

Submission of Comments from Norway in response to decision OEWG 10/5 where Parties are invited to provide comments on the issues mentioned in paragraph 5 of decision BC-12/5 to the Secretariat by 30 October 2016.

Norway strongly believe further work on the Basel Convention guideline on E-waste is needed, because there are outstanding parts of the guideline that are necessary for further use of the guideline. The guideline was adopted on an interim basis because there was no agreement on one essential part of the guideline; exports of used goods for repair. The guideline as it currently stands provides stricter provisions for export of functional used equipment for direct reuse than it does for non-functional equipment exported for repair or refurbishment. We believe this is worrying since export for repair always implies that waste is generated in the process, because non-functioning parts and components of the object will be discarded. These parts may contain hazardous substances.

The following are Norway's positions on the outstanding issues:

1. Party notification as per paragraph 27 and 29

Paragraphs 27 and 29 of the present guidelines address the fact that countries may or may not wish to allow imports or exports of used electrical and electronic equipment destined for failure analysis, repair or refurbishment. The paragraphs indicate that parties should notify the Secretariat of the Basel Convention in accordance with Articles 3 and 13, paragraph 2, as appropriate, of their wishes on that issue. Further work is needed to address those cases in which parties have not so notified the Secretariat.

The general procedure in Norway if it is unclear whether the receiving country regards the object as waste or not, is that the exporter must contact the importing country competent authority and facility and ask for their opinion. If there is disagreement on the classification of waste or not, the object have to be exported as waste. We believe this procedure provide greater protection of both countries involved and suggest this as a way forward.

2. Residual Life Time

We believe that residual lifetime concept is useful and interesting, but to set specific limitations are difficult in a guideline. We therefore believe it is useful to give general guidance that used products intended for export shall have adequate residual lifetime. In our Norwegian guidance for exporters of used goods (available here:

<http://www.miljodirektoratet.no/old/klif/publikasjoner/2516/ta2516.pdf>) we clarify, among other criteria, that in order to ship used goods from Norway in a legal way, the exporter should check that the age of the item is reasonable (relatively new technology), and the item is highly marketable.

When inspecting shipments in Norway, age and appearance of the used good are part of the subjective evaluations done by inspectors when determining if an object is waste or not. We would be ready to work further on these issues with other interested parties.

3. Obsolete technologies including CRTs

We support the suggested text in para 31(b) that CRTs cannot be exported for repair, because it is an obsolete technology. We do not support a general text on obsolete technologies, as this may impair future reuse and waste minimization. But for the particular case of used CRTs which is an obsolete

technology that contains a large amount of toxic lead, we believe that not allowing the export for repair as non-waste can prevent dumping of hazardous waste.

4. Identification of relevant actors in the documentation

This is unclear to us, and we have no further suggestion.

5. Specific exemption for medical devices

We support the exemption for medical devices.

6. Specific exemption for used parts

We support the exemption for used parts.

7. Waste resulting from failure analysis, repair and refurbishment activities

We are of the opinion that **if** the receiving repair facility cannot document environmentally sound management of the residual waste, the export for repair shall not be allowed. We believe it should be a prerequisite for exporting for repair that you can document the sound treatment of residual waste.

Norway has previously provided some compromise text suggestions on this, and we can support text along the following line:

All residual waste generated from the failure analysis, repair and refurbishment operation which is hazardous according to the Basel Convention definitions (Article 1, 1(a) and 1(b)) or its hazardous characteristics are unknown, shall be disposed of in an environmentally sound manner (ESM) in accordance with the Basel Convention. The residual hazardous waste should be taken back to the country of export unless the facility can provide conclusive proof that the residual hazardous waste can be treated in an environmentally sound manner in a facility in the importing country.