

OEWG-9/5: Technical guidelines on transboundary movements of electronic and electrical waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention

The Open-ended Working Group

1. *Takes note* of the information provided by the Secretariat on progress in the development of the draft technical guidelines on transboundary movements of electronic and electrical waste (e-waste), in particular regarding the distinction between waste and non-waste;¹

2. *Also takes note*, with appreciation, of the progress made during the ninth meeting of the Open-ended Working Group on the issue of used equipment that should normally not be considered waste, as referred to in paragraph 26 (b) of the revised draft technical guidelines,² whereby two options were developed: either to reach agreement through further intersessional work before the twelfth meeting of the Conference of the Parties or, in case no agreement can be reached before or during that meeting, to include an agreed text in general terms in the draft guidelines as an interim solution, as reflected in paragraph alt 26 (b) of the revised draft technical guidelines, with the engagement to work further on the guidelines after the twelfth meeting and in accordance with any relevant decisions adopted by the Conference of the Parties at its twelfth meeting;

3. *Requests* the Secretariat to prepare, in consultation with the small intersessional working group established in accordance with decision BC-10/5 and taking into account the discussions at the ninth meeting of the Open-ended Working Group and any comments received pursuant to decision BC-11/4, a further revised version of the draft technical guidelines by 20 November 2014 and to transmit the further revised draft guidelines for translation from English into the five other official languages of the United Nations for submission to the Conference of the Parties at its twelfth meeting for consideration and possible adoption;

4. *Also requests* the Secretariat to publish the further revised draft technical guidelines on the website of the Basel Convention;

5. *Invites* parties and others to provide comments to the Secretariat on the further revised draft technical guidelines by 28 February 2015, in particular on the options relating to paragraph 26 (b), and requests the Secretariat to make them available on the website of the Basel Convention;

6. *Requests* the small intersessional working group to continue efforts to make progress on seeking agreement before the twelfth meeting of the Conference of the Parties on the provisions in paragraph 26 (b) of the draft technical guidelines;

7. *Requests* the Secretariat to revise the draft technical guidelines, taking into account the comments received pursuant to paragraph 5 and the outcome of the efforts referred to in paragraph 6 above and to submit the draft technical guidelines so revised to

¹ UNEP/CHW/OEWG.9/INF/6.

² UNEP/CHW/OEWG.9/INF/6/Rev.1.

the Conference of the Parties as an information document for consideration at its twelfth meeting;

8. *Also requests* the Secretariat to prepare a draft decision for consideration by the Conference of the Parties at its twelfth meeting that may contain the following elements, taking into account the outcome of efforts referred to in paragraph 6 above:

The Conference of the Parties

1. *Adopts* the technical guidelines on transboundary movements of electronic and electrical waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention;³

[2. *Acknowledges* the need to look further into the issue of used equipment that should normally not be considered waste (paragraph ... in document UNEP/CHW.12...) and agrees to include the further elaboration of work on this issue in the work programme of the Open-ended Working Group for 2016–2017 with a view to the preparation of revised draft guidelines for consideration at its thirteenth meeting;

3. *Invites* parties and others to provide comments in relation to used equipment that should normally not be considered waste (paragraph ... in document UNEP/CHW.12...) to the Secretariat by ... for consideration by the small intersessional working group in developing the work pursuant to paragraph 2 above;

4. *Requests* the Secretariat to publish the comments received pursuant to paragraph 3 above on the website of the Basel Convention;

5. *Requests* the Secretariat, in collaboration with the small intersessional working group established in accordance with decision BC-10/5, to prepare revised guidelines, taking into account the comments received according to paragraph 3 above, for consideration by the Open-ended Working Group at its tenth meeting;

6. *Encourages* parties to inform the Secretariat about any conditions they apply in relation to used equipment that should normally not be considered waste (paragraph ... in doc UNEP/CHW.12...) and requests the Secretariat to publish them on the Basel Conventions website.]⁴

³ UNEP/CHW.12/[].

⁴ Paragraph 2–6 are linked to the interim solution referred to in paragraph 2 of decision OEWG-9/5.