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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 (a) (ii) of the provisional agenda*

**Matters related to the implementation of the Convention:
strategic issues: follow-up to the Indonesian-Swiss
country-led initiative to improve the effectiveness of the
Basel Convention**

**Review of Annexes I, III and IV and related aspects of Annex IX
to the Basel Convention**

Note by the Secretariat

As referred to in the note by the Secretariat on the follow-up to the Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention (UNEP/CHW.13/4), the annex to the present note sets out the report on the review of Annexes I, III and IV and related aspects of Annex IX to the Basel Convention developed by Canada in consultation with the small intersessional working group on legal clarity, which includes an analysis of the views received from Parties and others on the concept paper¹ developed by Canada. The report is made available as submitted by Canada with minor formatting modifications. The present note, including its annex, has not been formally edited.

* UNEP/CHW.13/1.

¹ <http://www.basel.int/Implementation/LegalMatters/LegalClarity/ReviewofAnnexes/tabid/4753/Default.aspx>.

Annex

Report by Canada on the review of Annexes I, III and IV to the Convention and related aspects of Annex IX to the Convention

INTRODUCTION

1. Canada, as lead country for the review of Annexes I, III and IV to the Convention and related aspects of Annex IX (entry B1110) to the Convention, is pleased to submit this report for the consideration of the Conference of the Parties at its thirteenth meeting (COP13). It was prepared with the assistance of the Secretariat to the Basel Convention and in consultation with the Small Intersessional Working Group on Legal Clarity.
2. Canada would like to thank all Parties and others who responded to the concept paper and questionnaire. We recognize the importance of this work as these Annexes are the foundation of national legislation around the globe and the means to make the international system that is the Basel Convention work effectively. Information submitted was detailed and well supported the preparation of this report and proposal for a path forward for the consideration by Parties at their COP13 meeting in April 2017.
3. The report is organised in five parts: (1) a brief background section outlining the mandate received by COP and the Open-Ended Working Group (OEWG) and, the activities undertaken since the tenth meeting of the OEWG (30 May to June 2, 2016); (2) the analysis of responses pertaining to the objectives, the process, manner of work and key considerations for the review; (3) the analysis of responses pertaining to Annexes I, III, IV and IX (B1110); (4) conclusions and proposals for a way forward, and; (5) appendices presenting a compilation of proposals by respondents for each of the Annexes as a starting point for the review work.

PART 1. BACKGROUND

4. By decision BC-12/1 the twelfth meeting of the Conference of the Parties decided, among other things, to initiate a process for the review of Annexes I, III and IV and related aspects of Annex IX to the Basel Convention, taking as a basis the legally binding options identified in section II of annex II to document (UNEP/CHW.12/INF/52) on providing further legal clarity.
5. By decision OEWG-10/8, OEWG10 welcomed, among other things, the offer of Canada to serve as lead country of the review until COP13. As mandated by OEWG, Canada developed a concept paper to facilitate the submission of views by Parties and others on the review of the Annexes. The concept paper was made available by Canada in the six languages of the United Nations (UN) and sought views on the objectives of the review, the process to conduct the review and specific issues under each Annex (IV, IX (B1110), I, III).
6. Four regional webinar sessions were hosted by Canada, in September 2016, in collaboration with the Secretariat of the Basel Convention, in order to present the concept paper and provide an opportunity for interested Parties from all UN regions to raise questions or provide views to Canada on the concept paper and preparation of the report.
7. As of December 15, 2016, 31 responses had been received in all six UN languages representing 27 Parties, the European Union and its members states (28 Parties) and 3 other organisations: Afghanistan, Azerbaijan, Burkina Faso, Burundi, Canada, Chile, China, Colombia, Egypt, El Salvador, European Union and its member states, Hungary, India, Islamic Republic of Iran, Libya, Madagascar, Malaysia, Mozambique, New Zealand, Norway, State of Palestine, Peru, Qatar, Russian Federation, South Africa, Switzerland, Trinidad and Tobago, Venezuela (Bolivarian Republic of), Basel Action Network, International Maritime Organization and Organization of the Black Sea Economic Cooperation.¹

PART 2. OUTCOME OF VIEWS ON THE OBJECTIVES, PROCESS & MANNER OF WORK

I. OBJECTIVES OF THE REVIEW

8. Broad support was expressed for the three objectives proposed in the concept paper:
 - Address conflicting or overlapping provisions in the Convention;

¹ See <http://www.basel.int/Implementation/LegalMatters/LegalClarity/ReviewofAnnexes/tabid/4753/Default.aspx>

- Improve/update the description of wastes and disposal operations within the scope of the Convention; and
- Improve environmental controls by expanding the scope of the Convention to include new waste streams and/or new disposal operations in order to protect human health and the environment.

While the majority supported these specific objectives, one respondent proposed to merge the above objectives into one, as follows:

"Review annexes I, III, IV and IX to eliminate inconsistencies or discrepancies, improve and/or update the descriptions and lists, and improve the environmental controls."

9. Many respondents suggested introducing an overarching objective for the review that reflects the core objectives of the Convention to protect human health and the environment against the adverse effects of hazardous wastes.

10. One respondent proposed to arrange the proposed objectives into two sets for each of the review of Annex IV and related aspects of Annex IX (entry B1110), and for Annex I and III, in order to better relate the objectives to the purpose of specific Annexes. For example, the review of Annex IV and related aspects of Annex IX (entry B1110) relates to the distinction between waste and non-waste, while the review of Annex I and III relates to the distinction between hazardous wastes and non-hazardous wastes.

"For Annex IV and the related aspects in Annex IX:

- *Improve/update the description of disposal operations in Annex IV;*
- *Improve environmental controls by including additional disposal operations that occur in practice or could occur in practice in Annex IV; and*
- *Clarify the descriptions in Annex IV and in Annex IX (B1110) to address conflicts or overlaps.*

For Annex I and III, we suggest the following objectives:

- *Improve/update the description of categories of wastes in Annex I and the list of hazardous characteristics in Annex III;*
- *Improve environmental controls by including any additional categories of wastes in Annex I and any additional hazardous characteristics in Annex III that occur in practice; and*
- *Clarify the descriptions in Annexes I and III to address conflicts or overlaps."*

11. Several other useful points were raised to bring more clarity to the intent of the review and support the work ahead:

- For objective three it was suggested to remove the reference to "expanding the scope of the convention" on the basis that the change in scope could be an outcome of the review rather than an objective itself;
- For objective 2, "recovery operations" should be added following the reference to disposal operations;
- One respondent underlined the importance of synergies between the Basel, Stockholm, Rotterdam and Minamata Conventions and suggested, as an objective, to look at terminology used by these four Conventions to inform the review of Basel Annexes. This could allow for some alignment in the use of similar language; and
- Some respondents referred to technical guidelines as a useful mean to achieve greater clarity in the application of the Annexes. This should be kept in mind while conducting the review of the Annexes.

II. PROCESS FOR THE REVIEW (POST COP-13)

A. Working group

12. There is broad support for a working group to be mandated to conduct the review of the Annexes post COP-13. While some Parties indicated their preference to see an existing working group undertake the work, such as the Small Intersessional Working Group on legal clarity, others favoured the establishment of one or two new working groups (one for Annex IV and related aspects of Annex IX and one for Annexes I and III). One respondent indicated that small regional ad hoc working groups could be established with representation from the five UN regions to work on thematic areas of the review. Another highlighted the importance of having one working group to ensure continuity between OEWG and COP meetings and consistency in analysis and approach for the review as work proceeds.

13. Others suggested that a lead country or countries could be nominated to oversee the activities of the working group or to lend support to the Small Intersessional Working Group on legal clarity, if the mandate was assigned to it.

14. Several respondents highlighted that the scope of work and workplan will be key to determine what kind of group should be created and suggested that at this stage, various options be advanced for the consideration of the COP.

B. Role of the Open-Ended Working Group (OEWG)

15. There is broad agreement that the OEWG should oversee and guide the work on the review of the Annexes. However, many respondents stressed that while the OEWG should be accountable for bringing recommendations to the COP, it needs to be supported by a dedicated working group to ensure that substantial work progresses effectively intersessionally.

C. Composition of the working group

16. Most respondents indicated their preference for a working group composed of representatives of Parties and open to observers' contributions. Some respondents highlighted that Basel Convention Regional Centers, experts from customs ministries, as well as signatories to the Convention should assist the working group in its work.

17. Equal support was expressed for an open-ended versus a limited working group in its composition. However, this is not the central concern of most respondents but rather who should be allowed to participate in the group. Many respondents stressed the importance of having a working group composed of experts with legal and technical knowledge in the implementation of the Convention and practical experience in the application of the Annexes in domestic operations.

D. Mandate, work plan and terms of reference of the working group

18. There is broad agreement that the COP should further confirm details about the mandate by adopting the objectives for the review, terms of reference and initial workplan of the working group. Two respondents suggested that the COP should adopt only the mandate and that the work plan and terms of reference be developed by the working group in accordance with the mandate and objectives of the review adopted at COP.

19. One respondent indicated that the mandate of the working group, or mandates in case of two groups, should be consistent with decision BC-12/1 and OEWG-10/8, and elaborated taking this report into consideration.

20. Other useful remarks pertaining to how to proceed with the work include: (1) legal and technical information should first be collected and made available before the working group starts its work; (2) a solid base of information is essential to inform the work ahead and Parties should be consulted and contribute to the collection of information; (3) the review process should be well structured and use an evidence-based approach; and (4) the review of the Annexes should be based on the legal requirements of the Convention and procedures articulated in its Article 17 and 18.

21. Many other ideas were expressed regarding the manner of work and how to deliver on the proposed objectives as follows:

- Develop an approach to undertake the review in a structured and evidence-based manner (e.g. supported by references to scientific information);
- Review technical and legal difficulties faced by Parties in the implementation and interpretation of definitions and guidelines;
- Consult with Basel Parties and others and take into consideration comments to inform the review;
- Consult relevant documentation such as the glossary of terms and technical guidelines;
- Prepare an analysis document for Parties' consideration based on submissions received from a consultation process;
- Prepare a report, including recommendations on whether amendments to Annexes are needed;
- Elaborate proposals for modifications/amendments to Annexes I, II, III and IV, including corresponding modifications of Annex VIII and IX; and
- Identify financial resources to support the work of the working group.

E. Studies and documentation to support the review

22. Broad support was expressed for the conduct of two studies to facilitate the review of the Annexes:
- A study analysing various Parties' legislation relevant to Annexes I, III, IV and IX, and;
 - A study on the use of disposal operations in practice (including both final disposal and recovery operations).
23. One respondent expressed reservations about the study analyzing existing legislation and proposed, as a better approach, to conduct a limited survey of selected Parties to identify specific problem areas encountered by them. Another mentioned that current national legislation may not be as stringent as required to protect the environment and advanced that the review should not rely solely on existing legislation.
24. One respondent suggested that subject to the availability of resources and cooperation from Parties, case studies could be added to the legislative study, as the use of Annexes in legislation does not always reflect their implementation in practice.
25. The financial implications for the conduct of the two studies referred to in paragraph 22 were raised by one respondent in addition to who would be appointed to conduct these (e.g. consultant or Secretariat). On a similar note, one respondent suggested that these studies be undertaken by the working group to be established at COP as part of their workplan.
26. A proposal was made to hold seminars on specific regional or national topics and solicit and search out regional and country-specific comments based on findings from the analysis of national legislation relevant to the Basel Annexes. Questions and suggestions at the regional and national levels relating to Annexes of the Convention could be prepared to allow for meaningful submission of information by Parties and others and oriented towards the agreed upon objectives for the review.
27. Two respondents stated that a more detailed questionnaire following on the responses to the concept paper could be prepared to allow Parties and others to provide more detailed information.
28. Other documents identified as useful to inform the review included:
- Annual national reports by Parties;
 - Basel Convention technical guidelines;
 - Parties' national studies on the use of disposal operations;
 - Basel Convention glossary of terms;
 - Text of the Stockholm, Rotterdam and Minamata Conventions;
 - This report to the COP pursuant to OEWG decision 10/8; and
 - Globally Harmonized System of Classification and Labelling of Chemicals (GHS), also known as the "Purple Book".

III. LEVEL OF PRIORITY AND FINANCIAL ASPECTS

29. All respondents identified the work on the review of the Annexes as a high or medium priority. One respondent suggested that for the next biennium (2017-2019: leading to COP14) the review of Annex IV and related aspects of Annex IX should be a high priority and the review of Annex I and III a medium one.
30. The review of the Annexes was acknowledged by many as critical on the basis that the Annexes are an integral part of the Convention text. As such, work to improve or modernize these parts should not be dependent on the availability of voluntary funding. It was suggested to assess the best way to include this work in the proposed core budget for the Convention.
31. Nevertheless, the need for additional voluntary funding was also highlighted as important to supplement the core budget allocation as the core budget may be insufficient to fully meet the needs of the future workplan.
32. One respondent stressed that this issue could only be discussed after the scope and manner of work is clarified (e.g. whether consultants should be engaged, need for face-to-face meetings, regional consultations, case studies, etc.), as well as the development of cost estimates for this work by the Secretariat. One respondent proposed the creation of a financial framework.

IV. OTHER VIEWS SUBMITTED BY RESPONDENTS

33. Some respondents underlined the complexity of the Basel Convention and the challenges in having a clear and definite distinction between non-waste, waste, and hazardous waste and consistent application of the waste definition in Article 2 in conjunction with Annexes I, III and IV. An in-depth understanding of the Basel waste definition and its linkages to the Annexes will be a pre-requisite for experts appointed to work on the review of the Annexes.

34. Few respondents made references to a possible review of Annex VIII and Annex II. At this time, the review of these Annexes remain outside of the mandate that was given in decision BC-12/1 for the review of the Annexes; however, it was noted that if the best solution to an issue in Annex I is a revision in Annex VIII, then this proposal could go forward even if the focus of the review was not Annex VIII at the outset. The impacts and linkages of any proposed change to any of the Annexes will need to be closely assessed regardless of the scope of the review.

35. One respondent mentioned that translation of documents and language used in meetings will be important aspects for the review of the Annexes as many technical terms will be used and participation in the work is expected to be challenging. Another suggested looking at the translation of the Convention text in Spanish to address the term "dispersable".

36. The technical, legal and scientific pace of implementation of the Basel Convention can vary significantly within a country. In addition the pace of implementation can be vastly different between developed and developing countries. It was mentioned that in developing countries, particularly on the African continent, the legal frameworks are fragile and sometimes insufficient. These factors should be considered when proposing amendments.

37. The Annexes should be regularly reviewed (at least every five years) and updated as new methods and technologies for the classification and treatment of wastes are developed. Many of the terminologies used in the text and Annexes to the Basel Convention are also outdated.

38. Junior administrators should be involved in the work to review the Annexes.

39. Financial assistance and capacity building is necessary to achieve the overall goal of the Convention and all decisions should be made by consensus.

PART 3. OUTCOME OF VIEWS ON ANNEXES I, III, IV AND IX (B1110)

40. The detailed submissions of respondents pertaining to the Annexes shed light on the challenges in the actual implementation of the Convention. Overall the responses indicate that work is needed to improve clarity of intent, to modernize the entries and support a more consistent interpretation of the Annexes.

41. Bearing in mind that an approach to undertake the review in a structured and evidence-based manner (e.g. supported by references to scientific information) has yet to be developed, the specific proposals brought forward by respondents for possible changes to the Convention remain suggestions to orient the future work on the Annexes. In consolidating the information submitted, it is important to note that Canada did not conduct a scientific assessment of the proposals, which should come at a later date, if Parties so decide.

A. Annex I

42. Various respondents indicated that a detailed assessment is needed to identify possible changes to Annex I. Based on responses received it is safe to conclude that categories of wastes are missing, some of the current ones are too broad and others overlap with each other.

43. While most respondents agree that waste streams are missing from Annex I, many others were unsure and one indicated that the list is currently complete. Proposals advanced by one or several respondents for possible new waste categories (waste streams) or needing further assessment are:

- Aluminum, aluminum compounds;
- Biohazards;
- Brominated flame retardants;
- Copper and zinc in elemental form;
- Electrical and electronic assemblies;
- Lithium;
- Nanomaterial;

- Other organic constituents (not listed on Annex I);
- Other inorganic constituents (not listed on Annex I);
- Ozone depleting substances;
- Spent catalyst;
- Others: endocrine disruptors, e-waste and waste arising from production or use of electronics, fibers and dusts which are capable of causing lung damage when inhaled (e.g., silicosis), other waste consumer items, oxidizing waste, pneumatic tyres, powdered toners, silicon compounds and waste, and some rare earth metals.

44. One respondent made reference to the former EU Directive on Hazardous Waste (91/689/EEC) which contained additional wastes and constituents which may be reviewed. Other sources of classification such as the OECD Decision C(88)90/FINAL² in addition to the list of additional wastes (C codes) in the EU submission to question 32 in Appendix A, should be examined to inform the review of Annex 1.

45. No respondent suggested the deletion of a waste category. However, several respondents identified conflicting/overlapping categories where a waste can be categorized under multiple Y codes. As a result, a concern was expressed that the categories of Y codes are broad making it difficult to classify and derive national waste generation statistics because of the risk of double counting wastes if they are identified under more than one waste category (waste streams/Y code).

46. One respondent suggested that all waste streams be reviewed while others identified specific ones such as:

- Y1 is a broad category for clinical wastes and many of them could also be included in other waste categories also; reference could be made solely to wastes with a biological/infectious risk;
- Y3 can be interpreted as a component of Y1;
- Y5, Y17 and Y18 should be updated;
- Y10 can be viewed as a component of Y6;
- Y12 and Y13 appear to be used for the same waste (e.g. paint);
- To update Y29 (mercury, mercury compounds), new Y codes could be added to differentiate between different types of mercury waste (e.g. wastes consisting of mercury or mercury compounds, waste containing mercury or mercury compounds, waste contaminated with mercury or mercury compounds);
- For Y31 and Y45 there is confusion regarding their applicability to ozone depleting substances;
- Y45 (organohalogen compounds) can trigger many waste streams to be classified as hazardous such as the brominated and fluorinated hazardous waste; and
- E-wastes are captured through multiple codes from Y19 to Y45.

47. It was suggested to include concentrations or limits of contaminants that would trigger the hazardous waste definition when possible (e.g. de minimis values).

48. Many respondents were unsure if descriptions of certain waste streams should be updated while some respondents stated that updates and clarifications were necessary. Only one respondent disagreed and felt that waste descriptions did not need updating. One suggestion was to take into account the results from the two proposed studies referred to in paragraph 22 when making changes.

49. Two documents were recommended for reference for adding new waste streams including Schedule II of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 notified by India and the German Basel National Report, 2009 that referred to the EU Directive on Hazardous Waste (91/689/EEC).

50. Only a few respondents felt that conflicting text was present in this Annex while most were uncertain or did not identify any conflict. A respondent stated that conflicting text can occur if an

² (see <http://acts.oecd.org/Instruments/ShowInstrumentView.aspx?InstrumentID=64&InstrumentPID=61&Lang=en&Book=>)

object is considered a “product” to some and a “waste” to others. Greater time was needed to assess the Annex expressed one respondent while another stated that as the Annex is updated conflicting text may arise.

B. Annex III

51. Many respondents agreed that hazard characteristics are missing from Annex III; some respondents were unsure and a few suggested that the list was complete. One respondent suggested that the proposed studies referred to in paragraph 22 could contribute to such assessment.

Nevertheless, the broad range of submissions illustrates the necessity for a well-structured and rigorous science-based approach in order to successfully make progress to achieve the objectives of the review.

52. Several additional characteristics were proposed such as; acute toxicity, bioaccumulating substances in humans, clastogens, combustible substances, cytotoxicity, endocrine disruptors, flammable and inflammable gases, genotoxic, germ cell mutagenicity, insensitive explosives, ozone layer hazards, reproductive toxicity, respiratory or skin sensitivity, self-heating substances, self-reactants, single and repeated exposure toxic substances, substances releasing toxic gas with contact from acids, and teratogens. One respondent expressed specific concerns about the absence of genotoxicity and that substances may be intentionally genetically modified or may become genotoxic from their use or release into the environment due to their clastogen properties.

53. Regarding potential conflicting text, equal numbers of respondents did not see any conflicts or were unsure. A few respondents identified the need to examine the relationship between some H codes. As well, some expressed concerns with regards to completeness and clarity of descriptions for H12, H13 codes in relation to ozone-depleting substances, and for H4.2, H5.1, H6.1 and H11.

54. Most respondents agreed with harmonizing certain hazardous characteristics with the Globally Harmonized System of Classification and Labelling of Chemicals (GHS), with some respondents unsure about the necessity of changes and one respondent being against the harmonization. The Basel characteristics should correspond to the GHS, but descriptions not covered by the GHS, such as H10 and H13, should remain under Basel. Another respondent highlighted that the alignment with the GHS would improve clarity and facilitate transboundary movement of certain categories of waste destined for resource recovery plants or manufacturing.

C. Annex IV

55. There is broad agreement that Annex IV is to be reviewed in order to update the lists of the operations and their associated description, if necessary. One respondent invited further thinking on the possibility of whether the lists of operations could be made “non exhaustive lists” while another invited the review process to consider disposal operations currently not listed in the Basel Convention but recognized by some Parties in their national legislation.

56. The close links between Annex IV and the waste definition of the Basel Convention was mentioned by several respondents. For some, it is important for Annex IV to clearly identify environmentally sound, controlled and legal operations as well as unsound, uncontrolled or illegal disposal operations. Opposing points of views were expressed by other respondents who questioned whether disposal operations not environmentally sound or not used any more should be removed from the Annex.

57. Most respondents agreed that a clearer distinction between Annex IV.A and IV.B is needed. The proposed approach or means to achieve this clarity varied among respondents. Proposals advanced by one or several respondents, are summarized below:

Caption text

- Simplify the caption text of Annexes IV.A and IV.B, by removing the current text and changing it to: Annex IV.A: “*final disposal operations*”, Annex IV.B: “*recovery operations*”. This approach would remove the term “direct re-use” from the both caption texts and therefore resolve ambiguity around its interpretation. However, it was raised that some operations in Annex IV.A are not all final operations or all recovery operations for Annex IV.B such as D15: storage pending any operations in section A;
- Leave the text of the caption texts of Annexes IV.A and IV.B as is and add the terms “*final disposal operations*” and “*recovery operations*” at the beginning;
- Remove “direct re-use” from the caption texts of Annexes IV.A and IV.B on the basis that the nature of operations performed under Annex IV.A does not lead to the direct reuse of the waste. For Annex IV.B reference to “direct re-use” is confusing as direct reuse only

occurs if no operations from Annex IV.B are necessary. Removing "direct re-use" would be consistent with the definition of this term in the glossary of terms;

- Remove "direct re-use" and add "reuse" in the caption text of Annex IV.B. The applicability of the waste definition for waste destined for reuse would need to be clarified.

Look into the language of Annex IV.A and IV.B "*lead to the possibility of resource recovery ...*" versus the activity of mining landfills to ensure clear language is being used and does not lead to an environmental problem.

Introductory text

- As a result of a simplified caption text (final disposal operations and recovery operations), expand the introductory section to explain the nature of the operations and their intent. Add definitions of terms that are not already defined in the Convention, taking into consideration definitions from the glossary of terms. Definitions with supporting explanatory notes were proposed:

Final disposal: "Any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy".

Recovery: "Any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy".

Explanatory note: Recovery operations make use of resources as they will obtain some useful benefit from the waste, either by bringing it back into productive use or recovering energy from it (see Glossary of terms, explanatory note (e) under "Recovery").

- Revised text was proposed for the introductory section:

Annex IV.A: "Section A encompasses operations used for the final disposal of wastes which are not destined for recovery".

Annex IV.B: "Section B encompasses operations used to recover or recycle wastes which would have been destined for operations included in Section A".

58. Several other useful points were raised:

- The kind of wastes to be disposed should be taken into consideration when preparing simplified language for the caption and introductory text of Annex IV. Care should be taken to ensure changes to Annex IV result in harmonized language between Annex IV.A and IV.B.
- One respondent stated that the concept of solid waste includes the notion of space and time. Direct reuse of waste (solid scrapped material) can be viewed as a process by which the status of the material can shift as it becomes a useful product at different moments in time and in different locations. Whether or not a solid waste item can be directly reused as a useful product is the decision of the importing country, determined by the conditions and standards established in each importing country, and not a decision of the exporting country.
- The same respondent also mentioned that the distinction between Annex IV.A and IV.B was clear and no changes should be made on the basis that "disposal" is a key element of the definition of waste under the Convention and so reflected in many aspects of its work.

Disposal operations

59. There is broad support that all disposal operations in Annex IV are to be individually looked at to assess their usefulness, ensure that they are described in a way that reflects how they occur in practice, and avoid overlapping descriptions of entries. The review should also consider if new entries are needed. The concept paper brought attention to how terms are currently described in Annex IV and whether definitions should be introduced. Comments were received on both the ideas of defining terms and on improving the current descriptions.

60. While many respondents indicated that disposal operations were missing in Annex IV, many others were unsure and few respondents consider that the list is complete. Although all operations should be assessed, the following ones have been specifically noted as requiring a review:

- D1 versus D5: It was suggested to refer to D1 in situations such as the illegal deposit of hazardous waste onto land or a controlled dump site. On the other hand, D5 should be referred to for built (engineered) sites such as landfills for the final disposal of hazardous and other wastes;
- D2: Clarify if this refers to in-situ treatment only. Bio-remediated soil may be used as backfill in the construction of buildings and roads;
- D10 and D11: Should be elaborated to ensure measures are taken to ensure no disposal of by-products (ash etc.);
- D13 overlap with D8 and D9;
- D14, D15, R12, R13: These are not disposal operations themselves but rather part of the cycle of disposal operations;
- R1: Clarification in relation to the Co-Processing of hazardous waste;
- R4: Clarification to make a distinction between heavy metals from metallic metals;
- R7: Should be more precise and technical guidelines could be developed;
- R9: The term "reuse" conflicts with the understanding of "reuse" in the Glossary of terms; Change "used oil re-refining" to "recovery of used oil". The other reuses of previously used oil should be clarified;
- R1 versus D10 and D11;
- R1 versus R9;
- R3 versus R8;
- R4 versus R8;
- R6 versus R3 and R5;
- R10 versus D2;
- R12 versus R13 as they appear to cover the same operations. Technical guidelines could be developed;
- R11 may be redundant as the ordinary use of a material may not be seen as recovery operation in a non-environmentally sound manner, e.g. into water bodies etc; and
- R13 needs clarification for the terms "storage" and "accumulation" in relation to its mirror entry D15.

61. Many respondents were unsure if certain disposal operations should be merged together or deleted but some respondent identified the following:

- D4 and D6 should be merged;
- D11 and D7 could possibly fall under the purview of the International Maritime Organization and the MARPOL Convention³, and as such may be better regulated under those Conventions;
- D14 to clarify if D14 should be kept as a separate operation, taking into consideration that there are no R operations for repackaging; and
- D1, D3, D4, D6 and D7 should be deleted on the basis that they are not environmentally sound.

62. Mixed responses were submitted on the need to further define disposal operations of Annex IV. While some respondents suggested defining all operations many did not see the need or were unsure. A respondent suggested an approach to provide further details on operations via footnotes in the Annexes. The following operations of Annex IV have been specifically identified as in need of fuller descriptions (or possibly a definition or footnote adding details):

- D1, D5, D9;
- R2, R9 and R12 (for the term exchange);
- Elimination, exploitation;

³ MARPOL:

- Recovery, recycling, reclamation, regeneration, reuse; and
 - Recoverable Hazardous Material.
63. Finally, proposals were made to add new disposal operations:
- Backfilling;
 - Preparatory operations such as washing, shredding or baling;
 - Recovery or regeneration of a substance not otherwise covered in the other recovery operations;
 - Recovery of components not covered by R4 or R7 (e.g. scavenging of e-waste or non-functional vehicles);
 - Release, including the venting of compressed or liquefied gases";
 - Refurbishment to prepare waste for reuse;
 - Repair to prepare waste for reuse;
 - Resource recovery from E-waste;
 - Reuse and/or repair and/or the refurbishment of a piece of electrical and electronic appliances;
 - Solidification;
 - Thermo-chemical process not specified elsewhere in Annex IV;
 - Use of organic waste and inorganic metal-containing; and
 - Testing of a new technology to dispose of or recycle a hazardous waste.

D. Annex IX (B1110)

64. There is broad agreement that entry B1110 in Annex IX is to be reviewed to address the terms direct reuse and reuse. The ambiguity concerning the intent of this entry has been identified because B1110 suggests that assemblies destined for direct reuse may be waste while footnote 21 for that entry indicates that materials destined to direct reuse may not be considered wastes in some countries. Moreover, footnote 20 for same entry offers a description of reuse which is not matched by any operations (disposal or recovery operations) listed in Annex IV.

65. The need to have a clear and distinct definition for both reuse and direct reuse was identified as a critical requirement to achieve greater legal clarity. Definitions from the glossary of terms were pointed as a useful reference and are as follows:

Reuse: The using again of a product, object or substance that is not waste for the same purpose for which it was conceived, possibly after repair or refurbishment.

Direct reuse: The using again of a product, object or substance that is not waste for the same purpose for which it was conceived without the necessity of repair or refurbishment.

66. The following views have been submitted by one or several respondents:
- Direct reuse is not a waste treatment. Electric and electronic assemblies that are proven to be functional or require minor repair or refurbishment (i.e. software update) are not waste. However, major reassembly would be considered as waste treatment (disassembly and use of spare parts).
 - The distinction drawn in the footnotes to entry B1110 suggests that direct reuse involves items that are not waste. In the Annex, it is not clear how much repair, refurbishment and upgrading is allowed before the term 'direct reuse' does not apply and hence the items are waste. The e-waste guidelines provide some help but reflecting recent thinking and decisions in the footnotes/B110 and A1180 entries would be useful.
 - Clarity is needed if direct reuse, in the context of electronic and electrical waste items, can be interpreted to include parts or components that can be reused after disassembly of a larger equipment or only to apply to the entire equipment such that smaller components are considered waste before they can be reused in the manufacture of new parts or equipment.
 - National definitions for e-waste vary among Parties and as such they will be a challenging factor in the review of entry B1110.

- Footnote 19 which excludes scrap from electrical power generation should be reviewed because size of the equipment should not be a factor in deciding the exclusion.
- Reference to assemblies containing only metals and alloys should be removed.
- The Spanish translation for this entry should be looked at to avoid confusion and incorrect application of the Convention.

67. As a way forward, it was proposed by some respondents to delete references to reuse and direct reuse including footnote 20 and 21.

PART 4. CONCLUSIONS AND PROPOSALS FOR A WAY FORWARD

68. Key conclusions can be drawn from the survey and information submitted by Parties:

- The specific objectives of the review should be guided by a broader objective of improving legal clarity to protect human health and the environment;
- An expert working group with terms of reference should be established to conduct the review;
- The Open-Ended Working Group should oversee the activities of the working group;
- The manner of work should be well structured, consultative, evidenced-based taking into account scientific and technical information, seek information from Parties, and refer to existing documents from the Convention;
- The work on the review of the Annexes was identified as part of the core mandate of the Convention and its level of priority was identified as high/medium;
- Allocation of financial resources is key to the success of this work and should be discussed.

69. The Conference of the Parties (COP) at its thirteenth meeting may wish to consider the following:

- Establishing an expert working group guided by the OEWG;
- Inviting lead countries to the Expert Working Group
- Inviting nominations to the Expert Working Group;
- Adopting Terms of Reference for the newly established Expert Working Group;
- Adopting a work programme for 2017-2019; and
- Sustaining the work by allocating appropriate financial resources in the work programme and budget.

70. Specific elements of a decision by COP-13 reflecting the abovementioned conclusions and general approach are as follows:

(a) Expert Working Group on the Review of Basel Annexes guided by the OEWG :

Option A: Establish an expert working group with limited participation of Parties with balanced regional representation that is open to observers.

OR

Option B: Establish an expert working group with open-ended participation of Parties that is open observers.

The Expert Working Group will operate under the guidance of the Open-Ended Working Group of the Basel Convention and the authority of the Conference of the Parties to the Basel Convention. The Expert Working Group should be requested to report, through the Secretariat, to the Open-Ended Working Group and the Conference of the Parties.

Invite lead countries for, and nominations to, the Expert Working Group.

(b) Terms of Reference for the Expert Working Group on the Review of the Basel Annexes

1. Mandate:

Review Annexes I, III and IV and related aspects of Annex IX to the Basel Convention.

2. Overarching objectives:

Improve legal clarity of the Basel Convention to protect human health and the environment against the adverse effects of hazardous wastes and other wastes.

Specific objectives:

For Annex IV and the related aspects in Annex IX:

- a) Improve/update the description of disposal operations in Annex IV;
- b) Improve environmental controls by including additional disposal operations that occur in practice or could occur in practice in Annex IV; and
- c) Clarify the descriptions in Annex IV and in Annex IX (B1110) to address conflicts or overlaps.

For Annex I and III:

- a) Improve/update the description of categories of wastes in Annex I and the list of hazardous characteristics in Annex III;
- b) Improve environmental controls by including any additional categories of wastes in Annex I and any additional hazardous characteristics in Annex III that occur in practice; and
- c) Clarify the descriptions in Annexes I and III to address conflicts or overlaps.

3. Membership and participation

Membership of the Expert Working Group is open to:

- a) Nominated Experts from Parties to the Basel Convention; and
- b) Observers.

The Expert Working Group may decide to invite additional experts possessing specialized technical knowledge on an issue to be discussed at a meeting to participate in that meeting, or parts thereof.

4. Co-Chairs

The Expert Working Group shall elect its co-chairs.

5. Working Methods

The Expert Working Group will work by electronic means and conference calls. Face to face meetings will be at the discretion of the co-chairs and be subject to the availability of resources.

(c) Elements for a Work programme for the Expert Working Group on the Review of Basel Annexes

- 1) Establish approaches to undertake the review in a structured and evidence-based manner and determine to scope of studies to be undertaken;
- 2) Review the Annexes in accordance with agreed objectives using as a basis the views and information assembled in document UNEP/CHW.13/INF/10, the studies and other information from the expert group; and
- 3) Prepare a report on possible amendments for each Annex or for groups of Annexes for consideration by OEWG.

Appendix A: Compilation of technical information Annex by Annex

Annex I: Waste streams Y1-Y18 and Waste having as constituents Y19-Y45

Question 32: Are there waste streams missing that need to be included?		
Yes <input type="checkbox"/> Afghanistan, Azerbaijan, Burkina Faso, Canada, Colombia, European Union, Hungary, India, Madagascar, Malaysia, New Zealand, Qatar, Switzerland, Basel Action Network	No <input type="checkbox"/> Russian Federation	Unsure <input type="checkbox"/> Burundi, Chile, China, Egypt, El Salvador, Islamic Republic of Iran, Libya, Mozambique, Peru, South Africa, State of Palestine, Trinidad and Tobago, Venezuela (Bolivarian Republic of)
Question 33: Are there waste streams which should be deleted?		
Yes <input type="checkbox"/>	No <input type="checkbox"/> Azerbaijan, China, India, Madagascar, Malaysia, Qatar, Russian Federation, Switzerland, Venezuela (Bolivarian Republic of), Basel Action Network	Unsure <input type="checkbox"/> Afghanistan, Burkina Faso, Burundi, Canada, Chile, Colombia, Egypt, El Salvador, European Union, Hungary, Islamic Republic of Iran, Libya, Mozambique, New Zealand, Peru, South Africa, State of Palestine, Trinidad and Tobago
Question 34: Should the description of certain waste streams be updated?		
Yes <input type="checkbox"/> Afghanistan, Azerbaijan, Burkina Faso, Burundi, Canada, Colombia, Egypt, El Salvador, Hungary, India, Libya, Madagascar, Malaysia, New Zealand, Qatar, State of Palestine, Switzerland, Trinidad and Tobago, Venezuela (Bolivarian Republic of)	No <input type="checkbox"/> Russian Federation	Unsure <input type="checkbox"/> Chile, China, European Union, Islamic Republic of Iran, Mozambique, Peru, South Africa, Basel Action Network
Question 35: Do you see conflicting text?		
Yes <input type="checkbox"/> Burundi, Colombia, New Zealand, Trinidad and Tobago	No <input type="checkbox"/> Afghanistan, Azerbaijan, China, India, Islamic Republic of Iran, Madagascar, Malaysia, Russian Federation, South Africa, Basel Action Network	Unsure <input type="checkbox"/> Burkina Faso, Canada, Chile, Egypt, El Salvador, European Union, Hungary, Libya, Mozambique, Peru, Qatar, State of Palestine, Switzerland, Venezuela (Bolivarian Republic of)
Respondent	Comments*	
Afghanistan	No comments.	
Azerbaijan	Question 32: Aluminum, aluminum compounds. Other comments: Other comments yet.	
Burkina Faso	Question 32: Electrical and electronic assemblies.	
Burundi	Question 32: Possibly if the description is updated. Question 33: The update may suggest the deletion of some waste streams.	

	<p>Question 34: Same comment as for question 32 and 33.</p> <p>Question 35: Conflicting text can start when an object is a "product" for some and a "waste" for others.</p>
Canada	<p>Question 32: Changes could be made to improve the characterization of wastes. For example entry Y29: Mercury; mercury compounds. It would be valuable to consider if additional Y codes are necessary to differentiate between the various types of mercury wastes as presented in the Basel Technical guidelines on the environmentally sound management of wastes consisting of, containing, or contaminated with mercury or mercury compounds and the Minamata Convention.</p> <p>Question 34: Organohalogen compounds can trigger a very broad category of hazardous wastes such as the brominated and fluorinated hazardous wastes. These could be clarified.</p>
Chile	No comments.
China	No comments.
Colombia	<p>Question 32: We suggest including a specific stream for ozone-depleting substances. Some of these substances could be included in Y31 and Y45, but this has been a little difficult and confusing.</p> <p>Question 34-35: Y1: There can be many types of "clinical wastes," and many of them could be included in other Y streams. It would be useful for the Y1 stream to make reference solely to wastes "with a biological/infectious risk."</p>
Egypt	Question 34: Update Y5 and Y17.
El Salvador	<p>Question 32: The number of hazardous constituents is very wide and sometimes a waste can be classified in more than one stream of waste.</p> <p>Question 34: If possible, concentrations or limits of contaminants could be indicated to be considered as hazardous wastes.</p> <p>Question 35: The lists of waste are extremely broad that makes difficult the classification and statistical register of the national generation Of waste without doubling some type of waste within one or more streams of waste.</p>
European Union	<p>Question 32: This question needs further assessment. See also reply to question 11. In this context, we would like to draw attention to the German Basel national report for the year 2009 that referred to the EU Directive on Hazardous Waste (91/689/EEC) which is not in force anymore and that contained the following:</p> <p>"In Germany hazardous wastes are defined in accordance with the EU Directive on Hazardous Waste (91/689/EEC) as amended. Article 1(4) reads: "For the purpose of this Directive "hazardous waste" means waste classified as hazardous waste featuring on the list established ... on the basis of Annexes I and II to this Directive. This waste must have one or more of the properties listed in Annex III. The list shall take into account the origin and composition of the waste and, where necessary, limit values of concentration. ..."</p> <p>It is noted that Annex I.B and Annex II of this EU Directive are different from Annex I and Annex III of the Basel Convention and contain additional wastes as follows:</p> <p>ANNEX I.B - Wastes which contain any of the constituents listed in Annex II and having any of the properties listed in Annex III and consisting of:</p> <p>19. Animal or vegetable soaps, fats, waxes</p> <p>21. Inorganic substances without metals or metal compounds</p> <p>22. Ashes and/or cinders</p>

	<p>23. Soil, sand, clay including dredging spoils</p> <p>24. Non-cyanidic tempering salts</p> <p>25. Metallic dust, powder</p> <p>26. Spent catalyst materials</p> <p>27. Liquids or sludges containing metals or metal compounds</p> <p>28. Residue from pollution control operations (e.g. baghouse dusts, etc.)</p> <p>29. Scrubber sludges</p> <p>30. Sludges from water purification plants</p> <p>31. Decarbonization residue</p> <p>32. Ion-exchange column residue</p> <p>33. Sewage sludges, untreated or unsuitable for use in agriculture</p> <p>34. Residue from cleaning of tanks and/or equipment</p> <p>35. Contaminated equipment</p> <p>36. Contaminated containers (e.g. packaging, gas cylinders, etc.)</p> <p>37. Batteries and other electrical cells</p> <p>38. Vegetable oils</p> <p>39. Materials resulting from selective waste collections from households</p> <p>40. Any other wastes</p> <p>Annex II - Wastes having as constituents:</p> <p>C2 Vanadium compounds</p> <p>C4 Cobalt compounds</p> <p>C5 Nickel compounds</p> <p>C10 Silver compounds</p> <p>C15 Barium compounds</p> <p>C12 Tin compounds</p> <p>C19 Inorganic sulphides</p> <p>C22 Lithium, sodium, potassium, calcium, magnesium in uncombined form</p> <p>C28 Peroxides</p> <p>C29 Chlorates</p> <p>C30 Perchlorates</p> <p>C31 Azides"</p> <p>In addition, it seems useful to discuss whether lithium should be addressed in Annex I due to recent problems with certain batteries containing lithium.</p> <p>Question 33-35: More time is needed to assess Annex I.</p>
Hungary	No comments.
India	<p>Question 32: 1) Need for additional Y codes to differentiate between the various types of Mercury wastes as presented in Basel Convention Technical Guidelines on environmentally sound management of wastes consisting of, containing or contaminated with Mercury or Mercury compounds and in the Minamata Convention. 2) Schedule II of Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016 notified by India provide list of waste constituents with concentration limits, which could be referred while reviewing Annex I of Basel Convention.</p> <p>Question 34: The list of waste streams should be updated to describe waste streams as they occur in practice in a manner which enables them to be identified easily.</p>
Islamic Republic of Iran	No comments.
Libya	No comments.
Madagascar	Question 32: Wastes and compounds of silicon "Si" (chemical constituent of glass,

	<p>glass pane)</p> <p>Question 34: Add to Y16: from production, use of plastic products, pneumatic wastes, debris wastes from aircraft, Ship/Wreck Waste (Hong Kong Convention) and waste of ammunitions.</p> <p>Question 35: There are gaps or deficiencies in the flow of waste generated by the development of industrial technologies and business globalization.</p> <p>Other comments: Revise or add lists of waste streams in the context of the dynamic and evolving global environment (Minamata Convention, Hong Kong) to achieve the objective of sustainable development.</p>
Malaysia	No comments.
Mozambique	<p>Question 32: I'm not sure, but I think there is some difficult for proponents to integrate their waste in this Y code list (Block 14 of the transboundary movement form), for that I suggest to become clearer.</p> <p>Question 33: As I said above we have to be clearer/more detailed this Y code list.</p> <p>Question 34: I think we can, because bearing in mind the results of the two proposed studies and the needs of the clarification of Y code list we will update.</p> <p>Question 35: Not yet.</p>
New Zealand	<p>Question 32: The following waste streams are missing: Spent catalyst, e-waste, other waste consumer items, oxidizing waste, brominated flame retardants.</p> <p>Question 34: There would be benefit in updating Y18.</p> <p>Question 35: Y12 and Y13 can be used for the same waste, for example, paint. Currently e-waste is only captured through use of multiple codes from Y19 to Y45.</p>
Norway	No comments.
Peru	<p>Question 32: It is possible that new waste streams are being generated since the entry into force of the Convention (for example, waste from nanomaterials that could constitute hazardous waste). A review to evaluate how best the Convention can address those streams is warranted.</p> <p>Other comments: We see the need for a more in-depth analysis and therefore suggest accessing preliminary studies to support amendment or non-amendment of this Annex.</p>
Qatar	No comments.
Russian Federation	No comments.
South Africa	No comments.
State of Palestine	No comments.
Switzerland	<p>Question 32: E.g. "Other organic constituents" and "other inorganic constituents" for substances that are not listed in annex I but may be exhibit Annex III characteristics.</p> <p>Question 33: No but clarifications are needed.</p> <p>Question 35: This will depend on the progressing of the work.</p>
Trinidad and Tobago	Question 34: All should be reviewed. One example is Y18 (residues arising from industrial waste disposal operations). Industrial waste should be defined. Specifically, waste streams associated with e-Waste, and waste pneumatic tyres need to be added.

	<p>Household waste also has a myriad of hazardous waste streams which should also be incorporated.</p> <p>Question 35: Y1 (clinical wastes from medical care in hospitals, medical centres and clinics) and Y3 (waste pharmaceuticals, drugs and medicines). Y3 is interpreted as a component of Y1. Y6 (wastes from the production, formulation and use of organic solvents) and Y10 (wastes substances and articles containing PCBs, PCTs and PBBs). Y10 is a component of Y6.</p>
<p>Venezuela (Bolivarian Republic of)</p>	<p>No comments.</p>
<p>Basel Action Network</p>	<p>Question 32: We need to consider biohazards, nano materials, some rare earth metals, we need to include POPs, ozone depleting substances, all endocrine disruptors, powdered toners, and fibers and dusts which are capable of causing lung damage when inhaled (e.g. silicosis). We need to include here, wastes arising from the production and use of electronics as most of this sectorial waste is hazardous. Tin and tin compounds needs to be added. Silver and silver compounds is needed here. Copper and Zinc should include elemental form. Nickel and nickel compounds also.</p>

* Comments provided in Arabic, Chinese, Russian, Spanish and French have been translated by Canada.

For the full original submissions please refer to Basel website at:

<http://www.basel.int/Implementation/LegalMatters/LegalClarity/ReviewofAnnexes/tabid/4753/Default.aspx>

Annex III: Hazardous characteristics
H1, H3, H4.1, H4.2, H4.3, H5.1, H5.2, H6.1, H6.2, H8, H10, H11, H12, H13

Question 36: Are there characteristics missing that need to be included?		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
European Union, Hungary, India, Madagascar, New Zealand, Peru, Switzerland, Basel Action Network	Afghanistan, Azerbaijan, Russian Federation	Burkina Faso, Burundi, Canada, Chile, China, Colombia, Egypt, El Salvador, Islamic Republic of Iran, Libya, Mozambique, Qatar, South Africa, State of Palestine, Trinidad and Tobago, Venezuela (Bolivarian Republic of)
Question 37: Should the description of certain hazardous characteristics be updated to be in line with the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS)?		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
Azerbaijan, Chile, Colombia, Egypt, European Union, Hungary, India, Libya, Madagascar, Malaysia, Mozambique, New Zealand, Peru, South Africa, State of Palestine, Switzerland, Trinidad and Tobago, Venezuela (Bolivarian Republic of)	Russian Federation	Afghanistan, Burkina Faso, Burundi, Canada, China, El Salvador, Islamic Republic of Iran, Qatar, Basel Action Network
Question 38: Do you see conflicting text?		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
Burundi, Colombia, Trinidad and Tobago	Afghanistan, Azerbaijan, China, India, Islamic Republic of Iran, Madagascar, Malaysia, New Zealand, Qatar, Russian Federation, South Africa, Basel Action Network	Burkina Faso, Canada, Chile, Egypt, El Salvador, Hungary, Libya, Mozambique, Peru, State of Palestine, Switzerland, Venezuela (Bolivarian Republic of)
Respondent	Comments*	
Afghanistan	No comments.	
Azerbaijan	No comments.	
Burkina Faso	No comments.	
Burundi	Question 36: It needs to be studied. Question 37: Hazardousness is not define the same for all of us. Question 38: Because norms and standards can be different for some Parties.	
Canada	No comments.	
Chile	No comments.	
China	No comments.	
Colombia	Question 38: For example, the text of the definition of characteristics H13 is unclear. For example, one wouldn't know if Ozone-Depleting Substances would enter through this characteristic or not.	

	Other comments: We would recommend reviewing the wording of characteristics H12 and H13.
Egypt	No comments.
El Salvador	Question 36: The hazard characteristics set out in the Convention are sufficient to cover Transport, treatment and disposal of hazardous wastes. Question 37: If there is a feature that is not incorporated, it may be appropriate to incorporate it or update the description if it brings greater Technical and legal clarity.
European Union	Questions 36: See Annex III of the EU Waste Framework Directive which contains a list of properties of waste which render it hazardous, through which this Annex has been adapted to the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) ⁴ . Question 37: See reply to question 36. Other comments: In the box above question 36, H6.1, H6.2, H8, H10, H11, H12, H13 should also be listed.
Hungary	No comments.
India	Question 36: It should be clarified with justification as to why the following hazardous characteristics have not been included in the review or should include the following hazardous characteristics: H 6.1 - poisons (acute) H 6.2 - infectious substances H 8 - corrosives H 10 - liberation of toxic substances in contact with air or water H 11 - toxic (delayed or chronic) H 12 - eco-toxic H 13 – capable
Islamic Republic of Iran	No comments.
Libya	No comments.
Madagascar	Question 36: Specify well or add Matter / substances / substances "GENOTOXIC". Question 37: For "GENOTOXIC" products. Question 38: But we should add the genotoxicity of products/substances, because some substances are chemically genotoxic/object intentionally genetically modified (GMO by their use or release in the environment because of their biological properties clastogen). Other comments: It is important to add to Annex III because the global environment context of the third millennium is highly evolved and we have great and enormous tasks in the face of the combined implementation of international treaties and conventions. By the United Nations, among others: -The fight against pollution by the Hg that will have to be resolved in time, -The fight against GMOs. -The fight against pollution by ecotoxic chemicals (Hg, Cd, Pb), -The fight against the harmful effects by toxic waste which contain very ecotoxic, genotoxic products or chemical substances (clastogens).

⁴ Please see further <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014R1357>

	Personally, being a member of the expert working group, I wish that Canada will be the President and Leader of the working group of the amendment to the schedule.
Malaysia	No comments.
Mozambique	Question 36: I think the two studies proposed in question n° 10 will guide us. Question 37: We need to update or clearer some descriptions. Question 38: May we check H4.2, H5.1.
New Zealand	Question 36: It would be helpful to align with the GHS. Question 37: Descriptions should be updated, however, it should retain descriptions not covered by the GHS, for example H10 and H13.
Norway	No comments.
Peru	Question 36: We suggest considering inclusion of the following hazardous characteristics: insensitive explosives; inflammable gases; organic peroxides; acute toxicity; metal corrosives; skin corrosion; respiratory or skin sensitivity; germ cell mutagenicity; toxicity for reproduction; dangers for the ozone layer; substances or waste that experience self-heating; substances or waste that spontaneously react (self-reactants); substances or waste that emit flammable gases when in contact with water; combustible substances or waste; toxic substances (with single exposure); and toxic substances (repeated exposures).
Qatar	No comments.
Russian Federation	No comments.
South Africa	No comments.
State of Palestine	No comments.
Switzerland	Question 36: E.g. Flammable gases, irritant, sensitising, release of toxic gases in contact with acids. Question 37: The description should be harmonised wherever possible and meaningful. Question 38: This will be dependent on the progressing work.
Trinidad and Tobago	Question 37: The UN GHS and UN Recommendation on the Transportation of Dangerous Goods (UN TDG) were both updated since the current version of the Basel Convention was published. The classification and coding stated in the Convention should be similar to the UN GHS and UN TDG as these codes are referenced in most jurisdictions. This alignment will also facilitate the transboundary movement of certain categories of material which are destined for a resource recovery plant or to be used to manufacture new materials. Question 38: H6.1 (Poisonous Acute) and H11 (Toxic) are both used to characterize substances which can lead to death. The definitions in the Convention need to be clearer.
Venezuela (Bolivarian Republic of)	No comments.

Basel Action Network

Question 36: Ozone Depleting Substances, Endocrine Disruptors, Teratogens, Bioaccumulating substances in humans (e.g. lipophilic compounds), lung irritators or cytotoxicity (eg. coming from nanoparticles or dusts).

* Comments provided in Arabic, Chinese, Russian, Spanish, and French have been translated by Canada. For original submissions please refer to Basel website at:
<http://www.basel.int/Implementation/LegalMatters/LegalClarity/ReviewofAnnexes/tabid/4753/Default.aspx>

Annex IV: Disposal operations

Question 11: Do you think Annex IV should be reviewed to:

11a. Update the list of operations listed in Annex IV.A?

Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
Afghanistan, Azerbaijan, Burkina Faso, Burundi, Canada, Chile, Colombia, Egypt, El Salvador, European Union, Hungary, India, Libya, Madagascar, Malaysia, Mozambique, New Zealand, Peru, Qatar, Russian Federation, South Africa, State of Palestine, Switzerland, Trinidad and Tobago, Venezuela (Bolivarian Republic of), Basel Action Network	China	Islamic Republic of Iran

11b. Update the list of operations listed in Annex IV.B, for instance by including some recovery operations as they occur in practice?

Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
Afghanistan, Azerbaijan, Burkina Faso, Burundi, Canada, Chile, Colombia, Egypt, El Salvador, European Union, Hungary, India, Libya, Madagascar, Malaysia, Mozambique, New Zealand, Peru, Russian Federation, South Africa, State of Palestine, Switzerland, Trinidad and Tobago, Venezuela (Bolivarian Republic of), Basel Action Network		China, Islamic Republic of Iran, Qatar

11c. Review the description of the disposal operations?

Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
Afghanistan, Azerbaijan, Burkina Faso, Burundi, Canada, Chile, Colombia, Egypt, El Salvador, European Union, Hungary, India, Libya, Madagascar, Malaysia, Mozambique, New Zealand, Peru, Russian Federation, South Africa, State of Palestine, Switzerland, Trinidad and Tobago, Venezuela (Bolivarian Republic of), Basel Action Network	China	Islamic Republic of Iran, Qatar

Question 12: Do you think a clearer distinction between Annex IV.A and B operations is needed?

Yes <input type="checkbox"/> Azerbaijan, Burkina Faso, Colombia, Egypt, El Salvador, European Union, India, Islamic Republic of Iran, Libya, Madagascar, Russian Federation, South Africa, State of Palestine, Switzerland, Trinidad and Tobago, Venezuela (Bolivarian Republic of)			No <input type="checkbox"/> Chile, China, Malaysia, Qatar, Basel Action Network			Unsure <input type="checkbox"/> Afghanistan, Burundi, Canada, Hungary, Mozambique, New Zealand, Peru											
Annex IV caption text																	
A. Operations which do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use or alternative uses					B. Operations which may lead to resource recovery, recycling, reclamation, direct re-use or alternative uses												
Question 13: Should the caption text be simplified and changed to "final disposal operations"?					Question 15: Should the caption text be simplified and changed to "recovery operations"?												
Yes <input type="checkbox"/> Afghanistan, Azerbaijan, Chile, European Union, Hungary, India, Libya, Madagascar, Malaysia, Mozambique, New Zealand, Peru, Qatar, South Africa, Switzerland, Venezuela (Bolivarian Republic of), Basel Action Network			No <input type="checkbox"/> China, Egypt, El Salvador, Russian Federation, State of Palestine, Trinidad and Tobago			Unsure <input type="checkbox"/> Burkina Faso, Burundi, Canada, Colombia, Islamic Republic of Iran			Yes <input type="checkbox"/> Afghanistan, Azerbaijan, Chile, European Union, Hungary, India, Libya, Madagascar, Malaysia, Mozambique, New Zealand, Qatar, South Africa, Switzerland, Venezuela (Bolivarian Republic of), Basel Action Network			No <input type="checkbox"/> Burkina Faso, China, Egypt, El Salvador, Russian Federation, State of Palestine			Unsure <input type="checkbox"/> Burundi, Canada, Colombia, Islamic Republic of Iran, Peru, Trinidad and Tobago		
Question 14: Should the caption text be reviewed in relation to the term "direct re-use"?					Question 16: Should the caption text be reviewed in relation to the term "direct re-use"?												
Yes <input type="checkbox"/> Afghanistan, Azerbaijan, Canada, Chile, Colombia, Egypt, El Salvador, Hungary, India, Libya, Malaysia, Peru, State of Palestine, Switzerland, Trinidad and Tobago, Basel Action Network			No <input type="checkbox"/> China, European Union, Madagascar, Mozambique, Qatar, Russian Federation, Venezuela (Bolivarian Republic of)			Unsure <input type="checkbox"/> Burkina Faso, Burundi, Islamic Republic of Iran, New Zealand, South Africa			Yes <input type="checkbox"/> Afghanistan, Azerbaijan, Canada, Chile, Colombia, Egypt, El Salvador, Hungary, India, Libya, Madagascar, Malaysia, Qatar, South Africa, State of Palestine, Switzerland, Trinidad and Tobago, Basel Action Network			No <input type="checkbox"/> China, European Union, Mozambique, Russian Federation, Venezuela (Bolivarian Republic of)			Unsure <input type="checkbox"/> Burkina Faso, Burundi, Islamic Republic of Iran, New Zealand, Peru		
Introductory text																	

Section A encompasses all such disposal operations which occur in practice.			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		
Question 17: Should there be changes to the introductory text?			Question 18: Should there be changes to the introductory text?		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
Azerbaijan, Burkina Faso, Burundi, Chile, Egypt, European Union, Madagascar, Malaysia, New Zealand, Peru, Qatar, State of Palestine, Switzerland, Trinidad and Tobago, Basel Action Network	China, India, Russian Federation, South Africa, Venezuela (Bolivarian Republic of)	Afghanistan, Canada, Colombia, El Salvador, Hungary, Islamic Republic of Iran, Libya, Mozambique	Azerbaijan, Burundi, Chile, Egypt, El Salvador, European Union, Madagascar, Malaysia, New Zealand, Peru, Qatar, South Africa, State of Palestine, Switzerland, Trinidad and Tobago, Basel Action Network	China, India, Russian Federation, Venezuela (Bolivarian Republic of)	Afghanistan, Burkina Faso, Canada, Colombia, Hungary, Islamic Republic of Iran, Libya, Mozambique
Operations					
D1 to D15			R1 to R13		
Question 19: Are there operations missing which need to be included?			Question 24: Are there operations missing which need to be included?		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
Azerbaijan, Burundi, Canada, Colombia, Egypt, European Union, Hungary, India, Islamic Republic of Iran, Madagascar, New Zealand, Switzerland, Trinidad and Tobago	Afghanistan , Malaysia, Russian Federation	Burkina Faso, China, El Salvador, Libya, Mozambique , Peru, Qatar, South Africa, State of Palestine, Venezuela (Bolivarian Republic of), Basel Action Network	Azerbaijan, Burundi, Canada, European Union, Hungary, India, Madagascar, Malaysia, New Zealand, Russian Federation, Switzerland, Trinidad and Tobago, Basel Action Network	Afghanistan, China	Burkina Faso, Colombia, Egypt, El Salvador, Islamic Republic of Iran, Libya, Mozambique, Peru, Qatar, South Africa, State of Palestine, Venezuela (Bolivarian Republic of)
Question 20: Are there operations which should be deleted?			Question 25: Are there operations which should be deleted?		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
Azerbaijan, Burundi, Colombia, Madagascar, Peru, Switzerland, Trinidad and Tobago	China, Hungary, India, Islamic Republic of Iran, Malaysia,	Afghanistan, Burkina Faso, Canada, Egypt, El Salvador, European Union, Libya,	Madagascar, Peru, Switzerland	Azerbaijan, Burkina Faso, China, Hungary, India, Islamic Republic of Iran,	Afghanistan, Canada, Colombia, Egypt, El Salvador, European Union, Libya, Mozambique,

	<p>Qatar, Russian Federation, South Africa, Basel Action Network</p> <p>Mozambique, New Zealand, State of Palestine, Venezuela (Bolivarian Republic of)</p>	<p>Malaysia, Qatar, Russian Federation, South Africa, Basel Action Network</p> <p>New Zealand, State of Palestine, Trinidad and Tobago, Venezuela (Bolivarian Republic of)</p>	
<p>Question 21: Should the description of certain disposal operations be updated?</p>		<p>Question 26: Should the description of certain disposal operations be updated?</p>	
<p>Yes <input type="checkbox"/></p> <p>Afghanistan, Azerbaijan, Burkina Faso, Burundi, Canada, Colombia, Egypt, European Union, Hungary, India, Libya, Malaysia, Mozambique, New Zealand, Peru, Qatar, South Africa, State of Palestine, Switzerland, Trinidad and Tobago</p>	<p>No <input type="checkbox"/></p> <p>China, Islamic Republic of Iran, Russian Federation</p>	<p>Unsure <input type="checkbox"/></p> <p>El Salvador, Madagascar, Venezuela (Bolivarian Republic of), Basel Action Network</p>	<p>Yes <input type="checkbox"/></p> <p>Afghanistan, Azerbaijan, Canada, Colombia, Egypt, European Union, Hungary, India, Libya, Madagascar, Mozambique, Qatar, South Africa, Switzerland, Trinidad and Tobago</p>
<p>Question 22: Do you see conflicting text?</p>		<p>Question 27: Should the description of operation R9 be reviewed in relation to the term "reuses"?</p>	
<p>Yes <input type="checkbox"/></p> <p>Burundi, Canada, Colombia, Egypt, El Salvador, European Union, India, Madagascar, Malaysia, New Zealand, Switzerland, Trinidad and Tobago</p>	<p>No <input type="checkbox"/></p> <p>Afghanistan, Azerbaijan, Burkina Faso, China, Russian Federation, South Africa, Basel Action Network</p>	<p>Unsure <input type="checkbox"/></p> <p>Hungary, Islamic Republic of Iran, Libya, Mozambique, Peru, Qatar, Venezuela (Bolivarian Republic of)</p>	<p>Yes <input type="checkbox"/></p> <p>Burundi, Canada, Colombia, Egypt, European Union, Hungary, India, Libya, Madagascar, Malaysia, Peru, Qatar, State of Palestine, Switzerland, Trinidad and Tobago</p>
<p>Question 23: Are there terms that would benefit from a definition?</p>		<p>Question 28: Do you see conflicting text?</p>	
<p>Yes <input type="checkbox"/></p> <p>Afghanistan, Burundi, El Salvador, Hungary, Madagascar, New Zealand, State of Palestine, Switzerland</p>	<p>No <input type="checkbox"/></p> <p>Azerbaijan, China, India, Mozambique, Russian Federation, South Africa</p>	<p>Unsure <input type="checkbox"/></p> <p>Burkina Faso, Canada, Colombia, Egypt, Islamic Republic of Iran, Libya, Malaysia</p>	<p>Yes <input type="checkbox"/></p> <p>Canada, Colombia, European Union, India, Switzerland, Trinidad and Tobago</p>

Trinidad and Tobago	Africa, Basel Action Network	Peru, Qatar, Venezuela (Bolivarian Republic of)	South Africa, Basel Action Network	Mozambique, New Zealand, Peru, State of Palestine, Venezuela (Bolivarian Republic of)
			Question 29: Are there terms that would benefit from a definition?	
			Yes <input type="checkbox"/>	No <input type="checkbox"/>
			Afghanistan, Burkina Faso, Colombia, Egypt, European Union, Hungary, India, Madagascar, Malaysia, Mozambique, New Zealand, Peru, Qatar, Russian Federation, State of Palestine, Switzerland, Trinidad and Tobago, Venezuela (Bolivarian Republic of)	Unsure <input type="checkbox"/> Canada, El Salvador, Islamic Republic of Iran, Libya
Respondent	Comments*			
Afghanistan	No comments.			
Azerbaijan	Question 20: Merge disposal operation D4 and D6 in one disposal operation.			
Burkina Faso	Question 11: Definitions of operations D1 and D5. Question 12: Make the distinction between operation D1 and D5. Question 29: Recycling, reclamation, regeneration, recovery, reuse.			
Burundi	Question 11: Some Parties recognize disposal operations not listed in Annex IV or defined differently from those in Annex IV. Question 17-18: In case new operations would be added. Question 19 and 24: The update of these operations can integrate new ones. Question 20 and 25: Yes if we find that some operations may be merged or replaced. Question 21 and 26: Yes following this review. Question 22 and 27: Yes as some description are incomplete. Question 23 and 28-29: Yes as in practice, the national legal framework of some Parties recognizes certain points of differentiation with the points of the Convention.			
Canada	Question 11: We consider that Annex IV should be reviewed according to the objectives for the review of the Annexes. We consider that all three objectives identified above in paragraph six are relevant.			

	<p>Question 12: Most likely a clearer distinction between Annex IV.A and B operations will be needed. Discussions taking place post-COP-13 will help inform our view in this regard.</p> <p>Question 14: A reference to direct re-use in the caption text does not seem relevant as the nature of the operations of Annex IV.A do not lead to a direct reuse of a waste.</p> <p>Question 16: Based on the definition of direct reuse from the glossary of term, a reference to direct re-use does not seem relevant. A reference to reuse could be made.</p> <p>Question 19: Two additional disposal operations are subject to Canada's domestic legislation: 1) D16: waste used in the testing of new technology, and 2) D15: "release, including the venting of compressed or liquefied gases".</p> <p>Question 24: We found an operation missing which we have codified in our domestic legislation as: R15: waste used in the testing of new technology.</p>
<p>Chile</p>	<p>Question 12: The clearer distinction might be considered in the caption text.</p> <p>Question 15: The definitions of final disposal and recovery, as prepared by the SIWG on legal clarity, should have been approved by COP.</p> <p>Question 16: The best caption is 'final disposal'. If not, anyway 'direct-re-use' should be reviewed.</p> <p>Question 18: The definitions of glossary should be used.</p> <p>Question 20: Apparently there are disposal operations that are not permitted anymore.</p> <p>Other comments: Possibly the review should consider a new start: Define basic final disposal operations (on land, on water (if applicable), thermal treatment, physical treatment, biological treatment), and then detailed operation for each of them. And the possibility or obligation to identify these more detailed operations. In the case of recovery: basic operations are recovery of products (re-use), material (recycling) or energy. And then more detailed information, e.g. recycling of metals, energy recovery of oils, and so on.</p>
<p>China</p>	<p>Question 11: There are still some recovery tasks performed in actual practice that must be evaluated and discussed on their own in light of specific conditions.</p> <p>Question 12: The distinction between A and B is clear as they stand.</p> <p>Question 13 and 15: "Disposal" is a key element in the definition of "waste matter" and implicates considerable content and many aspects in the Convention and related documents. Best not to change it.</p> <p>Question 14-16: The concept of solid waste includes the concepts of space and time. Direct reuse of solid waste (solid scrapped material) may be viewed as a process which, by nature, brings about a shift in status of this material where it becomes a useful product at a different time and space. For example, in developed countries, computers, at a given point in time, change from being useful products to being solid waste. In developing countries, on the other hand, these scrapped computers, at some point in time, may turn into useful products by way of direct reuse. Direct reuse of solid scrapped material must satisfy a number of conditions, and in the countries which produce this material (exporting countries), there is no way to ensure that the conditions of the country where it will be used (the importing country) will be respected. For this reason, it is still scrap material at the time of exportation and not useful products and still needs to be treated as scrap material. Whether or not a solid waste item can be directly reused as a useful product is the decision of the importing country and not that of the exporting country. If a scrapped item is treated as a serviceable used product in the producing country (the exporting country), there</p>

	<p>is the possibility of a large amount of scrapped items not satisfying the conditions or standards of the country using it (the importing country) being imported through transboundary movement of waste matter under the name of "used products." In short, we feel that direct reuse is one possible means of handling solid waste matter, but the exporting country must treat this type of material as solid waste material. Whether or not it can be directly reused as used products would be determined by the conditions and standards established in each importing country.</p>
<p>Colombia</p>	<p>Question 11: In this review, the term "update the list" should cover the inclusion of new operations that are not included, and the deletion of some operations that do not fall under the concept of "Environmentally Sound Management" (e.g., D7, release into seas, oceans or lakes) or where the appropriateness of being included is unclear (e.g., D14 or D15, R13).</p> <p>Question 13: Because not always in all operations that are in the Annex IV.A (Code D) could it be said that there is a "final disposal of waste." For example, the ...</p> <p>Question 14: The entire title should be reviewed, but the important thing would be to define what is understood by "resource recover," "recycling," "reclamation" and "direct reuse"...</p> <p>Question 15: The important thing would be to define what is understood by "resource recovery," "recycling," "reclamation" and "direct reuse," since these terms are not...</p> <p>Question 16: The important thing would be to define what is understood by "resource recovery," "recycling," "reclamation" and "direct reuse," since these terms are not...</p> <p>Question 17-18: If the title of the annex is sufficiently clear, there would be no need to place an introductory text.</p> <p>Question 19: thermal treatment with combustion (e.g., incineration, pyrolysis, etc.) Thermal treatment without combustion (e.g., Autoclave)</p> <p>Question 20: The appropriateness of deleting operations D6 and D7, as well as D14 and D15 should be reviewed.</p> <p>Questions 21: The description between D1 and D5 should be clarified in order to know what the difference is, or they should be unified into a single operation. In addition to that D4, D6 and D7.</p> <p>Question 22: Yes, between D1 and D5. Furthermore, the terms in which operations D4, D6, D7 and D11 are described are not sufficiently...</p> <p>Question 26: Preferably R1 and R7. Although it would be useful if all of them were reviewed.</p> <p>Question 28: It is unclear whether R1 includes the co-processing of waste in cement kilns or in other blast furnaces.</p> <p>Question 29: The important thing would be to define what is understood by "resource recover," "recycling," "reclamation" and "direct reuse," since there terms are not...</p>
<p>Egypt</p>	<p>Question 11: Yes, the operations must be reviewed to include other operations such as solidification which is used with wastes such as mercury because it is not present in the Annex. Also a review of the description of some wastes is required and to explain the difference between landfilling in D1 and D5. It is important to take into consideration explaining whether operations D or R lead to the waste being hazardous or not because the current text does not help the countries to consider whether the waste that is subject to these operations is hazardous or not. For example, 3140 "the waste of air tires, excluding the ones that are</p>

	<p>destined to operations in Annex IV.A. ” which means that Annex IV.A is applied on hazardous waste and this contradicts with the definition appearing in Annex IV.B which includes operations concerning materials defined in <i>NAKANO</i> because it is hazardous material, and if it was not subject to these operations it would have been destined to operations mentioned in Annex A (this means that the waste subject to Annex A is not hazardous and this contradicts what was defined for the waste material 3140.</p> <p>Question 12: Yes, explain in a way that is easy to differentiate between hazardous and non-hazardous waste to avoid any confusion or differences at the national level in distinguishing between hazardous and non-hazardous waste based on the operations applied to the waste.</p> <p>Question 13: It can be left as is and add “final disposal operation” between brackets.</p> <p>Question 14: Explain what is direct reuse.</p> <p>Question 15: It can be left as is and add the words “recovery operations.”</p> <p>Question 16: Explain what is direct reuse.</p> <p>Question 17: Put the text in a clearer way to match the definition text in Annex B i.e. to clarify whether the waste relevant to this Annex is hazardous or not.</p> <p>Question 18: The text as it stands now gives the understanding that the waste in it is hazardous and if it is not subject to it, then it would be subject to Annex A (i.e. not hazardous) so, is it possible to use a description that is appropriate with the description in Annex A to make it easy for the Parties to distinguish between hazardous wastes and other wastes based on the operations implemented?</p> <p>Question 19: Yes. Solidification.</p> <p>Question 21: What is the difference between D1 and D5? Incineration on the ground (D10), does it mean Open Dumping?</p> <p>Question 22: Yes, the description in Annex A, the description in Annex B and what is mentioned in Annex IX B 3140 wastes of air tires, excluding the ones destined to operations in Annex 4A.</p> <p>Question 26: It is preferable to add examples of the wastes that are considered with every operation, for example, R10, R12 and so on. You can redefine R1 to clarify the operation of Co-Processing of Hazardous waste.</p> <p>Question 27: Please explain in a clearer way.</p> <p>Question 29: Solvent reclamation.</p>
El Salvador	<p>Question 11: To establish with greater clarity the type of operation and conditions under which they should be realized or allowed.</p> <p>Question 12: To establish in more detail the operations of recovery, recycling or exploitation.</p> <p>Question 13: The definitive disposal should correspond to final disposition, since nothing is "eliminated" is only transformed. It is part of The conceptualization that should be reviewed in the terminology of the Convention.</p> <p>Question 14: The definition of "direct reuse" for waste is unclear, especially as this practice could lead to risks Environmental or health impacts of improper waste management.</p> <p>Question 15: Not all operations indicated correspond to "recovery" of materials.</p> <p>Question 16: The definition of "direct reuse" for waste is unclear, especially as this practice could lead to risks Environmental or health impacts of improper waste management.</p> <p>Question 17: I do not know if "all" operations are included.</p> <p>Question 18: If possible establish limits or concentrations that make a waste hazardous. The way to establish the dangerousness or not Dangerousness is subjective and States Parties may reach different classification conditions for the</p>

	<p>same waste.</p> <p>Question 19-20 and 24-25: It is not known that "all" operations are available and that they are environmentally sound to prevent risks to health and the environment.</p> <p>Question 22: The definition of "elimination".</p>
European Union	<p>Question 11: It is important to note that the term "disposal" is linked to the definition of waste ("Wastes" are substances or objects which are disposed of ...). Therefore, Annex IV should cover environmentally sound, controlled or legal as well environmentally unsound, uncontrolled or illegal disposal operations (the latter would not be used in notification and movement documents or be referred to in the waste hierarchy; they are however e.g. relevant in the context of the illegal traffic; for example, for us D11 Incineration at sea falls under this category as it is prohibited by EU legislation and international conventions). Annex IV should also cover disposal operations that occur in practice and, in the light of the previous sentence, may be also disposal operations that could occur in practice.</p> <p>The draft glossary of terms (see doc. UNEP/CHW/OEWG.10/INF/10) should be taken into account in the review of Annex IV to the Basel Convention as a source of inspiration as it contains useful definitions and explanatory notes. Our legislation addresses some of these issues. The EU Waste Framework Directive contains lists of recovery and disposal operations in its Annexes I and II, respectively that could also be taken into account in a review. Furthermore, the question arises whether it is possible, like in the EU Waste Framework Directive, to make the lists in sections A and B non-exhaustive lists (see under Other comments below question 2 above).</p> <p>Question 12: The two sections of the Annex do not allow for a clear distinction between Annex IVA operations and Annex IVB operations either in terms of their general nature, or in individual cases, for example D10 „incineration on land“ and R1 „use as a fuel“. As the key distinction between Annex IVA and IVB operations, the term "recovery" could be defined as follows:</p> <p>"Any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy". It could also be explained that recovery operations make use of resources as they will obtain some useful benefit from the waste, either by bringing it back into productive use or recovering energy from it (see Glossary of terms, explanatory note (e) under "Recovery").</p> <p>The term final disposal could be defined as follows:</p> <p>"Any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy".</p> <p>See also the reply to question 17.</p> <p>Question 13: This would be simpler. A clear title like this would make it easier to understand what the Annex should contain. See also the reply to question 17.</p> <p>Question 14: This is not necessary if the caption is simplified as shown in question 13. According to the Glossary of terms, operations in Annex IVA cannot lead to direct re-use so the text as it is misleading.</p> <p>Question 15: This would be simpler. A clear title like this would make it easier to understand what the Annex should contain. See also the reply to question 17.</p> <p>Question 16: This is not necessary if the caption is simplified as shown in question 15. In line with the Glossary of terms, referring to operations that lead to direct re-use is confusing as direct re-use only occurs where no such operations are necessary.</p>

Question 17: As a consequence of keeping the captions short as outlined in questions 13 and 15 above, the introductory text should be expanded as it can help explain the nature of the operations it contains in general terms. We think it would be useful to further look into the option of defining certain terms that are used in Annex IV (as already indicated in document UNEP/CHW.12/INF/52), either in a new part before section A or in both sections A and B. This should be limited to terms that are not already defined in the Convention text. It is noted that the Convention's definition of "disposal" covers "any operation specified in Annex IV to this Convention". See also reply to question 12.

Question 18: It would be helpful to explain the nature of these operations. Recovery operations make use of resources as they will obtain some useful benefit from the waste, either by bringing it back into productive use or recovering energy from it (see Glossary of terms, explanatory note (e) under "Recovery"). See reply to question 17.

Question 19: The answer depends on how specific the descriptions of final disposal operations should be, also in the light developments since the Convention was adopted. See also reply to question 11. Our legislation (Annex I of the EU Waste Framework Directive) for example includes further details in footnotes, e.g. for D13 to further specify preliminary operations and for D11 to explain this operation is prohibited under national law. The Annex is intended to list disposal operations as they occur in practice or could occur in practice. Within the EU, some of the issues we have experienced with the list are addressed in Annex I to the Waste Framework Directive. Competent authorities have also considered what type operations should fit within these headings e.g. see https://www.epa.ie/pubs/forms/wreport/nwr/Explanation_of_Recovery_and_Disposal_Codes_FMCC.pdf

Question 20: This issue needs further assessment. For example, it may be discussed whether it is necessary to keep operation D14 (Repackaging) as a separate operation, also in the light of the fact that there is no R operation for repackaging.

Question 21: The descriptions could be improved to better explain operations as they occur in practice. This would improve clarity and facilitate implementation. See replies to questions 19 and 22.

Question 22: It is not always clear how the different operations listed relate to each other. There is a potential overlap for example between D1 "deposit into or onto land" and D5 "specially engineered landfill". The approach in relation to this could be that D1 is used in situations such as the illegal deposit of hazardous waste onto land and D5 is used for built (engineered) sites like landfills for the final disposal of hazardous and other wastes.

Question 23: See reply to questions 12 and 17.

Question 24: The answer depends on how specific the descriptions of recovery operations should be, also in the light developments since the Convention was adopted. See also reply to question 11. In this context, the Glossary of terms seems relevant. Taking into account this glossary, it seems useful to distinguish recycling from other recovery operations like energy recovery. In addition, as no suitable operation is listed in Annex IVB that describes refurbishment and repair that can both be applied to waste, an operation could be added to cover repair and refurbishment to prepare waste for reuse. We believe such operations occur in practice. Our legislation (Annex II of the EU Waste Framework Directive) for example includes further details in footnotes, e.g. for R12 to further specify preliminary operations. Finally, a further example of an operation that is not included is backfilling. Backfilling means a recovery operation where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping and where the waste is a substitute for non-waste

	<p>materials. Backfilling does not have a clear assignment to the R codes. The Annex is intended to list disposal operations as they occur in practice or could occur in practice. Within the EU, some of the issues we have experienced with the list are addressed in Annex II to the Waste Framework Directive. Competent authorities have also considered what type operations should fit within these headings e.g. see https://www.epa.ie/pubs/forms/wreport/nwr/Explanation_of_Recovery_and_Disposal_Codes_FMCC.pdf</p> <p>Question 25: For example, operation R 11 (Uses of residual materials obtained from any of the operations numbered R1-R10) may be redundant as the ordinary use of a material may not be seen as recovery operation.</p> <p>Question 26: See reply to question 24.</p> <p>Question 27: The term “reuse” in R9 conflicts with the understanding of “reuse” in the Glossary of terms. According to the definition in the Glossary of terms, reuse refers to using again the product, object or substance for the same purpose for which it was conceived. If a product, object or substance is able to be used in this way, then it is no longer waste so should not be referred to as an R operation.</p> <p>Question 28: There is a potential overlap for example between R9 “... other reuses of previously used oil” and R1 “use as a fuel”. See also reply to question 24 and 27.</p> <p>Question 29: See reply to questions 12 and 17.</p>
Hungary	No comments.
India	<p>Question 11: 1) Existing list is not comprehensive. 2) List is not clear as there exist overlaps, for e.g. between D 1 “deposit into or onto land” and D5 “specially engineered landfill”.</p> <p>Question 12: The Basel Convention’s existing definition of “disposal” covers all operations listed in Annex IV. It does not provide clear distinction between Annex IV A and Annex B operations. Certain additional terms need to be defined as they are used in Annex IV.</p> <p>Question 14: Any waste submitted to one of Annex IV A operations will not be reused. So, direct reuse is not relevant here.</p> <p>Question 16: If terminology is being changed to recovery operations, direct reuse doesn’t fit into this caption.</p> <p>Question 19: 1) waste used in the testing of new technology 2) Release, including the venting of compressed or liquefied gases.</p> <p>Question 21 and 26: The definition of disposal is limited to operations listed in Annex IV to Basel Convention. The list of operations should therefore describe operations as they occur in practice in a manner which enables them to be identified easily.</p> <p>Question 22: D1 - deposit into or onto land and D5 - specially engineered landfill.</p> <p>Question 24: 1) Operations for recovery or regeneration of a substance not otherwise covered in the other recovery operations. 2) Operations to capture the reuse and/or the repair and/or the refurbishment of a piece of electrical and electronic appliances.</p> <p>Question 27: Reused not defined.</p> <p>Question 28: R1 - "use as a fuel" and R9 - ".....other reuses of previously used oil".</p> <p>Question 29: 1) reuse, 2) recovery, 3) recycling.</p>
Islamic Republic of Iran	<p>Question 12: Some wastes are too similar to each other in two annexes that recognizing them from each other is very difficult.</p>

Libya	No comments.
Madagascar	<p>Question 11: Elimination of heavy metal waste (Hg, Pb, Cd). The provision should be included in the Minamata Convention.</p> <p>Question 12: It is necessary to clarify and detail by products, substances generating the waste and / or waste in question. We must take into account the Minamata Convention.</p> <p>Question 13: And, it is necessary to clarify, to detail by type of products, contaminating or soiling substances, and/or waste.</p> <p>Question 14: Adopt the term in relation to the type of products, substances and/or wastes in questions.</p> <p>Question 15-16: But taking into account the kind of wastes.</p> <p>Question 17: The scope should be defined according to the type of waste to be disposed of.</p> <p>Question 18: Simplify with exact matching of waste type.</p> <p>Question 19: Disposal operations of heavy metals (Hg, Pb, Cd).</p> <p>Question 20: We should delete operations D3 and D6 because they are not environmental.</p> <p>Question 21: Is D4 environmentally sound?</p> <p>Question 22: The D3, D4 and D6, there are aquatic lakes just a few meters by the sea or the oceans or mouths (water brackish).</p> <p>Question 23: D5, in developing country, specially engineered landfill is almost not similar.</p> <p>Question 24: R4. We should separate heavy metals from metallic.</p> <p>Question 25: It is necessary to detail the R4 (Metallic, heavy metals).</p> <p>Question 26: R4.</p> <p>Question 27: Regeneration/value-creation/reuse.</p> <p>Question 28: But there are gaps in provisions or missing.</p>
Malaysia	No comments.
Mozambique	<p>Question 11: Is better to update, to get the harmonized procedures in legal instruments.</p> <p>Question 12: During or after two studies proposed in the question 10 we will see what we have to do exactly.</p> <p>Question 13: Because the content described in above summarizes into final disposal operation.</p> <p>Question 14: It's clear.</p> <p>Question 15: Because the content described in above summarizes into recovery operation.</p> <p>Question 16: It's also clear.</p> <p>Question 17: If applicable we can.</p> <p>Question 18: If applicable we can.</p> <p>Question 19: May be the two studies proposed in question 10 may decide about this.</p> <p>Question 20: At least no. May be the two studies proposed in question 10 may decide about this.</p> <p>Question 21: At least yes but the two studies may support us in this decision.</p> <p>Question 22: But I think there is no more.</p> <p>Question 23: It's very clear.</p> <p>Question 24: May be the two studies proposed in question 10 may decide about this.</p> <p>Question 25: At least no. May be the two studies proposed in question 10 may decide about this.</p> <p>Question 26: At least yes but the two studies may support us in this decision.</p> <p>Question 27: But I think we talking about the operation R9 talk about reuse.</p> <p>Question 28: But I think there is no more.</p> <p>Question 29: Used oil re-refining.</p>

New Zealand	<p>Question 17: If the heading is amended, then it would be helpful to have definitions in the introductory text, including in respect of 'direct re-use'.</p> <p>Question 18: If the heading is amended, then clarity on the intent of the section would be helpful in the introductory text, including in respect of 'direct re-use'.</p> <p>Question 19: The operation of import for export is missing. For example, New Zealand receives some wastes from Pacific Islands for subsequent export (eg to Europe) for final disposal.</p> <p>Question 21: D1 and D15 could be updated.</p> <p>Question 22: Conflicting text between D1 and D5 – these two should be distinct options, currently D5 is also D1.</p> <p>Question 23: A definition is needed of 'specially engineered landfill' in D5 and this needs to be excluded from D1.</p> <p>Question 24: The operation of import for later export is missing, and recovery of components not covered by R4 or R7. An example of this is the scavenging of components from e-waste and even from used and non-functional vehicles.</p> <p>Question 26: R12 and R13 appear to cover the same operation.</p> <p>Question 29: The term 'exchange' is not clear. Does this mean that the material is gathered but no disposal is yet decided or is it a code for passing to another disposer? In the latter case the code would apply to most transboundary movements. The former would not appear to give any assurance that the waste will be managed in an environmentally sound manner.</p>
Norway	No comments.
Peru	<p>Question 11: As stated in this document, we recognize that there could be new disposal operations that could be included in Annex IV. Also, it is possible that some disposal operations listed in the Annex are no longer practised.</p> <p>Question 13: The proposal would be consistent with the definition of "final disposal" in the Convention's glossary of terms to be considered by COP-13, in which "final disposal" refers to the operations specified in Annex IV.A of the Convention.</p> <p>Question 14: See question 14.</p> <p>Question 17: We suggest standardizing the writing style of the introductions to both sections to align them with the changes that are made or not made to the title of the section.</p> <p>Question 18: We suggest standardizing the writing style of the introductions to align them with the changes that are made or not made to the title of the section.</p> <p>Question 20: We note that operations D14 and D15 are part of the cycle of a disposal operation, while not constituting a disposal operation themselves. We suggest further evaluation of these operations.</p> <p>Question 21: We suggest evaluating the descriptions of disposal operations so that they more closely reflect the Convention's objectives of protecting human health and the environment.</p> <p>Question 25: We note that operations R12 and R13 are part of the cycle of a disposal operation, while not constituting a disposal operation themselves. We suggest further evaluation of these operations.</p> <p>Question 29: We suggest defining the term "exchange of wastes" in operation R12.</p>
Qatar	No comments.

<p>Russian Federation</p>	<p>Question 24: Use of organic waste and inorganic metal-containing. Question 29: Recovery.</p>
<p>South Africa</p>	<p>Question 18: The description should be simple, similar to Section A. For example: Section B encompasses all such operations other than those defined or included in Section.</p>
<p>State of Palestine</p>	<p>Question 26: I think R13 and R12 are needing more elaboration.</p>
<p>Switzerland</p>	<p>Question 12: E.g. For the distinction of D10 and R1 only national definitions exist. A harmonisation would be useful. Question 13: “Final disposal” table A contains also an operations to prepare wastes for final disposal D15 and D15. Question 14: See comment to question 16. See also question 2 point 4. Question 16: Direct re-use is not a waste treatment. If a waste fulfils technical and formal requirement of a product and it will be re-used for its intended usage it is not waste. However, if a recovery operation has to be applied to fulfil the product requirement it is waste. Question 18: The definition should also be applicable for other wastes not only hazardous wastes. Question 19: These will be identified in the discussions and are depending on new wording used clarifying existing entries. Question 20: These will be identified in the discussions and are depending on new wording used clarifying existing entries. Question 23: E.g. D10 vs. R1. Question 24: These will be identified in the discussions and are depending on new wording used clarifying existing entries. Question 25: E.g. R11, R12.</p>
<p>Trinidad and Tobago</p>	<p>Question 16: Some persons may not consider items destined for “re-use” as waste. Legal clarity is required for the definition of waste and how the Convention will address items destined for re-use. Question 17: A suggestion is “Section A encompasses operations used for the final disposal of wastes which are not destined for recovery”. Question 18: Suggestion is “Section B encompasses operations used to recover or recycle wastes which would have been destined for operations included in Section A”. Question 19: 1) Thermo-chemical process not specified elsewhere in this Annex. 2) Preparatory operations such as washing, shredding or baling are not defined. Only blending or mixing (D13) which may be interpreted as part of the processes of D8 (biological treatment) and D9 (physicochemical treatment). Question 20: 1) Operations D11 (incineration at sea) and D7 (release into seas/oceans) could possibly fall under the purview of the IMO (MARPOL Convention), and as such may be better regulated under those Conventions. 2) In addition operations D1, D4, D6 and D7 should be deleted as the convention should be promoting practices that are more environmentally sound, which based on the current descriptions of these operation this does not appear to be the case. Question 21:</p> <ul style="list-style-type: none"> • D1 (deposit into or onto land e.g. landfill, etc.) and D5 (specially engineered landfill). D1 is interpreted to be a controlled dump site while D5 refers to an engineered site.

- D2 (land treatment e.g. biodegradation of liquid or sludgy discards in soils, etc.). Clarity needed on whether this refers to in-situ treatment only. Bio-remediated soil may be used as backfill in the construction of buildings and roads.
- D9 (physico chemical treatment): should be clearly defined to help with distinguishing it from other processes.
- D10 and D11 (incineration): should be elaborated to ensure measures are taken to ensure no disposal of by-products (ash etc.) in a non-environmentally sound manner, e.g. into water bodies etc.
- D13 (blending or mixing): These operations overlap with D8 and D9.
- D15 (storage pending operations in Section A): Storage is not a disposal operation.

Question 22: There is overlap in the interpretations as described in the previous questions.

Question 23: There is overlap in the interpretations as described in the previous questions.

Question 24: 1) Resource recovery from E-Waste 2) Since the D-Codes addressed preparatory operations then the R-Codes should state same. There is no mention of washing, shredding, sorting, baling or mixing which may be done prior to recovery operations.

Question 26: The segment (highlighted in green: "disposal") should read 'recovery operations' and not 'disposal operations'. The following are suggested:

- *R10 (land treatment resulting in benefit to agriculture or ecological improvement)*. This is interpreted to be similar to D2 operations. This excluded use of the treated material in construction – no clarity on whether ecological improvement refers to use in construction.
- *R4 (recycling/reclamation of metals and metal compounds) and R8 (recovery of components from catalysts)*: There is overlap as persons recover metals from catalysts.
- R7, R12 and R13 are vague.
- *R7 (recovery of components used for pollution abatement)*: Technical guidelines required on this.
- *R12 (exchange of wastes for submission to R1 to R11)*: Technical guidelines required on this.
- *R13 (accumulation of material intended for R1 to R12)*. The mirror D-Code is D15. Why the difference in the use of the word 'storage' and 'accumulation'?

Question 27: R9 is currently stated as "used oil re-refining or other reuses of previously used oil". This should be separated. "Used oil re-refining" should be changed to "Recovery of used oil". The "other reuses of previously used oil" requires clarification as used oil is usually comprised of mixed oils, water and sometimes chemicals. The impurities in used oil must be removed to some extent prior to reuse or sale. The most common application of used oil with impurities which have not undergone any recovery (re-refining or reclamation) is use as a fuel in incineration operations. The inclusion of the term reuses of previously used oil will lead to the recovery and recycling of contaminated oils. Thus, there is a need to define "other reuses".

Question 28:

- *R1: Use as a fuel (other than in direct incineration) or other means to generate energy*. "Direct incineration" must be defined and clarity is required on its relationship to D10 (incineration on land) and D11 (incineration at sea).
- *R6: Regeneration of acids and bases*. Acids and bases may be organic and inorganic substances. R3 refers to the recycling/reclamation of organic substances and R5 refers to the recycling/reclamation of inorganic materials.
- *R3: Recycling/reclamation of organic substances which are not used as solvents*. R8 refers to the recovery of catalysts. Catalysts can be organic substances.
- Reference text used in D2 and R10.

Question 29: All of the operations listed should be defined.

<p>Venezuela (Bolivarian Republic of)</p>	<p>Question 29: Hazardous Materials Recoverable, in our legislation we define this ends as follows: Material that covers Characteristics which, after serving a specific purpose, still retain useful physical and chemical properties and therefore it can be reused, recycled, regenerated or used for the same or different purpose.</p>
<p>Basel Action Network</p>	<p>Question 12: There is no legal basis to differentiate these in the Convention in that they managed identically in the Convention, so, no it is not needed.</p> <p>Question 13: The language "lead to the possibility of resource recovery etc." is problematic as landfills can be mined and we need to draw the line with different language. Further the use of Direct Reuse is wrong here (see notes below) Titles need not be so long. People can see what it contains below.</p> <p>Question 14: Direct Re-use is not a waste by definition so it should be removed.</p> <p>Question 15: The language "lead to the possibility of resource recovery etc." is problematic as landfills can be mined and we need to draw the line with different language. Further the use of Direct Reuse is wrong here (see notes below) Titles need not be so long. People can see what it contains below.</p> <p>Question 16: Direct Re-use is not a waste by definition so it should be removed.</p> <p>Question 17: Final Disposal should be more precisely defined in the Annex.</p> <p>Question 18: Recovery Operations should be more precisely defined in the Annex.</p> <p>Question 19: Perhaps minable landfill cells, various new types of heat techniques such as pyrolysis, plasma etc.</p> <p>Question 20: Even if practices no longer are found (e.g. ocean incineration) they can come back again so better to leave in place.</p> <p>Question 21: They look good.</p> <p>Question 23: They are all well understood.</p> <p>Question 24: Repair operations which produce hazardous residues or dispose of hazardous parts. Other forms of further use of the material or substance (this is needed as a catch all for using material as ballast, rip rap, art projects! etc.) Composting.</p> <p>Question 25: These all seem legitimate to us.</p> <p>Question 26: They look good.</p> <p>Question 27: We just think you need to remove the s at the end of the word.</p>

* Comments provided in Arabic, Chinese, Russian, Spanish, and French have been translated by Canada. For original submissions please refer to Basel website at:
<http://www.basel.int/Implementation/LegalMatters/LegalClarity/ReviewofAnnexes/tabid/4753/Default.aspx>

Related aspect of Annex IX
Entry B1110 Electrical and electronic assemblies

Question 30: Should the text be reviewed in relation to the term "direct reuse"?		
Yes <input type="checkbox"/> Afghanistan, Burundi, Canada, Chile, Colombia , Egypt, El Salvador, European Union, Hungary, India, Libya, Madagascar, Malaysia, New Zealand, Peru, Qatar, South Africa, State of Palestine, Switzerland, Trinidad and Tobago, Basel Action Network	No <input type="checkbox"/> Azerbaijan, China, Islamic Republic of Iran, Russian Federation	Unsure <input type="checkbox"/> Burkina Faso, Mozambique, Venezuela (Bolivarian Republic of)
Question 31: Should footnotes 20 and 21 be reviewed in relation to the term "reuse and direct re-use"?		
Yes <input type="checkbox"/> Afghanistan, Azerbaijan, Burkina Faso, Burundi, Canada, Chile, Colombia, Egypt, El Salvador, European Union, Hungary, India, Islamic Republic of Iran, Libya, Malaysia, Mozambique, New Zealand, Peru, Qatar, South Africa, State of Palestine, Switzerland, Trinidad and Tobago, Basel Action Network	No <input type="checkbox"/> China, Madagascar, Russian Federation	Unsure <input type="checkbox"/> Venezuela (Bolivarian Republic of)
Respondent	Comments*	
Afghanistan	No comments.	
Azerbaijan	Question 31: These terms are similar in meaning. Other comments: No other comments.	
Burkina Faso	No comments.	
Burundi	Question 30: Because these parts when reassembled are not well defined in terms of "product" or "waste". Question 31: Make a good start in terms of "product" and "waste".	
Canada	Question 30: We acknowledge that the references to direct reuse in the text of entry B1110, in the caption text to Annex IV.B and to reuse in footnotes 20-21 create ambiguity and lead to different interpretations if electronic assemblies destined for direct reuse are subject to the Convention's provisions. The term direct reuse needs to be reviewed in entry B1110. We support the definition of direct reuse that was developed in the glossary of terms. Building on this definition the reference to direct reuse should be removed from the core text of B1110. Question 31: References to reuse and direct re-use should be examined. For example the use of the terms direct reuse and reuse in the footnotes appears to be the same. However, the glossary of terms suggests two separate definitions for these terms. In footnote 20, reference is made to operations which are not listed in Annex IV.B.	
Chile	Other comments: Including printed circuit board is mentioned 2 times, it is not clear why.	
China	Question 30: The concept of solid waste includes the concepts of space and time. Direct reuse of solid waste (solid scrapped material) may be viewed as a process which, by nature, brings about a shift in status of this material where it becomes a useful product at a different time and space. For example, in developed countries, computers, at a given point in time, change from being useful products to being solid waste. In	

	<p>developing countries, on the other hand, these scrapped computers, at some point in time, may turn into useful products by way of direct reuse. Direct reuse of solid scrapped material must satisfy a number of conditions, and in the countries which produce this material (exporting countries), there is no way to ensure that the conditions of the country where it will be used (the importing country) will be respected. For this reason, it is still scrap material at the time of exportation and not useful products and still needs to be treated as scrap material. Whether or not a solid waste item can be directly reused as a useful product is the decision of the importing country and not that of the exporting country. If a scrapped item is treated as a serviceable used product in the producing country (the exporting country), there is the possibility of a large amount of scrapped items not satisfying the conditions or standards of the country using it (the importing country) being imported through transboundary movement of waste matter under the name of "used products." In short, we feel that direct reuse is one possible means of handling solid waste matter, but the exporting country must treat this type of material as solid waste material. Whether or not it can be directly reused as used products would be determined by the conditions and standards established in each importing country.</p>
Colombia	<p>Question 30: Yes, but not just the term "direct reuse," but also the term "reuse." "Direct reuse" seems to imply the reuse of the elements without any kind of operation or treatment being necessary. In the case of electrical devices and...</p> <p>Question 31: Explanation given in question 30.</p>
Egypt	<p>Question 30: Clarify the operation from which there will be direct reuse.</p> <p>Question 31: Please write them in a clearer way and put examples for these operations.</p>
El Salvador	<p>Question 31: In direct reuse and reuse they are not clearly established and in both cases quantities can be generated Hazardous wastes that are beyond the scope of the Convention.</p>
European Union	<p>Question 30-31: The entry appears to indicate that assemblies destined for direct reuse may be waste. This is not consistent with the approach that has been agreed on an interim basis in the technical guidelines on e-waste and that is contained in the Glossary of terms and we would therefore suggest deletion of the references to reuse and direct reuse, including the footnotes 20 and 21.</p>
Hungary	<p>No comments.</p>
India	<p>Question 30: "Direct reuse" has to be separately defined and its definition must be different from that of reuse because of reuse can include repair, refurbishment or upgrading but not direct reuse. Further, all references to reuse e.g. in technical guidelines, must be accompanied by reference to direct reuse as well.</p> <p>Question 31: Direct reuse" and "reuse" terms need to be separately defined since reuse can include repair, refurbishment or upgrading but not direct reuse.</p>
Islamic Republic of Iran	<p>No comments.</p>
Libya	<p>No comments.</p>
Madagascar	<p>Question 30: It will be according to the national definition of WEEE of each country.</p> <p>Question 31: It will be relative and in function of the national legislative framework. This will be difficult to pinpoint.</p>

Malaysia	No comments.
Mozambique	Question 30: I'm not sure but bearing in mind that we are in process to review the some annexes, is better to review all the issues. Question 31: As I said above, we can.
New Zealand	Question 31: Yes, the distinction drawn in the footnotes suggests that direct reuse (which is a subset of reuse) involves items that are not waste. This can leave some items bound for reuse as waste. It is not clear how much repair, refurbishment and upgrading is needed before the term 'direct reuse' does not apply and hence the items are waste. The –e-waste guideline (especially the flow chart) gives some help but reflecting this in the footnotes/B110 and A1180 entries would be useful.
Norway	No comments.
Peru	Other comments: We suggest reviewing both terms to standardize the technical criteria between the Parties. Also, we suggest reviewing the translation into Spanish at the foot of page 20, as this could lead to confusion and incorrect application of the Convention.
Qatar	No comments.
Russian Federation	No comments.
South Africa	No comments.
State of Palestine	No comments.
Switzerland	Question 30: Direct reuse is not a waste treatment. Electric and electronic assemblies that are proven to be functional or require minor repair or refurbishment (i.e. software update) are not waste. However, major reassembly would be considered as waste treatment (disassembly and use of spare parts). Question 31: See comment to question 30.
Trinidad and Tobago	Question 30: This will impact how exporters categorize the material as 'waste' according to customs. Additionally, it is not clear what the term direct reuse means in the context of electronic and electrical waste items, which has been a long standing issues under the Convention. Does it mean a part or component that can be reused or does it mean parts or components that can be disassembled with smaller component parts derived thereof being reused in the manufacture of new component parts? Question 31: Both terms should be defined. What is the difference between direct reuse and re-use? See previous response.
Venezuela (Bolivarian Republic of)	No comments.
Basel Action Network	Question 30: Direct reuse is not defined correctly here in the Convention and is a jumble of confusion between the footnote which does not say "direct" despite it being placed over the words "direct reuse" And then of course there is the Title over IV.B, implies that Direct Reuse is a waste is wrong. We must make it very clear everywhere that Direct Reuse is the only instance where something can be declared in the Convention as a non-Waste and direct reuse means further use of a fully functional

product or material for its originally intended purpose. We would recommend the following:

-- Strike footnote 21. (it is not appropriate to suggest Parties can derogate from the Convention's definitions, unless they are creating new (added) definitions of hazardous waste in accordance with the Convention.)

-- Strike footnote 20. (in our work and understanding after years of practice in the field) we have learned that the line between major reassembly and other repair cannot be drawn and just creates confusion. Further, repairable equipment very often includes non-functional parts which by definition must be considered waste. So repair cannot be considered to be a non-waste in all cases. Upon a close look. This footnote is not needed.

-- Strike footnote 19. (There is no reason not to include scrap from electrical power generation. If we can consider ships to be a waste as we have done, size should not be an issue here. So both in Annex VIII and IX, this exception is not a good idea.

-- in both Annex VIII and IX there is some ambiguity using the words "contaminated with". Some people define this narrowly and there is no scientific basis to do so. We suggest borrowing from the Minimata Convention and using the terms "consisting of, containing, or contaminated with"

-- Remove the bullet that speaks of "only metals and alloys." This is not useful because these metals could be hazardous. And in any case we cover this elsewhere in Annex IX.

-- The title over IV B needs to be changed as suggested above.

Question 31: See above.

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