**Working document for Annex IX.B1110**

**Decision BC-13/2:** Mandate for the review of Annex IV and the related aspects of Annex IX

(iii)Clarify the descriptions in Annex IV and in Annex IX (B1110) to address conflicts or overlaps.

**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: Owen Cox**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **A** | **B** | **C** | **D** | **E** |
| **B1110**  **Electrical and electronic assemblies:** | **Problem statement** | **Proposed change** | **Rationale** | **General comments** |
| Electronic assemblies consisting only of metals or alloys |  |  |  |  |
| Waste electrical and electronic assemblies or scrap19 (including printed circuit boards) not containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or not contaminated with Annex I constituents (e.g., cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the characteristics contained in Annex III (note the related entry on list A A1180) |  |  |  | This doesn’t provide much guidance that isn’t already in the description for A1180. The difficulty with e-waste is determining whether the levels of Annex 1 constituents (lead, cadmium, beryllium, organohalogen compounds) aresufficient to be hazardous. |
| Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct reuse,20 and not for recycling or final disposal21 | Footnote 20 provides some confusion. |  |  | This does provide some help in that direct reuse is a B code and not subject to PIC |

|  |
| --- |
| **General comments** |
| The guidance in the e-waste guideline points to –e-waste being considered hazardous unless it can be shown to be non-hazardous:  “E-waste should therefore be presumed to be hazardous waste unless it can be shown either that it does not exhibit hazardous characteristics or that it does not contain hazardous components or substances, in particular….” (para 47 of UNEP/CHW.12/5/Add.1/Rev.1)  The clearest way to establish this would seem to me to add a new Y code to Annex 1 which would define e-waste as a waste stream. |
|  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **A** | | **B** | **C** | **D** | **E** |
| **Footnotes** | | **Problem statement** | **Proposed change** | **Rationale** | **General comments** |
| **19** | This entry does not include scrap from electrical power generation. |  |  |  | This exclusion seems unnecessary. |
| **20** | Reuse can include repair, refurbishment or upgrading, but not major reassembly. | The descriptor here is too brief and gives little guidance as to how significant the repair of refurbishment is before it becomes ‘major reassembly’. | Direct reuse should involve only minimal work. Any work should not generate of hazardous waste arisings from the defective parts etc. | At present a range functional and damaged/broken items are covered by the footnote. Including non-functional equipment in the scope means that enforcement is almost impossible as the boundary is blurred. It also means that some waste components (the defective parts of the non-functional equipment which are often hazardous) are generated in the receiving country. | The flow chart in the E-waste guideline (UNEP/CHW.12/5/Add.1/Rev.1) (page 12) that was provisionally adopted in 2015 should be used as a guide here. Direct reuse of fully functional items should not be waste. |
| **21** | In some countries these materials destined for direct re-use are not considered wastes. |  |  |  |  |

|  |
| --- |
| **General comments** |
|  |
|  |
|  |

|  |
| --- |
| **Overarching comments** |
| The current A1180 and B1110 boundary is one of the is definition is one of the more difficult ones to work with and in any court work proof of hazard is difficult and expensive to establish. The wording makes to boundary between waste and non-waste unclear and the hazard boundary vague.  The establishment of e-waste being a waste stream (Y code) to be controlled would help. It is not difficult to show whether or not a waste is e-waste. This would also align better with the current e-waste guideline. |
|  |
|  |