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**Conference of the Parties to the Basel Convention  
on the Control of Transboundary Movements of  
Hazardous Wastes and Their Disposal**

**Eleventh meeting**

Geneva, 4–15 May 2015

Item 4 (a) (i) of the provisional agenda\*\*

**Matters related to the implementation of the Convention:  
strategic issues: follow-up to the Indonesian-Swiss  
country-led initiative to improve the effectiveness of the  
Basel Convention**

## **Follow-up to the Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention**

### **Providing further legal clarity**

#### **Note by the Secretariat**

As referred to in paragraph 18 of the note by the Secretariat on follow-up to the Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention (UNEP/CHW.12/3), the annexes to the present note set out the outcomes of the second meeting of the small intersessional working group on legal clarity held on 25 and 26 January 2015 in Konstanz, Germany.<sup>1</sup> Annex I sets out the glossary of terms and related explanations and annex II sets out the options for further steps towards the consistent interpretation of terminology, including possible voluntary and legally binding options. Comments received from parties and others on the glossary of terms set out in annex I to the present note are compiled in document UNEP/CHW.12/INF/55. The present note, including its annexes, has not been formally edited.

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\* Reissued for technical reasons on 25 March 2015.

\*\* UNEP/CHW.12/1.

<sup>1</sup> The report of the second meeting of the small intersessional working group on legal clarity is set out in document UNEP/CHW/CLI\_SIWG.2/4 available at: [www.basel.int/Implementation/LegalMatters/LegalClarity/Meetings/SecondmeetingoftheSIWGoLegalClarity/tabid/4184/mctl/ViewDetails/EventModID/11663/EventID/536/xmid/12811/Default.aspx](http://www.basel.int/Implementation/LegalMatters/LegalClarity/Meetings/SecondmeetingoftheSIWGoLegalClarity/tabid/4184/mctl/ViewDetails/EventModID/11663/EventID/536/xmid/12811/Default.aspx).

## Annex I

### Revised draft glossary of terms

(26 January 2015)

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*Note to the reader:*

*This revised draft glossary of terms reflects the outcome of the second meeting of the small intersessional working group (SIWG) on legal clarity (25–26 January 2015, Konstanz). The introduction, the definitions of the terms, as well as section (a) of the explanatory notes for the term "wastes" set out in this revised glossary were considered by the SIWG during its second meeting. The brackets around the remainder of the explanatory notes reflect the fact that the SIWG did not have the time to consider them during that meeting. In addition, during its second meeting, the SIWG agreed that the terms "prevention" and "reduction" could be addressed in the practical manual on terminology developed by the expert working group on environmentally sound management.*

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## I. Introduction

1. This glossary was prepared in furtherance of decision BC-11/1 on the follow-up to the Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention and of decision OEWG-9/8 on providing further legal clarity. This document, except where it reflects legally binding Convention terms, is provided as guidance under the Basel Convention. Its general purpose is the clarification of certain terms in order to improve the implementation of the Convention and the application of technical guidelines and guidance documents developed under the Convention. This may also help parties identify further opportunities to improve implementation, including through the issuance of technical guidance.
2. The Basel Convention applies to the transboundary movement of hazardous wastes<sup>1</sup> and other wastes.<sup>2</sup> Thus, the term "wastes" is of fundamental importance in determining the scope of the Convention.
3. Within the general purpose mentioned above, the main focus of this glossary is to provide guidance for further legal clarity in relation to the distinction between wastes and non-wastes. This distinction has been a particular problem in relation to [used goods or products] destined for re-use.
4. This glossary includes definitions of terms and further explanations, including in order to explain how certain terms relate to each other. For the convenience of the reader, some explanations are included under more than one heading.

## II. Definitions

**Wastes** (see Article 2 paragraph 1 of the Basel Convention)

Substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law.

*Explanatory notes:*

- (a) When does a substance or object become waste?
  - (i) The definition of "wastes" in the Convention gives three ways by which a substance or object is to be considered waste and each of these merits further explanation:
    - a. Substances and objects that are disposed of:

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<sup>1</sup> Hazardous wastes are defined in article 1 paragraph 1 of the Basel Convention, are elaborated in Annexes VIII and IX of the Convention, and addressed in guidance developed under the Convention (<http://www.basel.int/TheConvention/Publications/TechnicalGuidelines/tabid/2362/Default.aspx>). Most hazardous wastes result from production processes.

<sup>2</sup> This glossary does not address "other waste" as described in Article 1 paragraph 2 and Annex II to the Convention.

This is usually straightforward. The disposal operations are listed in Annex IV to the Convention. A substance or object undergoing one of these operations is waste. However some of the operations describe activities that may also be applied to non-waste e.g. [“Land treatment resulting in benefit to agriculture or ecological improvement” may cover the utilization of [compost] [fertiliser], but not all fertilisers are waste] [ R1 use as a fuel] ]. This shows that it is not always possible to determine whether something is waste by considering solely what happens to it. All the circumstances need to be considered.

b. Substances and objects that are intended to be disposed of:

- i. A substance or object will be waste from the point that it is intended to be disposed of. This is necessary so that waste is subject to control before it is actually disposed of.
- ii. Intent to dispose can be inferred from surrounding facts and circumstances, including reasonably foreseeable results of conduct. Intention is not only the subjective belief of the exporter or generator of the waste. It is necessary therefore to also consider the circumstances in an objective manner, e.g. the existence of a contract. Therefore intent to dispose can be inferred from an act that could reasonably be expected to result in disposal.
- iii. When assessing whether a substance or object is intended to be disposed of, all the circumstances need to be taken into account on a case by case basis. The origin of the substance or object may be relevant. In addition, factors such as obsolescence,<sup>3</sup> insufficient functionality and insufficient protection against damage during transport, loading and unloading may cast doubt on whether reuse/direct reuse will actually occur. These factors may suggest instead an intent to dispose of the object or substance, which would make it a waste.

c. Substances and objects that are required to be disposed of by the provisions of national law

This reflects the principle that substances or objects may be defined as “wastes” according to the national law of some, but not of other states.

- (ii) A product may become a waste if the waste definition applies. A product is a something intentionally produced by or resulting from a process that meets defined characteristics.
- [(iii) Another category of materials that may be difficult to characterize are production residues. They are generally considered wastes. However if production residues meet criteria, they may be referred to as a by-product and thus be non-waste according to national legislation and if they do not meet the waste definition. Such criteria may need to be laid down in national legislation to ensure that there is sufficient certainty of use and it is not subjected to a disposal operation. As the manual on implementation notes, as this is set down in national law, it is possible that a production residue may be regarded as a by-product in one state, but as a waste in another. ]
- (iv) A good may [be][become ] a waste if the waste definition applies. [A good is a tradable commodity. Its value can be negative or positive. It can be a waste or a product. Whether something is a “good” has no relevance to the definition of waste. ] [A good is a substance or object that has economic value and which is capable, as such, of forming the subject of commercial transactions.] It is a wider term than product. A used good is one that is or has been used, either by its first or subsequent owner. A used good may or may not be a waste Use means the utilization of a good, whether by its first or a subsequent owner. This term includes reuse and direct reuse of a good, but does not include utilization of a good in a recovery operation.

(b) When does waste cease to be waste?

For some recovery operations, there may be a question of when waste may cease to be waste and reach end of waste status. Once something becomes waste, and someone wants to bring it back into productive use, the activity it undergoes will by definition be a recovery operation as the activity is applied to waste that results in a non-waste. There are three possibilities:

<sup>3</sup> Obsolete means no longer produced or used, or out of date (see [www.oxforddictionaries.com/us/definition/english/obsolete](http://www.oxforddictionaries.com/us/definition/english/obsolete)).

- (i) It has been prepared for reuse.
- Used goods may become waste e.g. when their owner intends to dispose of them because he buys a newer model. If the used good can be made suitable for reuse, this will promote the better use of resources. It is necessary to check, clean or repair the good to ensure it will be suitable for reuse. Such operations will be recovery as the used goods that have become waste are prepared so that they can be re-used without any other pre-processing than checking, cleaning or repairing. As such operations are not listed in Annex IV to the Convention, they would need to be defined in national law.
- (ii) It has undergone a recycling operation, when that operation is completed.
- Recycling operations involve the reprocessing or transformation of waste into products, materials or substances, though not necessarily for the original purpose. Once the operation is complete, the substance or object is no longer waste. Some recycling operations are listed in Annex IV to the Convention.
- (iii) It has otherwise gained end-of-waste status as a result of a recovery operation
- Sometimes a recovery operation does not have the nature of a recycling operation. The result may be products, materials or substances that do not require further recovery operations to enable them to be used. An example might be scrap metal which is bundled and collected such that it meets international standards for use. It has not been transformed or reprocessed, but is no longer waste. Such standards may be set in national legislation with criteria to ensure that there is sufficient certainty of use and that there is sufficient certainty of use and that it is not subjected to a disposal operation.
- (c) Economic value of wastes
- Recovery operations make better use of resources and can reduce the negative impact of wastes. Wastes destined for these operations might have economic value and are capable, as such, of forming the subject of commercial transactions. In such circumstances, a waste would meet the definition of a good, while it is still a waste. If the waste is subject to a transboundary movement, then it will have to be declared in one customs code for goods (Harmonized System), while it is still a waste. Economic value is not an appropriate criterion to distinguish waste from non-waste. ]

### **Non-waste**

A substance or object that does not meet the definition of “waste”.

*[Explanatory note*

Used goods/products: A good/product that is or has been used, either by its first or subsequent owner, may or may not be a waste, depending upon its characteristics, intended destination, and fate, as well as the provisions of national law. In some circumstances, a used good/product destined for reuse – especially direct reuse -- may not be considered to be a waste. However, there needs to be sufficient certainty that the good/product will actually be reused, because if it is not, its disposal may pose a threat to human health and the environment. Factors such as obsolescence and insufficient protection against damage during transport, loading and unloading may cast doubt on whether reuse will actually occur. These factors may suggest instead an intent to dispose of the used good/product, which would make it a waste.]

**Hazardous wastes** (see Article 1 paragraph 1 of the Basel Convention)

- (a) Wastes that belong to any category contained in Annex I to the Convention, unless they do not possess any of the characteristics contained in Annex III; and
- (b) Wastes that are not covered under paragraph (a) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the party of export, import or transit.

### **Hazardous characteristics**

Any of the characteristics contained in Annex III to the Basel Convention.

### **Non-hazardous waste**

A waste that does not meet the definition of “hazardous waste”.

**Disposal** (see Article 2 paragraph 4 of the Basel Convention)

Any operation specified in Annex IV to the Basel Convention.

*[Explanatory note*

Annex IV includes two categories of disposal operations: (1) final disposal operations; and (2) recovery operations. Disposal is the key element of the Basel Convention's definition of waste. This term only applies for operations with waste.]

**Final disposal**

Commonly used to refer to disposal operations specified in Annex IV A to the Basel Convention.

*[Explanatory note*

This definition builds on the PACE<sup>4</sup> definition: "Disposal operations specified in Annex IV A to the Basel Convention. The term "direct reuse" is omitted, as it is not considered to be a disposal operation.]

**Recovery**

Option 1

[Relevant operations specified in Annex IV B to the Basel Convention.]

Option 2

[Commonly used to refer to disposal operations specified in Annex IV B to the Basel Convention.]

*[Explanatory notes:*

- (a) Pre-existing definitions
  - (i) Draft e-waste guidelines:<sup>5</sup> "Relevant operations specified in Annex IV B to the Basel Convention; recycling operations are part of this annex."
  - (ii) Technical guidelines on the environmentally sound recycling/reclamation of metals and metal compounds (R4)(2004):<sup>6</sup> "Recovery: Taking metallic or metal-containing items and metallic pieces before they reach the waste stream or taking them out of the waste stream."
- (b) Source of proposed definition
 

In addition to the reference to Annex IV B, the draft definition draws on Art. 3(15) of Directive 2008/98/EC on waste.
- (c) Distinguished from direct reuse
 

Although "direct reuse" is included in the caption to Annex IVB (though not its operative provisions), the term "recovery" is not considered to include reuse or direct reuse of goods/products or components.
- (d) Relationship to "repair" and "refurbishment"
 

National legislation may recognize that where repair or refurbishment are necessary to prepare a waste for reuse, they should be regarded as recovery operations.
- (e) Waste/non-waste

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<sup>4</sup> In this document, references to "PACE" are to be understood as references to the PACE glossary set out in the revised guidance document on the environmentally sound management of used and end-of-life computing equipment (document UNEP/CHW.11/6/Add.1/Rev.1 available at: [www.basel.int/TheConvention/ConferenceoftheParties/Meetings/COP11/tabid/3256/Default.aspx](http://www.basel.int/TheConvention/ConferenceoftheParties/Meetings/COP11/tabid/3256/Default.aspx)).

<sup>5</sup> In this document, references to "draft e-waste guidelines" are to be understood as references to the draft 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 (draft of 20 November 2014) set out in document UNEP/CHW.12/5/Add.1 available at: [www.basel.int/TheConvention/ConferenceoftheParties/Meetings/COP12/tabid/4248/mctl/ViewDetails/EventModID/8051/EventID/542/xmid/13027/Default.aspx](http://www.basel.int/TheConvention/ConferenceoftheParties/Meetings/COP12/tabid/4248/mctl/ViewDetails/EventModID/8051/EventID/542/xmid/13027/Default.aspx).

<sup>6</sup> Available at: [www.basel.int/Implementation/Publications/TechnicalGuidelines/tabid/2362/Default.aspx](http://www.basel.int/Implementation/Publications/TechnicalGuidelines/tabid/2362/Default.aspx).

Goods/products that have become waste can attain non-waste status when they have undergone a recovery process and are no longer destined or intended to be destined for an Annex IV operation, unless, following the recovery process, they are still considered waste by national law.

(f) Value

Recovery operations make better use of resources and can reduce the negative impact of wastes.]

## Recycling

### Option 1

[Any recovery operation that involves the reprocessing or transformation of waste into new products, or materials or substances that enter the [economic][production] cycle. Recycling does not include energy recovery and the reprocessing into materials that are to be used as fuels. Some recycling operations are identified in section B of Annex IV to the Convention.]

### Option 2

[Relevant operations specified in Annex IV B to the Basel Convention.]

[*Explanatory note:*

Pre-existing definitions:

- (a) PACE: Relevant operations specified in Annex IV B to the Basel Convention.
- (b) Used tyres guidelines:<sup>7</sup> Any process by which waste tyres are reprocessed into products, materials or substances for any purpose. It does not include energy recovery or reprocessing into materials for use as fuels or in backfilling operations.
- (c) Technical guidelines on the environmentally sound recycling/reclamation of metals and metal compounds (R4)(2004): (a) The preparation of recovered items and pieces so that they may be used directly (e.g., in direct remelt) or sent for reclamation; (b) The series of activities, including collection, separation, and processing, by which products or other materials are recovered from the solid waste stream for use in the form of raw materials in the manufacture of new products, other than fuel for producing heat or power by combustion.

The draft Glossary is based on the used tyres guidelines.]

## Repair

Fixing a specified fault in an object that is a waste or a product and/or replacing defective components, with the result of making the waste or product a fully functional product to be used for its originally intended purpose.

[*Explanatory notes*

- (a) Pre-existing definitions
  - (i) Draft e-waste guidelines: Fixing specified faults in equipment [and/or replacing defective components of equipment in order to bring the equipment into a fully functional condition].
  - (ii) PACE: Fixing specified faults in computing equipment and/or replacing defective components of computing equipment to bring the computing equipment into a fully functional condition.
- (b) Application to waste/non-waste
 

Repair or refurbishment are operations that can be applied to both waste and non-waste [, in order to postpone disposal (prevention and reduction measure)]. Therefore by itself, the need for repair or refurbishment is not [a suitable criterion][determinative] for distinguishing between waste and non-waste.]

<sup>7</sup> In this document, references to “used tyres guidelines” are to be understood as references to the revised technical guidelines for the environmentally sound management of used and waste pneumatic tyres, available at: <http://www.basel.int/Implementation/Publications/TechnicalGuidelines/tabid/2362/Default.aspx>

## Refurbishment

Modification of an object that is a waste or a product to increase its performance and/or functionality or to meet applicable technical standards or regulatory requirements, with the result of making the waste or product a fully functional product to be used for a purpose that is at least the one that was originally intended.

*[Explanatory notes]*

- (a) Pre-existing definitions
- (i) PACE: Modification of used computing equipment to increase its performance and functionality or to meet applicable technical standards or regulatory requirements, including through such activities as cleaning, data sanitization and software upgrading.
  - (ii) Draft e-waste guidelines: [Process for transforming reusable equipment or components into a refurbished good through refurbishing or reconditioning the equipment. With respect to used equipment, refurbishment may include such activities as cleaning, data sanitization and minor repair.] [Creating refurbished or reconditioned equipment, including such activities as cleaning, data sanitization and (software) upgrading.][Modification of fully functional equipment to increase its performance and/or functionality or to meet applicable technical standards or regulatory requirements, including through such activities as cleaning, data sanitization and upgrading.]

The draft Glossary is based on the PACE definition, though not limited to computing equipment and associated activities.

- (b) Distinction between waste and non-waste

Repair and refurbishment are operations that can be applied to both waste and non-waste. Therefore by itself, the need for repair or refurbishment is not [a suitable criterion][determinative] for distinguishing between waste and non-waste.]

## Reuse

The using again, by a person other than its previous owner, of a product, object or substance [that is not waste], [for the same purpose for which it was conceived, ][possibly after pre-processing] [repair or refurbishment].

*[Explanatory notes]*

- (a) Pre-existing definitions
- (i) Draft e-waste guidelines: The using again, by a person other than its previous owner, of equipment that is not waste for the same purpose for which it was conceived, possibly after repair or refurbishment.
  - (ii) PACE: The using again, by a person other than its previous owner, of used computing equipment or a functional component from used computing equipment that is not waste for the same purpose for which it was conceived, possibly after refurbishment, repair or hardware upgrading.
  - (iii) Ship recycling guidelines:<sup>8</sup> When a product is used again following normal use. Implies recovery and refurbishment before the product can be reused.
- (b) Reuse encouraged
- Reuse of used goods/products is to be encouraged because it promotes resource efficiency, especially of non-renewable resources. Encouraging reuse will sometimes help prevent a used good/product from becoming waste, or in some cases bring waste back into use.
- (c) “Reuse” can occur after some degree of [pre-processing][repair or refurbishment].
- (d) Need for certainty
- Where a used good/product is exported for reuse, there needs to be sufficient certainty that it will actually be reused, because if it is not, its disposal may pose a threat to human health and

<sup>8</sup> Technical guidelines for the environmentally sound management of the full and partial dismantling of ship, available at: [www.basel.int/Implementation/Publications/TechnicalGuidelines/tabid/2362/Default.aspx](http://www.basel.int/Implementation/Publications/TechnicalGuidelines/tabid/2362/Default.aspx).

the environment. Factors such as obsolescence<sup>9</sup> and insufficient protection against damage during transport, loading and unloading may cast doubt on whether reuse will actually occur.<sup>10</sup> These factors may suggest instead an intent to dispose of the used good/product, which would make it a waste. Intent to dispose may be inferred from an act that could reasonably be expected to result in disposal.

(e) Point of reuse

Reuse refers to the point at which the good/product is being used for the purpose for it was conceived and not any operations to enable that to occur.[Once] [when] a used good/product is being reused, it is not waste.

(f) Charitable donation

Reuse can apply to goods/products that are transferred for purposes of charity and without any monetary rewards or benefits, or for barter. This practice is not environmentally sound management of waste.]

### Direct reuse

The using again, by a person other than its previous owner, of a product, object or substance that is not waste for the same purpose for which it was conceived without the necessity of [pre-processing<sup>11</sup>][repair or refurbishment].

[Explanatory notes:

(a) Pre-existing definitions

- (i) Draft e-waste guidelines: The using again, by a person other than its previous owner, of equipment that is not waste for the same purpose for which it was conceived without the necessity of repair or refurbishment
- (ii) PACE: “The using again, by a person other than its previous owner, of computing equipment and components that are not waste for the same purpose for which they were conceived without the necessity of repair, refurbishment or hardware upgrading.”

The glossary uses the PACE definition, substituting the term “pre-processing” for the phrase “repair, refurbishment or hardware upgrading”, so that the definition is not limited to electronic equipment.

(b) “No [pre-processing][repair or refurbishment]”

The term “direct reuse” excludes the possibility of reuse of a used good/product after [repair or refurbishment][pre-processing. Pre-processing, may include repair, refurbishment or upgrading, i.e., modification of a fully functional good/product to increase its performance and/or functionality.] Direct reuse generally applies to the reuse of a fully functional good/product, i.e. a good/product that was tested and demonstrated to be capable of performing the essential functions that it was designed to perform. A fully functional used good/product that is destined for direct reuse is not considered to be a waste, unless so-classified by national law.

(c) “Good/product”

As used in this Glossary, the term “good/product” refers to a substance or object, [such as a product or a component,] including a waste, that has economic value and which is capable, as such, of forming the subject of commercial transactions. The terms “good” and “product” are largely synonymous, although some intangible products, such as services, would not be considered to be goods.

(d) Charitable donation

<sup>9</sup> Obsolete means no longer produced or used, or out of date (see [www.oxforddictionaries.com/us/definition/english/obsolete](http://www.oxforddictionaries.com/us/definition/english/obsolete)).

<sup>10</sup> There are difficult distinctions which are amenable to being addressed through technical guidance.

<sup>11</sup> Pre-processing may include e.g. [checking], [testing] cleaning, repair, refurbishment [or upgrading] but not disposal.

Direct reuse can apply to goods/products that are transferred for purposes of charity and without any monetary rewards or benefits, or for barter. This practice is not environmentally sound management of waste.]

## Annex II

### Options for further steps towards the consistent interpretation of terminology, including possible voluntary and legally binding options

#### I. Introduction

1. As a threshold matter, whether the transboundary movement of a substance or object is subject to the Basel Convention depends upon whether it is a “waste”, which in turn depends upon whether it is disposed of, intended to be disposed of, or required to be disposed of under national law. Thus, the definition of “disposed of” and the meaning of “intended” in the phrase “intended to be disposed of” are key to determining whether a substance or object is a waste, and thus potentially a hazardous or other waste.<sup>1</sup> This has been a particular problem in relation to used goods destined for reuse. Where a used good is exported for reuse, there needs to be sufficient certainty that it will actually be reused, because if it is not, its disposal may pose a threat to human health and the environment, particularly if it also has hazardous components.
2. The Basel Convention defines “disposal” as any operation specified in its Annex IV. Annex IV A encompasses disposal operations which do not lead to the possibility of resource recovery, recycling, reclamation, direct reuse or alternative uses. Annex IV B encompasses “operations which may lead to resource recovery, recycling, reclamation, direct reuse or alternative uses,” “with respect to materials legally defined as or considered to be hazardous wastes and which otherwise would have been destined for operations included in Section [IV] A”. Despite the caption of section B of annex IV, direct reuse is not specified as an operation under Annex IV B; however, reuse of used oil is contained in operation R9. Nor is repair or refurbishment listed under Annex IV B. In practice, the national law of some countries recognizes disposal operations not listed in Annex IV or defined differently than in Annex IV.
3. There is discussion as to whether reuse and direct reuse should be considered operations under Annex IV B or not.
4. Regarding the distinction between hazardous and non-hazardous wastes, in practice, the national law of some countries recognizes hazardous characteristics not defined in Annex III or hazardous characteristics defined differently than in Annex III.
5. Against this background, the following legally binding and voluntary options may be considered, bearing in mind that the options include as appropriate recommendations on where further guidance would be useful, as referred to in paragraph 16 (c) of decision BC-11/1.

#### II. Legally binding options

##### A. Waste / non-waste

6. It may be considered to review Annex IV as a whole in order to update the description of certain disposal operations and to include recovery operations as they occur in practice, and to possibly define relevant terms in this Annex.
7. It may also be considered i) to review the captions of Annex IV A and Annex IV B in relation to “direct reuse” and ii) to review operation R9 in Annex IV B in relation to the term “reuse”. In addition, the references to “direct reuse” and “reuse” in Annex IX entry B1110, including footnotes 20 and 21, may be reviewed.

##### B. Hazardous / non-hazardous waste

8. It may be considered to review Annex I of the Convention, in the light of the fact that in practice the national law of some countries recognizes other constituents than the ones listed from Y19 in Annex I. It may also be considered to review Annex III as a whole, taking into account the Globally Harmonized System of Classification and Labeling of Chemicals (GHS), in order to update the description of certain hazardous characteristics and to include hazardous characteristics as they occur in practice.

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<sup>1</sup> Any relevant definitions of national law that bear on whether an object or substance is required to be disposed of are also important.

### **C. Amendment to annexes to the Convention**

9. An amendment to an annex to the Convention is to be adopted by a three-fourths majority vote of the parties present and voting at the meeting. The amendment becomes effective for all parties to the Convention which have not submitted, within six months from the date of the communication of the adoption by the Depositary, a written notification that it is unable to accept the amendment.<sup>2</sup>

## **III. Voluntary options**

10. The glossary of terms is a first step towards the development of guidance on the interpretation of terminology. It addresses terms relevant to all waste streams and is intended to complement technical guidelines and guidance documents.

### **A. Waste / non-waste**

11. The Conference of the Parties could develop guidance on Annex IV as a whole to clarify the description of certain disposal operations and to include recovery operations as they occur in practice, and to possibly define relevant terms. This could serve as a first step towards amending Annex IV to the Convention.

12. The Conference of the Parties could also develop technical guidelines for specific materials based on the glossary, further elaborating on the distinction between waste and non-waste, as is under way in the context of the development of the technical guidelines on transboundary movements of electronic and electrical waste (e-waste), in particular regarding the distinction between waste and non-waste.

13. The Small Intersessional Working Group recommends to the Conference of the Parties at its twelfth meeting to consider, as a result of the adoption of the glossary of terms, if a review should be conducted on whether any terms defined in previously adopted technical guidelines and guidance documents as well as the framework for the environmentally sound management of hazardous wastes and other wastes need be updated.

### **B. Hazardous / non-hazardous waste**

14. The Conference of the Parties could develop as appropriate further guidance on hazardous characteristics.

### **C. Other issues**

15. The Conference of the Parties could consider whether other terms not mainly related to the distinction between waste/non-waste or hazardous/non-hazardous waste would benefit from further guidance.

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<sup>2</sup> Article 18, paragraph 3 of the Basel Convention.