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

 **Providing further legal clarity: revised draft glossary of terms prepared by the small intersessional working group (February 2014)**

1. By decision BC-11/1 on the follow-up to the Indonesian-Swiss country‑led initiative to improve the effectiveness of the Basel Convention, the Conference of Parties established, within available resources, a small intersessional working group (hereinafter “SIWG”)[[1]](#footnote-1) to:

(a) Complete the glossary of terms set out in the annex to document UNEP/CHW.11/3/Add.2, taking into account comments received from parties to date[[2]](#footnote-2) by:

(i) Considering whether all of the terms in the annex to document UNEP/CHW.11/3/Add.2 are useful for the interpretation of the Convention and whether any other useful terms can be included;

(ii) Examining the glossaries and/or definitions in the PACE guidance document on the environmentally sound management of used and end-of-life computing equipment, the draft technical guidelines on transboundary movements of electronic and electrical waste (e-waste), in particular regarding the distinction between waste and non-waste, and the framework for the environmentally sound management of hazardous wastes and other wastes, along with previously adopted technical guidelines, to consider whether any other terms could be usefully included in the glossary;

(iii) Ensuring that relevant Convention definitions are retained as defined in the Convention;

(iv) Finalizing the glossary for consideration by the Open-ended Working Group at its ninth meeting;

(v) Recommending to the Open-ended Working Group at its ninth meeting whether any terms defined in previously adopted technical guidelines and guidance documents as well as the framework for the environmentally sound management of hazardous wastes and other wastes need to be updated as a result;

 (b) Identify terms for which it would be useful to have further explanations and provide such explanations in the glossary; and

 (c) Recommend to the Open-ended Working Group at its ninth meeting where further guidance would be useful.

2. The SIWG was also mandated to consider options for further steps towards the consistent interpretation of terminology, including possible voluntary and legally binding options, and to report thereon to the Open-ended Working Group at its ninth meeting.

3. The SIWG was requested to prepare a first draft of the revised glossary and related explanations to be made available on the Basel Convention website by 15 February 2014 with an invitation for parties and others to comment thereon by 15 April 2014, for the consideration of the small intersessional working group.

4. In accordance with Decision BC-11/1, the present note sets out in its annex a revised draft glossary of terms (February 2014). Parties and others are invited to comment thereon by 15 April 2014.

**Annex**

**Revised draft glossary of terms (February 2014)**

***Note:*** *The use of the symbol \* at the end of definitions signals that different definitions currently:*

 *1) exist in previously adopted technical guidelines and guidance documents such as the Revised technical guidelines for the environmentally sound management of used and waste pneumatic tyres (hereinafter “tyres guidelines”), the Technical guidelines for the environmentally sound management of the full and partial dismantling of ships (hereinafter “ships guidelines”), the Revised guidance document on the environmentally sound management of used and end-of-life computing equipment (hereinafter “PACE glossary”) and the Guidance document on the environmentally sound management of used and end of life mobile phones (hereinafter “MPPI glossary”) or*

*2) are under negotiation in the framework of the Technical guidelines on transboundary movements of electronic and electrical waste (e-waste), in particular regarding the distinction between waste and non-waste (hereinafter “E-waste guidelines”).*

**Basel Convention:** Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, adopted on March 22, 1989 and entered into force in 1992.

**Charitable Donation:** Transfer of a good intended for direct reuse, for purposes of charity and without any monetary rewards, benefits, or for barter.[[3]](#footnote-3)\* (PACE glossary)

**Component:** In the case of electrical and electronic equipment, an element with electrical or electronic functionality connected together with other such elements, usually by soldering to a printed circuit board, to create an electric or electronic circuit with a particular function (for example an amplifier, radio receiver or oscillator). **\***(E-waste guidelines, PACE glossary)

**Direct reuse:** Using again a good or component by a person other than its previous owner, without the necessity of repair, refurbishment, or (hardware) upgrading, provided that such continued use is for the intended purpose of such good or component. [[4]](#footnote-4) \* (E-waste guidelines, PACE glossary)

**Discarding:** The letting go or throwing away of a material that has become useless or superfluous to its owner, though it may be of value to others.

**Dismantling:** Taking apart goods or wastes, including their components for reasons such as to separate materials or explore options for their reuse, refurbishment or recycling, and to maximize recovery values. **\***(MPPI glossary, PACE glossary)

**Disposal**: Any operation specified in Annex IV to the Basel Convention (Article 2 paragraph 4 of the Basel Convention).[[5]](#footnote-5)

**End-of-Life Good:** Synonym for “waste”. [[6]](#footnote-6)

**Environmentally sound management (ESM):** Taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes (Article 2 paragraph 8 of the Basel Convention).\* (MPPI glossary, PACE glossary)

**Essential key function:** The originally intended function(s) of a good or component that will satisfactorily enable the good or component to be reused. [[7]](#footnote-7)

**Final disposal:** Disposal operations specified in Annex IV A of the Basel Convention.

**Fully functional:** A good or component is fully functional if it was tested and demonstrated to be capable of performing at least the essential key functions that it was designed to perform.[[8]](#footnote-8)

**Generation of hazardous wastes or other wastes:** Any activity that produces hazardous wastes or other wastes. Without limitation, such activity can include:

* Disposing or arranging for the disposal of a material that, once disposed of, is classified as a hazardous or other waste;
* Using or otherwise altering an object or substance, such that it becomes a hazardous or other waste;
* Creating a hazardous or other waste by virtue of an industrial process that converts raw materials or other feedstocks into hazardous or other waste;
* Causing the contamination of an object or substance, such that the resulting object or material meets the definition of “hazardous waste”.

 **Good**: A substance or object that is not waste.

**Hazardous wastes:**  (a) Wastes that belong to any category contained in Annex I, unless they do not possess any of the characteristics contained in Annex III; and (b) wastes that are not covered under paragraph (a) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit. (Article 1 paragraph 1 of the Basel Convention).[[9]](#footnote-9)

**Landfilling:** The deposit of waste into land (i.e., underground), or onto land. [[10]](#footnote-10) \* (MPPI glossary)

**Major reassembly:** The remanufacture of a single unit with multiple parts taken from other units”.[[11]](#footnote-11) Reassembly should produce an object or component for the intended purpose[[12]](#footnote-12).

 **Material:** Any and all matter, substance or object.

**Non-hazardous waste:** A substance or object that does not meet the definition of “hazardous waste.

**Non-waste**: A substance or object that does not meet the definition of “waste.” [[13]](#footnote-13)

**Recovery operation:** Process by which materials that are no longer fit for their original intended purpose are transformed into a usable state or by which materials or energy is reclaimed in usable form. The term does not include reuse or direct reuse of goods or components. Some recovery operations are identified in Annex IVB to the Basel Convention. \* (E-waste guidelines)

**Recycling:** Any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations. Some recycling operations are identified in Annex IVB to the Convention. The term does not include reuse or direct reuse. \* (PACE glossary)

**Refurbished good:** A good or component that has undergone refurbishment or reconditioning. A refurbished good is in working condition that is fully functional for its originally conceived use with or without upgrades and meeting applicable technical performance standards and regulatory requirements.

**Refurbishment [or reconditioning]**: Process by which fully functioning goods are modified to enhance performance and/or functionality or to meet applicable technical standards or regulatory requirements. In the case of used electrical and electronic equipment, refurbishment may include such activities as cleaning, data sanitization, and software upgrading.\* (MPPI glossary, PACE glossary, E-waste guidelines)

**Repair:** A process of fixing a specified fault or series of faults in a good or component and/or replacing defective components, with the result of making the good or component fully functional for its intended purpose.Both a waste and non-waste may be repaired. [[14]](#footnote-14) \*

**Reusable goods:** Used goods or components that possess or are likely to possess quality necessary to be directly reused or reused after they have been refurbished or repaired. **[[15]](#footnote-15)**

**Reuse:** Using again a good or component by a person other than its previous owner, possibly after the necessity of repair, refurbishment, or (hardware) upgrading, provided that such continued use is for the intended purpose of such good or component. \* (PACE glossary, MPPI glossary , E-waste guidelines, ships guidelines)

**Second-hand goods:** Used goods.

**Treatment:** Any physical, chemical or mechanical activity in a facility that processes goods, including dismantling, removal of hazardous components, material recovery, recycling or preparation for disposal. [[16]](#footnote-16) \* (MPPI glossary)

**Upgrading:** Modification of fully functional equipment by the addition of software or hardware to increase its performance and/or functionality. [[17]](#footnote-17) \* (E-waste guidelines)

**Use:** Utilization of a good, whether by its original owner or otherwise. The term “use” includes reuse and direct reuse of the good, but does not include utilization of a good in a disposal operation.

**Used good:** A good that is or has been used, either by its first owner or otherwise. A used good may or may not be a waste, depending upon its characteristics, intended destination, and fate. [[18]](#footnote-18) **\*** (tyres guidelines, PACE glossary)

 **Wastes:** Substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law (Article 1 paragraph 2 of the Basel Convention). [[19]](#footnote-19)

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1. Members of the SIWG are representatives from the following 14 Parties: Argentina, Central African Republic, Chile, Colombia, Denmark, Egypt, European Union, Germany, Japan, Peru, United Kingdom, Switzerland and Togo. The Chair of the SIWG is Ms Nieto (Colombia). [↑](#footnote-ref-1)
2. These comments are set out in the annex to document UNEP/CHW.11/INF/4. [↑](#footnote-ref-2)
3. **Further guidance:** If a definition was adopted that does not specify the “intended for direct reuse”, further guidance could address whether and the extent to which charitable donations that require some repair or refurbishment can nevertheless be considered as charitable donations. [↑](#footnote-ref-3)
4. **Explanation:** Most Parties consider that direct reuse cannot involve repair, refurbishment or upgrading, although some consider that the term can accommodate a certain degree of these operations.  **Further guidance:** If the guidance is to recognize that used goods destined for direct reuse (perhaps subject to some limitations) may not be wastes, it might be desirable to elaborate upon the criteria for such direct reuse (for example, whether and to what extent repair or refurbishment is permissible). [↑](#footnote-ref-4)
5. Definition in line with that set out in the PACE glossary and in the E-waste guidelines. [↑](#footnote-ref-5)
6. A similar definition is set out in the PACE glossary. [↑](#footnote-ref-6)
7. Similar definitions is set out in the PACE glossary and the E-waste guidelines [↑](#footnote-ref-7)
8. A similar definition is set out in the E-waste guidelines. The PACE glossary, which follows the same approach, omits the terms “at least”. [↑](#footnote-ref-8)
9. **Explanatory note**: Annexes VIII and IX provides further elaboration of hazardous wastes and non-hazardous wastes; however, these annexes are not exhaustive [↑](#footnote-ref-9)
10. **Explanation**: Engineered landfills are disposal sites that are selected and designed to minimize the chance of release of hazardous substances into the environment, for example through the use of plastic landfill liners and leachate collection systems. The same definition is set out in the PACE glossary. [↑](#footnote-ref-10)
11. Mobile Phone Partnership Initiative, project 2.1, draft scenario note, 2005: http://files.ctia.org/pdf/CommentProjectGroup212.pdf (accessed 14 November 2012). This formulation was proposed in a draft MPPI paper, but does not appear to have been finalized. [↑](#footnote-ref-11)
12. **Further guidance**: The guidance could elaborate on the criteria for “major reassembly” drawing on one or more of these formulations. [↑](#footnote-ref-12)
13. **Further guidance:** The guidance could elaborate on the conditions under which an exported used good is considered to be a waste or non-waste. This could involve, among other things: first, indicia of intent on the part of the exporter; second, criteria for exempting reuse or direct reuse (including that associated with charitable donations); and, third, conditions necessary to transform a waste into non-waste prior to export. [↑](#footnote-ref-13)
14. **Further guidance:** The guidance could address the degree to which repair is consistent with non-waste status. [↑](#footnote-ref-14)
15. A similar definition is set out in the PACE glossary. [↑](#footnote-ref-15)
16. A similar definition is set out in the PACE glossary [↑](#footnote-ref-16)
17. A similar definition is set out in the PACE glossary [↑](#footnote-ref-17)
18. A similar definition is set out in the PACE glossary [↑](#footnote-ref-18)
19. **Explanation:** Waste includes all components and other portions of substance or object that are part of the substance or object at the time it becomes waste. **Further guidance**: The guidance could elaborate criteria for determining intent to dispose, as well as how to address situations where used goods intended for reuse or direct reuse are instead disposed of. [↑](#footnote-ref-19)