



Expert Working Group on the review of Annexes**Fourth meeting**

Geneva (online), 5–9 October 2020 and 1–3 February 2021*

Items 3 and 5 of the agenda**

**Review of Annex IV and of entries A1180 and B1110
in Annexes VIII and IX to the Basel Convention****Way forward****Review of Annex IV and of entries A1180 and B1110 in Annexes
VIII and IX to the Basel Convention, and way forward****Supplementary sessions (1–3 February 2021)****Note by the Secretariat****I. Introduction**

1. During the 5–9 October 2020 sessions of its fourth meeting, the expert working group considered the information contained in document UNEP/CHW/RA_EWG.4/2, including its annex I, and in the information documents UNEP/CHW/RA_EWG.4/INF/2, UNEP/CHW/RA_EWG.4/INF/3, UNEP/CHW/RA_EWG.4/INF/4, UNEP/CHW/RA_EWG.4/INF/5, UNEP/CHW/RA_EWG.4/INF/6 and UNEP/CHW/RA_EWG.4/INF/7.
2. The report of the 5–9 October 2020 sessions of its fourth meeting is set out in document UNEP/CHW/RA_EWG.4/3. As mentioned therein,¹ at the outset of the sessions, participants entrusted the co-chairs to make a proposal to the EWG on when to resume its fourth meeting and on the scope of the discussions to be held then and, possibly, during supplementary sessions convened prior to the fifteenth meeting of the Conference of the Parties so as to enable the group to also make progress on the review of Annexes I and III. The participants also entrusted the co-chairs to make a proposal for deadlines to invite further comments from the group on Annexes I and III. One member noted that a meeting prior to 17 March 2021 could assist Parties in framing their comments on the amendment proposals. The fourth meeting of the expert working group was then suspended on 7 p.m. on Friday, 9 October 2020.
3. Annexed to the report of the 5–9 October 2020 sessions of the fourth meeting of the expert working group are, in its annex I, the recommendations by the expert working group on the review of Annexes to the Basel Convention for possible amendment proposals to Annex IV and to entries A1180 and B1110 in Annexes VIII and IX to the Convention, and findings of the expert working group on the consequential implications of the review of Annex IV to the Convention, reflecting the outcome of the 5–9 October sessions of the fourth meeting of the EWG. Annex II to the report sets out suggested

* These sessions will be complemented by subsequent sessions as needed.

** UNEP/CHW/RA_EWG.4/1.

¹ See paragraph 109 of the report of the sessions.

changes to and comments by the European Union and its member States on sections I, II and III of Annex I to document UNEP/CHW/RA_EWG.4/2 and on the six introductory paragraphs of its Appendix I. These suggested changes and comments were presented but not discussed.

II. Implementation

4. Through an email correspondence procedure subsequent to the suspension of the fourth meeting of the expert working group, the group elected, on 9 November 2020, Ms Mari-Liis Ummik (Estonia) as co-chair of the group in replacement of Ms Magda Gosk (Poland).

5. Also through an email correspondence procedure subsequent to the suspension of the fourth meeting of the expert working group, the group agreed on 30 November 2020 to the co-chairs' proposal to hold supplementary online sessions of the expert working group from 1 to 3 February 2021 with the following scope:

(a) Exchange views on the proposed amendments, expected to be transmitted to the Secretariat by 4 December 2020, from the European Union on Annex IV, and from Switzerland and Ghana on the e-waste entries;

(b) Review a selection of issues in the recommendations and findings regarding the review of Annex IV and the e-waste entries where progress could be made, in particular on issues that individual members needed more time to consult on following the October sessions. This includes for instance: references to pyrolysis/gasification, the reference to "reducing energy requirements" in R1, which operations not currently captured by existing operations would fall under "catch all" operations, the reference to "non-recovery" operations as opposed to "final disposal" operations, the deletion of the reference to "pumpable discards" in D3, and the deletion of the status quo for operation D11. In addition, the co-chairs advise further discussions on the use of the certain terminologies, namely "reclamation", "recovery" and "recycling" as well as terminologies used in relation to "land treatment" in operation D2 and R10;

(c) Complete the consideration of the recommendations and findings on the review of Annex IV (Annex I introduction, Appendix I para 1–6).

6. The group also agreed that additional supplementary sessions would take place prior to the fifteenth meeting of the Conference of the Parties, tentatively in April 2021, with a focus on the review of Annexes I and III, on dates to be decided during the 1–3 February 2021 sessions.

7. Finally, the group agreed that in order to assist with the discussions on the review of Annexes I and III, additional comments from the expert working group were called by 26 February 2021 on: the general issues and the detailed proposals on the review of Annex I set out in the annex to document UNEP/CHW/RA_EWG.3/6; the six general issues and the detailed proposals on the review of Annex III set out in the annex to document UNEP/CHW/RA_EWG.3/7; whether any additional constituents or characteristics in relation to plastic waste should be added to Annex I or III; and the thought starter prepared by Canada on the review of Annex III.

8. Information received on 27 November 2020 from Plastics Europe on pyrolysis and gasification is available as a background document on the webpage of the fourth meeting of the expert working group.²

9. On 3 December 2020, the European Union transmitted to the Secretariat proposals to amend Annex IV and certain entries in Annexes II and IX to the Basel Convention for consideration by the fifteenth meeting of the Conference of the Parties, along with an explanatory note. The proposals and the explanatory note are set out in the annexes to document UNEP/CHW/RA_EWG.4/INF/11.

10. On 4 December 2020, Ghana and Switzerland transmitted to the Secretariat a proposal to amend Annexes II, VIII and IX of the Basel Convention for consideration by the fifteenth meeting of the Conference of the Parties. Accompanying the proposal were an explanatory note, three application forms for the placement or removal of wastes on Annexes VIII and IV, and tracked changes to the current texts of Annexes II, VIII and IX reflecting the amendment proposal. The proposal and accompanying documents are set out in the annexes to document UNEP/CHW/RA_EWG.4/INF/12.

11. The Recommendations by the expert working group on the review of Annexes for possible amendment proposals to Annex IV and to entries A1180 and B1110 in Annexes VIII and IX to the Basel Convention, and findings of the expert working group on the consequential implications of the review of Annex IV to the Convention, reflecting the outcome of the 5–9 October sessions of the

² 4rd RA-EWG mtg (basel.int).

fourth meeting of the EWG are set out in annex I of the present note. Annex II sets out suggested changes to and comments by the European Union and its member States on sections I, II and III of Annex I to document UNEP/CHW/RA_EWG.4/2 and on the six introductory paragraphs of its Appendix I.

III. Proposed action

12. The expert working group may wish to consider the information contained in document UNEP/CHW/RA_EWG.4/2 and in the present note, including its annexes I and II, and in the information documents UNEP/CHW/RA_EWG.4/INF/2, UNEP/CHW/RA_EWG.4/INF/3, UNEP/CHW/RA_EWG.4/INF/4/Rev.1, UNEP/CHW/RA_EWG.4/INF/5, UNEP/CHW/RA_EWG.4/INF/6/Rev.1, UNEP/CHW/RA_EWG.4/INF/7, UNEP/CHW/RA_EWG.4/INF/11 and UNEP/CHW/RA_EWG.4/INF/12. In doing so, the expert working group may wish to take into account the information set out in the report of the 5–9 October 2020 sessions of its fourth meeting, set out in document UNEP/CHW/RA_EWG.4/3. The expert working group may wish to continue its work towards the development of recommendations for possible amendment proposals to Annex IV and to entries A1180 and B1110 in Annexes VIII and IX to the Basel Convention, and the development of findings on the consequential implications of the review of Annex IV to the Convention for other annexes of the Convention and for relevant decisions of the Conference of the Parties, inter alia, for the notification and movement documents and the reporting format.

13. The expert working group may also wish to consider the way forward with its work, including when to resume its fourth meeting for supplementary sessions prior to the fifteenth meeting of the Conference of the Parties, tentatively in April 2021, with a focus on the review of Annexes I and III.

Annex I

Recommendations by the expert working group on the review of Annexes for possible amendment proposals to Annex IV and to entries A1180 and B1110 in Annexes VIII and IX to the Basel Convention, and findings of the expert working group on the consequential implications of the review of Annex IV to the Convention (status 9 October 2020)

Note by the Secretariat: As reflected in the meeting report, during its 5–9 October 2020 sessions of its fourth meeting, the EWG did not consider sections I to III of the present Annex I, nor did it consider the first six paragraphs of Appendix I to the present Annex I. Accordingly, revisions were only brought to sections I to IV of Appendix I and to Appendix II.

I. Possible amendment proposals to Annex IV of the Basel Convention

1. The expert working group on the review of Annexes recommends that possible amendment proposals to Annex IV should:

- (a) Be based on one or more of the objectives of the review of the annex, as set out in the annex to decision BC-13/2, which are to:
 - (i) Improve/update the description of disposal operations in Annex IV;
 - (ii) Improve environmental controls by including additional disposal operations that occur in practice or could occur in practice in Annex IV;
 - (iii) Clarify the descriptions in Annex IV and in Annex IX (B1110) to address conflicts or overlaps;
- (b) Add a general introduction for Annex IV;
- (c) Maintain the two sections of Annex IV (Section A and Section B), with captions and introductions for each section;
- (d) Include new operations;
- (e) Clearly identify disposal operations that occur prior to submission to any of the operations in Section A or B, respectively (“interim operations”);
- (f) Take into account that Annex IV relates to defining wastes and that, accordingly, it encompasses:
 - (i) Both environmentally sound and non-environmentally sound operations;
 - (ii) Operations irrespective of whether they are legal or illegal;
 - (iii) Operations regardless of whether they do not, or only rarely, occur in practice;
 - (iv) Operations regardless of whether they are relevant or not in the context of a transboundary movement;
- (g) Ensure consistency in the way operations are described in both sections of the Annex.

2. Members of the expert working group expressed different views as to whether operations not identified as “prior to submission to any of the operations in Section A or B” may also be interim operations, and agreed to further discuss this matter. Should the expert working group reach the conclusion that operations not identified as “prior to submission to any of the operations in Section A or B” may also be interim operations, it would consider the option of formulating operations R2 to R9 following the illustrative example below based on the current formulation of R4:

Split R4 in two:

R4: Recycling/reclamation of metals and metal compounds as an interim operation prior to submission to any of the operations in Section B;

R4 bis: Recycling/reclamation of metals and metal compounds as a non interim operation.

The expert working group on the review of Annexes also recommends that further work on the review of Annex IV be based on the recommended options for possible amendment proposals to Annex IV set out in appendix I to the present recommendations.

II. Possible amendment proposals to entries A1180 and B1110 in Annexes VIII and IX to the Basel Convention

3. The expert working group on the review of Annexes recommends that possible amendment proposals to entries A1180 and B1110 in Annexes VIII and IX to the Convention should be based on the text set out in appendix II to the present recommendations, taking into account further submissions received on that text and the text presented in appendix III to the present recommendations.

4. The expert group provides the following explanations in relation to appendix II:

- (a) The work on entry A1180 was conceptually based on the text of entry A3210, whereby text on components was added taking into account the current text of entry A1180;
- (b) The work was based on ensuring consistency between the wording of entries A1180 and B1110, which inter alia resulted in the deletion of the first and third bullets of entry B1110;
- (c) In relation to components, two approaches are reflected in square brackets;
- (d) Text of examples appears in square brackets as further work on them was deemed necessary;
- (e) For some terms, e.g. assemblies, further discussion was considered necessary, also in light of the provisional adoption of Harmonized System codes for identifying electrical and electronic waste and scrap in the Harmonized System Nomenclature of the World Customs Organization.¹

III. Findings of the expert working group on the consequential implications of the review of Annex IV to the Convention

5. The expert working group on the review of Annexes initiated the review of the possible consequential implications of the review of Annex IV for other Annexes to the Convention and for relevant decisions of the Conference of the Parties, inter alia, for the notification and movement documents and the reporting format.

6. In relation to the possible consequential implications of the review of Annex IV for other Annexes, the expert working group agreed that the review of Annex IV had consequential implications for entry Y48 in Annex II as well as for entries B1110 and B3011 in Annex IX.

7. The expert working group also agreed that the review of Annex IV had consequential implications for the notification and movement documents, the instructions for completing these² as well as for the national reporting format³ and the manual for completing it,⁴ and that any changes to these documents should be considered by the Conference of the Parties concurrently to any proposal to amend Annex IV to the Convention. It therefore requested the Secretariat to undertake preliminary work to identify, by colouring relevant parts of these documents, those parts that may require revisions, for the information of the Open-ended Working group during its twelfth meeting and consideration by the expert working group at its fourth meeting.

8. In addition, the expert working group agreed that the notification and movement documents, as well as the instructions for completing these, should reflect the outcome of the discussions on the issue referred to in paragraph 2 of section I above.

9. It was furthermore agreed to:

¹ Amendments to the HS pertaining to electrical and electronic waste and scrap as agreed by the Harmonized System Committee at its 63rd session are set out in appendix I of document UNEP/CHW.14/INF/14. The amendments were adopted by the WCO Council in June 2019. Barring objections by a Contracting Party to the HS Convention by 5 January 2019, the amendments will be included in the 2022 edition of the HS and enter into force on 1 January 2022.

² <http://www.basel.int/Procedures/NotificationMovementDocuments/tabid/1327/Default.aspx>.

³ <http://www.basel.int/Countries/NationalReporting/Guidance/tabid/1498/Default.aspx>.

⁴ Idem.

- (a) Reflect in the notification document that, in case an interim operation is provided in block 11, corresponding information is to be provided on any subsequent interim facilities and the related operations and on the subsequent non-interim facilities and the related operations;
- (b) Reflect the following in the instructions for completing the notification and movements documents:
 - (i) Indicate that both sections A and B list disposal operations that occur prior to submission to any of the operations in Section A or B (“interim operations”);
 - (ii) Indicate in the instructions on block 11 that, in case an interim operation is provided in block 11, corresponding information is to be provided on the subsequent non-interim facilities and the related operations, and on any other subsequent interim facilities and the related operations, if applicable.

Appendix I to the recommendations by the expert working group

Recommended options for possible amendments to Annex IV

1. The following are recommended options prepared by the expert working group on the review of the Annexes during its third meeting (Bratislava, Slovakia, 5–8 November 2019) for possible amendments to Annex IV. The options cover a general introduction, both the captions and introductory texts for Sections A and B of Annex IV, as well as the R and D operations listed in both sections of Annex IV.
2. Each R and D operation set out in Annex IV has been reviewed by the expert working group. The recommended options do not necessarily reflect the views of all the members.
3. Each option that is recommended was supported by at least one member of the expert working group. The status quo, namely the current drafting of an operation, was supported by at least one member for most operations; when the status quo is not reflected as an option, it is because no member supported it. The options either set out modifications to existing operations, a proposed action (e.g. delete, split, merge operations) or the addition of new operations (D16 to D25, and R12 option 3 and R14 to R17) which are listed after operations currently listed in Annex IV for ease of reference. The ordering of the operations will be further considered by the expert working group.
4. The expert working group agreed that, in those cases where the status quo is retained as an option, references to “etc.” should be deleted. The group also agreed to not use “etc.” in any of the options.
5. More information on the third meeting of the expert working group on the review of the Annexes, including meeting documents, is available at:
<http://www.basel.int/Implementation/LegalMatters/LegalClarity/Meetings/3rdRAEWGmtg/tabid/8108/Default.aspx>
6. The expert working group agreed that developing rationales in relation to the recommendations would be useful and could be further considered by the group. In the meantime, rationales for options put forward by members and observers can be found in the documents for the three meetings of the group and in particular the reports of the meetings as well as submissions from Parties and others contained or compiled in information documents.¹

I. General introduction for Annex IV

Annex IV Disposal operations

There are two categories of disposal operations, namely [final disposal] [non-recovery] operations and recovery [and recycling] operations. Section A encompasses [final disposal] [non-recovery] operations and Section B recovery [and recycling] operations.

This Annex also covers in both sections A and B disposal operations that occur prior to submission to any of the operations in the respective section.²

This Annex covers all disposal operations, regardless of their legal status and regardless of whether they are considered to be environmentally sound.

¹ For the first meeting of the EWG, see the working documents, meeting report and information documents UNEP/CHW/RA_EWG.1/INF/2, UNEP/CHW/RA_EWG.1/INF/3 and UNEP/CHW/RA_EWG.1/INF/4 available at:
<http://www.basel.int/Implementation/LegalMatters/LegalClarity/Meetings/1stRAEWGmtg/tabid/6237/Default.aspx>. For the second meeting of the EWG, see the working documents, meeting report and information documents UNEP/CHW/RA_EWG.2/INF/3, UNEP/CHW/RA_EWG.2/INF/5/rev.1 and UNEP/CHW/RA_EWG.2/INF/6/Rev.1 available at:
<http://www.basel.int/Implementation/LegalMatters/LegalClarity/Meetings/2ndRAEWGmtg/tabid/7690/Default.aspx>. For the third meeting of the EWG, see the working documents, meeting report and information documents UNEP/CHW/RA_EWG.3/INF/2, UNEP/CHW/RA_EWG.3/INF/3, UNEP/CHW/RA_EWG.3/INF/4 available at:
<http://www.basel.int/Implementation/LegalMatters/LegalClarity/Meetings/3rdRAEWGmtg/tabid/8108/Default.aspx>.

² See operations D8, D9, D13, D14, D15, D19 and D21 in section A, and operations R12, R13 and R16 in Section B.

II. Captions and introductory texts for sections A and B of Annex IV

A. [FINAL DISPOSAL] [NON RECOVERY] OPERATIONS

A [final disposal] [non-recovery] operation is an operation which is not a recovery [or recycling] operation even where the operation has as a secondary consequence the reclamation of substances or energy.

B. RECOVERY [AND RECYCLING] OPERATIONS

A recovery [or recycling] operation is an operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

III. Options for possible amendment proposals to Section A of Annex IV

D1 Deposit into or onto land, (e.g., landfill, etc.)

1. Deposit into or onto land, (e.g. non engineered landfill, dumpsites) other than by any operations D2 to D5, D12 or D12bis
2. *Split in 2:*
 D1: Deposit onto land other than covered by D4 and D5 (e.g. permanent aboveground storage)
 D1bis: Deposit into land other than covered by D12 (e.g. injection into wells, salt domes of naturally occurring repositories)

D2 Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)

0. Status quo
1. [Treatment of land [in situ] or through interaction with land [other than covered by R10 in Section B] (e.g. [biodegradation or biological or chemical treatment], [landfarming])]
2. [Treatment through interaction with land [other than covered by R10 in Section B] (e.g. biodegradation of liquids or sludges in soil [, or landfarming])]

D3 Deep injection, (e.g., injection of pumpable discards into wells, salt domes of naturally occurring repositories, etc.)

0. Status quo
1. *Delete and merge with D1*
0. Deep injection (e.g. injection into wells, salt domes of naturally occurring repositories)

D4 Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)

1. Surface impoundment (e.g. placement of liquids or sludge into pits, ponds, [or] tailings dams [or basins] [or [tailings] [storage] lagoons])

D5 Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)

1. Deposit in an [aboveground] [engineered] landfill isolated from the environment
2. Deposit in an engineered landfill isolated from the environment

D6 Release into a water body except seas/oceans

0. Status quo

D7 Release into seas/oceans including sea-bed insertion

0. Status quo

D8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A

1. Biological treatment [not specified elsewhere in section A,] prior to submission to any of the operations in Section A [(e.g. aerobic or anaerobic processes such as activated sludge treatment, aerated lagoons and stabilisation ponds)]

D9 Physico chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A, (e.g., evaporation, drying, calcination, neutralization, precipitation, etc.)

1. [Manual treatment (e.g. separation),] Physical/mechanical treatment [other than covered by D13] (e.g. [separation, size reduction,]evaporation, drying, [autoclaving]), physical/chemical treatment (e.g. solvent extraction), chemical treatment (e.g. neutralization, [chemical] precipitation, oxidation, reduction) or immobilization (e.g. stabilization, solidification[, encapsulation]) [not specified elsewhere in section A] prior to submission to any of the operations in section A.
2. *Split in 3*
 [D9 Manual or mechanical [operations] [treatment] other than covered by D13 (e.g. dismantling, sorting, crushing, compacting, shredding, separating) prior to submission to any of the operations in section A.
 D9bis Physical treatment (e.g., evaporation, filtration, encapsulation) or mechanical treatment (e.g., crushing) not specified elsewhere in section A, prior to submission to any of the operations in Section A.
 D9ter Chemical treatment (e.g., neutralization, precipitation, immobilization) not specified elsewhere in section A, prior to submission to any of the operations in section A].
3. *Split in 5:*
 D9 [Manual treatment (e.g. separation), prior to submission to any of the operations in Section A.
 D9bis Physical/mechanical treatment [other than covered by D13] (e.g. size reduction, physical sorting, air classification, flotation, evaporation, distillation, soil flushing, [microwave irradiation, sterilization], evaporation, drying, [autoclaving]), [not specified elsewhere in section A], prior to submission to any of the operations in section A.
 D9ter Physical/chemical treatment (e.g. solvent extraction, desorption, leaching, ion exchange) [not specified elsewhere in section A,] prior to submission to any of the operations in Section A.
 D9quarter Chemical treatment (e.g. neutralization, [chemical] precipitation, dechlorination, reduction/oxidation, flocculation,), [other than covered by D17] [not specified elsewhere in this section A,] prior to submission to any of the operations in section A.
 D9quinties: Immobilization techniques (e.g. stabilization, solidification [, encapsulation]) [not specified elsewhere in section A,] prior to submission to any of the operations in Section A.]

D10 Incineration on land

1. [Controlled] Thermal treatment [on land] [other than covered by R1 in Section B] [other than covered by [D11 and] D18 [and R1] [and R15]](e.g. incineration [, co-incineration, pyrolysis, [gasification] thermal desorption, [sintering] and vitrification)).

D11 Incineration at sea

0. Status quo
1. Delete and merge with D10
2. Thermal treatment at sea (e.g. incineration [, pyrolysis and gasification])

D12 Permanent storage (e.g., emplacement of containers in a mine, etc.)

1. *Split in 2:*
 D12 Permanent underground storage (e.g. placement of containers in a mine)
 D12bis

[Permanent aboveground storage (e.g. placement of containers in a warehouse)]

[Merge with D1]

D13 Blending or mixing prior to submission to any of the operations in Section A

0. Status quo

1. [Mixing, including blending, prior to the submission to any operation in Section A]

D14 Repackaging prior to submission to any of the operations in Section A

0. Status quo

D15 Storage pending any of the operations in Section A

1. [Temporary] storage prior to submission to any of the operations in section A

NEW OPERATIONS

D16 Release to the atmosphere (e.g. venting of compressed or liquefied gases)

[D17 Treatment of waste by nanomaterials]

[D18 Open burning]

[D19 Sterilization or disinfection of infectious waste (e.g. autoclave, microwave-radio waves, physical sterilization, chemicals sterilization) prior to submission to any of the operations in section A]

[D20 Other treatment than covered by D1 option 3, D2 option1, D3 option1, D5 option1, D6, D7, D10 option1, D12 and D16 above]

[D21 Other treatment than covered by D8 option 2, D9 option1, D13 option 1, and D14 above prior to submission to any of the operations in Section A]

[D22 Co-processing]

IV. Options for possible amendment proposals to Section B of Annex IV

R1 Use as a fuel (other than in direct incineration) or other means to generate energy

1. Use as a fuel or other means to generate energy [or to reduce energy requirements]
2. Thermal treatment with the principal result to generate energy [except where covered by R15] [or to reduce energy requirements] (e.g. incineration [with energy recovery])

R2 Solvent reclamation/regeneration

0. Status quo
1. Delete and merge with R3 option1 and R5 option1
2. [Recycling[/reclamation] of solvents (e.g., distillation, filtration, centrifugation) other than covered by R9]

R3 Recycling/reclamation of organic substances which are not used as solvents

0. Status quo
1. Recycling of organic substances (e.g. [regeneration,] physical/mechanical treatment, [chemical treatment])

R4 Recycling/reclamation of metals and metal compounds

0. Status quo
1. Recycling of metals and metal compounds (e.g. smelting, hydrometallurgy, physical/mechanical treatment [, precipitation, pyrometallurgy, distillation, metal casting])

R5 Recycling/reclamation of other inorganic materials

0. Status quo
1. Recycling of inorganic materials other than covered by R4 [, ... R6, R7, R8...] (e.g. [regeneration,] physical/mechanical treatment, chemical treatment)

R6 Regeneration of acids or bases

0. Status quo
1. *Delete R6 and merge with R3 option1 and R5 option1*

R7 Recovery of components used for pollution abatement

0. Status quo
1. *Delete R7 and merge with R3 option1, R4 option1 and R5 option1*
2. [Recovery] [recycling] of components used for pollution control (e.g. recycling of activated carbon)

R8 Recovery of components from catalysts

0. Status quo
1. Recycling of [components from or] catalysts (e.g. hydrometallurgy, pyrometallurgy)
2. *Delete R8 and merge with R3 option1, R4 option1 and R5 option1*

R9 Used oil re-refining or other reuses of previously used oil

1. [Recycling of used oil (e.g. [filtering],) Re-refining [of used oil]
2. *Delete and merge with R3 option1*
3. Recycling or re-refining mineral oil [or hydrocarbons-based oils] (e.g. filtering, distillation, other physical/chemical treatment)

R10 Land treatment resulting in benefit to agriculture or ecological improvement

1. Land treatment other than in D2 in Section A resulting in benefit to agriculture or ecological improvement [(e.g. valorisation of phosphorus or nitrogen content, preparation or manufacture of amendments or fertilizers, improvement of disaggregated soils without an agronomic purpose)] [(e.g. biological or chemical treatment)] [composting]]
2. *Delete and merge with R12 quarter under R12 option 2*
3. Deposition on land resulting in benefit to agriculture or ecological improvement (e.g. application of fertilizer or wetting agent)

R11 Uses of residual materials obtained from any of the operations numbered R1-R10

0. Status quo
1. *Delete*

R12 Exchange of wastes for submission to any of the operations numbered R1-R11

0. Status quo
1. *Keep status quo and add option 2 as new operations*
2. *Split and replace by four operations mirroring D operations:*

R12 (*mirroring D8*)

Biological treatment [not specified elsewhere in Section B,] prior to submission to any of the operations in Section B [(e.g. aerobic or anaerobic processes such as activated sludge treatment, aerated lagoons and stabilisation ponds)]

R12bis (*mirroring D9*)

a) [Manual treatment (e.g. separation,)] Physical/mechanical treatment [other than covered by R12ter] (e.g. [separation, size reduction,]evaporation, drying, [autoclaving]), physical/chemical treatment (e.g. solvent extraction) or chemical treatment (e.g. neutralization, precipitation, oxidation, reduction) [not specified elsewhere in Section B] prior to submission to any of the operations in Section B

b) *Split in 3*

[R12bis(i) Manual or mechanical [operations] [treatment] other than covered by R12ter (e.g. dismantling, sorting, crushing, compacting, shredding, separating) prior to submission to any of the operations in Section B

R12bis(ii) Physical treatment (e.g., evaporation, filtration) or mechanical treatment (e.g., crushing) not specified elsewhere in Section B, prior to submission to any of the operations in Section B

R12bis(iii) Chemical treatment (e.g., neutralization, precipitation) not specified elsewhere in Section B, prior to submission to any of the operations in Section B]

c) *Split in 4*

[R12bis (i) Manual treatment (e.g. separation), prior to submission to any of the operations in Section B.

R12bis (ii) Physical/mechanical treatment [other than covered by R12ter] (e.g. size reduction, physical sorting, air classification, flotation, evaporation, distillation, soil flushing, [microwave irradiation, sterilization], evaporation, drying, [autoclaving]), [not specified elsewhere in Section B], prior to submission to any of the operations in Section B.

R12bis (iii) Physical/chemical treatment (e.g. solvent extraction, desorption, leaching, ion exchange) [not specified elsewhere in Section B,] prior to submission to any of the operations in Section B.

R12bis (iv) Chemical treatment (e.g. neutralization, [chemical] precipitation, dechlorination, reduction/oxidation, flocculation,), [not specified elsewhere in Section B,] prior to submission to any of the operations in Section B.]

R12ter (*mirroring D13*)

[Mixing, including blending, prior to the submission to any operation in Section B]

R12quater (*mirroring D21*)

[Other treatment than covered by R12, R12bis, R12ter and R16 above prior to submission to any of the operations in Section B.]

R13 Accumulation of material intended for any operation in Section B

1. [Temporary] storage prior to submission to any of the operations in Section B

NEW OPERATIONS

[R14 Preparing for re-use (e.g. checking, cleaning, repair, refurbishment)]

[R15 Co-processing]

R16 Repackaging prior to submission to any of the operations in Section B

[R17 Other treatment than covered by R1 option2, R3 option1, R4 option1, R5 option1 and R14 above]

Appendix II to the recommendations by the expert working group

Recommended option for possible amendments to A1180 and B1110

A1180: Waste electrical and electronic equipment including scrap [thereof]

- a) containing [an Annex VIII entry or] components included on list A or components [(e.g. circuit boards, display devices)] containing Annex I constituents to an extent that the waste exhibits an Annex III characteristic (e.g. mercury switches, [lamps containing mercury,] capacitors containing PCBs) or
- b) containing or contaminated with Annex I constituents (e.g. cadmium, lead, mercury) to an extent that the waste exhibits an Annex III characteristic;

or waste electrical and electronic components containing or contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic (note the related entry on list B B1110).¹⁰

¹⁰ PCBs are at a concentration level of 50 mg/kg or more in equipment including scrap [thereof] or in a component.

B1110: Waste electrical and electronic equipment including scrap [thereof]

- a) not containing [an Annex VIII entry or] components included on list A or components [(e.g. circuit boards, display devices)] containing Annex I constituents to an extent that the waste exhibits an Annex III characteristic (e.g. mercury switches, [lamps containing mercury,] capacitors containing PCBs) and
- b) not containing or contaminated with Annex I constituents (e.g. cadmium, lead, mercury) to an extent that the waste exhibits an Annex III characteristic;

or waste electrical and electronic components not containing and not contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic (note the related entry on list A A1180).¹⁰

¹⁰ PCBs are at a concentration level of 50 mg/kg or more in equipment including scrap [thereof] or in a component.

Annex II

Suggestions by the European Union and its member States on sections I, II and III of Annex I to document UNEP/CHW/RA_EWG.4/2 and on the six introductory paragraphs of its Appendix I¹

Annex I

Recommendations by the expert working group on the review of Annexes for possible amendment proposals to Annex IV and to entries A1180 and B1110 in Annexes VIII and IX to the Basel Convention, and findings of the expert working group on the consequential implications of the review of Annex IV to the Convention

I. Possible amendment proposals to Annex IV of the Basel Convention

1. The expert working group on the review of Annexes recommends that possible amendment proposals to Annex IV should:
 - (a) Be based on one or more of the objectives of the review of the annex, as set out in the annex to decision BC-13/2, which are to:
 - (i) Improve/update the description of disposal operations in Annex IV;
 - (ii) Improve environmental controls by including additional disposal operations that occur in practice or could occur in practice in Annex IV;
 - (iii) Clarify the descriptions in Annex IV and in Annex IX (B1110) to address conflicts or overlaps;
 - (b) Add a general introduction for Annex IV;
 - (c) Maintain the two sections of Annex IV (section A and section B), with captions and introductions for each section;
 - (d) Include new operations;
 - (e) Clearly identify disposal operations that occur prior to submission to any of the operations in section A or B, respectively (²interim operations²);
 - (f) Take into account that Annex IV relates to defining wastes and that, accordingly, it encompasses:
 - (i) Both environmentally sound and non-environmentally sound operations;
 - (ii) Operations irrespective of whether they are legal or illegal;
 - (iii) Operations regardless of whether they do not, or only rarely, occur in practice;
 - (iv) Operations regardless of whether they are relevant or not in the context of a transboundary movement;
 - (g) Ensure consistency in the way operations are described in both sections of the Annex.
2. [Members of the expert working group expressed different views as to whether operations not identified as “prior to submission to any of the operations in section A or B” may also be interim operations, and agreed to further discuss this matter.] Should the expert working group reach the conclusion that operations not identified as “prior to submission to any of the operations in section A or B” may also be interim operations, it would consider the option of formulating operations R2 to R9 following the illustrative example below based on the current formulation of R4:

¹ These proposals have yet to be considered by the EWG (see paragraphs 98 and 104 of the meeting report).

Split R4 in two:

~~R4: Recycling/reclamation of metals and metal compounds as an interim operation prior to submission to any of the operations in section B;~~

~~R4 bis: Recycling/reclamation of metals and metal compounds as a non-interim operation;~~

3. The expert working group on the review of Annexes also recommends that further work on the review of Annex IV be based on the recommended options for possible amendment proposals to Annex IV set out in appendix I to the present recommendations.

~~3bis. In addition, the expert working group on the review of Annexes recommends that explanations or guidance should be developed to further clarify the content of the disposal operations in Annex IV, as part of the instructions for completing the notification and movement documents and/or in a separate document, and that the Glossary of terms should be reviewed, in order to provide further clarifications of terms addressed in it, such as recycling, and, if appropriate to provide clarifications on additional terms.~~

II. Possible amendment proposals to entries A1180 and B1110 in Annexes VIII and IX to the Basel Convention

4. The expert working group on the review of Annexes recommends that possible amendment proposals to entries A1180 and B1110 in Annexes VIII and IX to the Convention should be based on the text set out in appendix II to the present recommendations, ~~taking into account further submissions received on that text and the text presented in appendix III to the present recommendations.~~

5. The expert group provides the following explanations in relation to appendix II:

(a) The work on entry A1180 was conceptually based on the text of entry A3210, whereby text on components was added taking into account the current text of entry A1180;

(b) The work was based on ensuring consistency between the wording of entries A1180 and B1110, which inter alia resulted in the deletion of the first and third bullets of entry B1110;

(c) ~~In relation to components, two approaches are reflected in square brackets;~~

(d) ~~Text of examples appears in square brackets as further work on them was deemed necessary;~~

(e) For some terms, e.g. assemblies, further discussion was considered necessary, ~~also in light of the provisional adoption of Harmonized System codes for identifying electrical and electronic waste and scrap in the Harmonized System Nomenclature of the World Customs Organization.²~~

III. Findings of the expert working group on the consequential implications of the review of Annex IV to the Convention

6. The expert working group on the review of Annexes initiated the review of the possible consequential implications of the review of Annex IV for other Annexes to the Convention and for relevant decisions of the Conference of the Parties, inter alia, for the notification and movement documents and the reporting format.

7. In relation to the possible consequential implications of the review of Annex IV for other Annexes, the expert working group agreed that the review of Annex IV had consequential implications for entry Y48 in Annex II as well as for entries B1110 and B3011 in Annex IX.

8. The expert working group also agreed that the review of Annex IV had consequential implications for the notification and movement documents, the instructions for completing these³ as well as for the national reporting format⁴ and the manual for completing it,⁵ and that any changes to

² Amendments to the HS pertaining to electrical and electronic waste and scrap as agreed by the Harmonized System Committee at its 63rd session are set out in appendix I of document UNEP/CHW.14/INF/14. The amendments were adopted by the WCO Council in June 2019. Barring objections by a Contracting Party to the HS Convention by 5 January 2019, the amendments will be included in the 2022 edition of the HS and enter into force on 1 January 2022.

³ <http://www.basel.int/Procedures/NotificationMovementDocuments/tabid/1327/Default.aspx>.

⁴ <http://www.basel.int/Countries/NationalReporting/Guidance/tabid/1498/Default.aspx>.

⁵ Idem.

Commented [A1]: We prefer deleting the whole para. At least the text after the first sentence should be deleted, given the discussion on the specific operations so far

Commented [A2]: Not needed if the outcome can be reflected in appendix II

Commented [A3]: May be deleted if agreement can be reached

Commented [A4]: May be deleted if agreement can be reached, or revised

Commented [A5]: To be updated (see OEWG.12/INF/10. The discussion at WCO level on Explanatory Notes is ongoing (no conclusion at RSC57 in August)

these documents should be considered by the Conference of the Parties concurrently to any proposal to amend Annex IV to the Convention. It therefore requested the Secretariat to undertake preliminary work to identify, by colouring relevant parts of these documents, those parts that may require revisions, for the information of the Open-ended Working group during its twelfth meeting and consideration by the expert working group at its fourth meeting.

Commented [A6]: To be updated after the discussion

9. In addition, the expert working group agreed that the notification and movement documents, as well as the instructions for completing these, should reflect the outcome of the discussions on the issue referred to in paragraph 2 of section I above.

Commented [A7]: Depends on the outcome in relation to para 2 above

10. It was furthermore agreed to:

(a) Reflect in the notification document that, in case an ~~interim~~ operation that occurs prior to submission to any of the operations in the respective section (interim operation) is provided in block 11, corresponding information is to be provided on any subsequent interim facilities and the related operations and on the subsequent non-interim facilities and the related operations;

(b) Reflect the following in the instructions for completing the notification and movements documents:

- (i) Indicate that both sections A and B list disposal operations that occur prior to submission to any of the operations in section A or B (~~interim operations~~);
- (ii) Indicate in the instructions on block 11 that, in case an interim operation is provided in block 11, corresponding information is to be provided on the subsequent non-interim facilities and the related operations, and on any other subsequent interim facilities and the related operations, if applicable.

Appendix I to the recommendations by the expert working group

Recommended options for possible amendments to Annex IV

1. The following are recommended options prepared by the expert working group on the review of the Annexes during its ~~third-fourth~~ meeting (~~Bratislava, Slovakia, 5–8-9 November-October 2020~~¹⁹) for possible amendments to Annex IV. The options cover a general introduction, both the captions and introductory texts for Annex IV A and IV B, as well as the R and D operations listed in both sections of Annex IV.
2. Each R and D operation set out in Annex IV has been reviewed by the expert working group. The recommended options do not necessarily reflect the views of all the members.
3. Each option that is recommended was supported by at least one member of the expert working group. The status quo, namely the current drafting of an operation, was supported by at least one member ~~for most operations if it is reflected as an option~~; when the status quo is not reflected as an option, it is because no member supported it. The options either set out modifications to existing operations, a proposed action (e.g. delete, split, merge operations) or the addition of new operations (~~D16 to D25, and R12 option 3 and R14 to R17~~) which are listed after operations currently listed in Annex IV for ease of reference. The ordering of the operations will be further considered by the expert working group.
4. The expert working group agreed that, in those cases where the status quo is retained as an option, references to “etc.” should be deleted. The group also agreed to not use “etc.” in any of the options.
5. More information on the ~~third-fourth~~ meeting of the expert working group on the review of the Annexes, including meeting documents, is available at: <http://www.basel.int/Implementation/LegalMatters/LegalClarity/Meetings/3rdRAEWGmtg/tabid/8108/Default.aspx>
6. The expert working group agreed that developing rationales in relation to the recommendations would be useful and could be further considered by the group. In the meantime, rationales for options put forward by members and observers can be found in the documents for the ~~three-four~~ meetings of the group and in particular the reports of the meetings as well as submissions from Parties and others contained or compiled in information documents.¹

Commented [A8]: More neutral

Commented [A9]: To be adjusted

Commented [A10]: Adjust

¹ For the first meeting of the EWG, see the working documents, meeting report and information documents UNEP/CHW/RA_EWG.1/INF/2, UNEP/CHW/RA_EWG.1/INF/3 and UNEP/CHW/RA_EWG.1/INF/4 available at: <http://www.basel.int/Implementation/LegalMatters/LegalClarity/Meetings/1stRAEWGmtg/tabid/6237/Default.aspx>. For the second meeting of the EWG, see the working documents, meeting report and information documents UNEP/CHW/RA_EWG.2/INF/3, UNEP/CHW/RA_EWG.2/INF/5/rev.1 and UNEP/CHW/RA_EWG.2/INF/6/Rev.1 available at: <http://www.basel.int/Implementation/LegalMatters/LegalClarity/Meetings/2ndRAEWGmtg/tabid/7690/Default.aspx>. For the third meeting of the EWG, see the working documents, meeting report and information documents UNEP/CHW/RA_EWG.3/INF/2, UNEP/CHW/RA_EWG.3/INF/3, UNEP/CHW/RA_EWG.3/INF/4 available at: <http://www.basel.int/Implementation/LegalMatters/LegalClarity/Meetings/3rdRAEWGmtg/tabid/8108/Default.aspx>.