**Working document for Annex IV.B**

**Decision BC-13/2: Mandate for the review of Annex IV**

1. Improve/update the description of disposal operations in Annex IV; and,
2. Improve environmental controls by including additional disposal operations that occur in practice or could occur in practice in Annex IV.

**How to use this document:** Please complete the table with your comments, including ‘problem statement’, ‘proposed change’ and ‘rationale’. Leave blank if no change is required. **Bold** **and** **underline** for additions and strikethrough (e.g., ~~strikethrough~~) for deletion of text.

**Submitting member/observer:**

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| **A** | **B** | **C** | **D** | **E** |
| **Annex IV.B** | **Problem statement** | **Proposed change** | **Rationale** | **General comments** |
| **Caption text**  B. OPERATIONS WHICH MAY LEAD TO RESOURCE RECOVERY, RECYCLING RECLAMATION, DIRECT RE-USE OR ALTERNATIVE USES | “direct re-use” | b. Operations which may lead to resource recovery, recycling reclamation, ~~direct re-~~or alternative uses | No-waste status of materials destined to direct reuse |  |
| **Introductory text**  Section B encompasses all such operations with respect to materials legally defined as or considered to be hazardous wastes and which otherwise would have been destined for operations included in Section A |  |  |  |  |
| **General comments** | | | | |
| *An issue to discuss is what´s about material that may be no longer considered as wastes because they lost their condition after a treatment. See Overarching comments* | | | | |
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| **A** | | **B** | **C** | **D** | **E** |
| Disposal operation | | **Problem statement** | **Proposed change** | **Rationale** | **General comments** |
| **R1** | Use as a fuel (other than in direct incineration) or other means to generate energy |  |  |  | (See Overarching Comments) |
| **R2** | Solvent reclamation/regeneration |  |  |  |  |
| **R3** | Recycling/reclamation of organic substances which are not used as solvents |  |  |  | (See Overarching Comments) |
| **R4** | Recycling/reclamation of metals and metal compounds |  |  |  | (See Overarching Comments) |
| **R5** | Recycling/reclamation of other inorganic materials |  |  |  | (See Overarching Comments) |
| **R6** | Regeneration of acids or bases |  |  |  |  |
| **R7** | Recovery of components used for pollution abatement | Need clarification |  | Maybe, an explanatory footnote could be added, clarifying the scope or some examples of technologies under this operation. |  |
| **R8** | Recovery of components from catalysts |  |  |  | (See Overarching Comments) |
| **R9** | Used oil re-refining or other reuses of previously used oil |  |  |  |  |
| **R10** | Land treatment resulting in benefit to agriculture or ecological improvement | No clarity about what is intended as “benefit to agriculture or ecological improvement”, wastes allowed for this operation and technologies involved | Add a footnote regarding its interpretation or delete. |  |  |
| **R11** | Uses of residual materials obtained from any of the operations numbered R1-R10 |  |  |  | (See Overarching Comments) |
| **R12** | Exchange of wastes for submission to any of the operations numbered R1-R11 | Term “exchange”. | Replace: “Blending or mixing” instead “exchange”. | What´s the meaning of “exchange” literally? Is similar to “blending” or “mixing” or “sorting”?  We suggest to add a new Section “C” (see general comments) |  |
| **R13** | Accumulation of material intended for any operation in Section B |  |  |  |  |
| **General comments** | | | | | |
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| **A** | | **B** | **C** |
| **New R operation** | | **Rationale** | **General comments** |
|  | Co-processing or use of suitable waste materials in manufacturing processes for the purpose of energy and/or resource recovery and resultant reduction in the use of conventional fuels and/or raw materials through substitution, not included in R01. | In some countries, wastes are allowed to be used directly as raw materials (and, if occurs, “end of wastes status” maybe occurs). That’s why be suggest to include an operation that referred this status. For example, it can occur in wastes classified under Y18, obtained from blending process goes to this operation.  Definition was extracted from relative guideline of co-processing in cement kilns. | Is critical to assume a definition of this kind of materials in order to clarify their status in traceability and reporting. Materials that are obtained or come from waste transformation processes (as recovery of materials) should be considered. |
|  | Dismantling, selection, sorting or preparation treatments for recycling, reuse / use intended, totally or a part of waste´s components. | In a global or integral view of waste disposal, intermediate treatments are often necessary to allow further operation/s downstream. |  |
|  | Physical chemical treatment not specified elsewhere in this annex that lead materials recovery | As well as in Section A (D09) is needed to reflect an operation that´s not include in present annex. | For example, precipitation; calcination to obtain metals alloys, that will need further treatment in order to refine; drying, as well as other unit processes. |
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| **Overarching comments** |
| As already stated in UNEP/CHW.13/INF/10, we understand that it´s important to clarify under which circumstances and operations are waste, hazardous or not, to be used directly, without any kind of treatment. Likewise, it´s important to know under which circumstances or operations can be granted to them the condition of “raw material or input in a process”, recognizing its condition as such. In this regard, it is vital to ensure procedures and controls in accordance to international quality standards and certifications, to be adopted by the Parties, which guarantee traceability and a proper and accurate tariff classification.  Establishing a recycling society and the circularization of materials requires the redefinition of the conceptual framework on which the integral management of waste is based, that has been in place for more than thirty years.  It’s vital to discuss the prevailing need to create the "loss of waste condition", in order to encourage the application of the hierarchy of waste treatment, and the minimization of generation. Today there are various technologies and treatments that may transform waste into an input, something that we should not only take into consideration but also encourage, given that both waste generation and use of raw materials decrease. However, we must guarantee that the operation that “removes waste condition” must comply with several conditions, among them, the material obtained should be “certifiable” under standards, have and specific use, have demand, etc. All which guarantee the country of destination that it will be receiving an input, and not a waste. We consider that the inclusion of this new categorization, with its respective control mechanisms, under the Basel Convention will lead to the need of modifying the operations listed in these Annexes, since that “raw material from waste” should not be subject of control and management as hazard waste, as long as the result of the operation, generates a product comparable to a market commodity, that is, that meets technical and legal quality standards.  It is highly relevant in this sense to analyze the necessary update of the tariff positions in order to classify the merchandise as an input / raw material, in accordance with the end of the condition of waste mentioned before. Again, ensuring procedures and controls in accordance to international quality standards and certifications, to be adopted by the Parties, which guarantee traceability.  \_\_\_  According to convention text, Disposal operations include all items in Annex IV. Looking at Annex IV, operations can be identified as those that involve:  - Operations leading to consumption or reuse of wastes (R1, R2, R3, R4, R5, R6, R8, R9, R10, R11, R12, R13)  - Operations for waste final disposal (the “grave” o “final” destination: D1, D2, D3, D4, D5, D6, D7, D12 )  - Operation for preparation of waste to be submitted to operations other than recycling or reuse  - Operations of temporal storage or other operation (no transformation involved) (D14, D15, R13, where D15 and R13 should be combined if this category is created)  Taking into account the prior list, and having in mind Mandate I.A.ii, we also stress the need to debate if adding a new section/subsection would be convenient, where operations that doesn´t involve intrinsic transformation of waste could be included. In this section, all waste preparation operations could be included: storage, dismantling, sorting, blending, mixing, etc. with the purpose of improving its environmentally sound management, according to the stage of "prevention of generation" exposed hierarchically. We believe that this would contribute to the minimization of generation and favor recycling, as long as these operations are done according to procedures and controls in accordance to international quality standards and certifications, to be adopted by the Parties, which guarantee traceability and a proper and accurate tariff classification. |