections were considered as useful by 9 of the 12 Parties and not useful by none of the Parties, 3 Parties of this group indicated that they did not have any opinion on each of these sections. Section III.B (Situations where used equipment should normally be considered waste, or not be considered waste) was the section that received the least positive views as it was considered useful by 5 of the 12 Parties and not useful by two Parties, 5 Parties indicated that they did not have any opinion on this section.

10. The distribution of responses on the views about the usefulness of the technical guidelines as well as the explanations provided by the Parties, specific to each section and part, are provided further below.

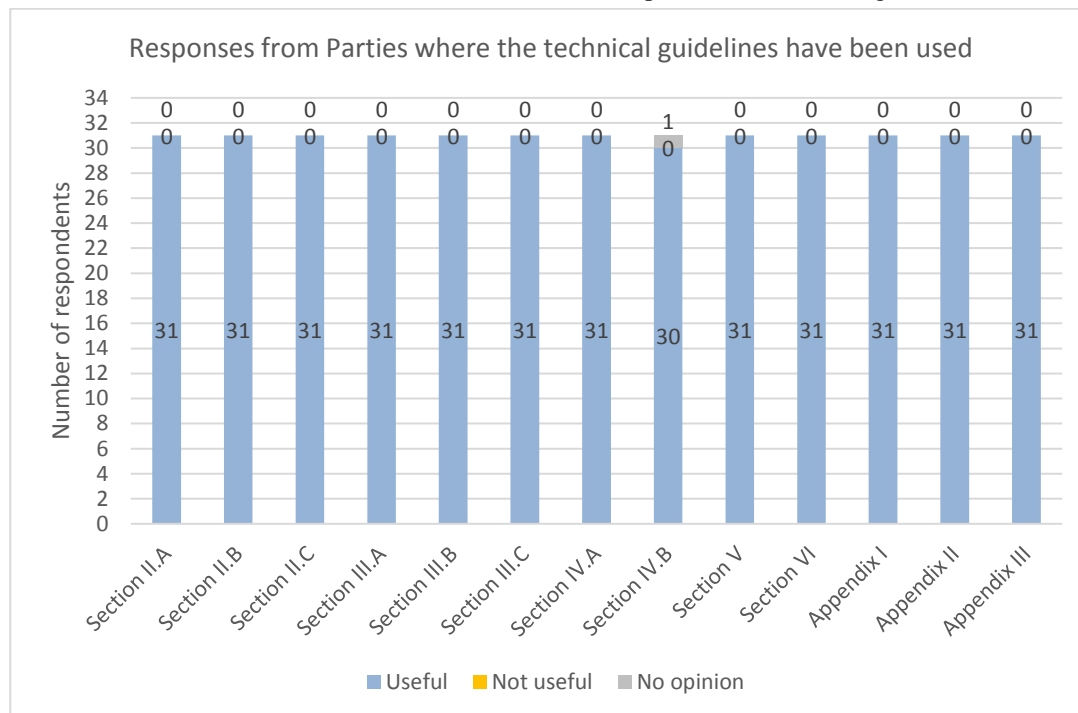
**Figure 6:** Distribution of responses, from all Parties, on the views about the usefulness of the different sections and parts of the technical guidelines



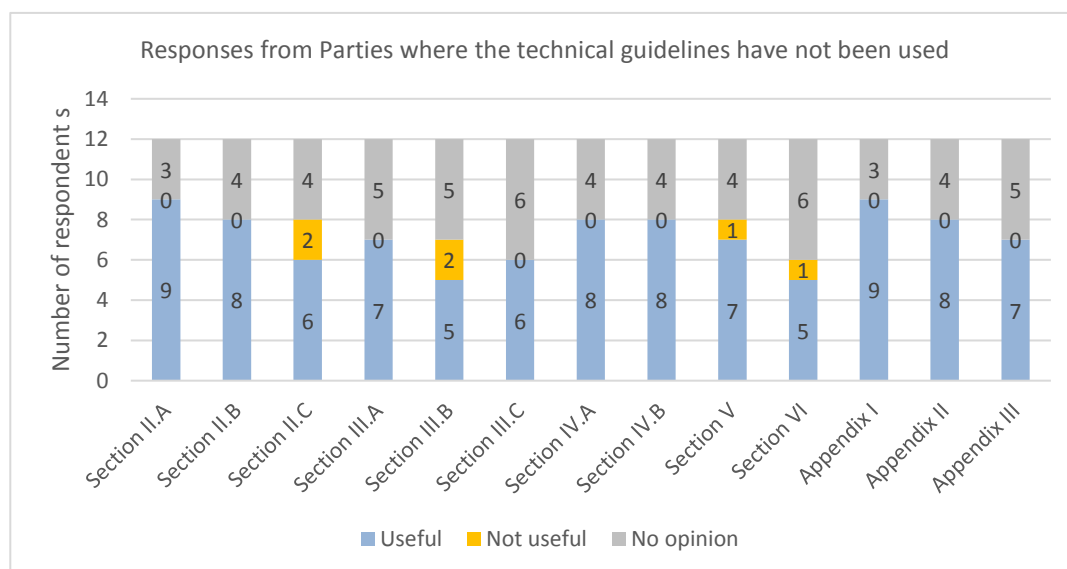
Section II.	Relevant provisions of the Basel Convention
Section II.A.	General provisions of the Basel Convention
Section II.B.	Control procedure for transboundary movements of waste
Section II.C.	Definitions of waste and hazardous waste
Section III.	Guidance on the distinction between waste and non-waste
Section III.A.	General considerations
Section III.B.	Situations where used equipment should normally be considered waste, or not be considered waste
Section III.C.	Evaluation and testing of used equipment destined for direct reuse
Section IV.	Guidance on transboundary movements of e-waste
Section IV.A.	General considerations
Section IV.B.	Distinction between hazardous waste and non-hazardous waste
Section V.	Guidance on the enforcement of provisions regarding transboundary movements of e-waste and used equipment
Section VI.	Guidance to facilities for conducting failure analysis, repair and refurbishment
Appendix I	Glossary of terms

Appendix II	Information accompanying transboundary transports of used equipment falling under paragraph 31 (a)—of the technical guidelines—including on recording the results of evaluation and testing of used equipment
Appendix III	Information accompanying transboundary transports of used equipment falling under paragraph 31 (b) of the technical guidelines

**Figure 7:** Distribution of responses, from Parties where the technical guidelines have been used, on the views about the usefulness of the different sections and parts of the technical guidelines.



**Figure 8:** Distribution of responses, from Parties where the technical guidelines have not been used, on the views about the usefulness of the different sections and parts of the technical guidelines.



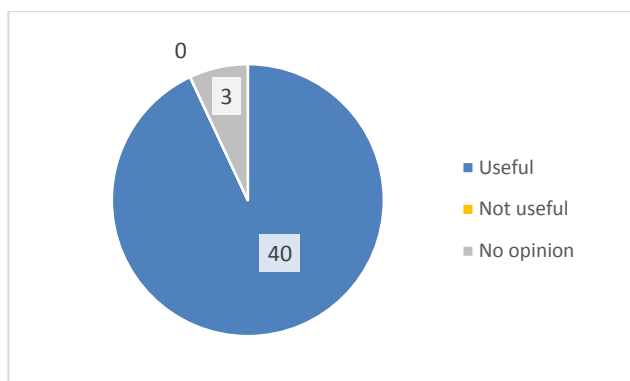
## SECTION II: RELEVANT PROVISIONS OF THE BASEL CONVENTION

### Section II.A: General provisions of the Basel Convention (question 2.1.1.)

11. Forty Parties (93 %) considered that section II.A was useful; none of the Parties (0 %)

considered that the section was not useful, and 3 Parties (7 %) indicated that they did not have any opinion. The distribution of responses on the views about section II.A is presented in figure 9. The explanations provided by Parties about their views on this section are compiled in table 3.

**Figure 9:** Distribution of responses on the views about section II.A



**Table 3:** Explanations and details provided by Parties on their views about the usefulness of section II.A

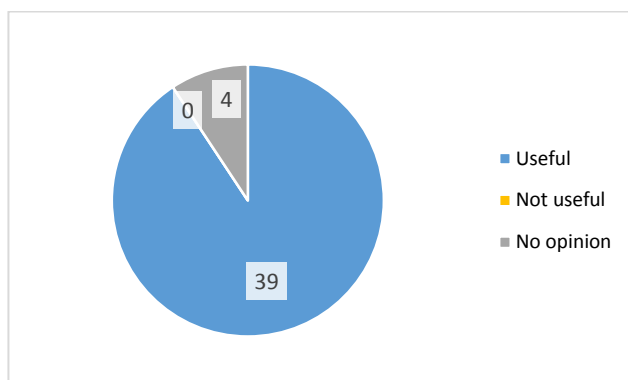
View:	USEFUL
Costa Rica	Se presenta un resumen explicativo de las disposiciones generales del Convenio de Basilea y derechos y deberes de cada Parte en cuanto a movimientos transfronterizos de residuos que es útil para determinar la manera en que pueden ser aplicadas las Directrices Técnicas (alcances y condiciones).
European Union	<p>The EU and its Member States consider that the technical guidelines are useful particularly for countries without legislation and/or guidance related to the transboundary movements of e-waste, and may be used as a reference for developing such legislation and/or guidance.</p> <p>Part of the guidance contained in these guidelines was already addressed in EU waste legislation (e.g. WEEE Directive, Waste Shipment Regulation), whereby it is noted that the EU waste legislation is stricter in some cases. The remaining elements of the guidance contained in these technical guidelines were incorporated in the Correspondents' Guidelines No. 1 on shipments of Waste Electrical and Electronic Equipment (WEEE) (see answer to Q 1.1(e)).</p>
Lebanon	It provides a brief about the definition of waste and the obligations of parties under Basel Convention, and where it is accepted to make transboundary movement for hazardous wastes and other wastes.
Peru	Explica con mayor detalle disposiciones del Convenio de Basilea.
Swaziland	In order to be relevant and not isolated the need that the guidelines to highlight the general provisions of the BC.
Switzerland	As a general comment, we think that it would be very helpful adding pictures into the guideline. The pictures should give "good" and "bad" examples e.g. for packaging.
Trinidad and Tobago	The section is useful in its attempt to remind the reader of the provisions. However, it is suggested that the paragraphs of Article 4 mentioned in this section be further summarized.

#### Section II.B: Control procedure for transboundary movements of waste (question 2.1.2.)

12. Thirty-nine Parties (91 %) considered that section II.B was useful; none of the Parties (0 %) considered that the section was not useful, and 4 Parties (9 %) indicated that they did not have any

opinion. The distribution of responses on the views about section II.B is presented in figure 10. The explanations provided by Parties about their views on this section are compiled in table 4.

**Figure 10:** Distribution of responses on the views about section II.B

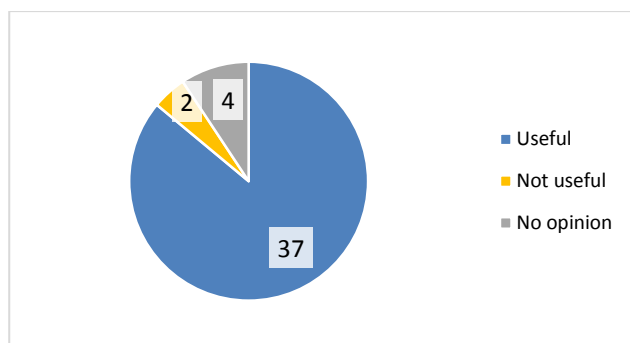


**Table 4:** Explanations and details provided by Parties on their views about the usefulness of section II.B

View:	USEFUL
Costa Rica	Es útil ya que presenta las razones por las cuales es importante hacer la distinción entre equipos que son residuos y que no lo son, con el fin de evitar un potencial movimiento de residuos electrónicos sin el consentimiento del país importador o el tráfico ilícito de residuos.
European Union	See comment under 2.1.1.
Peru	Explica con mayor detalle disposiciones del Convenio de Basilea.
State of Palestine	It has detail information about the technical procedure of transboundary movements of e waste, but at the same time it is very difficult to implement it in developing countries due to lack of experiences and capacities.
Swaziland	The same control procedure or/better for all waste is applied and the guidelines seek to harness that
Trinidad and Tobago	The section is useful in its attempt to remind the reader of the control procedure. However, it is suggested that paragraph 18 of this section be further summarized. Article 4 at paragraph 7(b) of the Basel Convention required conformance to “generally accepted and recognized international rules and standards” and consideration to “relevant internationally recognized practices”. Note for consideration the World Health Organization presented guidelines for the handling, storage, and transportation of health-care waste (which would be considered as clinical and related wastes coded as Y1 under the Annexes 1 and 8 of the Basel Convention). The present guidelines, at paragraph 19, stated that the United Nations Recommendations on the Transport of Dangerous Goods Model Regulations (UN TDG) should be used. Please clarify whether the UN TDG is applicable to electronic waste only or for all wastes.

### Section II.C. Definitions of waste and hazardous waste (question 2.1.3.)

13. Thirty-seven Parties (86 %) considered that section II.C was useful; 2 Parties (5 %) considered that the section was not useful, and 4 Parties (9 %) indicated that they did not have any opinion. The distribution of responses on the views about section II.C is presented in figure 11. The explanations provided by Parties about their views on this section are compiled in table 5.

**Figure 11:** Distribution of responses on the views about section II.C**Table 5:** Explanations and details provided by Parties on their views about the usefulness of section II.C

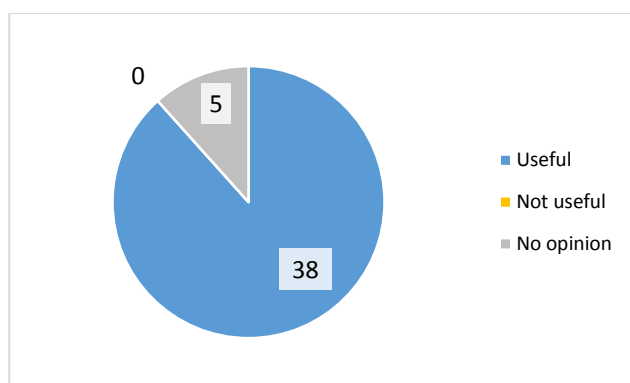
<b>View: USEFUL</b>	
Costa Rica	Se proporciona información que puede ser útil para las autoridades para establecer en cuáles casos el equipo electrónico usado puede ser considerado como residuo peligroso.
European Union	See comment under 2.1.1.
Peru	Explica con mayor detalle disposiciones del Convenio de Basilea.
Swaziland	It is important that the same definition is applied and qualified where necessary and be aligned to the national definition of general waste and any special (hazardous) waste.
Trinidad and Tobago	The section is useful in its attempt to remind the reader of the provisions. However, it is suggested that the paragraphs in this section be further summarized.
<b>View: NOT USEFUL</b>	
India	As stated in answer 1.1(j) of this questionnaire, establishing whether an electrical or electronic equipment is waste or non-waste must take into consideration on two crucial factors: (a) Residual life and (b) Age of the equipment. This is missing from the guidelines. The tentative or expected residual life subject to certain conditions need to be indicated, specifically when import is for direct re-use in the importing country with no scope of re-export.
State of Palestine	It is not clear and sophisticated differentiation of waste and hazardous waste, I think it is important to have focusing on special and direct definition of waste and hazardous waste.

### SECTION III: GUIDANCE ON THE DISTINCTION BETWEEN WASTE AND NON-WASTE

#### Section III.A: General considerations (question 2.2.1.)

14. Thirty-eight Parties (88 %) considered that section III.A was useful; none of the Parties (0 %) considered that the section was not useful, and 5 Parties (12 %) indicated that they did not have any opinion. The distribution of responses on the views about section III.A is presented in figure 12. The explanations provided by Parties about their views on this section are compiled in table 6.

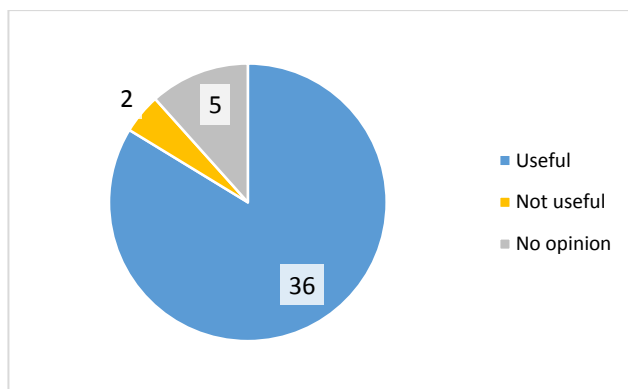


**Figure 12:** Distribution of responses on the views about section III.A**Table 6:** Explanations and details provided by Parties on their views about the usefulness of section III.A

View:	USEFUL
Costa Rica	De igual forma se proporciona información que puede ser de utilidad a las autoridades para definir los casos en que el equipo electrónico usado debe considerarse como residuos, específicamente en caso de análisis de fallas, reparación y/o reconstrucción. Además, informa que en caso de que un país defina dicho equipo electrónico como residuos se debe cumplir con el procedimiento fundamentado previo en caso de ser exportados a ese país, aunque los mismos no se definan como tales en el país de exportación. El texto menciona que en caso de que un país los defina como residuos peligrosos debe ser comunicado a la Secretaría del Convenio de Basilea lo cual es importante para mantener informados a los demás países. Finalmente se menciona la opción que tienen las autoridades por optar a que solamente algunas instalaciones sean autorizadas para recibir equipo electrónico usado para análisis de fallas, reparación y/o reconstrucción.
European Union	See comment under 2.1.1.
Lebanon	Paragraphs 27 & 29 are very important to be noted.
Swaziland	It is important that the distinction is clear from the definition and its applicability/application and where necessary the qualification of the definition should all distinguish between waste and non-waste while being aligned to the national definition of general waste and any special (hazardous) waste. Also, the distinction between the general waste and special waste should be clear.
Trinidad and Tobago	The section is useful in its attempt to highlight the key considerations. However, it is suggested that the word “should” at line 2 of paragraph 28 be changed to “shall” and that paragraph 28 mention whether States of transit are required to comply with the prior informed consent (PIC) procedure.

**Section III.B: Situations where used equipment should normally be considered waste, or not be considered waste (question 2.2.2.)**

15. Thirty-six Parties (84 %) considered that section III.B was useful; two Parties (5 %) considered that the section was not useful, and 5 Parties (12 %) indicated that they did not have any opinion. The distribution of responses on the views about section III.B is presented in figure 13. The explanations provided by Parties about their views on this section are compiled in table 7.

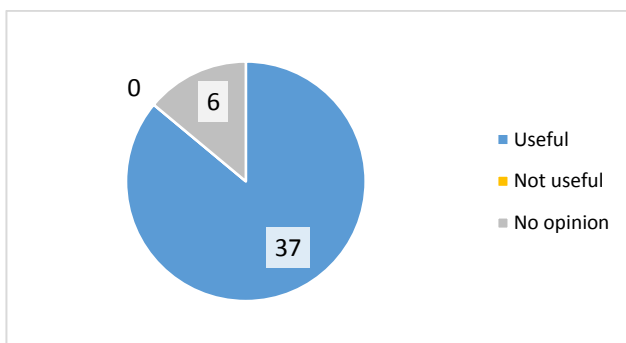
**Figure 13:** Distribution of responses on the views about section III.B**Table 7:** Explanations and details provided by Parties on their views about the usefulness of section III.B

<b>View: USEFUL</b>	
Costa Rica	Esta sección es una de las más importantes de las Directrices Técnicas ya que suministra aspectos importantes a tomar en cuenta con el fin de considerar si los equipos electrónicos usados son residuos o no. La información de esta sección es útil para las autoridades para establecer procedimientos y requisitos para trámites de solicitud de permisos para importación y exportación de equipo electrónico usado, tal y como se ha hecho en Costa Rica.
European Union	See comment under 2.1.1.
Lebanon	This section can be adopted and integrated in national legislation.
Swaziland	This one is a global challenge and the application should be globalized. A national consideration does not solve the problem when another national consideration is contrary hence the need to harmonize and standardize.
<b>View: NOT USEFUL</b>	
India	<p>Section III B is the most integral part of the entire technical guidelines and clarity in this section is highly required. The main issue with respect to control of transboundary movements of e-waste/used equipment is the prevention of hazardous e-waste being transported in the garb of it being non-waste (re-usable).</p> <p>(i) Paragraph 30 of Section III B should include residual life time and age of used equipment</p> <p>(ii) Paragraph 31 of Section III B states that “Used equipment should normally not be considered waste:</p> <p>(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.” However, Annex IV B of the Convention states “Operations which may lead to resource recovery, recycling reclamation, direct re-use or alternative uses”. This seems to be contradicting and therefore, requires clarification.</p> <p>India has submitted its comments separately to the Secretariat on proposed changes in the various paragraphs of text of Section III B.</p>
Trinidad and Tobago	The section is useful in its attempt to define criteria which should be adopted to categorize used equipment as waste. However, further discussion on paragraphs 30(e), (f), (h) and (j) is suggested as there may be concern in categorizing used equipment as waste based on their appearance and marketability.

### Section III.C: Evaluation and testing of used equipment destined for direct reuse (question 2.2.3.)

16. Thirty-seven Parties (86 %) considered that section III.C was useful; none of the Parties (0 %) considered that the section was not useful, and 6 Parties (14 %) indicated that they did not have any opinion. The distribution of responses on the views about section III.C is presented in figure 14. The explanations provided by Parties about their views on this section are compiled in table 8.

**Figure 14:** Distribution of responses on the views about section III.C



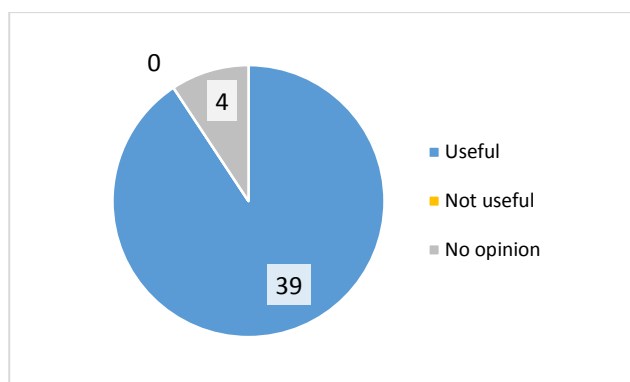
**Table 8:** Explanations and details provided by Parties on their views about the usefulness of section III.C

View:	USEFUL
Costa Rica	La información es necesaria para desarrollar los aspectos de la sección anterior. Proporciona información útil sobre los datos que deberían registrarse durante pruebas de funcionalidad de equipo electrónico usado y que debe solicitarse al considera si equipos electrónicos usados son residuos o no.
European Union	See comment under 2.1.1.
Lebanon	Paragraph 38: it would be better to clarify the requested qualifications and certification's held by the technician.
Swaziland	Lack of capacity is a big bottleneck for this one especially for developing nations.
Trinidad and Tobago	The section is useful in summarizing the information required to validate that the used equipment is not waste. However, please clarify whether the endorsement by a certified technician will be preferred to a trained technician who may not be certified.
View:	NO OPINION
Israel	We need more time to learn the subject.

## SECTION IV: GUIDANCE ON TRANSBOUNDARY MOVEMENTS OF E-WASTE

### Section IV.A: General considerations (question 2.3.1.)

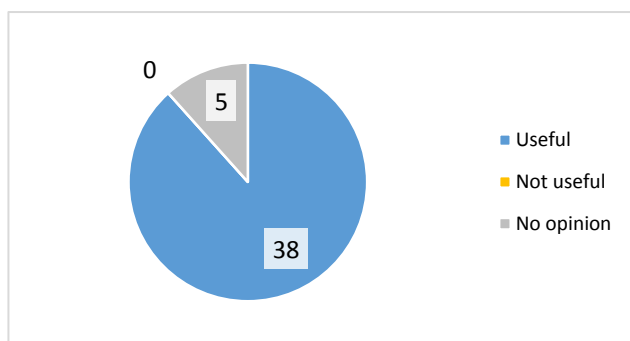
17. Thirty-nine Parties (91 %) considered that section IV.A was useful; none of the Parties (0 %) considered that the section was not useful, and 4 Parties (9 %) indicated that they did not have any opinion. The distribution of responses on the views about section IV.A is presented in figure 15. The explanations provided by Parties about their views on this section are compiled in table 9.

**Figure 15:** Distribution of responses on the views about section IV.A**Table 9:** Explanations and details provided by Parties on their views about the usefulness of section IV.A

View:	USEFUL
Costa Rica	Es útil ya que se nuevamente se mencionan los conceptos indicados en la sección II pero enfocados a los residuos electrónicos y al equipo electrónico usado.
European Union	See comment under 2.1.1.
Peru	Explica situaciones de discordancia de opinión entre países partes respecto a la peligrosidad de un residuo.
Trinidad and Tobago	The section is useful in its attempt to remind the reader of the control procedure.
View:	NO OPINION
Israel	We need more time to learn the subject.

**Section IV.B: Distinction between hazardous waste and non-hazardous waste (question 2.3.2.)**

18. Thirty-eight Parties (88 %) considered that section IV.B was useful; none of the Parties (0 %) considered that the section was not useful, and 5 Parties (12 %) indicated that they did not have any opinion. The distribution of responses on the views about section IV.B is presented in figure 16. The explanations provided by Parties about their views on this section are compiled in table 10.

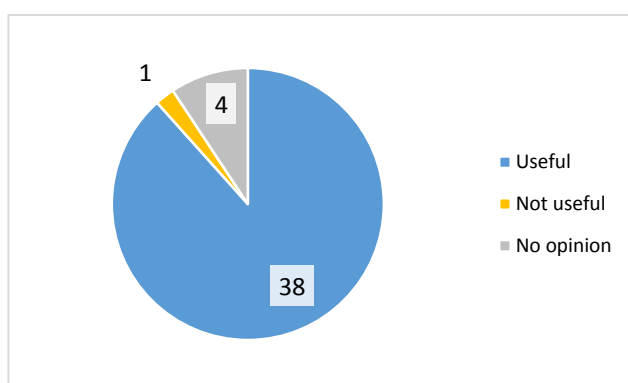
**Figure 16:** Distribution of responses on the views about section IV.B

**Table 10:** Explanations and details provided by Parties on their views about the usefulness of section IV.B

View:	USEFUL
Costa Rica	La información sirve de orientación para identificar los posibles componentes peligrosos que pueden contener los residuos electrónicos, la manera en que pueden ser clasificados y los códigos que pueden ser utilizados.
European Union	See comment under 2.1.1.
Lebanon	It would be a necessity to adopt ways and decide on specific analysis for ensuring the presence or absence of hazardous components.
Peru	La aplicación de las categorías de peligrosidad y no peligrosidad según anexo VIII y IX son didácticas.
Trinidad and Tobago	The section is useful in differentiating the relevant hazardous and non-hazardous electronic wastes listed in the Basel Convention.
View:	NO OPINION
Israel	We need more time to learn the subject.
Swaziland	It is important that the distinction is clear from the definition and its applicability/application and where necessary the qualification of the definition should all distinguish between waste and non-waste while being aligned to the national definition of general waste and any special (hazardous) waste. Also, the distinction between the general waste and special waste should be clear.

**SECTION V: GUIDANCE ON THE ENFORCEMENT OF PROVISIONS REGARDING TRANSBOUNDARY MOVEMENTS OF E-WASTE AND USED EQUIPMENT (question 2.4)**

19. Thirty-eight Parties (88 %) considered that section V was useful; one Party (2 %) considered that the section was not useful, and 4 Parties (9 %) indicated that they did not have any opinion. The distribution of responses on the views about section V is presented in figure 17. The explanations provided by Parties about their views on this section are compiled in table 11.

**Figure 17:** Distribution of responses on the views about section V**Table 11:** Explanations and details provided by Parties on their views about the usefulness of section V

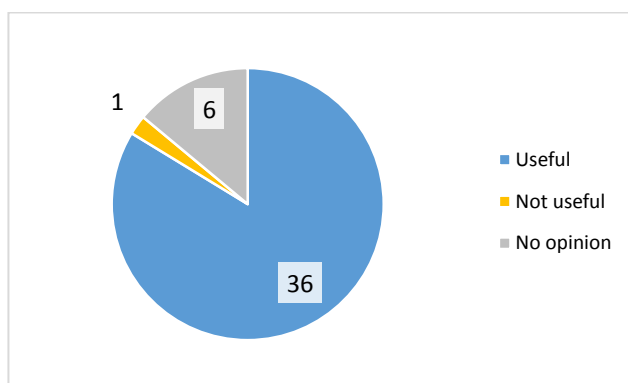
View:	USEFUL
Costa Rica	La información puede ser útil a autoridades aduanales de manera que se puedan identificar cargas de residuos electrónicos y cargas de equipo electrónico usado y se tomen las precauciones pertinentes.
European	See comment under 2.1.1.

Union	
Peru	Interesantes procedimientos, que podrían ser considerados cuando se regule movimientos transfronterizos de EEE usados.
Swaziland	Capacity shortfalls are a problem wherein the enforcing agent(s) a thin on the ground and are not so confident on the subject matter. The need for qualified and relevant enforcing officers/officials is a necessity.
Trinidad and Tobago	The section is useful in summarizing the previous chapters of the present technical guidelines.
<b>View:</b>	<b>NO OPINION</b>
Israel	We need more time to learn the subject.

**SECTION VI: GUIDANCE TO FACILITIES FOR CONDUCTING FAILURE ANALYSIS, REPAIR AND REFURBISHMENT (question 2.5)**

20. Thirty-six Parties (84 %) considered that section VI was useful; one Party (2 %) considered that the section was not useful, and 6 Parties (14 %) indicated that they did not have any opinion. The distribution of responses on the views about section VI is presented in figure 18. The explanations provided by Parties about their views on this section are compiled in table 12.

**Figure 18:** Distribution of responses on the views about section VI



**Table 12:** Explanations and details provided by Parties on their views about the usefulness of section VI

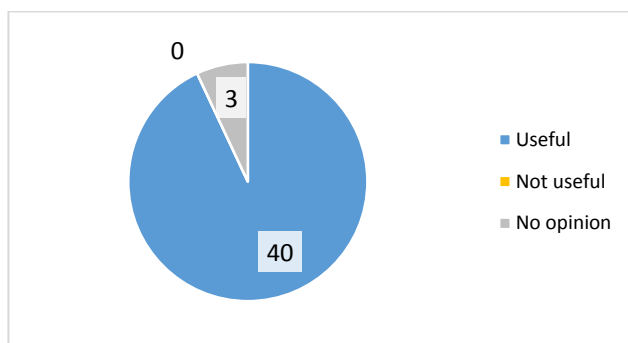
<b>View:</b>	<b>USEFUL</b>
Costa Rica	Se menciona la opción de permitir la importación de equipo electrónico usado para análisis de fallas, reparación y/o reconstrucción solamente si el mismo es reexportado al país de origen lo cual puede ser considerado como política en el país.
European Union	See comment under 2.1.1.
Swaziland	But the Lack of capacity is a big bottleneck for this one especially for developing nations.
<b>View:</b>	<b>NOT USEFUL</b>
India	Section VI paragraph 57 states that”..... In addition, in these countries all the waste generated by such activities must be exported to facilities that meet ESM standards”, however, it does not specify who is responsible for the export.
<b>View:</b>	<b>NO OPINION</b>
Israel	We need more time to learn the subject.
Peru	Aspectos de control interno que podrían ser considerados cuando se regule

	movimientos transfronterizos de EEE usados.
Trinidad and Tobago	The reference to the “Guideline on environmentally sound testing, refurbishment and repair of used computing equipment” reminds authorities to consider the guideline in monitoring the compliance of such facilities.

#### APPENDIX I: GLOSSARY OF TERMS (question 2.6)

21. Forty Parties (93 %) considered that appendix I was useful; none of the Parties (0 %) considered that the section was not useful, and 3 Parties (7 %) indicated that they did not have any opinion. The distribution of responses on the views about appendix I is presented in figure 19. The explanations provided by Parties about their views on this section are compiled in table 13.

**Figure 19:** Distribution of responses on the views about appendix I

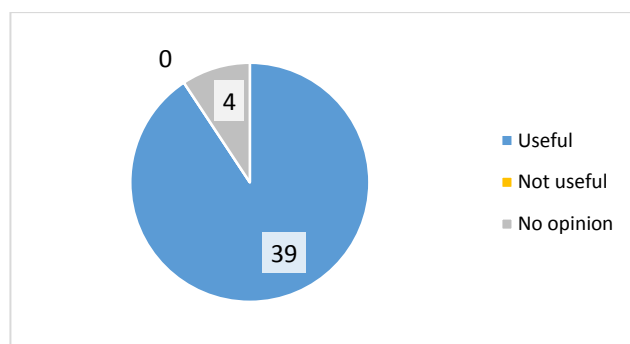


**Table 13:** Explanations and details provided by Parties on their views about the usefulness of appendix I

View:	USEFUL
Costa Rica	Aclara términos mencionados en las secciones anteriores que pueden prestarse a confusión.
European Union	See comment under 2.1.1.
India	The definition of the term “extended use” may be considered for addition in the glossary of terms.
Peru	Son útiles, pero deberían ser traducidas (la versión en español de las directrices tienes esta sección en inglés).
Trinidad and Tobago	A Glossary is useful as a short-reference for the reader. However, please consider adding definitions for “extended use”, “original owner” and “obsolete technologies”.

#### APPENDIX II: INFORMATION ACCOMPANYING TRANSBOUNDARY TRANSPORTS OF USED EQUIPMENT FALLING UNDER PARAGRAPH 31 (A) —OF THE TECHNICAL GUIDELINES—INCLUDING ON RECORDING THE RESULTS OF EVALUATION AND TESTING OF USED EQUIPMENT (question 2.7)

22. Thirty-nine Parties (91 %) considered that appendix II was useful; none of the Parties (0 %) considered that the section was not useful, and 4 Parties (9 %) indicated that they did not have any opinion. The distribution of responses on the views about appendix II is presented in figure 20. The explanations provided by Parties about their views on this section are compiled in table 14.

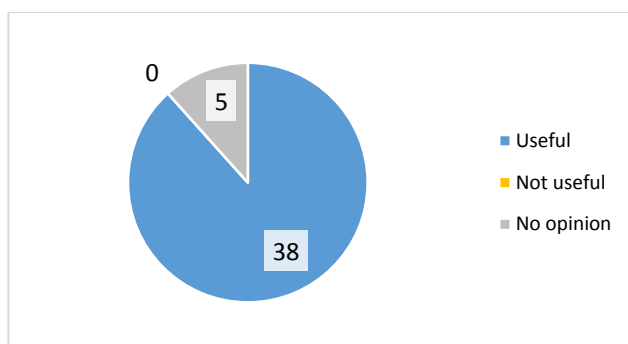
**Figure 20:** Distribution of responses on the views about appendix II**Table 14:** Explanations and details provided by Parties on their views about the usefulness of appendix II

View:	USEFUL
Costa Rica	El “Apéndice II” ha resultado de utilidad y el mismo se ha aplicado en nuestro país.
European Union	See comment under 2.1.1.
India	<p>The inclusion of a new terminology i.e., a “person who arranges the transport” which is not part of the Basel Convention text is creating ambiguity w.r.t. the whole procedure for transboundary movement of hazardous and other wastes, specifically when the number of other actors viz. carrier, importer, exporter, generator are already defined in the text of the convention.</p> <p>The aforesaid new terminology gives the impression of a transporter whereas actually the transporter does not have any concrete role in the whole transboundary movement and the “transporter” is already included in the text of Basel Convention as “carrier”.</p> <p>Furthermore, during any such transboundary movement of hazardous and other wastes, authorities and any other relevant stakeholders are much more conversant with generally used terminology as carrier, importer and exporter.</p> <p>Accordingly, it is proposed to remove the use of this particular terminology from the guidelines completely and replace this with either “carrier” or “exporter”, as applicable. This will also be in line with the existing movement document as being provided by the Basel Convention as Annex V B.</p> <p>Further, in line with the above, “person who arranges the transport” needs to be replaced with “exporter” in Appendix III. Similarly, “person who arranges the transport” needs to be replaced with “exporter” in Appendix II.</p>
Peru	A ser considerado si se regula EEE usados.
Swaziland	But the lack of capacity is a big bottleneck for this one especially for developing nations.
Trinidad and Tobago	The Appendix is helpful in that it reminds the person who arranges transport of the required information.

### APPENDIX III: INFORMATION ACCOMPANYING TRANSBOUNDARY TRANSPORTS OF USED EQUIPMENT FALLING UNDER PARAGRAPH 31(B) OF THE TECHNICAL GUIDELINES (question 2.8)

23. Thirty-eight Parties (88 %) considered that appendix III was useful; none of the Parties (0 %) considered that the section was not useful, and 5 Parties (12 %) indicated that they did not have any opinion. The distribution of responses on the views about appendix III is presented in figure 21. The explanations provided by Parties about their views on this section are compiled in table 15.



**Figure 21:** Distribution of responses on the views about appendix III**Table 15:** Explanations and details provided by Parties on their views about the usefulness of appendix III

View:	USEFUL
Costa Rica	El “Apéndice III” ha resultado de utilidad y el mismo se ha aplicado en nuestro país.
European Union	See comment under 2.1.1.
India	The contents of a contract should be left as
Lebanon	It would be better to enclose with the information, a copy of the contract and a copy of all relevant documents e.g. statement from the countries involved in the export and transport clarifying that the equipment imported from the specified facility in the export country to the receiving facility in the import country are not considered as waste under their legislation.
Trinidad and Tobago	The Appendix is helpful in that it reminds the person who arranges transport of the required information.
View:	NO OPINION
Peru	A ser considerado si se regula EEE usados.

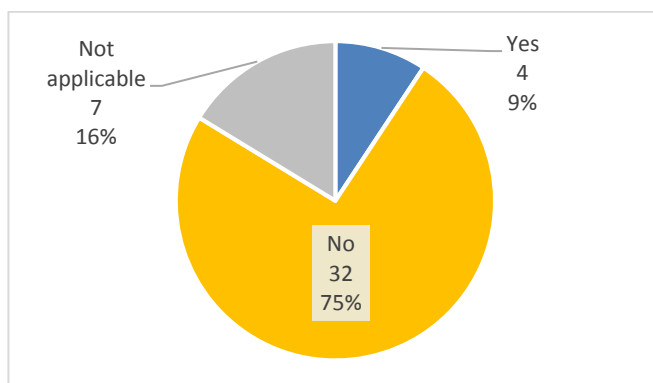
## IV. Additional questions

24. The third part of the questionnaire contains questions added to the revised questionnaire. In this part, respondents were invited to provide their views regarding the implementation of the technical guidelines.

**Question 3:** *While implementing the technical guidelines, did you observe any item or topic which is not yet well covered in the document (e.g., items listed in Appendix V, items listed in paragraph 5 of decision BC-12/5, a new section to be added)?*

25. Of the 43 Parties that responded to the questionnaire, 4 (9 %) indicated that they observed items or topics not yet well covered in the technical guidelines: Costa Rica, India, Lebanon and Peru. Thirty-two Parties (75 %) indicated that they did not observe any item or topic not yet well covered in the document. Seven Parties (16 %) indicated that the question was not applicable to their situation. The distribution of the responses on having observed, or not, items or topics not yet well covered in the technical guidelines is provided in figure 22. Respondents were also invited to provide explanations and details on the observed items or topics not yet well covered in the document, these are compiled in table 16.

**Figure 22:** Distribution of responses on having observed, or not, items or topics not yet well covered in the technical guidelines



**Table 16:** Explanations and details provided by Parties that observed items or topics not yet well covered in the technical guidelines

Party	Explanations and details
Costa Rica	Se deben analizar procedimientos de control en caso de importaciones de equipo electrónico usado adquirido de sitios de subasta a través de internet, así como en casos de importación por motivos personales o familiares, por ejemplo, mudanzas. En estos casos particulares se ha pensado no considerar algunos aspectos de la sección III de las Directrices Técnicas, pero estableciendo un límite a la cantidad que se puede importar durante cada año bajo estas condiciones.
India	<p>In paragraph 31 (a), a component on including necessary approvals from the competent authority of importing country has not been included.</p> <p>Paragraph 31(b) is difficult to implement. The contents of the contract should be modified as mentioned below:</p> <p>(i) Replace the line from “the person who arranges the transport” with “exporter”. This creates ambiguity as the Convention doesn’t define the role of “the person who arranges the transport” like how it does for other actors such as carrier, importer, exporter, etc.</p> <p>(ii) Point (b) in paragraph 31(b)(ii) may be replaced with the following text: A provision stating that used electrical and electronic assemblies are being imported for root cause analysis, repair or refurbishment and will be re-exported back within one year of import; or if to be retained in the importing country, then necessary permission from competent authority in the importing country, is in place, if applicable.</p> <p>(iii) Point d in paragraph 31(b)(ii) may be replaced with A provision that the management of hazardous wastes resulting from failure analysis, repair and refurbishment operations in countries may focus on environmentally sound management and that the transboundary movement of such hazardous wastes shall be responsibility of the exporter, in case of non-availability of environmentally sound management facility in the importing country.</p>
Lebanon	It would be better to have specific guidance on transboundary movement of waste and explain the duties and obligations to be met by the relevant stakeholders under Basel Convention, with tangible examples.
Peru	<p>La sección 3 debe considerar las limitaciones nacionales.</p> <p>Además, sería de utilidad incluir una sección sobre partes esenciales de una regulación sobre EEE usados a nivel nacional. Así también, las ventajas y obstáculos de que la regulación de EEE usados sea parte de la regulación de RAEE o de la de gestión de residuos.</p>

**Question 4:** *In your opinion, which sections of the guidelines need to be improved to enhance its implementation? Please state the specific reasons and any suggestion you may have, including of text.*

26. Of the 43 Parties that responded to the questionnaire, 35 Parties (81 %) stated an opinion about sections of the guidelines that would need to be improved to enhance their implementation: Albania, Costa Rica, European Union on behalf of 28 of its Member States, India, Lebanon, Peru, Switzerland and Trinidad and Tobago. The opinions stated by the respondents, including reasons and suggestions are compiled in table 17.

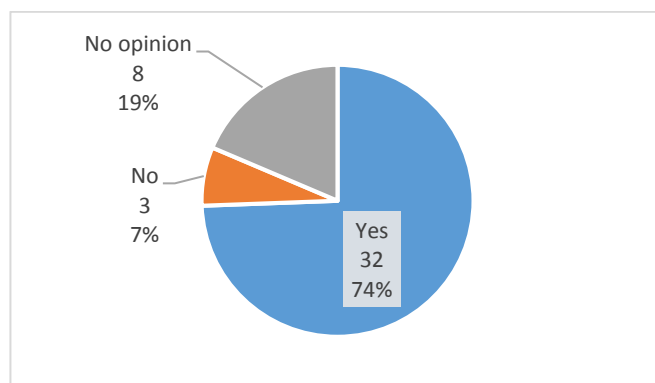
**Table 17:** Opinions stated by Parties about sections of the guidelines that need to be improved to enhance its implementation

Party	Sections of the guidelines that need to be improved, reasons and suggestions
Albania	From my point of view, needs more training and capacity building on central and local level in order to implement all the legislative acts/guidelines which are in place. I think that all the guidelines that are prepared by experts under the secretariat of Basel Convention, are good, but if the customs, inspectorates or the others are not aware and don't have the sufficient information/training regarding waste management, the guidelines don't worth.
Costa Rica	La Sección III.
European Union	The EU and its Member States consider that more time is needed for all parties to use the guidelines and gain solid experience from their application on the ground. So far, the EU and its Member States have not identified any sections of the guidelines that would necessitate improvement.
India	As stated in answer 2.2.2, paragraphs 30 and 31 of Section III B is the most integral part of the entire technical guidelines and clarity in this section is highly required. The main issue with respect to control of transboundary movements of e-waste/used equipment is the prevention of hazardous e-waste being transported under the garb of being non-waste (re-usable).
Lebanon	More elaboration in section IV B regarding the analysis and ways implemented in order to ensure the presence or absence of hazardous components.
Peru	La respuesta ya está dada bajo la pregunta 3.1.
Switzerland	As a general comment, we think that it would be very helpful adding pictures into the guideline. The pictures should give "good" and "bad" examples e.g. for packaging. See: guideline on "Exporting consumer goods: Second-hand articles or waste?" realised by the Federal Office for the Environment Switzerland: <a href="https://www.bafu.admin.ch/bafu/en/home/topics/waste/publications-studies/publications/exporting-consumer-goods.html">https://www.bafu.admin.ch/bafu/en/home/topics/waste/publications-studies/publications/exporting-consumer-goods.html</a>
Trinidad and Tobago	Please refer to the correspondence sent to the Secretariat via email on November 23, 2017 titled, "Trinidad and Tobago's comments on the Technical Guidelines, including on the issues mentioned in paragraph 5 of decision BC-12/5 and/or alternative text to Appendix V of the guidelines" for more detailed suggestions.

**Question 5:** *Is there any other action (e.g. from Parties or from the Secretariat) that would need to be taken in order to help Parties with the implementation of the technical guidelines?*

27. Of the 43 Parties that responded to the questionnaire, 32 (74 %) indicated that there are other actions that would need to be taken to help Parties with the implementation of the technical guidelines: the European Union on behalf of 28 of its Member States, Honduras, India, Israel and Switzerland. Three Parties (7 %) indicated that there are no further actions needed and 8 Parties (19 %) indicated that they did not have any opinion. The distribution of the responses on the need or not of other actions to be taken to help Parties with the implementation of the technical guidelines is provided in figure 23. Respondents were also invited to provide explanations on the other actions that would need to be taken to help Parties with the implementation of the technical guidelines, these are compiled in table 18.

**Figure 23:** Distribution of responses on the need or not of other actions to be taken to help Parties with the implementation of the technical guidelines



**Table 18:** Explanations provided by Parties that consider that other actions would need to be taken to help Parties with the implementation of the technical guidelines

Party	Sections of the guidelines that need to be improved, reasons and suggestions
European Union	The EU and its Member States are in favour of actions and initiatives that improve the application of the guidelines and promote better enforcement of the rules.
Honduras	Es necesario que la Secretaría del Convenio desarrolle procesos de capacitación presencial en las diferentes regiones (incluyendo todos los países parte) sobre el alcance de las guías técnicas, para lograr la adopción e implementación de las mismas de acuerdo a las realidades de cada país.
India	Appendix V of the guidelines lists out issues and specific texts that were discussed by COP-12 but on which no suitable agreement was reached. This specifically includes paragraphs of the guidelines that addresses the fundamental issue of when is used non-working equipment considered as e-waste. The answer to this question is in many ways the essence of the technical guidelines, as it will then help identify and prevent transboundary movement of electrical and electronic waste in the garb of “re-usable” equipment. The outstanding issues in Appendix V must be addressed before the implementation of the technical guidelines.
Israel	On line training (e.g. webinar).
Switzerland	We think that the language used in the guideline should be simplified for easier understanding, but not losing content.

### Additional comments or information provided by the Parties

28. Finally, respondents were invited to provide any other comments or information that they would like to include. These are compiled in table 19 below.

**Table 19:** Comments or information provided by the Parties

Party	Comments/Information
Azerbaijan	No comments.
European Union	The EU and its Member States consider it important that the Basel technical guidelines are used worldwide to develop and/or implement legislation and/or guidance in order to prevent illegal traffic of e-waste and to provide an essential part of the framework to establish ESM.
India	India has submitted detailed comments on the technical guidelines to the Secretariat.
Lebanon	There should be a complementary guideline covering the Environmental Sound Management of electronic and electrical wastes.

Party	Comments/Information
Trinidad and Tobago	No further information.

## Annex II

### Compilation of responses from other stakeholders to the revised questionnaire on the experiences of Parties and others in the implementation of the technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention

#### I. Respondents

1. A total of 7 responses were received from stakeholders other than Parties. Four respondents reported as from environmental agencies (Colombia, Egypt, Madagascar and Yemen), two NGOs (Nepal and USA) and one industry association (Japan). Table 1 presents the regional composition of the respondents to the questionnaire.
2. The submission by the Basel Action Network (BAN) responded to questions 3, 4 and 5 only<sup>1</sup>. Therefore, for the statistics, questions 1 and 2 were considered as being responded by 6 respondents, with the exception of BAN. Statistics for questions 3, 4 and 5 consider responses from all 7 respondents.

**Table 1:** Composition of responses from stakeholders other than Parties

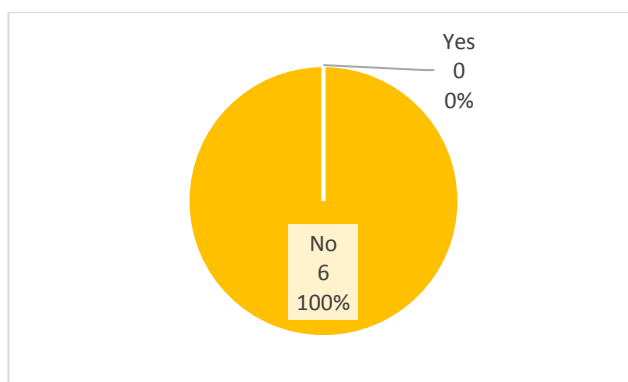
Region	Country	Organization	Number of respondents
Latin America and the Caribbean	Colombia	Ministry of Environment and Sustainable Development	1
Africa	Egypt	Egyptian Environmental Affairs Agency	1
Africa	Madagascar	Ministry of Environment, Ecology & Forests	1
Asia-Pacific	Yemen	Environment Protection Authority (EPA)	1
Asia-Pacific	Nepal	Center for Public Health and Environmental Development (CEPHED)	1
WEOG	USA	Basel Action Network (BAN)	1
Asia-Pacific	Japan	Four Electrical and Electronic Industry Associations in Japan	1

#### II. Use of the technical guidelines

**Question 1:** *Have 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 (technical guidelines) been used in your country/by your organization?*

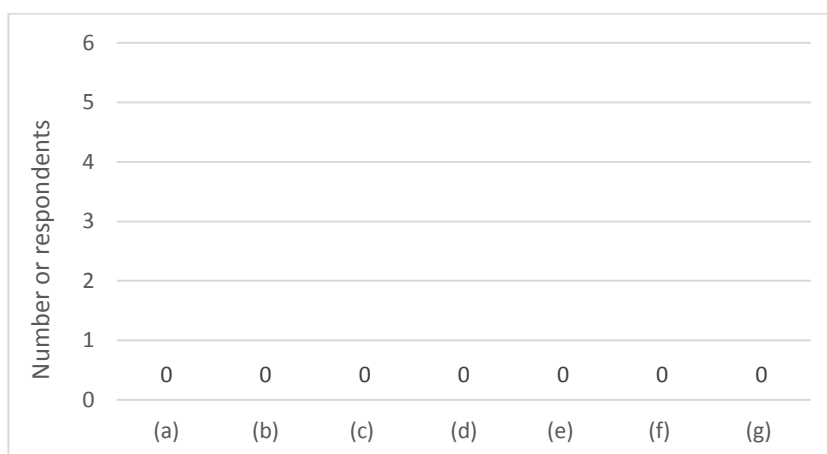
3. Of the 6 responses to the questionnaire, all 6 reported that the technical guidelines had not been used in their organization. The distribution of the responses on the use of the technical guidelines is provided in figure 1.

<sup>1</sup> All responses to the previous version of the questionnaire can be found in document: UNEP/CHW.13/INF/16.

**Figure 1:** Distribution of the responses on the use of the technical guidelines

**Question 1.1:** [“Yes” answer] Please indicate how/where the technical guidelines have been used and your experiences with such use or implementation.

4. Those respondents that reported that the technical guidelines had been used in their organizations were invited to indicate how and/or where the technical guidelines had been used and their experiences with such use or implementation. Respondents were offered a multiple choice selection of 7 options, including one for inputs on purposes other than the options presented. For the current questionnaire, none of the respondents reported that the technical guidelines had been used in their organizations. The distribution of responses as per each of the different options on how/where the technical guidelines have been used is presented in figure 2. Respondents were also invited to elaborate on the experiences gathered from the use of the technical guidelines, no experiences were reported, as indicated in table 2.

**Figure 2:** Distribution of responses on the different options on how/where the technical guidelines have been used

(a) For controlling transboundary movements (import/export) of e-waste, in general.
(b) For controlling transboundary movements (import/export) of used equipment for direct reuse, or extended use by the original owner.
(c) For controlling transboundary movements (import/export) of used equipment for failure analysis, for repair and refurbishment (may include remanufacturing).
(d) For the development/elaboration of a national legislation or regulations.
(e) For the development of non-regulatory policies, or guidance, e.g. guidelines, manuals, technical notes, handbooks, others.
(f) For training, e.g. of enforcement and customs officers.
(g) For other purposes.

**Table 2:** Experiences gathered by respondents from the use of the technical guidelines

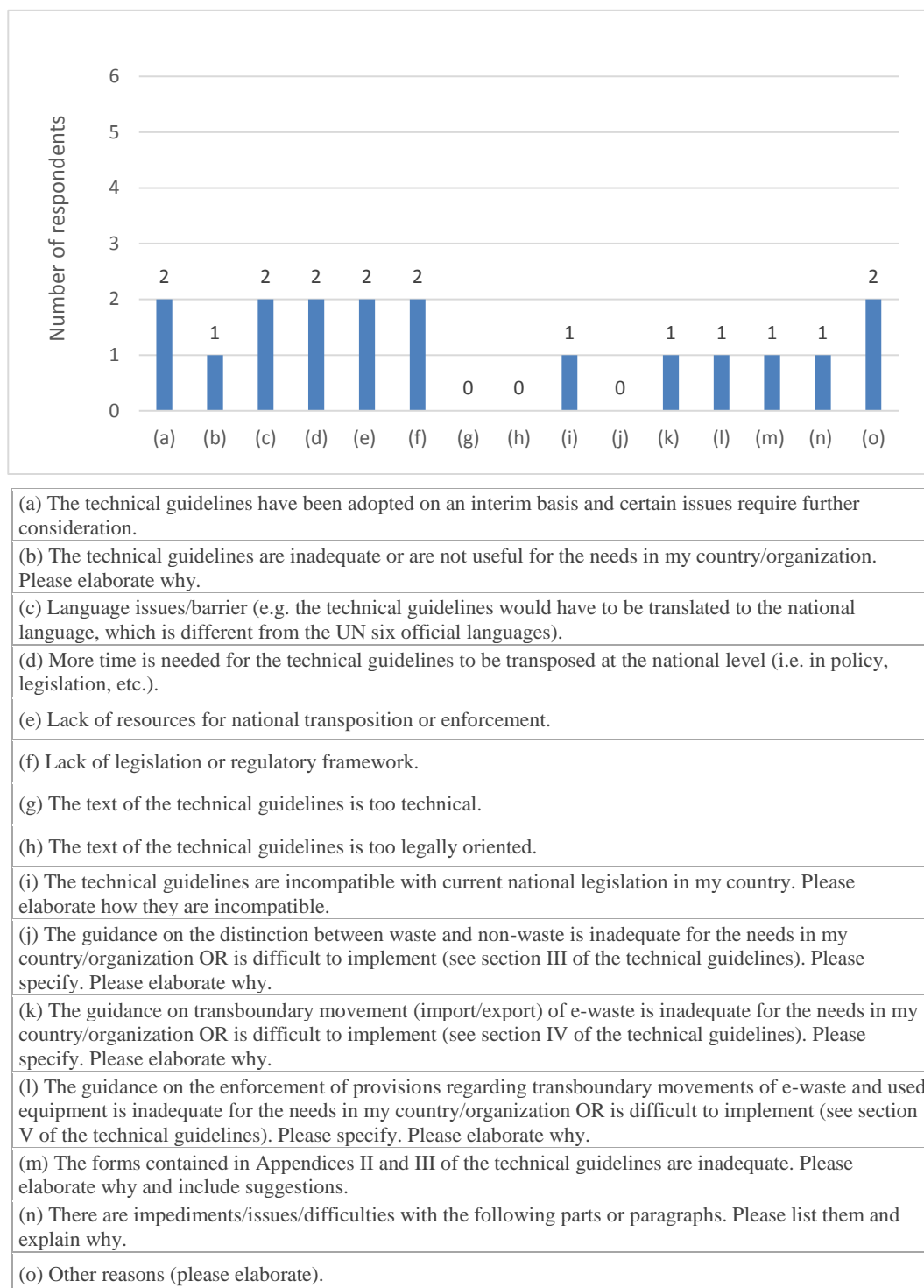
<b>(a) For controlling transboundary movements (import/export) of e-waste, in general</b>
No experiences reported.
<b>(b) For controlling transboundary movements (import/export) of used equipment for direct reuse, or extended use by the original owner</b>
No experiences reported.
<b>(c) For controlling transboundary movements (import/export) of used equipment for failure analysis, for repair and refurbishment (may include remanufacturing)</b>
No experiences reported.
<b>(d) For the development/elaboration of a national legislation or regulations</b>
No experiences reported.
<b>(e) For the development of non-regulatory policies, or guidance, e.g. guidelines, manuals, technical notes, handbooks, others</b>
No experiences reported.
<b>(f) For training, e.g. of enforcement and customs officers</b>
No experiences reported.
<b>(g) For other purposes</b>
No experiences reported.

**Question 1.1:** [*“No” answer*] Please state the reasons for not using the technical guidelines or parts thereof.

5. Those respondents that reported that the technical guidelines had not been used in their organizations were invited to state the reasons for not using the technical guidelines or parts thereof. Respondents were offered a multiple choice selection of 15 options, including one for inputs on reasons other than the options presented. The distribution of responses as per each of the different reasons for not using the technical guidelines is presented in figure 3. Respondents were also invited to provide explanations and details on some specific reasons for not using the technical guidelines, these are compiled in table 3. None of the respondents selected option (g) (The text of the technical guidelines is too technical), option (h) (The text of the technical guidelines is too legally oriented), or option (j) (The guidance on the distinction between waste and non-waste is inadequate for the needs in my country/organization or is difficult to implement). Additionally, respondents that selected options (j), (k) and (l) as the reasons for not using the technical guidelines were requested to specify if the guidance on the area indicated in each of the options was inadequate for the needs in the organization or if it was difficult to implement. One respondent selected option (k), and one respondent selected option (l). The respondent that selected the option (k) was the environmental agency from Egypt, who indicated that it was difficult to implement. The respondent that selected the option (l) was the environmental ministry from Madagascar, who indicated that it was difficult to implement.



**Figure 3:** Distribution of responses as per each of the different reasons indicated for not using the technical guidelines



**Table 3:** Explanations and details provided by respondents on some particular reasons for not using the technical guidelines

<b>(b) The technical guidelines are inadequate or are not useful for the needs in my country</b>	
<b>Organization</b>	<b>Please elaborate why</b>
Egyptian Environmental Affairs Agency	The differentiation between waste and used equipment in appendix V is not applied in Egypt (Residual life of the equipment is not applied). According to national regulations, It is prohibited to import personal computers more than 5 years of

	<p>production.</p> <p>The importation of used equipment destined for root cause analysis, repair and refurbishment is not allowed in Egypt.</p> <p>It is difficult to identify the life span of the equipment as it depends on different factors and storage conditions.</p>
Madagascar's Ministry of Environment, Ecology & Forests	<p>We have already put at the national level 3 regulatory frameworks:</p> <p>1-DECREE N ° 2012-753 of 07/08/12, Prohibiting the Importation of Waste,</p> <p>2-DECREE N ° 2012-754 of 07/08/12, Fixing Procedure for Management of End-of-Life Products, Sources of Waste and Hazardous Waste</p> <p>3-DECREE N ° 2015-930 of 09/06/15, relating to Classification and Environmentally Sound Management of e-WASTE.</p>
Nepal's CEPHED	Our country has not yet adopted any laws on e-waste.
<b>(i) The technical guidelines are incompatible with current national legislation in my country</b>	
<b>Organization</b>	<b>Please elaborate how they are incompatible</b>
Egyptian Environmental Affairs Agency	<p>The differentiation between waste and used equipment in appendix V is not applied in Egypt (Residual life of the equipment is not applied). According to national regulations, it is prohibited to import personal computers more than 5 years of production.</p> <p>The importation of used equipment destined for root cause analysis, repair and refurbishment is not allowed in Egypt.</p> <p>It is difficult to identify the life span of the equipment as it depends on different factors and storage conditions.</p>
Madagascar's Ministry of Environment, Ecology & Forests	In preparation of the national policies of e-waste on ESM and ERP.
<b>(j) The guidance on the distinction between waste and non-waste is inadequate for the needs in my country/organization OR is difficult to implement (see section III of the technical guidelines)</b>	
No experiences reported.	
<b>(k) The guidance on transboundary movement (import/export) of e-waste is inadequate for the needs in my country/organization OR is difficult to implement (see section IV of the technical guidelines)</b>	
<b>Organization</b>	<b>Please elaborate why</b>
Egyptian Environmental Affairs Agency	<p>[Difficult] The differentiation between waste and used equipment in appendix V is not applied in Egypt (Residual life of the equipment is not applied). According to national regulations, it is prohibited to import personal computers more than 5 years of production.</p> <p>The importation of used equipment destined for root cause analysis, repair and refurbishment is not allowed in Egypt.</p> <p>It is difficult to identify the life span of the equipment as it depends on different factors and storage conditions.</p>
<b>(l) The guidance on the enforcement of provisions regarding transboundary movements of e-waste and used equipment is inadequate for the needs in my country/organization OR is difficult to implement (see section V of the technical guidelines)</b>	
<b>Organization</b>	<b>Please elaborate why</b>

Madagascar's Ministry of Environment, Ecology & Forests	[Difficult] Lack of national policy, enforcement text and financial means.
<b>(m) The forms contained in Appendices II and III of the technical guidelines are inadequate</b>	
<b>Organization</b>	<b>Please elaborate why and include suggestions</b>
Madagascar's Ministry of Environment, Ecology & Forests	In the developing country, it is difficult to apply because requires a lot of means (Financial, technical,...).
<b>(n) There are impediments/issues/difficulties with the following parts or paragraphs</b>	
<b>Organization</b>	<b>Please list them and explain why</b>
Madagascar's Ministry of Environment, Ecology & Forests	For example, some developing countries in which facilities perform fault analysis, repairs or rehabilitation have policies in place requiring these facilities to ensure that all used equipment they receive is exported once failure analysis, repairs or remediation completed.
<b>(o) Other reasons</b>	
<b>Organization</b>	<b>Please elaborate</b>
Madagascar's Ministry of Environment, Ecology & Forests	Lack of adequate infrastructure, etc.
Four Electrical and Electronic Industry Associations in Japan	Not yet implemented officially, but each business start referring TG and establishing implementation plans of TG requirements.

### III. Usefulness of the technical guidelines

**Question 2:** *In your opinion, which sections or parts of the technical guidelines are useful to meet the needs in your country/organization?*

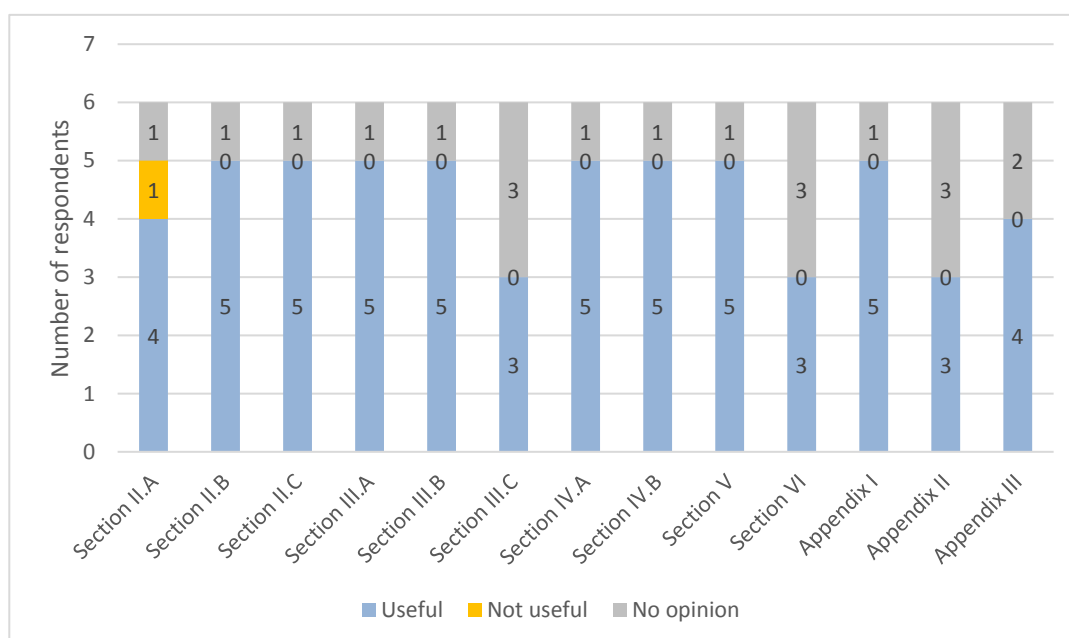
6. In the second part of the questionnaire, respondents were invited to provide their views on the usefulness of the different sections and parts of the technical guidelines for meeting the need of their respective organizations. The distribution of the responses on their views about the usefulness of the different sections and parts of the technical guidelines is presented in figure 4.

7. Eight of the 13 sections of the technical guidelines being evaluated were each considered useful by 5 of the 6 respondents, the remaining one respondent indicated "no opinion" for each of these 8 sections: section II.B (Control procedure for transboundary movements of waste), section II.C (Definitions of waste and hazardous waste), section III.A (Guidance on the distinction between waste and non-waste - General considerations), section III.B (Situations where used equipment should normally be considered waste, or not be considered waste), section IV.A (Guidance on transboundary movements of e-waste - General considerations), section IV.B (Distinction between hazardous waste and non-hazardous waste), section V (Guidance on the enforcement of provisions regarding transboundary movements of e-waste and used equipment) and Appendix I (Glossary of terms). Section II.A (General provisions of the Basel Convention) was the only section that received a negative view, as it was considered not useful by one respondent. The four remaining sections of the technical guidelines were each considered as useful by half of the respondents, the other half indicated

that they did not have any opinion on the sections. Given the low number of responses received from stakeholders other than Parties, and the fact that none of the respondents reported to have used the technical guidelines, no further insights could be obtained.

8. The distribution of responses on the views about the usefulness of the technical guidelines as well as the explanations provided by the respondents, specific to each section and part, are provided further below.

**Figure 4:** Distribution of responses, from all respondents, on the views about the usefulness of the different sections and parts of the technical guidelines.



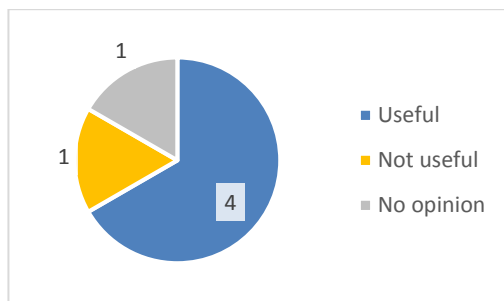
Section II.	Relevant provisions of the Basel Convention
Section II.A.	General provisions of the Basel Convention
Section II.B.	Control procedure for transboundary movements of waste
Section II.C.	Definitions of waste and hazardous waste
Section III.	Guidance on the distinction between waste and non-waste
Section III.A.	General considerations
Section III.B.	Situations where used equipment should normally be considered waste, or not be considered waste
Section III.C.	Evaluation and testing of used equipment destined for direct reuse
Section IV.	Guidance on transboundary movements of e-waste
Section IV.A.	General considerations
Section IV.B.	Distinction between hazardous waste and non-hazardous waste
Section V.	Guidance on the enforcement of provisions regarding transboundary movements of e-waste and used equipment
Section VI.	Guidance to facilities for conducting failure analysis, repair and refurbishment
Appendix I	Glossary of terms
Appendix II	Information accompanying transboundary transports of used equipment falling under paragraph 31 (a)—of the technical guidelines—including on recording the results of evaluation and testing of used equipment
Appendix III	Information accompanying transboundary transports of used equipment falling under paragraph 31 (b) of the technical guidelines

## SECTION II: RELEVANT PROVISIONS OF THE BASEL CONVENTION

### Section II.A: General provisions of the Basel Convention (question 2.1.1.)

9. Four respondents considered that section II.A was useful, one respondent considered that it was not useful and one respondent indicated that they did not have any opinion. The distribution of responses on the views about section II.A is presented in figure 5. The explanations provided by respondents about their views on this section are compiled in table 4.

**Figure 5:** Distribution of responses on the views about section II.A

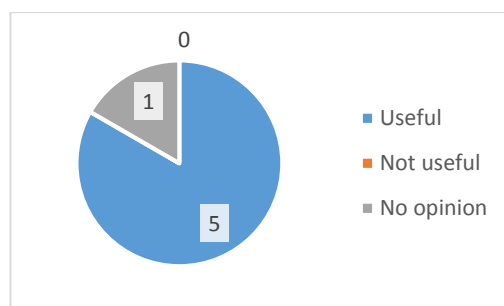


**Table 4:** Explanations and details provided by respondents on their views about the usefulness of section II.A

View: USEFUL	
Egyptian Environmental Affairs Agency	It is important to include provisions of Basel convention on obligations of parties under the convention.
Four Electrical and Electronic Industry Associations in Japan	Useful because they are reaffirmation of the contents of the Basel Convention.
View: NOT USEFUL	
Madagascar's Ministry of Environment, Ecology & Forests	The ESM/ e-waste is included in the Basel Convention obligation

### Section II.B: Control procedure for transboundary movements of waste (question 2.1.2.)

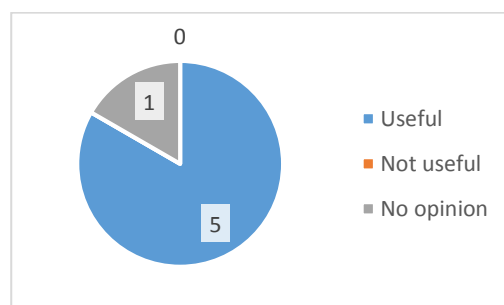
10. Five respondents considered that section II.B was useful and one respondent indicated that they did not have any opinion. The distribution of responses on the views about section II.B is presented in figure 6. The explanations provided by respondents about their views on this section are compiled in table 5.

**Figure 6:** Distribution of responses on the views about section II.B**Table 5:** Explanations and details provided by respondents on their views about the usefulness of section II.B

View:	USEFUL
Egyptian Environmental Affairs Agency	It is important to include provisions of Basel convention on transboundary movements between parties.
Madagascar's Ministry of Environment, Ecology & Forests	All waste movements require movement and notification documents.
Four Electrical and Electronic Industry Associations in Japan	Useful because they are reaffirmation of the contents of the Basel Convention.

**Section II.C. Definitions of waste and hazardous waste (question 2.1.3.)**

11. Five respondents considered that section II.C was useful and one respondent indicated that they did not have any opinion. The distribution of responses on the views about section II.C is presented in figure 7. The explanations provided by respondents about their views on this section are compiled in table 6.

**Figure 7:** Distribution of responses on the views about section II.C**Table 6:** Explanations and details provided by respondents on their views about the usefulness of section II.C

View:	USEFUL
Madagascar's Ministry of Environment,	Each country has its own definition of waste and hazardous waste, but on the basis of the definition in the Convention.

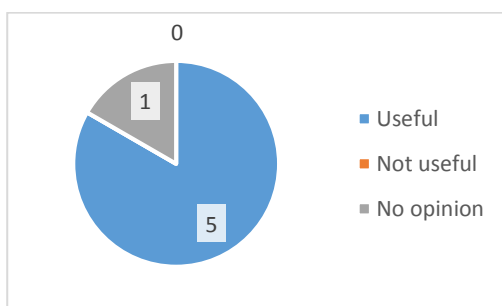
Ecology & Forests	
Four Electrical and Electronic Industry Associations in Japan	Useful because they are reaffirmation of the contents of the Basel Convention.

### SECTION III: GUIDANCE ON THE DISTINCTION BETWEEN WASTE AND NON-WASTE

#### Section III.A: General considerations (question 2.2.1.)

12. Five respondents considered that section III.A was useful and one respondent indicated that they did not have any opinion. The distribution of responses on the views about section III.A is presented in figure 8. The explanations provided by respondents about their views on this section are compiled in table 7.

**Figure 8:** Distribution of responses on the views about section III.A

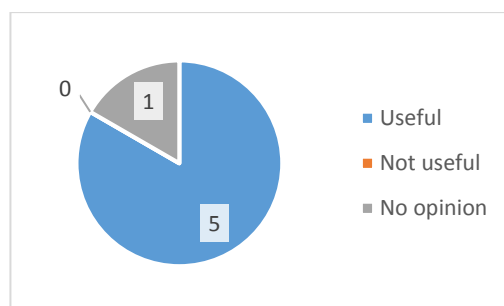


**Table 7:** Explanations and details provided by respondents on their views about the usefulness of section III.A

View:	NOT USEFUL
Egyptian Environmental Affairs Agency	This section is important as it is useful to include provisions of Basel convention related to National definitions of hazardous wastes”) and Article 13 (“Transmission of information”).
Madagascar’s Ministry of Environment, Ecology & Forests	Where a Party considers that used electrical and electronic equipment constitutes hazardous waste, both the exporting and importing parties must comply with the provisions of the Basel Convention, including those relating to the Prior Informed Consent of cause.
Four Electrical and Electronic Industry Associations in Japan	Paragraph 27 is useful. It helps to clarify the parties who wishing not to allow the import or export of used electrical and electronic equipment by notifying to the Secretariat of the Basel Convention, and improves the transparency.

#### Section III.B: Situations where used equipment should normally be considered waste, or not be considered waste (question 2.2.2.)

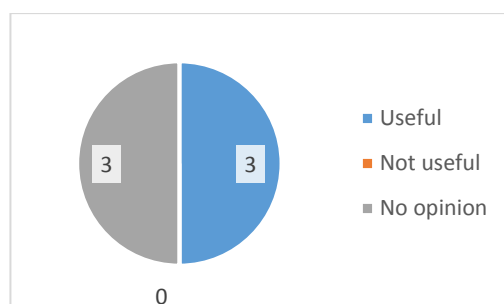
13. Five respondents considered that section III.B was useful and one respondent indicated that they did not have any opinion. The distribution of responses on the views about section III.B is presented in figure 9. The explanations provided by respondents about their views on this section are compiled in table 8.

**Figure 9:** Distribution of responses on the views about section III.B**Table 8:** Explanations and details provided by respondents on their views about the usefulness of section III.B

View:	USEFUL
Egyptian Environmental Affairs Agency	This section is important as it is useful to know how to differentiate between waste and used equipment, however national consideration of each party should be taken into consideration.
Madagascar's Ministry of Environment, Ecology & Forests	Paragraph 30: a, b, c, g.
Four Electrical and Electronic Industry Associations in Japan	Useful because they provide clear definitions and well- balanced conditions regarding the wastes (whose transboundary movement should be minimized) and non-wastes used equipment (the import and export of used equipment to be promoted for eco-efficiency/safety/quality of products according to the objectives of the Basel Convention.

### Section III.C: Evaluation and testing of used equipment destined for direct reuse (question 2.2.3.)

14. Three respondents considered that section III.C was useful and three respondents indicated that they did not have any opinion. The distribution of responses on the views about section III.C is presented in figure 10. The explanations provided by respondents about their views on this section are compiled in table 9.

**Figure 10:** Distribution of responses on the views about section III.C**Table 9:** Explanations and details provided by respondents on their views about the usefulness of section III.C

View:	USEFUL
Egyptian Environmental	This section is important as new information related to evaluation and testing and could be applied in testing and evaluating used equipment generated at national



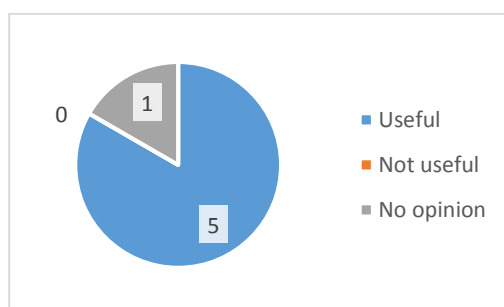
Affairs Agency	level.
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#### SECTION IV: GUIDANCE ON TRANSBOUNDARY MOVEMENTS OF E-WASTE

##### Section IV.A: General considerations (question 2.3.1.)

15. Five respondents considered that section IV.A was useful; and one respondent indicated that they did not have any opinion. The distribution of responses on the views about section IV.A is presented in figure 11. The explanations provided by respondents about their views on this section are compiled in table 10.

**Figure 11:** Distribution of responses on the views about section IV.A

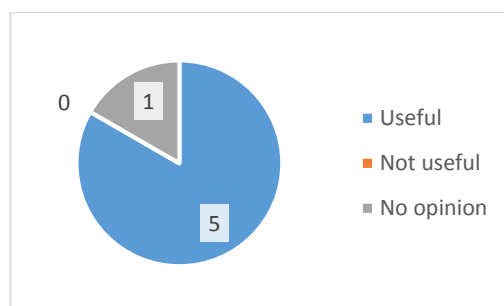


**Table 10:** Explanations and details provided by respondents on their views about the usefulness of section IV.A

View:	USEFUL
Egyptian Environmental Affairs Agency	This section is important as it present information on related provisions of Basel convention and international regulations.
Madagascar's Ministry of Environment, Ecology & Forests	But difficult for developing countries.
Four Electrical and Electronic Industry Associations in Japan	Useful because they are reaffirmation of the contents of the Basel Convention.

##### Section IV.B: Distinction between hazardous waste and non-hazardous waste (question 2.3.2.)

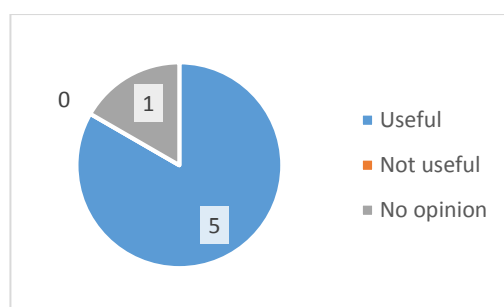
16. Five respondents considered that section IV.B was useful and one respondent indicated that they did not have any opinion. The distribution of responses on the views about section IV.B is presented in figure 12. The explanations provided by respondents about their views on this section are compiled in table 11.

**Figure 12:** Distribution of responses on the views about section IV.B**Table 11:** Explanations and details provided by respondents on their views about the usefulness of section IV.B

View:	USEFUL
Egyptian Environmental Affairs Agency	This section is very useful as it gives information on e-waste included in annex VIII of Basel convention and the hazardous components included in e-waste.
Madagascar's Ministry of Environment, Ecology & Forests	Explained by subsection 46.
Four Electrical and Electronic Industry Associations in Japan	Useful because they are reaffirmation of the contents of the Basel Convention.

#### SECTION V: GUIDANCE ON THE ENFORCEMENT OF PROVISIONS REGARDING TRANSBOUNDARY MOVEMENTS OF E-WASTE AND USED EQUIPMENT (question 2.4)

17. Five respondents considered that section V was useful and one respondent indicated that they did not have any opinion. The distribution of responses on the views about section V is presented in figure 13. The explanations provided by respondents about their views on this section are compiled in table 12.

**Figure 13:** Distribution of responses on the views about section V**Table 12:** Explanations and details provided by respondents on their views about the usefulness of section V

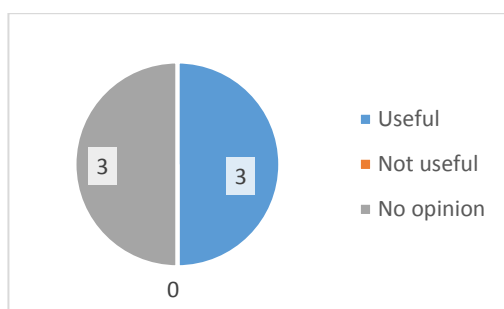
View:	USEFUL
Egyptian	Important to train custom officers on how to differentiate between waste and used

Environmental Affairs Agency	equipment, national legislation should be respected.
Madagascar's Ministry of Environment, Ecology & Forests	Demonstrated by subsection 50.
Four Electrical and Electronic Industry Associations in Japan	Useful because they are reaffirmation of the contents of the Basel Convention.

**SECTION VI: GUIDANCE TO FACILITIES FOR CONDUCTING FAILURE ANALYSIS, REPAIR AND REFURBISHMENT (question 2.5)**

18. Three respondents considered that section VI was not useful and 3 respondents indicated that they did not have any opinion. The distribution of responses on the views about section VI is presented in figure 14. The explanations provided by respondents about their views on this section are compiled in table 13.

**Figure 14:** Distribution of responses on the views about section VI



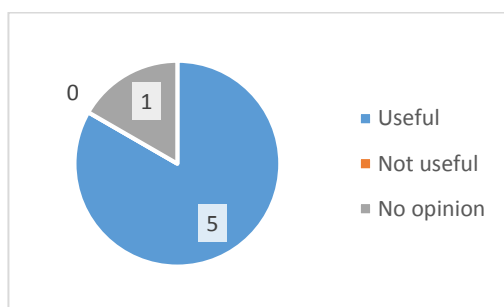
**Table 13:** Explanations and details provided by respondents on their views about the usefulness of section VI

<b>View: USEFUL</b>	
Madagascar's Ministry of Environment, Ecology & Forests	But difficult for other developing countries (paragraph 57).
Four Electrical and Electronic Industry Associations in Japan	Paragraph 56 is useful. However, samples in Paragraph 57 is not appropriate to include in the guidelines, since it may cause misunderstanding that those are to be effective ways in Appendix V, which are still of continued discussion. It must be clear that those are just examples of "Regulatory cases in some importing countries" (Re-exporting the used equipment and the resulting wastes). It is advisable to delete them when the issues in Appendix V are to be worked out.
<b>View: NO OPINION</b>	
Egyptian Environmental Affairs Agency	Not applied in Egypt, it is prohibited to import used equipment destined for failure analysis, repair and refurbishment.

**APPENDIX I: GLOSSARY OF TERMS (question 2.6)**

19. Five respondents considered that appendix I was useful and one respondent indicated that they did not have any opinion. The distribution of responses on the views about Appendix I is presented in figure 15. The explanations provided by respondents about their views on this section are compiled in table 14.

**Figure 15:** Distribution of responses on the views about appendix I

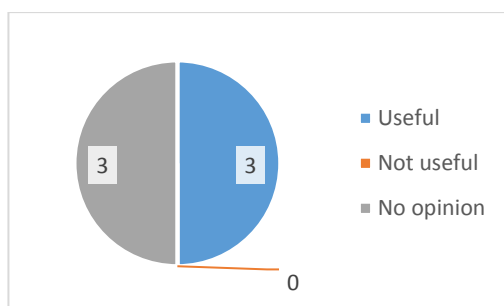


**Table 14:** Explanations and details provided by respondents on their views about the usefulness of appendix I

View:	USEFUL
Egyptian Environmental Affairs Agency	Definition of terms is useful; some new terms could be added.
Madagascar's Ministry of Environment, Ecology & Forests	It will take into account the ESM/e-Waste.
Four Electrical and Electronic Industry Associations in Japan	Useful. It is necessary to keep Glossary of terms consistent with those of other guidelines/documents under the Basel Convention

**APPENDIX II: INFORMATION ACCOMPANYING TRANSBOUNDARY TRANSPORTS OF USED EQUIPMENT FALLING UNDER PARAGRAPH 31 (A) —OF THE TECHNICAL GUIDELINES—INCLUDING ON RECORDING THE RESULTS OF EVALUATION AND TESTING OF USED EQUIPMENT (question 2.7)**

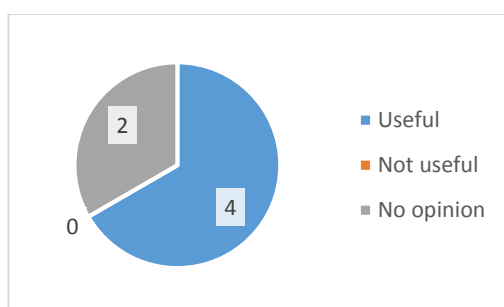
20. Three respondents considered that appendix II was useful and 3 respondents indicated that they did not have any opinion. The distribution of responses on the views about appendix II is presented in figure 16. The explanations provided by respondents about their views on this section are compiled in table 15.

**Figure 16:** Distribution of responses on the views about appendix II**Table 15:** Explanations and details provided by respondents on their views about the usefulness of appendix II

View: <b>USEFUL</b>	
Madagascar's Ministry of Environment, Ecology & Forests	To prevent and avoid illicit traffic in e-Waste (tracing of e-waste).
View <b>NO OPINION</b>	
Egyptian Environmental Affairs Agency	Not applied in Egypt, it is prohibited to import used equipment destined for failure analysis, repair and refurbishment.

**APPENDIX III: INFORMATION ACCOMPANYING TRANSBOUNDARY TRANSPORTS OF USED EQUIPMENT FALLING UNDER PARAGRAPH 31(B) OF THE TECHNICAL GUIDELINES (question 2.8)**

21. Four respondents considered that appendix III was useful and two respondents indicated that they did not have any opinion. The distribution of responses on the views about appendix III is presented in figure 17. The explanations provided by respondents about their views on this section are compiled in table 16.

**Figure 17:** Distribution of responses on the views about appendix III

**Table 16:** Explanations and details provided by respondents on their views about the usefulness of appendix III

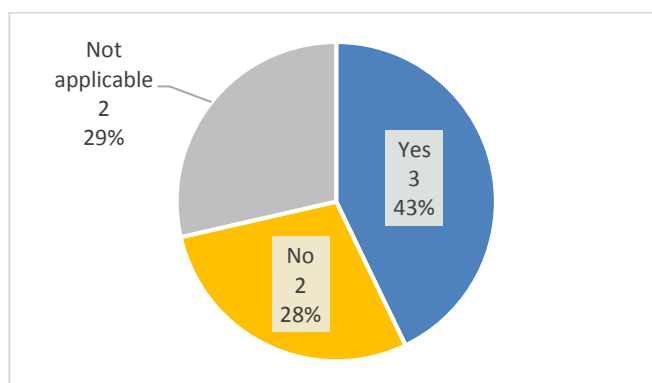
View:	USEFUL
Madagascar's Ministry of Environment, Ecology & Forests	This is part of the obligation of the countries parties in the framework of the implementation of the Basel Convention.
View:	NO OPINION
Egyptian Environmental Affairs Agency	Not applied in Egypt, it is prohibited to import used equipment destined for failure analysis, repair and refurbishment.

#### IV. Additional questions

22. The third part of the questionnaire contains questions added in the revised questionnaire. In this part, respondents were invited to provide their views regarding the implementation of the technical guidelines.

**Question 3:** *While implementing the technical guidelines, did you observe any item or topic which is not yet well covered in the document (e.g., items listed in Appendix V, items listed in paragraph 5 of decision BC-12/5, a new section to be added)?*

23. Of the 7 respondents, 3 indicated that they observed items or topics not yet well covered in the technical guidelines: the Colombian Ministry of Environment and Sustainable Development, the Egyptian Environmental Affairs Agency and BAN. Two respondents indicated that they did not observe any item or topic not yet well covered in the document. Two respondents indicated that the question was not applicable to their situation. The distribution of the responses on having observed, or not, items or topics not yet well covered in the technical guidelines is provided in figure 18. Respondents were also invited to provide explanations and details on the observed items or topics not yet well covered in the document, these are compiled in table 17.

**Figure 18:** Distribution of responses on having observed, or not, items or topics not yet well covered in the technical guidelines

**Table 17:** Explanations and details provided by respondents that observed items or topics not yet well covered in the technical guidelines

Organization	Explanations and details
Colombia's Ministry of Environment and Sustainable Development	<p>Se considera importante que los siguientes temas sean incluidos en el documento:</p> <p>a) Lineamientos para que dentro del Sistema Armonizado (SA) de Designación y Codificación de Mercancías, se consideren subpartidas arancelarias que permitan identificar al momento de la importación y exportación, si los equipos eléctricos y electrónicos son nuevos o usados o e-waste. De lo contrario, será muy difícil realizar un control efectivo por parte de las autoridades aduaneras y llevar una trazabilidad del destino de dichos equipos.</p> <p>b) Incluir un nuevo anexo, con ejemplos prácticos (con determinados equipos), sobre cómo aplicar el árbol de decisiones para determinar si el equipo es e-waste o no.</p>
Egyptian Environmental Affairs Agency	<p>Some improvements and amendments could be undertaken to appendix V regarding the differentiation between waste and non-waste, the residual life is not applied in our country for differentiation between waste and non-waste. Also, it is difficult to depend on the life span of the equipment as it depends on many factors including the storage conditions, quality of use, ....</p> <p>The national circumstances should be taken into consideration</p> <p>In Egypt, it is prohibited to import personal computers more than 5 years of production.</p> <p>Experience from other countries on the differentiation between waste and non-waste could be included.</p>
BAN	<p>Following items are not well covered in Interim Technical Guideline &amp; must be addressed:</p> <ul style="list-style-type: none"> <li>• <b>Extremely weak requirements instead of real controls:</b> Guideline, primarily in critical paragraph 31(b), simply says broken, untested, or non-working equipment that is claimed to be destined for failure analysis, repair or refurbishment can be considered as falling outside scope &amp; controls of BC, as long as export arrangements meet 5 minimal requirements (below). Here is an explanation why these are not adequate: <ul style="list-style-type: none"> <li>1. The trader must claim that non-functional equipment is exported for failure analysis or repair. <ul style="list-style-type: none"> <li>-- Anyone can claim any shipment is for repair, since this trade would not be controlled by any country involved.</li> </ul> </li> <li>2. Trader that arranges shipment needs to establish partner in importing country &amp; sign a contract that claims ESM, proper management of residuals, &amp; make a final report, etc. <ul style="list-style-type: none"> <li>-- Business to business contracts do not have to be upheld, &amp; rarely will any government or court look at it. Violation of a contract is a matter of civil law, not criminal. It will be impossible for governments to enforce contracts for their interests -- protecting human health &amp; environment.</li> </ul> </li> <li>3. Exporter must make a declaration that no equipment within consignment is considered waste in any country involved in transport. <ul style="list-style-type: none"> <li>-- It is entirely inappropriate for a non-governmental operative (e.g. a broker or recycler) to make a declaration of law &amp; assert that they are compliant. They cannot be given authority to interpret laws of any given government. Default assumption should be that countries consider non-functional equipment a waste. This exception should only be considered when countries pre-announce they believe non-functional reparable are not waste.</li> </ul> </li> </ul> </li> </ul>

	<p>4. Ensure that each piece of equipment is individually protected against damage.</p> <p>-- This requirement is easy &amp; not protection against receiving toxic scrap.</p> <p>5. Documentation must accompany shipments as to origin &amp; nature of equipment, the existence of a contract &amp; declaration in 3.</p> <p>--Documentation is easy to provide, but Parties will have no prior notification that shipments are crossing their border, so burden will be placed on them to detect.</p> <ul style="list-style-type: none"> <li>• <b>No monitoring possible:</b> Because Guideline removes "PIC" for haz wastes that are deemed "repairable", there is no ability for importing or transit states to know what e-wastes they are receiving.</li> <li>• <b>No ability for exporting states to check on exporters:</b> Export obligations BC places on Parties are lost.</li> <li>• <b>No ability to check repair operations:</b> Guideline provides no formal registry of where repair activities take place. How can any country know if facility used is environmentally sound, permitted or not?</li> <li>• <b>Incentivizes export:</b> Guideline requires stricter conditions for exports of fully functional equipment than for broken equipment. This perversely incentivizes exportation for repair &amp; TBM of hazardous parts (bad batteries, mercury lamps, CRTs, etc.)</li> <li>• <b>Violates Ban Amendment:</b> Once Amendment is in force (currently needs only 5 more Parties), exports of reparables from Annex VII to non-Annex VII countries can violate it, because hazardous parts will be discarded in importing country. Amendment is most important environmental decision of BC since its inception.</li> <li>• <b>Batteries destined for reuse must meet minimum specification:</b> Guideline stays silent on minimum 'state of health' for batteries to be considered acceptable for 'exports for repair' and therefore exempt from BC regulation. Batteries cannot be 'repaired'.</li> </ul>
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**Question 4:** *In your opinion, which sections of the guidelines need to be improved to enhance its implementation? Please state the specific reasons and any suggestion you may have, including of text*

24. Six of the 7 respondents stated an opinion about sections of the guidelines that would need to be improved to enhance their implementation. The opinions stated by the respondents, including reasons and suggestions are compiled in table 18.

**Table 18:** Opinions stated by respondents about sections of the guidelines that need to be improved to enhance its implementation

Organization	Sections of the guidelines that need to be improved, reasons and suggestions
Colombia's Ministry of Environment and Sustainable Development	<p>Se considera importante mayor desarrollo técnico de los numerales 46, 47 y 48 de la sección IV "Guidance on transboundary movements of e-waste" sobre la "Distinction between hazardous waste and non-hazardous waste", dado que se presentan ambigüedades en la interpretación de los lineamientos técnicos allí descritos.</p> <p>Se hace necesario definir una lista indicativa de cuáles son los equipos y componentes peligrosos y los equipos no peligrosos.</p> <p>Asimismo, complementar con mayor información el Apéndice IV.</p> <p>También se requiere mayor desarrollo en la sección VI Guidance to facilities for conducting failure analysis, repair and refurbishment, ya que en países no industrializados existe una gran oportunidad de negocios y desarrollo económico y social en este tipo de actividades.</p>
Egyptian Environmental Affairs Agency	<p>Appendix 5</p> <p>Some improvements could be added to different points could be sent separate.</p>



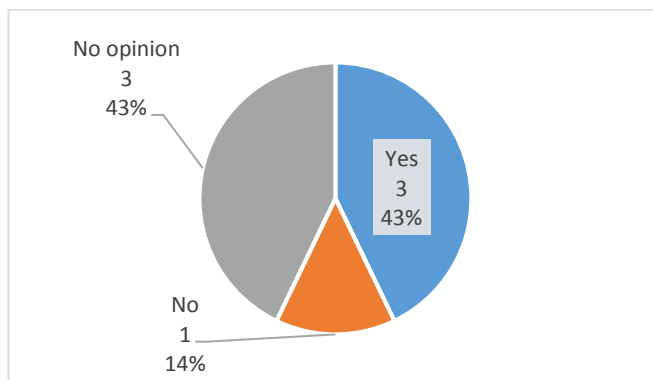
Madagascar's Ministry of Environment, Ecology & Forests	No comment and objection because we set up at national level a legal framework for implementation: DECREE N ° 2015 -930 fixing Classification and ESM of Waste Equipment Electronics and Electrical in Madagascar.
Nepal's CEPHEP	We have no any experiences from implementing such guideline yet.
BAN	<p>Parties should decide either:</p> <p>1) The blanket exception in 31(b) be withdrawn &amp; possibly replaced with a small medical equipment exemption, or</p> <p>2) Reform 5 conditions described above.</p> <p>Key reforms needed:</p> <p><b>1. Establish Country &amp; Trader Registry</b></p> <p>Parties must re-establish that export, transit, &amp; import of hazardous e-waste for repair is an exception allowed only by countries that state in advance it is not waste, &amp; that provide transparency of repair facilities, as follows:</p> <p>A. Change Paragraph 27 to reverse burden of proof &amp; provide full transparency of where equipment will go:</p> <p><i>27 (new) Any State Concerned that considers used EEE destined for failure analysis, repair or refurbishment as a non-waste is entitled to trade in such equipment as non-waste as long as they make this position formal by notifying the Secretariat they wish to join the Country Registry of such countries, &amp; provide &amp; maintain a national registry of approved exporters &amp; processing facilities for such operations, in compliance with applicable international, regional &amp; national legal instruments. Such Parties should notify SBC of this information in accordance with Article 13 ("Transmission of information"), paragraph 3, and include:</i></p> <p><i>a. Formal notification that Party does not consider EEE destined for failure analysis, repair or refurbishment to be a waste.</i></p> <p><i>b. Any additional conditions by which equipment is considered a waste or non-waste.</i></p> <p><i>c. Names &amp; addresses of approved exporters (for exporting countries) &amp; processing facilities (for importing countries) wishing to trade in EEE destined for failure analysis, repair or refurbishment.</i></p> <p>B. Replace paragraph 31 (a) iii with:</p> <p><i>31. (a) iii (new) A declaration made by person who arranges transport of EEE that all States Concerned are listed in the country registry as described in Paragraph 27(new), they themselves are listed in the registry as an approved exporter, &amp; the importing repair facility is likewise listed.</i></p> <p><b>2. Re-establish the default that tested, functional equipment is non-waste, &amp; non-functional or untested equipment is waste (with some exceptions)</b></p> <p>The best way to ensure 31(b) is considered an exception to the rule established above is to alter it &amp; delete paragraph 43.</p> <p><i>31 (b) (new): When all countries concerned have declared in accordance with 27 (new) they consider such equipment to be a non-waste when a transport is destined for failure analysis or for repair &amp; refurbishment with the intention of reuse, provided that criteria set out in paragraphs 31 (a) (iii) &amp; (a) (iv) &amp; all of the following conditions are met:</i></p> <p>Delete Paragraph 43.</p> <p><b>3. Prevent exports of problematic electronics 'for repair'</b></p> <p>Do not export highly problematic equipment, including:</p>

	<p>a) Partial devices or parts, unlikely to be repairable or subject to failure analysis, &amp;</p> <p>b) Scrap equipment that is largely obsolete (e.g. mercury LCDs) while being very hazardous.</p> <p>Require new text:</p> <p><i>31. (b) i (bis): The equipment consists of whole devices &amp; not parts or fragments and, unless such equipment is defined as professional specialty equipment, it does not consist of or contain CRTs, mercury, asbestos or polychlorinated biphenyls.</i></p> <p><b>4. Preserve intent of Ban Amendment</b></p> <p>An exception must not contradict Ban Amendment, thus add:</p> <p><i>31(b) ii (f): Assurance that all unrepairable equipment, parts or residues derived from imports that are hazardous under BC &amp; coming originally from an Annex VII country are repatriated to that country or, by arrangement with original exporter, sent to an ESM facility in another Annex VII country.</i></p>
Four Electrical and Electronic Industry Associations in Japan	<p>1) Section III</p> <p>As for Paragraph 27, 28 and 29, it is important for every country concerned to clearly indicate its intention.</p> <p>2) Section IV</p> <p>As for Paragraph 57, it is an example about "Regulatory cases in some importing countries" (Re-exporting the used equipment and the resulting wastes), so it may cause misunderstanding that those are to be effective ways in Appendix V, which are still of continued discussion. Accordingly, it is inappropriate to include them in the guidelines. It is advisable to delete them when the issues in Appendix V are to be worked out.</p>

**Question 5:** *Is there any other action (e.g. from Parties or from the Secretariat) that would need to be taken in order to help Parties with the implementation of the technical guidelines?*

25. Three of the 7 respondents indicated that there are other actions that would need to be taken to help Parties with the implementation of the technical guidelines: Colombia's Ministry of Environment and Sustainable Development, Madagascar's Ministry of Environment, Ecology & Forests and BAN. One respondent indicated that there are no further actions needed and 3 respondents indicated that they did not have any opinion. The distribution of the responses on the need or not of other actions to be taken to help Parties with the implementation of the technical guidelines is provided in figure 19. Respondents were also invited to provide explanations on the other actions that would need to be taken to help Parties with the implementation of the technical guidelines, these are compiled in table 19.

**Figure 19:** Distribution of responses on the need or not of other actions to be taken to help Parties with the implementation of the technical guidelines



**Table 19:** Explanations provided by respondents that consider that other actions would need to be taken to help Parties with the implementation of the technical guidelines

Organization	Sections of the guidelines that need to be improved, reasons and suggestions
Colombia's Ministry of Environment and Sustainable Development	<p>Existen varias acciones que podrían ayudar o animar a las Partes a la implementación de las directrices técnicas. Para tal fin se sugiere lo siguiente:</p> <p>a) Finalizar la discusión y desarrollo del Apéndice VI para que todo el documento pueda ser adoptado oficialmente y no con carácter de "provisionalidad" como está actualmente.</p> <p>b) Realización de actividades de capacitación sobre los contenidos del documento, dirigido a autoridades competentes y agentes de aduana.</p> <p>c) Mayor actividades de divulgación de las directrices.</p>
Madagascar's Ministry of Environment, Ecology & Forests	Training organized by the Secretariat to lead other country Parties to implement and develop a legal framework at national level for e-waste management (technic and administrative system).
BAN	<p>While the Technical Guideline on the Transboundary Movement of Electronic Waste was a much-needed document, called for by the African group and so many other developing countries, it was a grave mistake to adopt it even on an "interim basis" until the section on exporting reparables was completed.</p> <p>As it stands, with its 31(b) "reparables loophole", it is a ready tool for abuse, particularly abuse of developing countries. Parties must finalize the Technical Guideline at the earliest opportunity.</p> <p>The Parties, therefore, are urged to first refrain from utilizing the incomplete section 31(b) until it is completed and to put safeguards in place to prevent wholesale avoidance of Basel obligations by unscrupulous traders.</p> <p>The Parties are urged, secondly, in the meantime, to adopt the safeguarding reforms highlighted above, both at a national level and to request them within the Basel Convention framework.</p>

### Additional comments or information provided by the respondents of the group of other stakeholders

26. Finally, respondents were invited to provide any other comments or information that they would like to include. These are compiled in table 20 below.

**Table 20:** Comments or information provided by other stakeholder respondents.

Organization	Comments/Information
Colombia's Ministry of Environment and Sustainable Development	<p>Se sugiere revisar en la versión en español la traducción del término "Refurbishment". Ya fue traducido como "reconstrucción" y se considera que el término correcto ahí es "remanufactura".</p> <p>Así mismo se sugiere complementar el glosario de términos para incluir otros que en español se utilizan y pueden referirse a procesos intermedios como el "reacondicionamiento". En este sentido se sugiere utilizar algunos términos utilizados en la guía de STEP.</p>
Egyptian Environmental Affairs Agency	As mentioned in the previous page.
Madagascar's Ministry of	It is necessary to organize a training workshop and exchange of experiences between the countries parties for this technical directive (countries French speaking, English

Organization	Comments/Information
Colombia's Ministry of Environment and Sustainable Development	<p>Se sugiere revisar en la versión en español la traducción del término "Refurbishment". Ya fue traducido como "reconstrucción" y se considera que el término correcto ahí es "remanufactura".</p> <p>Así mismo se sugiere complementar el glosario de términos para incluir otros que en español se utilizan y pueden referirse a procesos intermedios como el "reacondicionamiento". En este sentido se sugiere utilizar algunos términos utilizados en la guía de STEP.</p>
Environment, Ecology & Forests	speaking).
Nepal's CEPHED	More can be shared after implementation of this guideline
Four Electrical and Electronic Industry Associations in Japan	<p>As for the "Transboundary movements of used equipment for the purpose of repair/refurbish/failure analysis" so as to contribute global circular economy and to create and maintain fair and equitable trade systems of high economic efficiency, it is advisable to improve handling methods by making changes upon occurrence of any problems when implementing rules according to this guideline.</p>

## Annex III

### **Revised questionnaire on the experiences of Parties and others in the implementation of the technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention**

#### **Background**

At its twelfth meeting, by its decision BC-12/5, the Conference of the Parties (COP) adopted, on an interim basis, 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.

In paragraph 3 of decision BC-12/5, Parties and others were invited to use the technical guidelines and to submit, not later than two months before the thirteenth meeting of the Conference of the Parties, through the Secretariat, comments on their experience in the use of the technical guidelines. The Secretariat was requested to prepare a compilation of these comments for consideration by the thirteenth meeting of the Conference of the Parties.

At its tenth meeting, the Open-ended Working Group (OEWG) recognized the need to collect more information on the experiences of Parties in the implementation of the technical guidelines. In this regard, the OEWG in its decision OEWG-10/5:

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

(b) Invited Parties to provide responses to the questionnaire mentioned in paragraph (a) above to the Secretariat by 15 January 2017;

(c) Requested the Secretariat to prepare a compilation of responses received pursuant to paragraph (b) above for consideration by the thirteenth meeting of the Conference of the Parties.

At its thirteenth meeting, by its decision BC-13/5, the Conference of the Parties (COP), established an expert working group to undertake further work on the technical guidelines. The government of China has offered to lead the referred work.

In paragraph 11 of the same decision, the COP, requested the Secretariat to develop, as appropriate, and in consultation with the lead country, a revised questionnaire based upon paragraph 3 of decisions OEWG-10/5, and send it out to Parties and others by 30 September 2017. Parties and others are invited to provide responses to the questionnaire to the Secretariat by 30 November 2017.

#### **Submitter information**

**For submitting Parties select the country name, for NGOs select the country of location:**

COUNTRY:

##### **Contact details:**

Government Agency /	_____
Organization	_____
Address	_____
City	_____
Contact person	_____
Job Title	_____
Email	_____

## Questions relative to the use of the technical guidelines

**1. Have 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 (technical guidelines) been used in your country/by your organization?**

Yes ☐ O  
No ☐ O

**1.1. “Yes” answer: Please indicate how/where the technical guidelines have been used and your experiences with such use or implementation:**

*Multiple answers can be selected.*

- (a) For controlling transboundary movements (import/export) of e-waste, in general. ☐ ☐ O  
Please elaborate on the experiences that have been gathered from this activity \_\_\_\_\_
- (b) For controlling transboundary movements (import/export) of used equipment for direct reuse, or extended use by the original owner. ☐ ☐ O  
Please elaborate on the experiences that have been gathered from this activity \_\_\_\_\_
- (c) For controlling transboundary movements (import/export) of used equipment for failure analysis, for repair and refurbishment (may include remanufacturing). ☐ ☐ O  
Please elaborate on the experiences that have been gathered from this activity \_\_\_\_\_
- (d) For the development/elaboration of a national legislation or regulations. ☐ ☐ O  
Please elaborate on the experiences that have been gathered from this activity \_\_\_\_\_
- (e) For the development of non-regulatory policies, or guidance, e.g. guidelines, manuals, technical notes, handbooks, others. ☐ ☐ O  
Please elaborate on the experiences that have been gathered from this activity \_\_\_\_\_
- (f) For training, e.g. of enforcement and customs officers. ☐ ☐ O  
Please elaborate on the experiences that have been gathered from this activity \_\_\_\_\_
- (g) For other purposes (please elaborate on purposes and your experiences) ☐ ☐ O \_\_\_\_\_

**1.1. “No” answer: Please state the reasons for not using the technical guidelines or parts thereof:**

*Multiple answers can be selected.*

- (a) The technical guidelines have been adopted on an interim basis and certain issues require further consideration. ☐ ☐ O
- (b) The technical guidelines are inadequate or are not ☐ ☐ O

useful for the needs in my country/organization.

Please elaborate why: \_\_\_\_\_

(c) Language issues/barrier (e.g. the technical guidelines would have to be translated to the national language, which is different from the UN six official languages). ☐

(d) More time is needed for the technical guidelines to be transposed at the national level (i.e. in policy, legislation, etc.). ☐

(e) Lack of resources for national transposition or enforcement. ☐

(f) Lack of legislation or regulatory framework. ☐

(g) The text of the technical guidelines is too technical. ☐

(h) The text of the technical guidelines is too legally oriented. ☐

(i) The technical guidelines are incompatible with current national legislation in my country. ☐

Please elaborate how they are incompatible: \_\_\_\_\_

(j) The guidance on the distinction between waste and non-waste is inadequate for the needs in my country/organization OR is difficult to implement (see section III of the technical guidelines). ☐

(k) The guidance on transboundary movement (import/export) of e-waste is inadequate for the needs in my country/organization OR is difficult to implement (see section IV of the technical guidelines) ☐

(l) The guidance on the enforcement of provisions regarding transboundary movements of e-waste and used equipment is inadequate for the needs in my country/organization OR is difficult to implement (see section V of the technical guidelines). ☐

(m) The forms contained in Appendices II and III of the technical guidelines are inadequate. ☐

Please elaborate why and include suggestions: \_\_\_\_\_

(n) There are impediments/issues/difficulties with the following parts or paragraphs. ☐

Please list them and explain why: \_\_\_\_\_

(o) Other reasons (please elaborate). ☐ \_\_\_\_\_

**For your answer: (j) The guidance on the distinction between waste and non-waste is inadequate for the needs in my country/organization OR is difficult to implement (see section III of the technical guidelines).**

Please specify:

is inadequate for the needs in my country/organization. ☐

is difficult to implement. ☐

Please elaborate why \_\_\_\_\_

**For your answer: (k) The guidance on transboundary movement (import/export) of e-waste is inadequate for the needs in my country/organization OR is difficult to implement (see section IV of the technical guidelines).**

Please specify:

is inadequate for the needs in my country/organization. ☐

is difficult to implement. ☐

Please elaborate why \_\_\_\_\_

**For your answer: (l) The guidance on the enforcement of provisions regarding transboundary movements of e-waste and used equipment is inadequate for the needs in my country/organization OR is difficult to implement (see section V of the technical guidelines).**

Please specify:

is inadequate for the needs in my country/organization. ☐

is difficult to implement. ☐

Please elaborate why \_\_\_\_\_

## **Questions relative to the usefulness of the technical guidelines**

**2. In your opinion, which sections or parts of the technical guidelines are useful to meet the needs in your country/organization?**

**2.1. Relevant provisions of the Basel Convention (section II of the technical guidelines)**

**2.1.1. General provisions of the Basel Convention (section II.A of the technical guidelines).**

Useful ☐

Not useful ☐

No opinion ☐

Please explain \_\_\_\_\_

**2.1.2. Control procedure for transboundary movements of waste (section II.B of the technical guidelines).**

Useful ☐

Not useful ☐

No opinion ☐

Please explain \_\_\_\_\_

**2.1.3. Definitions of waste and hazardous waste (section II.C of the technical guidelines).**

Useful ☐

Not useful ☐

No opinion ☐

Please explain \_\_\_\_\_

**2.2. Guidance on the distinction between waste and non-waste (section III of the technical guidelines)**



**2.2.1. General considerations (section III.A of the technical guidelines).**

Useful	<input type="radio"/>
Not useful	<input type="radio"/>
No opinion	<input type="radio"/>
Please explain	_____

**2.2.2. Situations where used equipment should normally be considered waste, or not be considered waste (section III.B of the technical guidelines).**

Useful	<input type="radio"/>
Not useful	<input type="radio"/>
No opinion	<input type="radio"/>
Please explain	_____

**2.2.3. Evaluation and testing of used equipment destined for direct reuse (section III.C of the technical guidelines).**

Useful	<input type="radio"/>
Not useful	<input type="radio"/>
No opinion	<input type="radio"/>
Please explain	_____

**2.3. Guidance on transboundary movements of e-waste (section IV of the technical guidelines)****2.3.1. General considerations (section IV.A of the technical guidelines)**

Useful	<input type="radio"/>
Not useful	<input type="radio"/>
No opinion	<input type="radio"/>
Please explain	_____

**2.3.2. Distinction between hazardous waste and non-hazardous waste (section IV.B of the technical guidelines).**

Useful	<input type="radio"/>
Not useful	<input type="radio"/>
No opinion	<input type="radio"/>
Please explain	_____

**2.4. Guidance on the enforcement of provisions regarding transboundary movements of e-waste and used equipment (section V of the technical guidelines).**

Useful	<input type="radio"/>
Not useful	<input type="radio"/>
No opinion	<input type="radio"/>
Please explain	_____

**2.5. Guidance to facilities for conducting failure analysis, repair and refurbishment (section VI of the technical guidelines).**Useful ☐Not useful ☐No opinion ☐

Please explain \_\_\_\_\_

**2.6. Appendix I (Glossary of terms).**Useful ☐Not useful ☐No opinion ☐

Please explain \_\_\_\_\_

**2.7. Appendix II (information accompanying transboundary transports of used equipment falling under paragraph 31(a) —of the technical guidelines—including on recording the results of evaluation and testing of used equipment).**Useful ☐Not useful ☐No opinion ☐

Please explain \_\_\_\_\_

**2.8. Appendix III (information accompanying transboundary transports of used equipment falling under paragraph 31(b) of the technical guidelines).**Useful ☐Not useful ☐No opinion ☐

Please explain \_\_\_\_\_

**Additional questions****3. While implementing the technical guidelines, did you observe any item or topic which is not yet well covered in the document (e.g., items listed in Appendix V, items listed in paragraph 5 of decision BC-12/5, a new section to be added)?**Yes ☐No ☐Not applicable ☐**3.1. “Yes” answer:**

Please explain \_\_\_\_\_

**4. In your opinion, which sections of the guidelines need to be improved to enhance its implementation? Please state the specific reasons and any suggestion you may have, including of text.**Sections \_\_\_\_\_  
\_\_\_\_\_

**5. Is there any other action (e.g. from Parties or from the Secretariat) that would need to be taken in order to help Parties with the implementation of the technical guidelines?**

- |            |                       |
|------------|-----------------------|
| Yes        | <input type="radio"/> |
| No         | <input type="radio"/> |
| No opinion | <input type="radio"/> |

**5.1. “Yes” answer:**

Please explain

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**Please use this space to provide any other comments or information you would like to include in this survey.**

Comments / Information

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**End of the questionnaire**

**Thank you for your collaboration**

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