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

Geneva, 24 April–5 May 2017

Item 4 (b) (i) of the provisional agenda*

**Matters related to the implementation of the Convention:
scientific and technical matters: technical guidelines**

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

Note by the Secretariat

As referred to in the note by the Secretariat on technical guidelines (UNEP/CHW.13/6), the annexes to the present note set out compilations of responses to the questionnaire on the experiences of Parties and others in the implementation of the technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention. The questionnaire was open for responses from 25 July 2016 to 15 January 2017. Annex I sets out a compilation of comments received from Parties, annex II sets out a compilation of comments received from other stakeholders, and annex III sets out the questionnaire for ease of reference. The present note, including its annexes, has not been formally edited.

* UNEP/CHW.13/1.

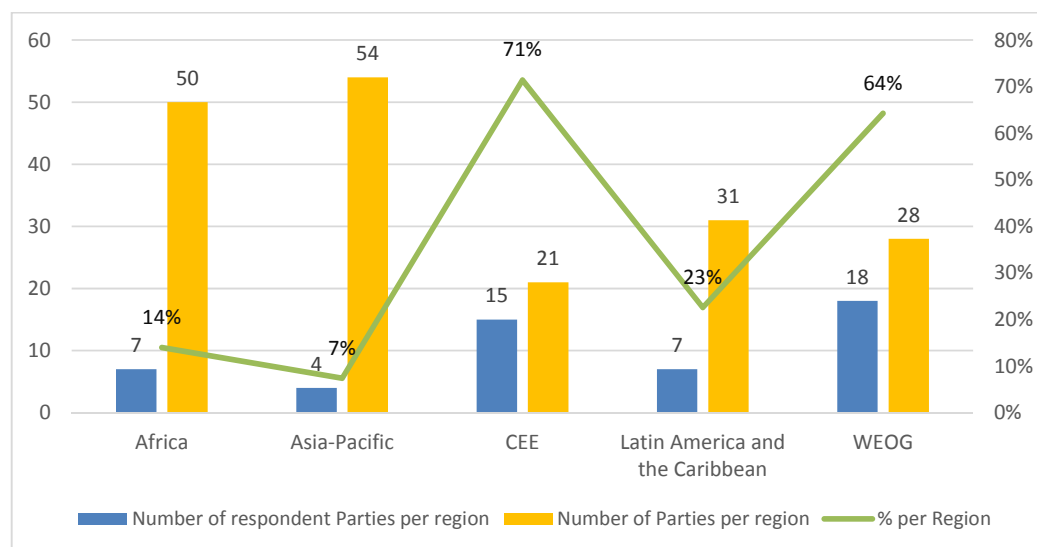
Annex I

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

I. Parties that responded to the questionnaire

1. A total of 23 responses were received from Parties to the Convention. The Parties that responded were Albania, Azerbaijan, Burundi, Congo, Chile, Colombia, Costa Rica, El Salvador, European Union and its member States, Guinea, Guatemala, Honduras, Hungary, Japan, Montenegro, Madagascar, South Africa, State of Palestine, Swaziland, Togo, Thailand, Turkey, and Trinidad and Tobago.
2. As indicated by the European Union (EU) in its response, the submission by the EU was a coordinated response of the EU and its Member States. For the statistics on the responses received from Parties, the response submitted by the EU was considered as having been reported by each of the EU Member States that are Party to the Basel Convention, i.e., 28 Parties in this context.
3. Therefore, a total of 50 Parties (28 %) were counted as having submitted a response, including the European Union and its member States, out of a total of 184 Parties as at 15 January 2017 (questionnaire cut-off date). The regional distribution of responses is provided in figure 1.

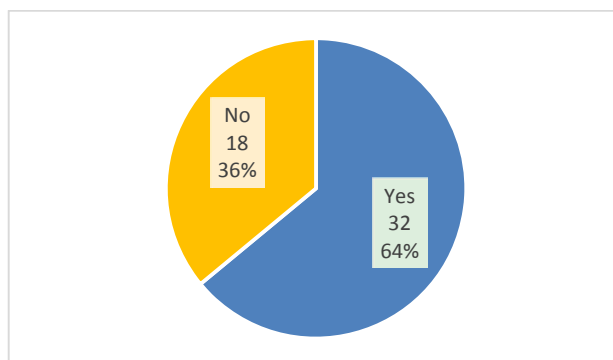
Figure 1: Regional distribution of responses to the questionnaire



II. Use of the technical guidelines

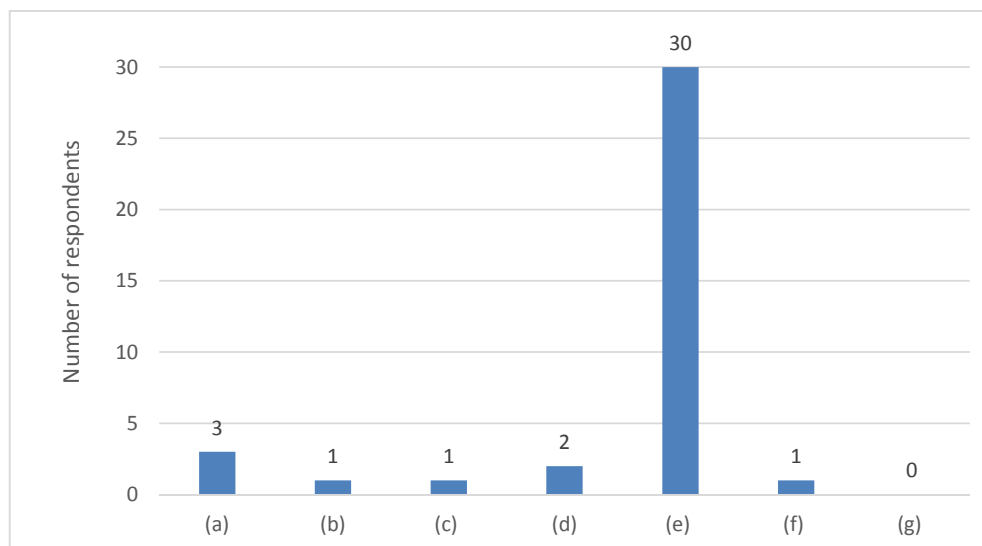
Question 1: *Have the technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention (technical guidelines) been used in your country/by your organization?*

4. Of the 50 Parties that responded to the questionnaire, 32 (64 %) reported that the technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment had been used in their country: Chile, Costa Rica, the European Union (28 Parties), Swaziland and Turkey. Eighteen responses (36 %) reported that the technical guidelines had not been used. The distribution of the responses on the use of the technical guidelines is provided in figure 2.

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

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

5. Those respondents that reported that the technical guidelines had been used in their countries were invited to indicate how and/or where the technical guidelines had been used and their experiences with such use or implementation. Respondents were offered a multiple choice selection of 7 options, including one for inputs on purposes other than the options presented. Thirty Parties (60 %) reported that the technical guidelines had been used for the development of non-regulatory policies, or guidance, e.g. guidelines, manuals, technical notes, handbooks, others (option e). Three Parties (6 % of responses) reported that the technical guidelines had been used for controlling of transboundary movements (import/export) of e-waste (option a). Two Parties (4 %) reported that the technical guidelines had been used for the development/elaboration of a national legislation or regulations (option d). The distribution of responses as per each of the different options on how/where the technical guidelines have been used is presented in figure 3. Respondents also provided information on the experiences gathered from the use of the technical guidelines, as compiled in table 1.

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

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

(f) For training, e.g. of enforcement and customs officers.

(g) For other purposes.

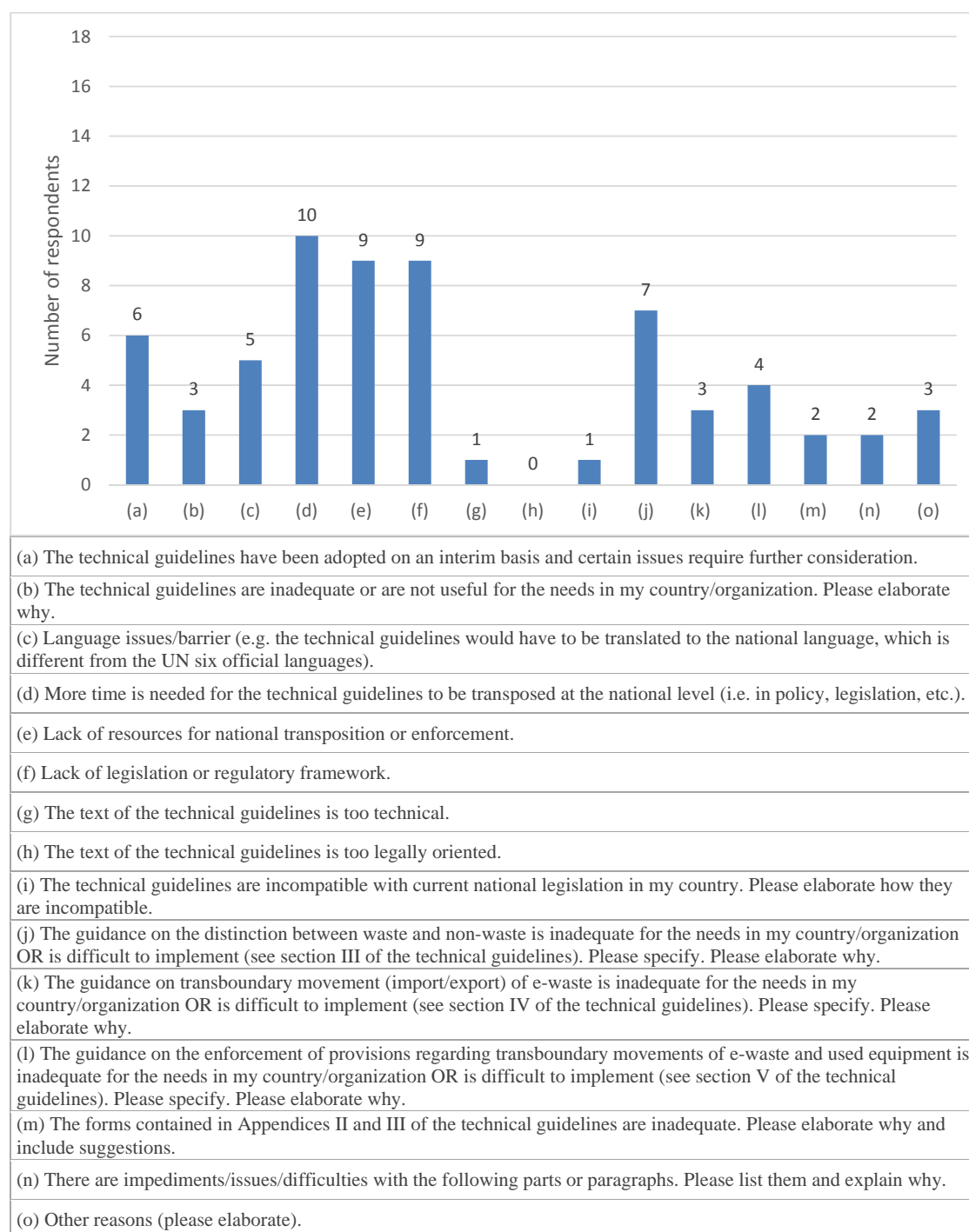
Table 1: Experiences gathered by Parties from the use of the technical guidelines

(a) For controlling transboundary movements (import/export) of e-waste, in general	
Party	Experiences gathered
Costa Rica	Sobre todo en importaciones de equipos que ingresan al país para ser reparados y otros para ser desensamblados.
Swaziland	Some exporters regard e-waste as non-hazardous. People are not aware of the hazardous substances contained in electronics.
(b) For controlling transboundary movements (import/export) of used equipment for direct reuse, or extended use by the original owner	
No experiences reported.	
(c) For controlling transboundary movements (import/export) of used equipment for failure analysis, for repair and refurbishment (may include remanufacturing)	
Party	Experiences gathered
Costa Rica	Control de equipos que ingresan para reparación.
(d) For the development/elaboration of a national legislation or regulations	
Party	Experiences gathered
Swaziland	We have proposed the enactment of e-waste regulations. However due to limited capacity we have not started the process of drafting it.
(e) For the development of non-regulatory policies, or guidance, e.g. guidelines, manuals, technical notes, handbooks, others	
European Union	<p>For the EU, applying the Basel technical guidelines did not require changes to be made to its pre-existing legislative framework. The existing provisions of EU legislation, in particular the Directive on Waste Electrical and Electronic Equipment (WEEE Directive) [1] (see Article 23 and Annex VI on minimum requirements for shipments) and the Waste Shipment Regulation [2] are regarded to be an adequate and sufficiently stringent legal framework for the purpose of preventing the export of hazardous e-waste to developing countries.</p> <p>At EU level, the Correspondents' Guidelines No. 1 on shipments of Waste Electrical and Electronic Equipment [3] provide a supporting role in the enforcement of EU legislation on the transboundary movement of e-waste, particularly in the efforts to prevent the illegal export of e-waste out of the EU notably through fraudulent misclassification of e-waste as non-waste.</p> <p>Following the adoption of the Basel technical guidelines, it was considered necessary to revise the Correspondents' Guidelines No. 1 accordingly. These guidelines were subject to a revision in order to be aligned with the Basel technical guidelines. At the same time, the revision of these Correspondents' Guidelines was also intended to bring them into line with the relevant provisions of the WEEE Directive, which had not yet been reflected in these guidelines.</p> <p>The newly revised Correspondents' Guidelines No. 1 on the shipments of WEEE/used EEE were agreed by the EU Waste Shipment Correspondents on 3/2/2017 and published on the website under http://ec.europa.eu/environment/waste/shipments/guidance.htm (see http://ec.europa.eu/environment/waste/shipments/pdf/correspondence_guidelines_1.pdf). These guidelines apply from 3/4/2017. The revision has taken account inter alia of</p>

	provisions laid down in the Basel technical guidelines on e-waste. [1] Directive 2012/19/EU on Waste Electrical and Electronic Equipment (see http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012L0019) [2] Regulation (EC) 1013/2006 on shipments of waste (see http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02006R1013-20160101&rid=1) [3] See http://ec.europa.eu/environment/waste/shipments/guidance.htm http://ec.europa.eu/environment/waste/shipments/pdf/correspondence_guidelines_1.pdf
(f) For training, e.g. of enforcement and customs officers	
No experiences reported.	
(g) For other purposes	
No experiences reported.	

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

6. Those respondents that reported that the technical guidelines had not been used in their countries were invited to state the reasons for not using the technical guidelines or parts thereof. Respondents were offered a multiple choice selection of 15 options, including one for inputs on reasons other than the options presented. Ten Parties (20 % of responses) indicated that more time was needed for the technical guidelines to be transposed at the national level (option d). Nine Parties (18 %) indicated the lack of resources for national transposition or enforcement (option e). Nine Parties (18 %) indicated the lack of legislation or regulatory framework (option f). Seven Parties (14 %) indicated that the guidance on the distinction between waste and non-waste was inadequate for the needs in their country or difficult to implement (option j). The distribution of responses as per each of the different reasons for not using the technical guidelines is presented in figure 4. Respondents were also invited to provide explanations and details on some specific reasons for not using the technical guidelines, these are compiled in table 2. Additionally, Parties that selected options (j), (k) and (l) as the reasons for not using the technical guidelines were requested to specify if the guidance on the area indicated in each of the options was inadequate for the needs in the country or if it was difficult to implement, their responses are presented in figure 5 below. None of the Parties indicated that the text of the technical guidelines is too legally oriented (option h) as a reason for not using the technical guidelines.

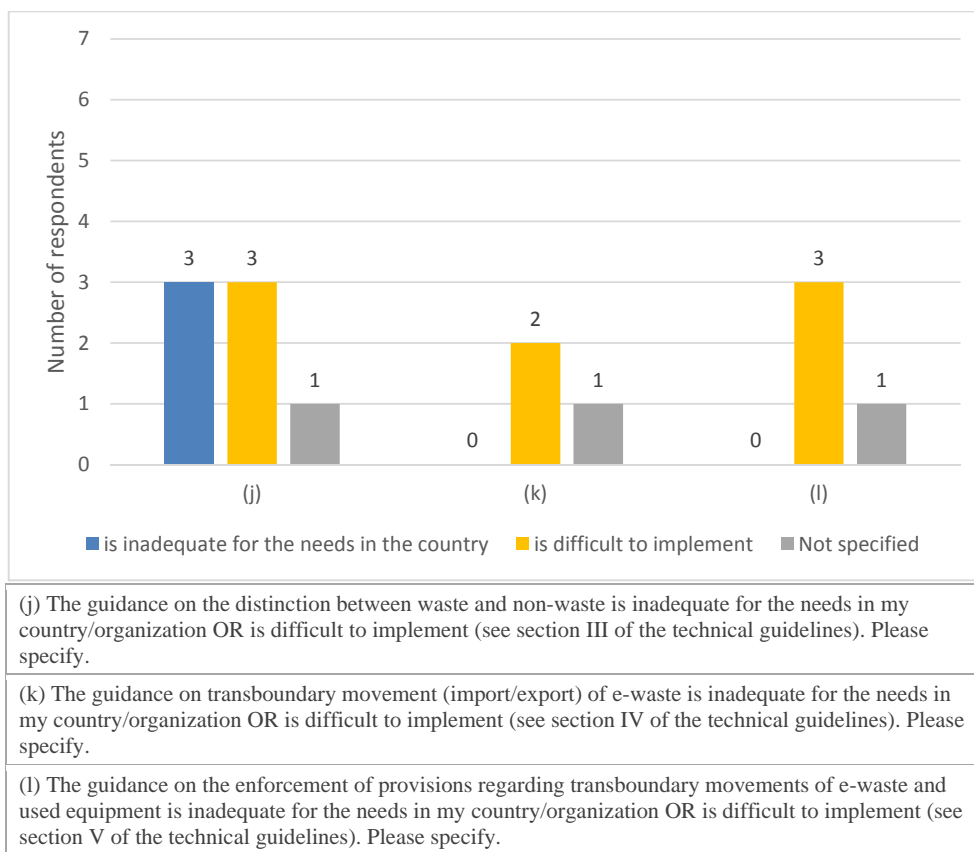
Figure 4: Distribution of responses as per each of the different reasons indicated for not using the technical guidelines**Table 2:** Explanations and details provided by Parties on reasons for not using the technical guidelines

(b) The technical guidelines are inadequate or are not useful for the needs in my country	
Party	Please elaborate why
Burundi	The Draft Decree on the regulation of the management of electronic and electric Waste has been validate very recently
Guinea	There is'nt any capacity building to make difference regarding waste and no wastes.

	Therefore, it is some capacities to make difference regarding new and second hand materials
Madagascar	Nous avons 3 textes réglementaires au niveau national pour: 1-DECRET N°2012-753 du 07/08/12, Portant Interdiction de l'Importation des Déchets 2-DECRET N° 2012-754 du 07/08/12, Fixant Procédure de Gestion des Produits en fin de vie, sources de déchets et des déchets dangereux 3-DECRET N°2015-930 du 09/06/15, portant Classification et Gestion Ecologiquement Rationnelle de DEEE.
(i) The technical guidelines are incompatible with current national legislation in my country	
Party	Please elaborate how they are incompatible
Burundi	We need a time to put the technical guidelines, now we have a Decree (Draft)
Madagascar	En cours d'élaboration des politiques nationales de la GER DEEE.
Togo	The technical guidelines are incompatible with current national legislation due to the definition of waste.
(j) The guidance on the distinction between waste and non-waste is inadequate for the needs in my country/organization OR is difficult to implement (see section III of the technical guidelines)	
Party	Please elaborate why
Burundi	[Inadequate] We haven't the standards, so Waste and non-Waste is difficult to separate
Colombia	[Difficult] Es difícil exigir las pruebas de funcionalidad y verificar la información requerida para cada equipo. Para el personal de aduana representaría mucho tiempo y trabajo verificar toda esta información para confirmar si lo que entra o sale del país es un desecho o no. Además solo el 10% de la mercancía que ingresa o sale del país es verificada físicamente.
Guatemala	[Difficult] Se necesita fomentar el dialogo respecto a esa distinción involucrando a las empresas.
Honduras	[Inadequate] Honduras prohíbe la importación de cualquier tipo de desechos peligrosos por lo cual la distinción entre desechos o no desechos RAEE, es irrelevante.
Togo	[Difficult] Because of lack of capacity at entry port to test any EEE before putting them on market.
(k) The guidance on transboundary movement (import/export) of e-waste is inadequate for the needs in my country/organization OR is difficult to implement (see section IV of the technical guidelines)	
Party	Please elaborate why
Burundi	[Did not specify if inadequate or if difficult] We need only the time.
Colombia	[Difficult] En Colombia está prohibida la importación de residuos peligrosos. En el caso de los desechos electrónicos muchos de ellos contienen sustancias peligrosas en pequeña cantidad. Sería casi imposible determinar para cada equipo o aparato que se importe si presenta o no una característica de peligrosas para poder verificar o no que es peligroso. La verificación documental y en campo de toda esta información para el personal de aduana sería muy complejo.
Guatemala	[Difficult] A pesar que es difícil de implementar, se necesita más información, sobre las fichas técnicas de este tipo de desechos.
(l) The guidance on the enforcement of provisions regarding transboundary movements of e-waste and used equipment is inadequate for the needs in my country/organization OR is difficult to implement (see section V of the technical guidelines)	
Party	Please elaborate why
Burundi	[Did not specify if inadequate or if difficult] We will elaborate, to implement, wait and see.
Colombia	[Difficult] Las autoridades aduaneras y de policía no tienen la suficiente capacidad y conocimiento para hacer todas estas inspecciones en los puertos de aduana. Su entrenamiento, sería bastante costoso.
Guatemala	[Difficult] Guatemala importa mucho equipo de segunda mano, habrá que realizar un trabajo previo a la utilización de las directrices.

Madagascar	[Difficult] Absence de politique nationale et de texte d'application.
(m) The forms contained in Appendices II and III of the technical guidelines are inadequate	
Party	Please elaborate why and include suggestions
Burundi	The problem is the distinction between Waste and non-Waste for importation
Congo	As the issues addressed in these guidelines are technical, it would be desirable to attach the translation of these annexes to the guidelines in other United Nations languages, including French for me, for better understanding. Suddenly, the application of these Annexes also important would be very difficult for us, francophone countries since it first need to translate.
Honduras	Honduras prohíbe la importación de cualquier tipo de desechos peligrosos por lo cual la distinción entre desechos o no desechos RAEE, es irrelevante. La exportación de desechos RAEE se hace bajo las especificaciones y requerimientos del país importador.
Madagascar	Dans le pays en voie de développement, il est difficile d'appliquer car nécessite beaucoup de moyen (Financier, technique...)
(n) There are impediments/issues/difficulties with the following parts or paragraphs	
Party	Please list them and explain why
Madagascar	Paragraphe 56. Par exemple, certains pays en développement dans lesquels des installations effectuent des analyses de défaillance, des réparations ou une remise en état ont mis en place des politiques exigeant que ces installations veillent à ce que tous les équipements usagés qu'elles reçoivent soient exportés une fois l'analyse de défaillance, les réparations ou la remise en état achevées.
State of Palestine	I think it is important to take into consideration the differentiation in terminology between trans-boundary movements of e -waste and re-export of e wastes to its origin country.
(o) Other reasons	
Party	Please elaborate
Colombia	Las mayores dificultades se centran en la implementación de las diferentes medidas y en la capacidad de las autoridades (de aduana y ambientales) para poder aplicar dichas medidas. El sistema Armonizado no distingue en las diferentes partidas arancelarias cuando la mercancía es nueva o usada o es un desecho, lo cual hace muy difícil el control. Mientras la mayoría de los países no adopten en firme las directrices a nivel nacional es muy difícil para un país aplicarla, pues la industria puede alegar "obstáculos al comercio".
Japan	Before the interim basis adoption of the Basel Convention E-waste Guideline, Japan developed its own "Guideline on the Export of Second-hand Electric and Electronic Appliances" and has implemented it so far. Japan's original guideline mostly follows the current version of Basel Convention E-waste Guideline. Furthermore, Japan currently plans to revise its "Second-hand Guideline", and any significant change in the final version of the E-waste Guideline (expected to be fully adopted at the 13th meeting of the Conference of Parties) will be incorporated in the revision.
Madagascar	Absence des infrastructures adéquates.

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



III. Usefulness of the technical guidelines

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

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

8. Section IV.B. (Distinction between hazardous waste and non-hazardous waste) was the section that received the most positive views, as it was considered useful by 44 Parties (88 %) and not useful by one Party (2 %), 5 Parties (10%) indicated that they did not have any opinion on this section. The second in the rank was section VI (Guidance to facilities for conducting failure analysis, repair and refurbishment), it was considered useful by 43 Parties (86 %) and not useful by 2 Parties (4 %), 5 Parties (10%) indicated that they did not have any opinion on this section. In the group of Parties reporting that the technical guidelines had been used in their countries, all 32 Parties considered sections II.A (General provisions of the Basel Convention), II.B (Control procedure for transboundary movements of waste) and II.C (Definitions of waste and hazardous waste) as useful. Section III (Guidance on the distinction between waste and non-waste) was the only section that received a negative appreciation, where section III.A (General considerations) and section III.C (Evaluation and testing of used equipment destined for direct reuse) were considered as not useful by one of the 32 Parties.

9. In the group of Parties reporting that the technical guidelines had not been used in their countries, all sections were considered as not useful at least by one Party of this group.

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

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

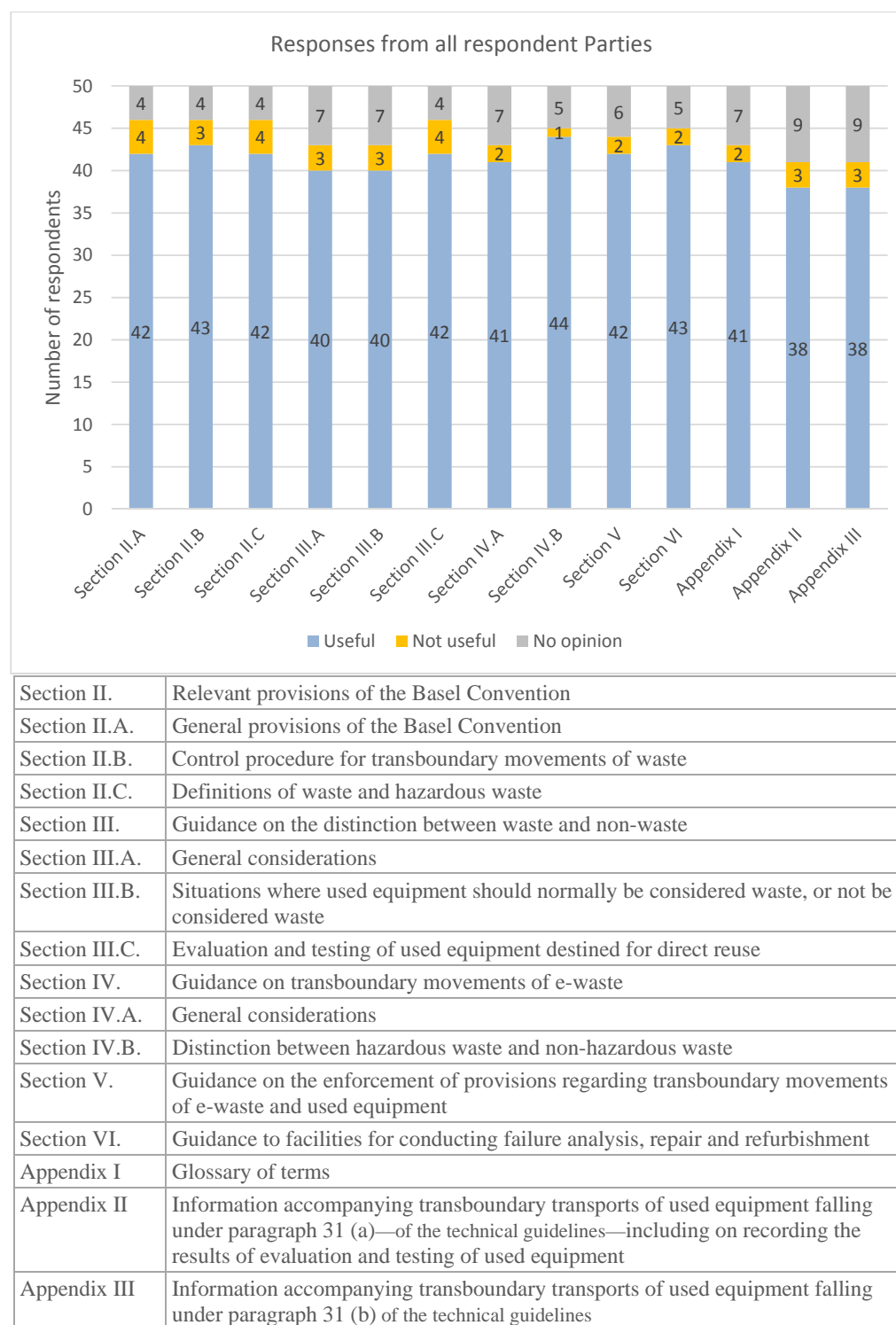


Figure 7: Distribution of responses, from Parties where the technical guidelines have been used, on the views about the usefulness of the different sections and parts of the technical guidelines.

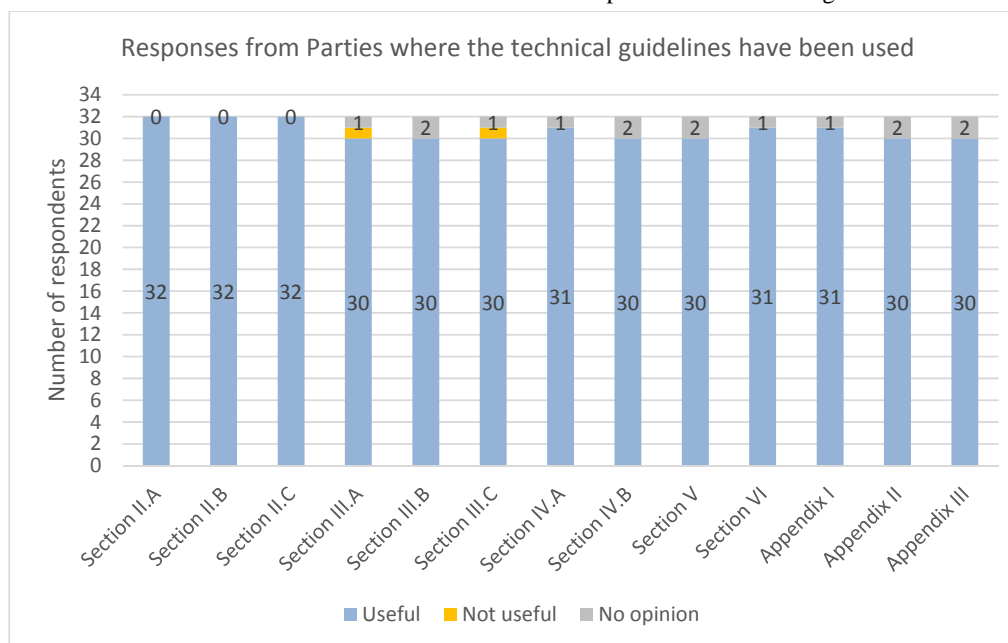
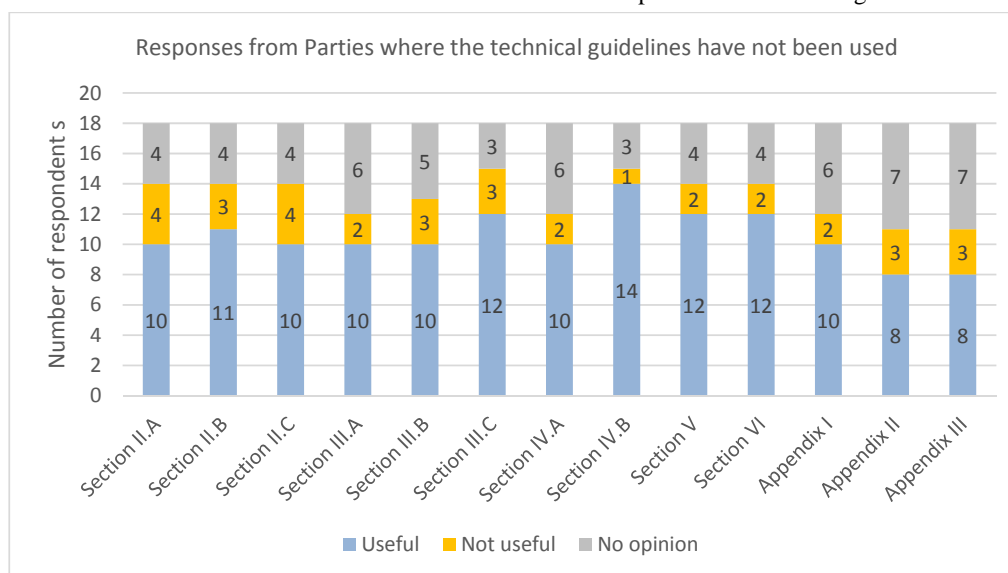


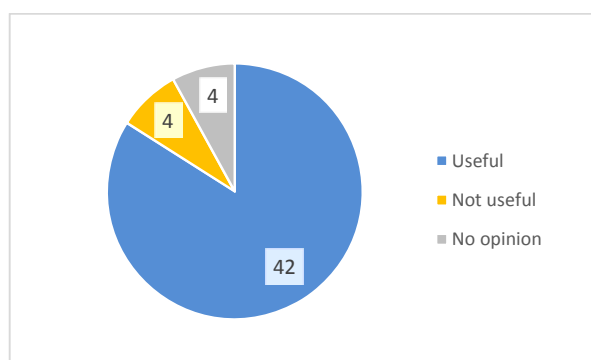
Figure 8: Distribution of responses, from Parties where the technical guidelines have not been used, on the views about the usefulness of the different sections and parts of the technical guidelines.



SECTION II: RELEVANT PROVISIONS OF THE BASEL CONVENTION

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

11. Forty-two Parties (84 %) considered that section II.A was useful; 4 Parties (8 %) considered that the section was not useful, and 4 Parties (8 %) indicated that they did not have any opinion. The distribution of responses on the views about section II.A is presented in figure 9. The explanations provided by Parties about their views on this section are listed in table 3.

Figure 9: Distribution of responses on the views about section II.A**Table 3:** Explanations and details provided by Parties on their views about the usefulness of section II.A

View:	USEFUL
Albania	I think that every person who read and implement the technical guideline, firstly should know about the aim of Basel Convention and about the general provisions of it.
Chile	It is basic information, important for the understanding of the guidelines
Congo	Only for understanding certain provisions of the text of the convention
Colombia	Es útil pues muchas personas que deseen importar o exportar desechos electrónicos, en la mayoría de los casos no está familiarizadas con las disposiciones del Convenio de Basilea.
European Union	<p>The EU and its Member States consider that the technical guidelines are useful particularly for countries without legislation and/or guidance related to the transboundary movements of e-waste, and may be used as a reference for developing such legislation and/or guidance.</p> <p>Part of the guidance contained in these guidelines is already addressed in EU waste legislation (e.g. WEEE Directive, Waste Shipment Regulation), whereby it is noted that the EU waste legislation is stricter in some cases. The remaining elements of the guidance these technical guidelines provide are being incorporated in the revised EU Correspondents' Guidelines No. 1 on shipments of Waste Electrical and Electronic Equipment (WEEE) (see answer to Q 1.1.(e)).</p>
Guatemala	Esta información es muy útil para conocer todo el contexto del Convenio.
Madagascar	La GER de DEEE sont inclus dans l'obligation de la convention de Bâle.
Swaziland	However it is important that the text used is aligned/streamlined with that text used for POPs guidelines which text has been discussed over and over again and agreed mutually to a greater extent.
Thailand	It is the conclusion of important topics showing the relation between the technical guideline and relevant provisions of the Basel Convention.
View:	NOT USEFUL
El Salvador	Is the same text of the agreement
Trinidad and Tobago	This section is not useful as the provisions were explained in the Basel Convention. Suggest to further summarize the section.

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

12. Forty-three Parties (86 %) considered that section II.B was useful; 3 Parties (6 %) considered that the section was not useful, and 4 Parties (8 %) indicated that they did not have any opinion. The distribution of responses on the views about section II.B is presented in figure 10. The explanations provided by Parties about their views on this section are listed in table 4.

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

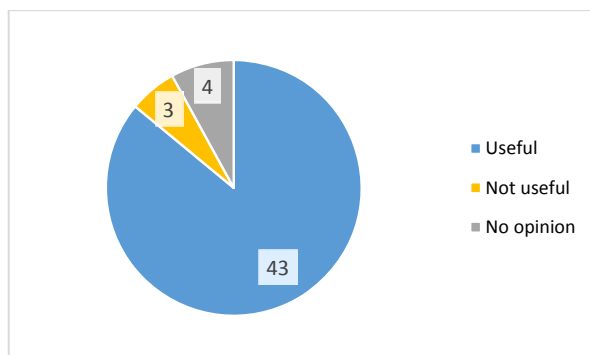


Table 4: Explanations and details provided by Parties on their views about the usefulness of section II.B

View: USEFUL	
Albania	I think that in a guideline on transboundary movement of e-waste, needs to have also the control procedure.
Chile	It is basic information, important for the understanding of the guidelines
Colombia	Es útil pues muchas personas que deseen importar o exportar desechos electrónicos, en la mayoría de los casos no están familiarizadas con el procedimiento de notificación y control establecido por el Convenio para el movimiento de los desechos peligrosos.
Congo	Only for understanding certain provisions of the text of the convention
Costa Rica	El procedimiento es claro y está en ejecución.
European Union	See comment under 2.1.1.
Guatemala	Esta sección ayuda a todos los involucrados en los movimientos transfronterizos y a aquellas personas tomadoras de decisiones.
Madagascar	Tous mouvements des déchets nécessitent des documents de mouvement et de notification
State of Palestine	It is very important to have control the organised illegal transportation operations of e-wastes through smuggler groups /persons/firms.
Swaziland	The set minimum conditions for transboundary movements of wastes i.e. why and when transboundary movement of waste should be allowed
Thailand	It presents the control procedure for transboundary movements of waste according to the Article 4,6,8 and 9 of the Basel Convention.
Togo	To avoid exportation of non-functional equipment
View: NOT USEFUL	
El Salvador	Is the same text of the agreement
View: NO OPINION	

Trinidad and Tobago	Section 19 implies that only the UN TDG Model Regulations should be referenced (this was the only footnote). The Basel Convention refers to “generally accepted and recognized international rules and standards”. Please confirm if this procedure only recognizes the UN TDG standard.
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Section II.C. Definitions of waste and hazardous waste (question 2.1.3.)

13. Forty-two Parties (84 %) considered that section II.C was useful; 4 Parties (8 %) considered that the section was not useful, and 4 Parties (8 %) indicated that they did not have any opinion. The distribution of responses on the views about section II.C is presented in figure 11. The explanations provided by Parties about their views on this section are listed in table 5.

Figure 11: Distribution of responses on the views about section II.C

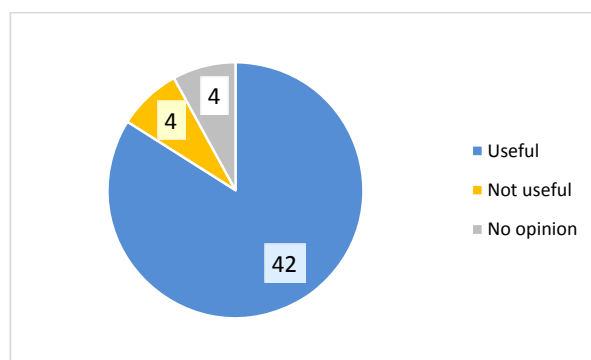


Table 5: Explanations and details provided by Parties on their views about the usefulness of section II.C

View:	USEFUL
Albania	From my point of view, everything in this guideline is very important.
Chile	It is basic information, important for the understanding of the guidelines
Colombia	Es útil pues muchas personas que deseen importar o exportar desechos electrónicos, en la mayoría de los casos no están familiarizadas con las definiciones establecidas por el Convenio.
Congo	Only for understanding certain provisions of the text of the Convention. But very relevant to this type of waste.
Costa Rica	Se tiene clara la definición en la regulación nacional.
European Union	See comment under 2.1.1.
Guatemala	Ha sido una de las partes más importantes.
Madagascar	Chaque pays a sa propre définition de déchets et de déchets dangereux mais sur la base de la définition stipulée dans la Convention.
Swaziland	It is very important that it is clear in the distinction between hazardous and non-hazardous e-waste
Thailand	Showing the definitions of waste and hazardous waste according to the Basel Convention. However the definition of waste and hazardous waste for each country may be different due to the domestic or national legislation.
View:	NOT USEFUL
El Salvador	Is the same text of the agreement
Guinea	Adoption of national definitions is on going
Togo	Definitions are inadequate with national legislation

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

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

14. Forty Parties (80 %) considered that section III.A was useful; 3 Parties (6 %) considered that the section was not useful, and 7 Parties (14 %) indicated that they did not have any opinion. The distribution of responses on the views about section III.A is presented in figure 12. The explanations provided by Parties about their views on this section are listed in table 6.

Figure 12: Distribution of responses on the views about section III.A

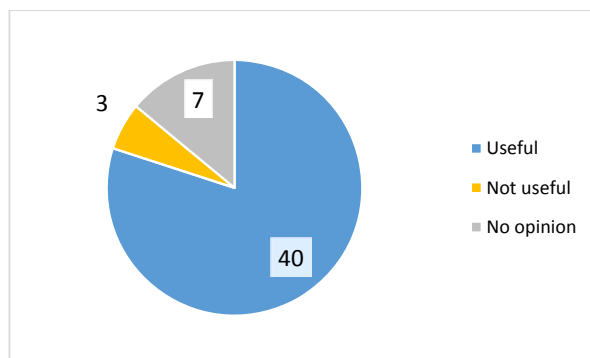


Table 6: Explanations and details provided by Parties on their views about the usefulness of section III.A

View: USEFUL	
Albania	As I said above, everything in this guideline is very important.
Chile	It is the core of the guidelines
Colombia	Es útil para poner en contexto al lector entender a la luz de la guía que se considera desecho y que no.
Congo	This section is very relevant, especially regarding paragraph 29.
El Salvador	Contains a broad list of examples of how to identify if it is a waste
European Union	See comment under 2.1.1.
Guatemala	Por la falta de legislación específica, las consideraciones generales de igual manera son útiles.
Madagascar	28. Lorsqu'une Partie considère que les équipements électriques et électroniques usagés constituent des déchets dangereux, les parties exportatrice et importatrice doivent toutes les deux se conformer aux dispositions de la Convention de Bâle, y compris celles qui ont trait à la procédure de consentement préalable en connaissance de cause
View: NOT USEFUL	
Guinea	See block 2.1.3
Swaziland	To determine if equipment is waste it may be necessary to examine the history of an item on a case by case basis. This in my opinion introduces some elements of ambiguity thus opening 'flood gates of excuses' for transboundary movements that will be perceived as not requiring Basel Convention.
View: NO OPINION	
Trinidad and Tobago	Refer to Section 28. Please clarify whether both the exporting and importing Parties must recognize the used equipment as hazardous waste and follow the PIC procedure.

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

15. Forty Parties (80 %) considered that section III.B was useful; 3 Parties (6 %) considered that the section was not useful, and 7 Parties (14 %) indicated that they did not have any opinion. The distribution of responses on the views about section III.B is presented in figure 13. The explanations provided by Parties about their views on this section are listed in table 7.

Figure 13: Distribution of responses on the views about section III.B

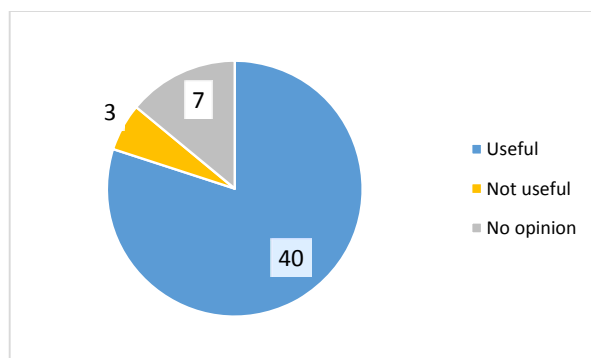


Table 7: Explanations and details provided by Parties on their views about the usefulness of section III.B

View: USEFUL	
Albania	The same as above.
Chile	It is the core of the guidelines
Colombia	Es útil para poder entender a la luz de la guía que se considera desecho y que no.
Congo	This section gives a lot of information on transfronterres movements of WEEE, in particular the development made from paragraph 31 and the information given in paragraphs 32.33 ... necessary inspections that can be performed.
El Salvador	Contains a broad list of examples of how to identify if it is a waste
European Union	See comment under 2.1.1.
Guatemala	Principalmente es útil para las empresas que manejan RAEES
Madagascar	Paragraphe 30: a, b, c, g
Thailand	It is helpful for considering the distinction between waste and non-waste, according to the objective of the utilization, the transboundary movement and the relevant facts, which should be considered case by case.
View: NOT USEFUL	
Guinea	See block 2.1.3
State of Palestine	It is very important to have clear technical criteria in order differentiate between what is considered wastes and non-wastes goods
Togo	According to the national legislation used equipment is a waste
View: NO OPINION	
Trinidad and Tobago	Please confirm if the used equipment must meet more than one of the criteria listed. Note the following: Refer to 30.E: “The protection against damage during transport, loading and unloading operations is inappropriate” should not be used to classify the equipment

	<p>as waste. The packaging or stacking may not impair the functionality of the equipment. If the equipment is damaged due to insufficient packaging and cannot be reused or refurbished then it should be discarded as waste.</p> <p>Refer to 30.F: A statement should be added to clarify that if the equipment is particularly worn or damaged in appearance and cannot be reused or refurbished, then it should be discarded as waste.</p> <p>Refer to 30.H: A statement should be added to clarify that the equipment has become obsolete as there is no regular market and cannot be refurbished for further use.</p> <p>Refer to 30.I: Equipment destined for disassembly and cannibalization may fall under Item 30.A which refers to recycling.</p> <p>Refer to 30.J: The price of equipment should not be used to categorize the equipment as waste. This item related to Item 30.H where there is no market for the equipment.</p> <p>Refer to 31.B: The requirements for the person who arranges the transport of the used equipment claims that the equipment is destined for failure analysis, or for repair and refurbishment with the intention of reuse, or extended use by the original owner, for its originally intended purpose, should be simplified. The contract should clearly define the roles of each person involved in the movement. The person who arranges for transport may be the generator, exporter, importer or a broker on their behalf. The person who arranges transport should not be the only one who has to comply with the Basel Convention requirements. The exporter, importer and receiving facility are all expected to comply with the Convention and the guidelines. This should be clearly reflected in this section.</p>
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Section III.C: Evaluation and testing of used equipment destined for direct reuse (question 2.2.3.)

16. Forty-two Parties (84 %) considered that section III.C was useful; 4 Parties (8 %) considered that the section was not useful, and 4 Parties (8 %) indicated that they did not have any opinion. The distribution of responses on the views about section III.C is presented in figure 14. The explanations provided by Parties about their views on this section are listed in table 8.

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

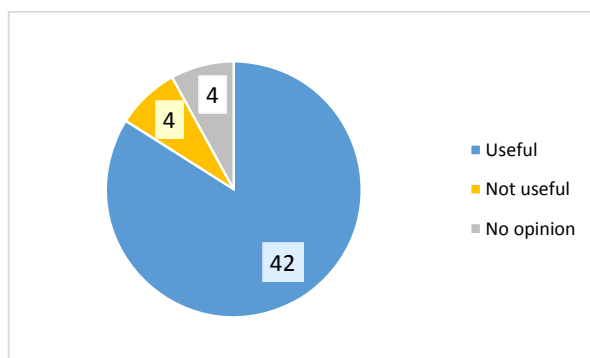


Table 8: Explanations and details provided by Parties on their views about the usefulness of section III.C

View:	USEFUL
Albania	The same as above.
Chile	It is the core of the guidelines

Congo	This section is very relevant because this additional information to the text of the Convention will make possible to detect certain anomalies and overcome some difficulties encountered with the other types of hazardous waste where sometimes the producer himself has difficulty identifying them.
European Union	See comment under 2.1.1.
Honduras	Esta es una importante herramienta de la cual hará uso nuestro país para controlar el ingreso de aparatos eléctricos y electrónicos que están en buenas condiciones de uso, pero que poseen tecnologías que están saliendo de mercado y pronto se vuelven un desecho una vez dentro del territorio nacional.
Thailand	It is useful for evaluation and testing the used equipment destined for direct use, which are considered from the main functions. In addition, the information about functionality testing or evaluation referred in appendix IV is very helpful.
Togo	To avoid exportation of non-functional equipment that is plenty in our country
View: NOT USEFUL	
Colombia	Sería más útil indicar cuales son las pruebas de funcionalidad que deben aplicarse según el equipo o mostrar ejemplos de dichas pruebas para poder establecer si los países en desarrollo tienen la capacidad de realizar dichas pruebas.
El Salvador	The testing procedure is complex and requires qualified personnel, certification and training. It is not practical for shipments of waste and border control.
Guinea	No capacity
Swaziland	Failure and/or lack of capacity to evaluate and test another gap/grey area that prejudice developing countries.

SECTION IV: GUIDANCE ON TRANSBOUNDARY MOVEMENTS OF E-WASTE

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

17. Forty-one Parties (82 %) considered that section IV.A was useful; 2 Parties (4 %) considered that the section was not useful, and 7 Parties (14 %) indicated that they did not have any opinion. The distribution of responses on the views about section IV.A is presented in figure 15. The explanations provided by Parties about their views on this section are listed in table 9.

Figure 15: Distribution of responses on the views about section IV.A

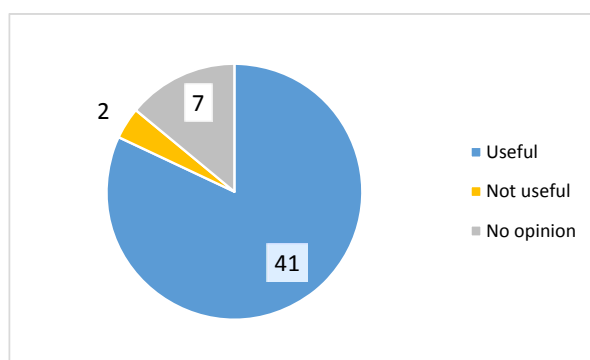
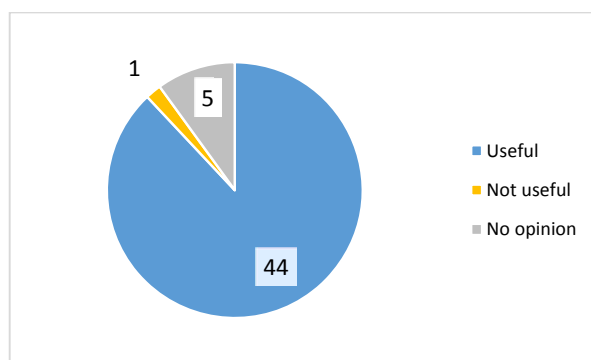


Table 9: Explanations and details provided by Parties on their views about the usefulness of section IV.A

View:	USEFUL
Chile	It is the core of the guidelines
Colombia	Es útil para poder entender el procedimiento que recomienda el documento. Sería útil ilustrar con un ejemplo la información allí descrita.
Congo	This section is very relevant, especially regarding paragraph 42.
El Salvador	Contains a broad list of examples of how to identify if it is a waste
European Union	See comment under 2.1.1.
Madagascar	Mais difficile pour les pays en voie de développement
Swaziland	Since evaluation and testing are two distinct activities and proposes, which of the two renders an equipment waste if it has failed it?
View:	NOT USEFUL
Guinea	No capacity

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

18. Forty-four Parties (88 %) considered that section IV.B was useful; one Party (2 %) considered that the section was not useful, and 5 Parties (10 %) indicated that they did not have any opinion. The distribution of responses on the views about section IV.B is presented in figure 16. The explanations provided by Parties about their views on this section are listed in table 10.

Figure 16: Distribution of responses on the views about section IV.B**Table 10:** Explanations and details provided by Parties on their views about the usefulness of section IV.B

View:	USEFUL
Chile	It is the core of the guidelines
Colombia	Es útil para poder entender el procedimiento que recomienda el documento. Sería útil ilustrar con un ejemplo la información allí descrita.
Congo	This section is very relevant, especially for us who are in the process of reviewing our national legislation. This is additional information to the text of the Basel Convention.
El Salvador	Contains a broad list of examples of how to identify if it is a waste

European Union	See comment under 2.1.1.
Madagascar	Expliqué par le paragraphe 46.
Thailand	The information about the distinction between hazardous waste and non-hazardous waste is clearly determined. However, the detection of contamination levels should be included.
View:	NOT USEFUL
Guinea	See block 2.1.3.

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

19. Forty-two Parties (84 %) considered that section V was useful; two Parties (4 %) considered that the section was not useful, and 6 Parties (12 %) indicated that they did not have any opinion. The distribution of responses on the views about section V is presented in figure 17. The explanations provided by Parties about their views on this section are listed in table 11.

Figure 17: Distribution of responses on the views about section V

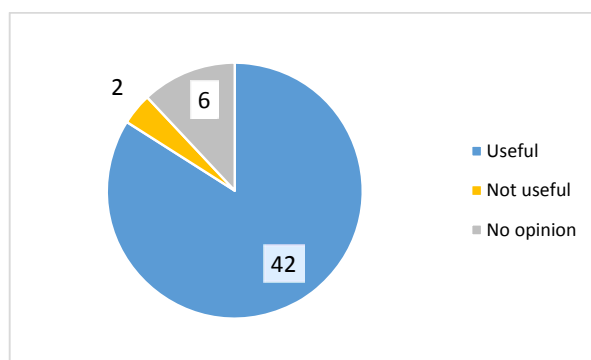


Table 11: Explanations and details provided by Parties on their views about the usefulness of section V

View:	USEFUL
Chile	It is the core of the guidelines
Colombia	Es importante la información allí descrita pero sería muy útil colocar información allí sobre la clasificación que tiene el Sistema Armonizado para los diferentes tipos de e-waste.
Congo	This section is very relevant, as already mentioned in paragraph 49.
European Union	See comment under 2.1.1.
Honduras	Consideramos la importancia de esta sección, con la obligación que debe asumir cada uno de los actores que participan en un movimiento transfronterizo y la vigilancia que el Estado debe ejercer en cumplimiento de las obligaciones derivadas del Convenio en consonancia con disposiciones nacionales
Togo	It is useful to limit exportation of e-waste to LCD
View:	NOT USEFUL
El Salvador	Each shipment should be analysed separately and prevent illicit traffic
Guinea	See block 2.1.3
View:	NO OPINION
Madagascar	Démontré par le paragraphe 50.

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

20. Forty-three Parties (86 %) considered that section VI was useful; two Parties (4 %) considered that the section was not useful, and 5 Parties (10 %) indicated that they did not have any opinion. The distribution of responses on the views about section VI is presented in figure 18. The explanations provided by Parties about their views on this section are listed in table 12.

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

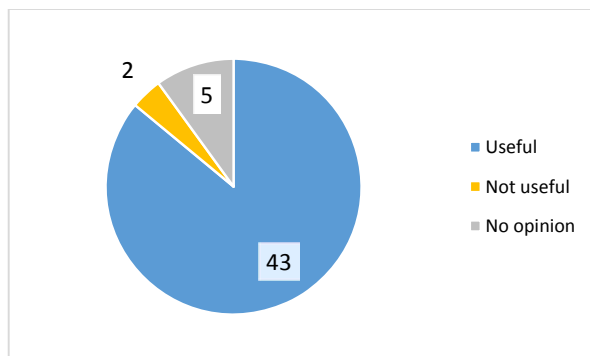


Table 12: Explanations and details provided by Parties on their views about the usefulness of section VI

View:	USEFUL
Chile	It is the core of the guidelines
Congo	This section is very relevant, as already mentioned in paragraph 56.
European Union	See comment under 2.1.1.
Madagascar	Mais difficile pour les autres pays en voie de développement (paragraphe 57).
State of Palestine	I think it is very important to use the terminology (re -export) instead of (trans-boundary movements) procedure for returning back the used equipment that have been recognized as e-wastes after doing the technical tests.
Swaziland	It is paramount that a clear distinguish between direct reuse and reuse requiring repair, refurbishment or upgrading
Thailand	We are of the opinion that the information about conducting failure analysis, repair and refurbishment is important for assuring the quality of used equipment before import/export. This guidance should be properly implemented in our country.
Togo	Useful to export only functional EEE
View:	NOT USEFUL
El Salvador	The indicated information is too general and does not provide specific guidelines of requirements to be fulfilled, being decided by each state party.

APPENDIX I: GLOSSARY OF TERMS (question 2.6)

21. Forty-one Parties (82 %) considered that appendix I was useful; two Parties (4 %) considered that the section was not useful, and 7 Parties (14 %) indicated that they did not have any opinion. The distribution of responses on the views about appendix I is presented in figure 19. The explanations provided by Parties about their views on this section are listed in table 13.

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

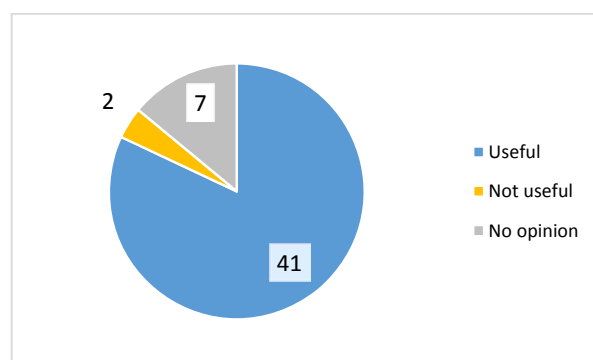
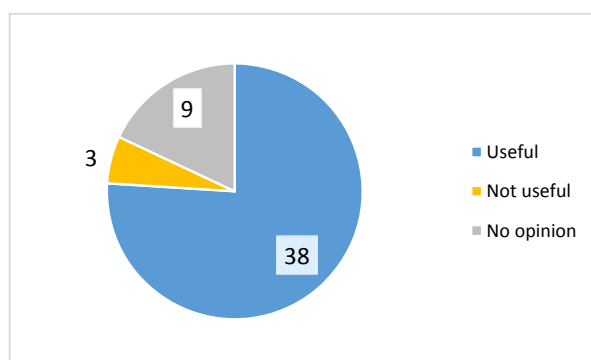


Table 13: Explanations and details provided by Parties on their views about the usefulness of appendix I

View: USEFUL	
Chile	It is basic information, important for the understanding of the guidelines
Colombia	Es útil pero se sugiere incluir un nuevo apéndice con estudios de caso o ejemplos ilustrativos que muestren como aplicar la guía para 2 o 3 tipos de equipos electrónicos.
European Union	See comment under 2.1.1.
Madagascar	Il va tenir en compte le GER de DEEE
Togo	Clarify more terms and facilitate the implementation of the Convention
View: NO OPINION	
Congo	This section is very relevant, but I do not have an opinion because it has not been translated into French as I had already mentioned.

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

22. Thirty-eight Parties (76 %) considered that appendix II was useful; 3 Parties (6 %) considered that the section was not useful, and 9 Parties (18 %) indicated that they did not have any opinion. The distribution of responses on the views about appendix II is presented in figure 20. The explanations provided by Parties about their views on this section are listed in table 14.

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

View:	USEFUL
Chile	It is basic information, important for the use of the guidelines.
European Union	See comment under 2.1.1.
Madagascar	Pour prévenir et éviter les trafics illicites de DEEE (traçabilité des DEEE)
View:	NOT USEFUL
Togo	Lack of capacity to control information at the entry port.
View:	NO OPINION
Congo	This section is very relevant, but I do not have an opinion because it has not been translated into French as I had already mentioned.
El Salvador	Most terms do not require explanation.

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

23. Thirty-eight Parties (76 %) considered that appendix III was useful; 3 Parties (6 %) considered that the section was not useful, and 9 Parties (18 %) indicated that they did not have any opinion. The distribution of responses on the views about appendix III is presented in figure 21. The explanations provided by Parties about their views on this section are listed in table 15.

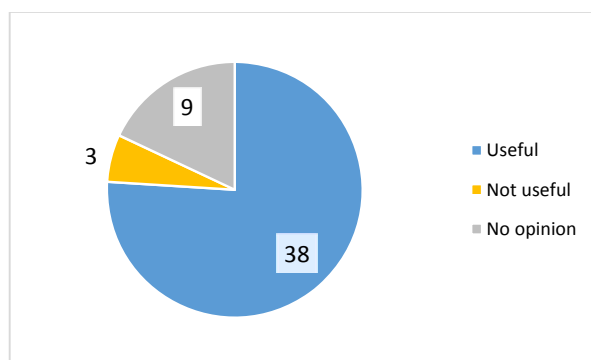
Figure 21: Distribution of responses on the views about appendix III

Table 15: Explanations and details provided by Parties on their views about the usefulness of appendix III

View: USEFUL	
Chile	It is basic information, important for the use of the guidelines
European Union	See comment under 2.1.1.
Togo	To reduce quantity of e-wastes in our country
View: NOT USEFUL	
El Salvador	In a movement of RAEE it is difficult for the total load to be of a single type of merchandise, so that box 3 is inappropriate.
View: NO OPINION	
Congo	This section is very relevant, but I do not have an opinion because it has not been translated into French as I had already mentioned.
Madagascar	C'est parmi l'obligation des pays Parties dans le cadre de la mise œuvre de la Convention

Additional comments or information provided by the Parties

24. Finally, respondents were invited to provide any other comments or information that they would like to include. These are listed in table 16 below.

Table 16: Comments or information provided by the Parties

Party	Comments/Information
Albania	It is very important to have not only this guideline, but all the guidelines on waste management in our national language but first of all, need to raise the public awareness to reduce as much as they can the waste. In this way we reduce the problems regarding waste management.
Azerbaijan	No comments
Burundi	As at the moment we have only the Decree on the management of electrical and electronic waste, I will have something to report once we put the ordinances and technical guidelines.
Chile	Appendix I requires a review, according to the list of definitions prepared by the SIWG on legal clarity. Appendix II might be reviewed and simplified.
Colombia	El documento es difícil de entender para cualquier persona que no esté muy familiarizada con el Convenio de Basilea. Sería muy útil para cualquier persona que quiera aplicar el procedimiento que recomienda la guía y realizar un movimiento transfronterizo de equipos usados o desechos electrónicos o inclusive para las autoridades de control que las diferentes secciones vengán acompañadas de un ejemplo o mostrarse como se aplican dichas medidas con casos específicos (ej. con celulares, con neveras, computadores, etc.).
Congo	These technical guidelines are very crucial to my country where generators or industrial users of these facilities are only grow. Otherwise, I will wish that these guidelines are applied in my country with the support of the Secretariat. Also I would like to have a French version of the accompanying schedules.

Party	Comments/Information
European Union	The EU and its Member States consider it important that the Basel technical guidelines are used worldwide to develop and/or implement legislation and/or guidance in order to prevent illegal traffic of e-waste and to provide an essential part of the framework to establish ESM.
Guatemala	Es importante resaltar que Guatemala ha realizado un solo movimiento transfronterizo de residuos de aparatos eléctricos y electrónicos.
Honduras	Ningún comentario.
Japan	Japan currently assesses the usefulness of the current version of Basel Convention E-waste Guideline in the light of the implementation of its own Second-hand Guideline (mentioned above). Therefore, Japan is not ready for presenting any opinion on these issues at this moment. We will be ready to indicate our stance on the remaining issues for full adoption of the E-waste Guideline at the 13th meeting of the Conference of Parties.
Madagascar	1- Il vous faut faire traduire pour les langues des UN. 2- Pour les pays en voie de développement, il sera difficile d'appliquer par insuffisance des moyens financiers et technique (Infrastructure)
Montenegro	Montenegro as a candidate country for EU membership is following the EU rules. This means that Montenegro has to transpose Directive 2012/19 / EC on waste electrical and electronic equipment containing rules for appropriate inspections and monitoring.
Thailand	Refer to article V (paragraph 49-55): the importing country of e-waste should shoe the operation results of failure analysis, repair and refurbishment to the exporting country for confirming that operation.
Togo	Globally, the technical guidelines could help us to get more functional EEE in our country but lack of capacity to control information or test equipment at the entry port will be the main barrier to implement it in our country as LDC.

Annex II

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

I. Respondents

1. A total of 4 responses were received from stakeholders other than Parties. Two respondents reported as from environmental agencies (Egypt and Norway), one industry association (Japan) and one NGO (USA). Table 1 presents the composition of the responses received.

Table 1: Composition of responses from stakeholders other than Parties

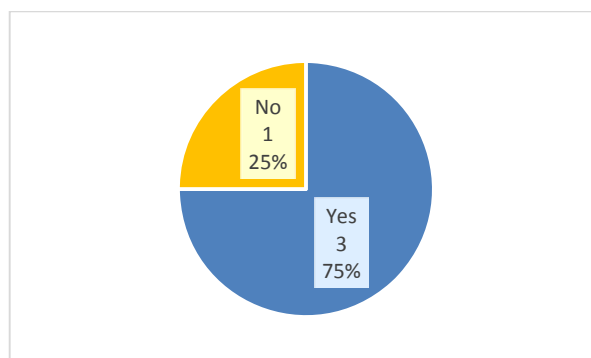
Region	Country	Organization	Number of respondents
Africa	Egypt	Egyptian Environmental Affairs Agency	1
Asia-Pacific	Japan	Four Electrical and Electronic Industry Associations in Japan	1
WEOG	Norway	Norwegian Environment Agency	1
WEOG	USA	Basel Action Network (BAN)	1

II. Use of the technical guidelines

Question 1: *Have the technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention (technical guidelines) been used in your country/by your organization?*

2. Of the 4 responses to the questionnaire, 3 reported that the technical guidelines had been used in their organization: the Norwegian Environment Agency, the Four Electrical and Electronic Industry Associations in Japan, and BAN. One respondent reported that the technical guidelines had not been used. The distribution of the responses on the use of the technical guidelines is provided in figure 1.

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



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

3. Those respondents that reported that the technical guidelines had been used in their organizations were invited to indicate how and/or where the technical guidelines had been used and their experiences with such use or implementation. Respondents were offered a multiple choice selection of 7 options, including one for inputs on purposes other than the options presented. Two respondents reported that the technical guidelines had been used for controlling transboundary movements (import/export) of used equipment for direct reuse, or extended use by the original owner (option b). Two respondents reported that the technical guidelines had been used for the development/elaboration of a national legislation or regulations (option d). The distribution of responses as per each of the different options on how/where the technical guidelines have been used is presented in figure 2. Respondents were also invited to elaborate on the experiences gathered from the use of the technical guidelines, these are listed in table 2.

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

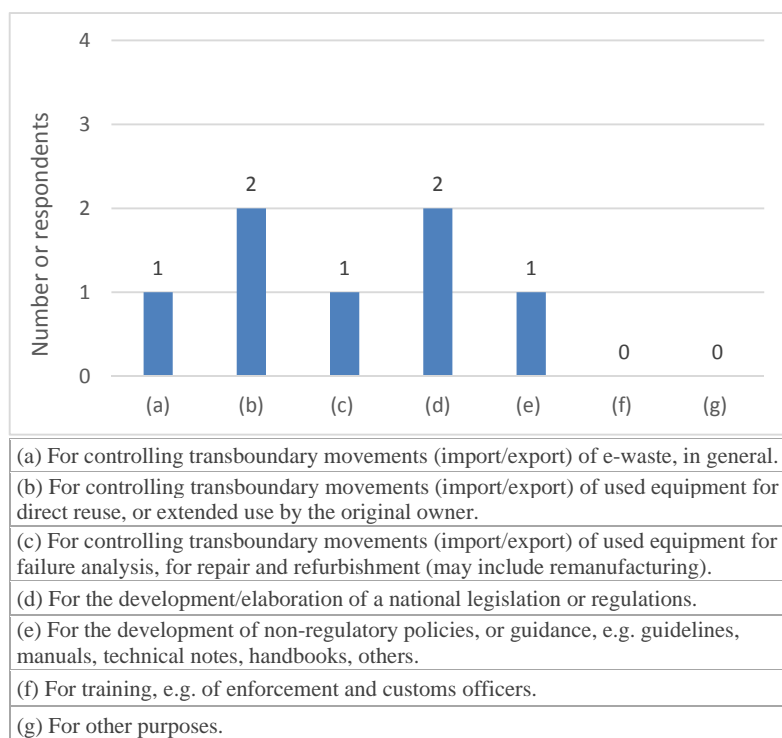


Table 2: Experiences gathered by respondents from the use of the technical guidelines

(a) For controlling transboundary movements (import/export) of e-waste, in general	
Type of Organization	Experiences gathered
BAN	We have utilized sections of this document already. So far the most useful section has been the sections regarding the definitions of hazardous electronic waste. We have used these sections to show and advise certain government officials when and how they can/should consider e-waste to be hazardous.
(b) For controlling transboundary movements (import/export) of used equipment for direct reuse, or extended use by the original owner	
Type of Organization	Experiences gathered
Norwegian Environment Agency	We have used the templates for documentation of testing.
BAN	We have advised governments that as long as declarations are made that accompany

	the shipments, that testing for functionality has taken place and that the shipments pass the tests according to the definitions of functionality found in the Guidelines then they can go ahead and consider the shipments to fall outside of the scope of the Basel Convention. HOWEVER we have also advised governments that the section on failure analysis, repair and refurbishment is not only flawed but extremely dangerous as written. See (c) below.
(c) For controlling transboundary movements (import/export) of used equipment for failure analysis, for repair and refurbishment (may include remanufacturing)	
Type of Organization	Experiences gathered
BAN	HERE WE WARN GOVERNMENTS NOT TO UTILIZE SECTION 31 B OF THE DOCUMENT. THIS SECTION WAS NOT COMPLETED AND ONLY CONTAINS WEAK ELEMENTS WHICH WERE EASILY AGREED TO BY ALL OF THE PARTIES. HOWEVER WITHOUT A COMPLETE AND PRECAUTIONARY PACKAGE OF CONTROLS THIS SECTION IS EXTREMELY DANGEROUS AND WILL RESULT IN WIDESPREAD ILLEGAL SHIPMENTS AND ABUSE. AS WRITTEN 31 (B) ACTUALLY CONTRADICTS THE BASEL CONVENTION IN THAT IT ALLOWS FOR HAZARDOUS NON-FUNCTIONAL PARTS WITHIN REPAIRABLE EQUIPMENT TO BE SUBJECT TO TBM OUTSIDE OF THE CONVENTION'S CONTROLS.
(d) For the development/elaboration of a national legislation or regulations	
Type of Organization	Experiences gathered
Norwegian Environment Agency	Used requirements for TBM of used equipment in legislation.
BAN	We have advised governments on how to implement the Basel Convention with respect to many of the provisions of this guideline but have warned them NOT to implement 31 (b) or related text AS IT IS CONTRARY TO THE CONVENTION ITSELF.
(e) For the development of non-regulatory policies, or guidance, e.g. guidelines, manuals, technical notes, handbooks, others	
Type of Organization	Experiences gathered
BAN	The sections of this Guideline that are consistent with the legal requirements of the Basel Convention have been incorporated into the e-Stewards Standard and Certification Program that BAN owns and operates. The Guideline is especially useful in this regard for its explanation of hazardous e-waste definitions and its distinction between waste and non-waste (WITH THE EXCEPTION of 31 (b) which as written is contrary to the Basel Convention.
(f) For training, e.g. of enforcement and customs officers	
No experiences reported.	
(g) For other purposes	
No experiences reported.	

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

4. Those respondents that reported that the technical guidelines had not been used in their organizations were invited to state the reasons for not using the technical guidelines or parts thereof.

Respondents were offered a multiple choice selection of 15 options, including one for inputs on reasons other than the options presented. There was only one respondent that reported that the technical guidelines had not been used in their organization. The distribution of responses as per each of the different reasons for not using the technical guidelines is presented in figure 3. Respondents were also invited to provide explanations and details on some specific reasons for not using the technical guidelines, these are listed in table 3. Additionally, respondents that selected options (j), (k) and (l) as the reasons for not using the technical guidelines were requested to specify if the guidance on the area indicated in each of the options was inadequate for the needs in the organization or if it was difficult to implement, no respondent selected these options.

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

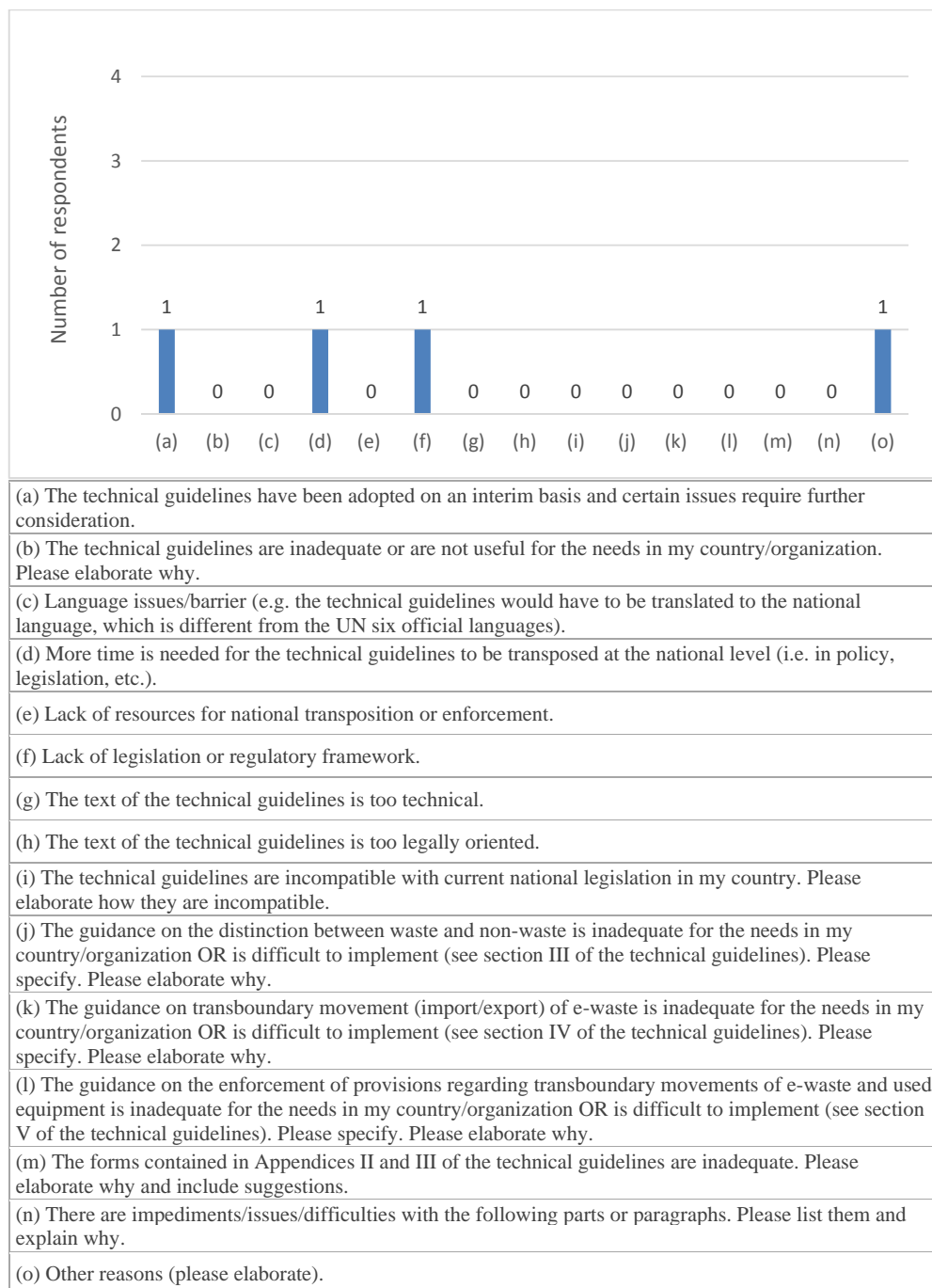


Table 3: Explanations and details provided by respondents on some particular reasons for not using the technical guidelines

(o) Other reasons	
Type of Organization	Please elaborate
Egyptian Environmental Affairs Agency	<p>We still need more time to establish a system for management of generated electronic waste nationally starting from collection, reuse, recycling, etc., and development of national legislation for electronic waste</p> <p>An ongoing project on protection of human health from unintentional POPs emissions from electronic waste, in a certain stage we will refer to the guidelines for further consideration and national consultation</p> <p>In 2007 the Minister of Trade and Industry has issued a decree prohibiting importing personal computers that are older than 5 years of production.</p>

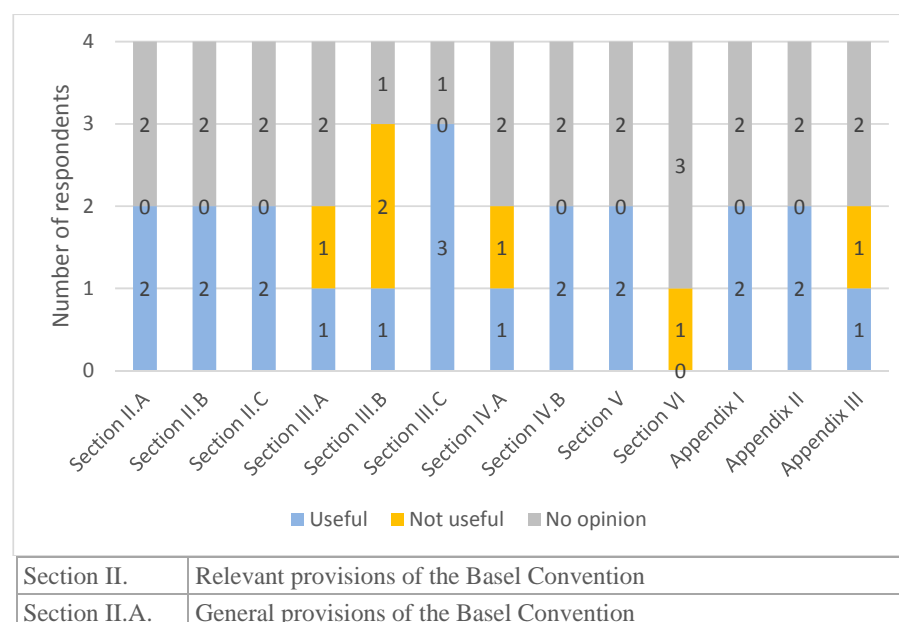
III. Usefulness of the technical guidelines

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

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

6. The section of the technical guidelines that received the most diverging views was section III (Guidance on the distinction between waste and non-waste), with section III.C (Evaluation and testing of used equipment destined for direct reuse) receiving the most positive views (considered useful by 3 of the 4 respondents) and section III.B (Situations where used equipment should normally be considered waste, or not be considered waste) receiving the most negative views (considered useful by one respondent, not useful by two respondents and a “no opinion” requiring further clarification from one respondent). Given the low number of responses received from stakeholders other than Parties, no further insights could be obtained.

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

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

Section II.	Relevant provisions of the Basel Convention
Section II.A.	General provisions of the Basel Convention

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

SECTION II: RELEVANT PROVISIONS OF THE BASEL CONVENTION

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

8. Two respondents considered that section II.A was useful and 2 respondents indicated that they did not have any opinion. The distribution of responses on the views about section II.A is presented in figure 5. The explanations provided by respondents about their views on this section are listed in table 4.

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

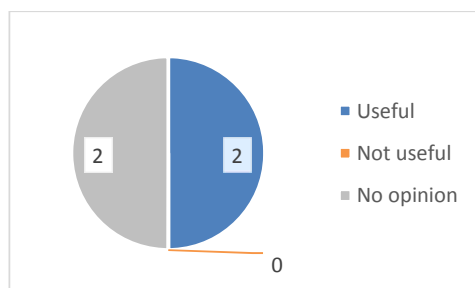


Table 4: Explanations and details provided by respondents on their views about the usefulness of section II.A

View:	USEFUL
Egyptian Environmental Affairs Agency	It will help in domestication of the provisions of Basel convention into at national level.
BAN	Good summary.

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

9. Two respondents considered that section II.B was useful and 2 respondents indicated that they did not have any opinion. The distribution of responses on the views about section II.B is

presented in figure 6. The explanations provided by respondents about their views on this section are listed in table 5.

Figure 6: Distribution of responses on the views about section II.B

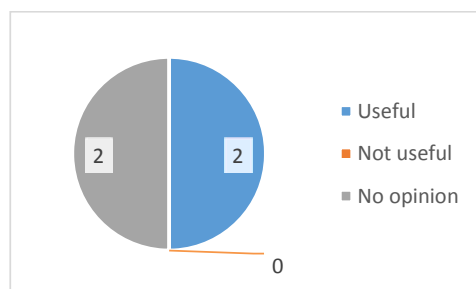


Table 5: Explanations and details provided by respondents on their views about the usefulness of section II.B

View:	USEFUL
Egyptian Environmental Affairs Agency	Control procedures will support the implementation of the notification system for transboundary movement of hazardous waste (export procedures only) and will assist in combating illegal traffic of hazardous waste.
BAN	Good summary.

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

10. Two respondents considered that section II.C was useful and 2 respondents indicated that they did not have any opinion. The distribution of responses on the views about section II.C is presented in figure 7. The explanations provided by respondents about their views on this section are listed in table 6.

Figure 7: Distribution of responses on the views about section II.C

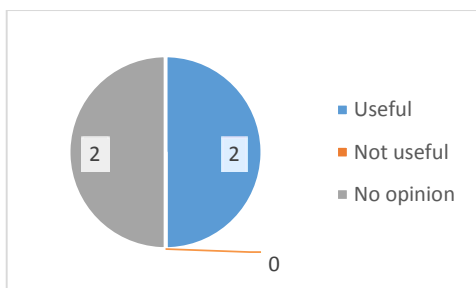


Table 6: Explanations and details provided by respondents on their views about the usefulness of section II.C

View:	USEFUL
Egyptian Environmental Affairs Agency	Useful to some extent as a reference because we have a national definition of waste and hazardous waste. The definition of waste may differ from country to another.
BAN	Very useful as many do not understand how e-waste can be hazardous.

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

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

11. One respondent considered that section III.A was useful, one respondent considered that it was not useful and 2 respondents indicated that they did not have any opinion. The distribution of responses on the views about section III.A is presented in figure 8. The explanations provided by respondents about their views on this section are listed in table 7.

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

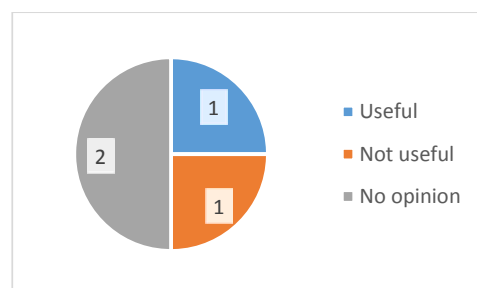


Table 7: Explanations and details provided by respondents on their views about the usefulness of section III.A

View: NOT USEFUL	
BAN	WARNING: This section is worse than not useful due to its reference to Paragraph 31 (including 32 (b)), is actually dangerous. Paragraph 31 (b) is subject to illegality and abuse as it was never completed and as written actually is illegal under Basel as it allows TBM of hazardous non-functional components to be exported outside of the control procedures of the Basel Convention.

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

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

Figure 9: Distribution of responses on the views about section III.B

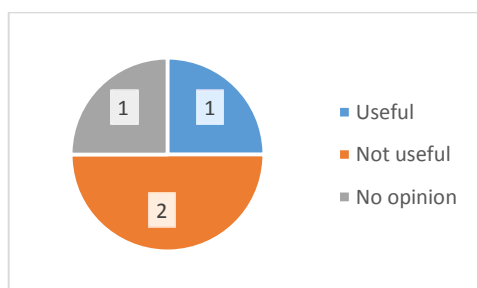


Table 8: Explanations and details provided by respondents on their views about the usefulness of section III.B

View: USEFUL	
Four Electrical and Electronic Industry Associations in	Comprehensive cases which are subject to regulations because of being handled as wastes are declared in the “30a”, while limited cases which are not subject to regulations because of being treated as non-wastes are shown in the “30b”. Definitions cover a wide variety of matters ranging from reuse to failure analyses.

Japan	Determination processes thereof are described as well, so we will be able to hope for coping with both minimizing the amount of transboundary movements of electrical and electronic waste and maximizing efficient use of used equipment. These activities also agree with our industry's policies. Accordingly, it will be possible to set up a set of trade rules between countries shearing the III-B concepts to get positive economic effects along with minimizing environmental burden.
View:	NOT USEFUL
Norwegian Environment Agency	This section is in our view not finished and does not give the guidance that is needed.
BAN	WARNING: This section is worse than not useful due to its reference to Paragraph 31 (including 31 (b)). 31 (b) as written is actually dangerous. Paragraph 31 (b) is subject to illegality and abuse as it was never completed and as written actually is illegal under Basel as it allows TBM of hazardous non-functional components to be exported outside of the control procedures of the Basel Convention. 31 (b) SHOULD NOT BE UTILIZED BY PARTIES OR OTHERS.
View:	NO OPINION
Egyptian Environmental Affairs Agency	This section needs further clarification and practices to consider the used equipment is waste or not and we are not sure that the required documents and declarations are sufficient or not.

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

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

Figure 10: Distribution of responses on the views about section III.C

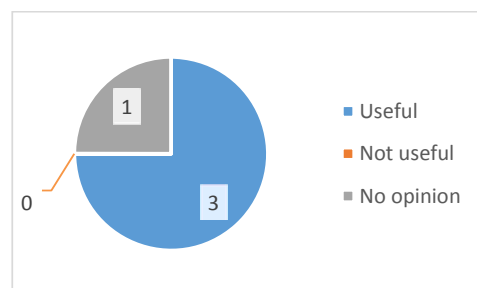


Table 9: Explanations and details provided by respondents on their views about the usefulness of section III.C

View:	USEFUL
Egyptian Environmental Affairs Agency	But needs the imported countries to have the technical capacity for testing the functionality of the used equipment to check the documents attached with the equipment.
Norwegian Environment Agency	Have used it to form own legislation.
BAN	To utilize 31 (a), testing is essential and necessary. The requirement of this in the guidance, makes it self-evident that 31 (b) is IN ERROR as it calls for far less control and concern and labor for non-functional equipment than is required for functional equipment. This makes the guideline highly illogical and dangerous.

SECTION IV: GUIDANCE ON TRANSBOUNDARY MOVEMENTS OF E-WASTE

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

14. One respondent considered that section IV.A was useful; 1 respondent considered that the section was not useful, and 2 respondents indicated that they did not have any opinion. The distribution of responses on the views about section IV.A is presented in figure 11. The explanations provided by respondents about their views on this section are listed in table 10.

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

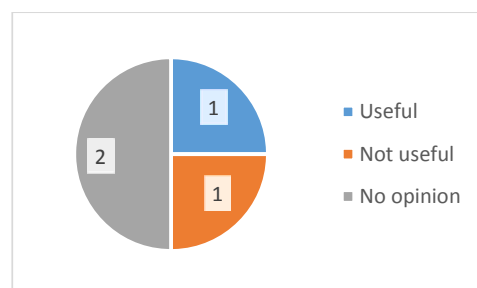


Table 10: Explanations and details provided by respondents on their views about the usefulness of section IV.A

View:	NOT USEFUL
BAN	Paragraph 43 is not useful and in fact can be dangerous as written. The first sentence in this paragraph is wrong. If equipment contains a hazardous component that is not functional and will need to be replaced as part of the repair, then the material destined for repair MUST be considered a waste and if hazardous under the scope of the Convention. This fact cannot be subject to interpretation by Parties. Therefore no country can take the view that such equipment is not waste.

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

15. Two respondents considered that section IV.B was useful and 2 respondents indicated that they did not have any opinion. The distribution of responses on the views about section IV.B is presented in figure 12. The explanations provided by respondents about their views on this section are listed in table 11.

Figure 12: Distribution of responses on the views about section IV.B

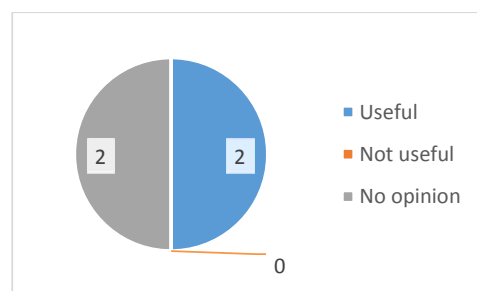


Table 11: Explanations and details provided by respondents on their views about the usefulness of section IV.B

View:	USEFUL
Egyptian Environmental Affairs Agency	National capacities should be built to identify and analyse hazardous components of e-waste.

BAN	We have found this section to be very useful.
-----	---

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

16. Two respondents considered that section V was useful and 2 respondents indicated that they did not have any opinion. The distribution of responses on the views about section V is presented in figure 13. The explanations provided by respondents about their views on this section are listed in table 12.

Figure 13: Distribution of responses on the views about section V

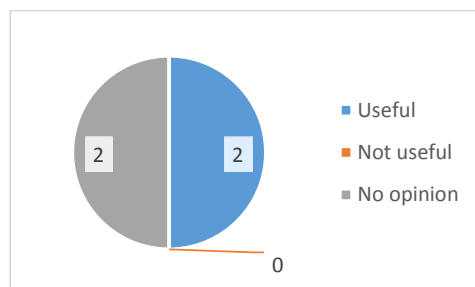


Table 12: Explanations and details provided by respondents on their views about the usefulness of section V

View:	USEFUL
Egyptian Environmental Affairs Agency	However, training and capacity building of inspectors, officers at ports and customs are required.
BAN	This section is very important.

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

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

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

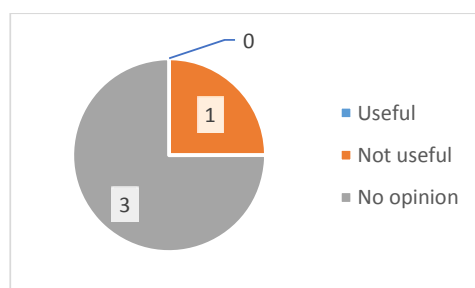
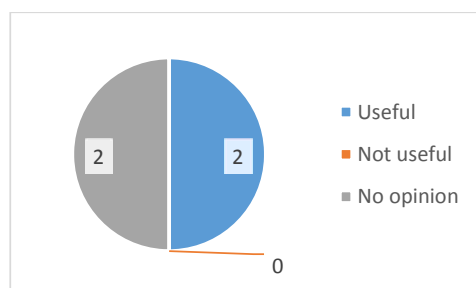


Table 13: Explanations and details provided by respondents on their views about the usefulness of section VI

View: NOT USEFUL	
BAN	WARNING: This section is worse than not useful. It is directly applicable to Paragraph 31 (b) which is INCOMPLETE, UNFINISHED and contrary to current Basel Convention text. 31 (b) should never be utilized unless it is fundamentally changed. Therefore this section which refers to 31(b) likewise should not be utilized.
View: NO OPINION	
Egyptian Environmental Affairs Agency	We can't assure that all of the used equipment received by the facilities will be exported after failure analysis, repair or refurbishment because of the weak control system. And we can't assure also that all the waste generated by such activities exported to facilities that meet ESM standards. Because the permit system may be inefficient or weak and these waste could be leaked to the local market not exported.

APPENDIX I: GLOSSARY OF TERMS (question 2.6)

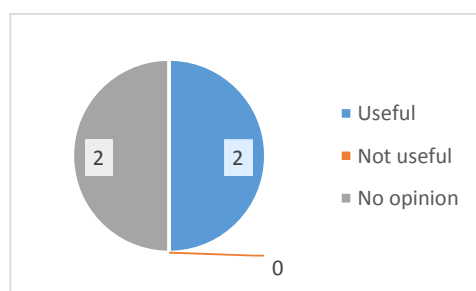
18. Two respondents considered that appendix I was useful and 2 respondents indicated that they did not have any opinion. The distribution of responses on the views about appendix I is presented in figure 15. The explanations provided by respondents about their views on this section are listed in table 14.

Figure 15: Distribution of responses on the views about appendix I**Table 14:** Explanations and details provided by respondents on their views about the usefulness of appendix I

View: USEFUL	
Egyptian Environmental Affairs Agency	Could be used as reference.
BAN	These terms borrowed from PACE and MPPI work are very useful.

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

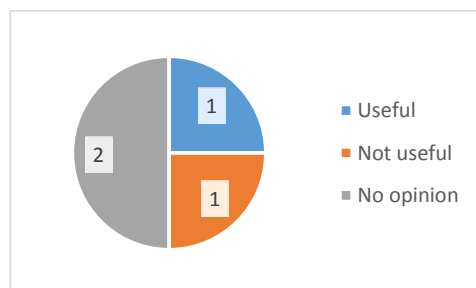
19. Two respondents considered that appendix II was useful and 2 respondents indicated that they did not have any opinion. The distribution of responses on the views about appendix II is presented in figure 16. The explanations provided by respondents about their views on this section are listed in table 15.

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

View:	USEFUL
Norwegian Environment Agency	Have used for domestic purposes.
BAN	This is very useful and again, the presence of these rigorous criteria demonstrates the illogical criteria of 31 (b) - as we have stronger criteria for functional equipment than we do for equipment destined for repair!

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

20. One respondent considered that appendix III was useful; 1 respondent considered that the section was not useful, and 2 respondents indicated that they did not have any opinion. The distribution of responses on the views about appendix III is presented in figure 17. The explanations provided by respondents about their views on this section are listed in table 16.

Figure 17: Distribution of responses on the views about appendix III**Table 16:** Explanations and details provided by respondents on their views about the usefulness of appendix III

View:	NOT USEFUL
BAN	WARNING: This section should NOT be used. 31b was never completed by the Parties. As such this SECTION is lacking proper controls to prevent illegal traffic and abuse.

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

21. Finally, respondents were invited to provide any other comments or information that they would like to include. These are listed in table 17 below.

Table 17: Comments or information provided by other stakeholder respondents.

Party	Comments/Information
Egyptian Environmental Affairs Agency	Capacity building and training are required for developing countries to enable them to establish their national system for management of nationally generated e-waste starting from collection, reuse, recycle and treatment of e-waste. They have to establish their own national management system supported by strong national legislation on e-waste and efficient enforcement and control illegal traffic before thinking to import used equipment for reuse, refurbishment. We ask the Secretariat of Basel convention to support countries in the above mentioned points and to implement pilot projects on that.
Norwegian Environment Agency	Have used for domestic purposes.
BAN	The guideline unfortunately is fundamentally flawed as the Parties never completed the most important section -- 31 (b). 31 (b) was meant to be a very small exception to the rule. Instead a massive loophole was opened by which almost anything moving under the name of repair can be moved outside of the control procedures of the Convention. This is contrary to the Bamako Convention and contrary to EU law and the laws and policies of many nations and the Basel Convention itself. Without fundamental revision, it is imperative that no Party or other stakeholder attempt to make use of 31 (b) and the sections of the guideline that relate to 31 (b). The other sections of the Guideline can and should be used.

Annex III

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

Background

At its twelfth meeting, by its decision BC-12/5, the Conference of the Parties (COP) adopted, on an interim basis, the Technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention.

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

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

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

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

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

Parties and others are requested to complete the questionnaire and to submit it to the Secretariat by 15 January 2017.

Submitter information

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

COUNTRY:

Contact details:

Government Agency /

Organization

Address

City

Contact person

Job Title

Email

Questions relative to the use of the technical guidelines

1. Have the Technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention (technical guidelines) been used in your country/by your organization ?

Yes ☐ O
No ☐ O

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

Multiple answers can be selected.

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

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

Multiple answers can be selected.

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

useful for the needs in my country/organization.

Please elaborate why: _____

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

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

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

(f) Lack of legislation or regulatory framework. ☐

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

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

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

Please elaborate how they are incompatible: _____

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

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

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

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

Please elaborate why and include suggestions: _____

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

Please list them and explain why: _____

(o) Other reasons (please elaborate). ☐ _____

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

Please specify:

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

is difficult to implement. ☐

Please elaborate why _____

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

Please specify:

is inadequate for the needs in my country/organization.

☐

is difficult to implement.

☐

Please elaborate why

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

Please specify:

is inadequate for the needs in my country/organization.

☐

is difficult to implement.

☐

Please elaborate why

Questions relative to the usefulness of the technical guidelines

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

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

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

Useful

☐

Not useful

☐

No opinion

☐

Please explain

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

Useful

☐

Not useful

☐

No opinion

☐

Please explain

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

Useful

☐

Not useful

☐

No opinion

☐

Please explain

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

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

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

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

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

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

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

2.3. Guidance on transboundary movements of e-waste (section IV of the technical guidelines)

2.3.1. General considerations (section IV.A of the technical guidelines)

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

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

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

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

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

2.5. Guidance to facilities for conducting failure analysis, repair and refurbishment (section VI of the technical guidelines).

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

2.6. Appendix I (Glossary of terms).

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

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

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

2.8. Appendix III (information accompanying transboundary transports of used equipment falling under paragraph 31(b) of the technical guidelines).

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

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

Comments / Information _____

End of the questionnaire
Thank you for your collaboration
