



**(5) Request for comments on the further revised draft technical guidelines on transboundary movements of electronic and electrical waste (WEEE) and used electrical and electronic equipment (UEEE), in particular regarding the distinction between waste and non-waste under the Basel Convention**

**Decision: OEWG-9/5: Technical guidelines on transboundary movements of WEEE and UEEE, in particular regarding the distinction between waste and non-waste under the Basel Convention**

***Background:***

The OEWG took note of the progress made during its ninth meeting 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<sup>7</sup>. The Working Group requested the Secretariat to prepare, in consultation with the SIWG and taking into account the discussions at the ninth meeting and any comments received pursuant to decision BC-11/4, a further revised version of the draft technical guidelines by 20 November 2014. The Working Group also requested the SIWG to continue efforts to make progress on seeking agreement before the COP12 on the provisions in paragraph 26 (b) of the draft technical guidelines.

***Request:***

Further revised draft technical guidelines will be prepared by the Secretariat by 20 November 2014 and published on the website of the Basel Convention. Parties and others are invited to provide comments to the Secretariat on that draft by 28 February 2015, in particular on the options relating to paragraph 26 (b).

Secretariat contact point: Mr. Ibrahim Shafii

***Argentina comments:***

Argentina wants to comment on the outcome of the negotiation of the OEWG-9 that ends in a new proposal for paragraph 26 (b) and its alternative (Alt 26 (b)).

In different instances of negotiations the country holds the position that some aspects of the guideline are regulating activities beyond the control of the Basel Convention, especially when the materials involved are not waste. Therefore, as a first approximation, Argentina would agree a wording in paragraph 26 to be as tight as possible because paragraph 26 (b) is regulating requirements for materials that are not wastes.

Specifically, with regard to the first alternative it sets a number of conditions and procedures that will be an additional work load especially for developing countries.

In respect of item (i) Parties would have to report in respect of establishments and facilities that handle materials that really are not wastes. Moreover, in most countries, environmental and Basel Convention Competent Authorities have or develop this type of database for facilities managing wastes and particularly hazardous wastes but not materials that are not wastes.

<sup>7</sup> UNEP/CHW/OEWG.9/INF/6/Rev.1



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Item (ii) mentions Restriction of Hazardous Substances (RoHS)<sup>8</sup> regulation that was developed and applied in the European Union (UE) but not in the whole world.

Item (iii) regulates substances and materials that are not wastes; the text related to wastes coming from the activities testing/repair/refurbishment it is not necessary because it would apply national legislation or Basel Convention when necessary in a transboundary movement. There is no need to differentiate Annex VII countries and non-Annex VII countries or mention ESM procedures that comes with the Basel Convention itself and other of its frameworks and decisions.

Therefore, Argentina wants to continue negotiating with the Alt 26 (b) instead of continuing going further with the main language of paragraph 26 (b) reached in the OEWG-9, making it the principal and not the alternative proposal.

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<sup>8</sup> The RoHS directive took effect on 1 July 2006, and is required to be enforced and become law in each member state. This directive restricts (with exceptions) the use of six hazardous materials in the manufacture of various types of electronic and electrical equipment. It is closely linked with the Waste Electrical and Electronic Equipment Directive (WEEE) 2002/96/EC which sets collection, recycling and recovery targets for electrical goods and is part of a legislative initiative to solve the problem of huge amounts of toxic e-waste.