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Implementation of the Strategic Approach to International Chemicals Management: emerging policy issues

Submission by the Secretariat of the Basel Convention on the Convention as a key instrument in the environmentally sound management of electrical and electronic wastes

Note by the secretariat

The secretariat has the honour to circulate, in the annex to the present note, a submission by the Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal describing the relevancy, current activities and importance of the Convention in relation to the environmentally sound management of electrical and electronic waste. The submission has been reproduced as received, without formal editing, for consideration by participants.

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Annex

The Basel Convention: Key instrument in addressing the environmentally sound management of electrical and electronic wastes (e-waste)

Information Note by the Secretariat of the Basel Convention

Executive Summary

The purpose of this information paper is to highlight the relevancy and importance of the Basel Convention in the area of electrical and electronic waste (e-waste) and aims at assisting the Second International Conference on Chemical Management (ICCM2) in the deliberation on the agenda on e-waste. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 1989 (Basel Convention) is the global instrument for the environmentally sound management (ESM) of hazardous and other wastes[1]. The Convention regulates those categories of e-wastes when they are contaminated or contain components such as accumulators and other batteries, heavy metals, plastics, etc. Since 2002, the Conference of the Parties (COP) to the Basel Convention recognized e-waste as a priority issue and adopted measures to address them including through a unique public private partnership programme on mobile phones. Pilot activities for the ESM of e-waste were also undertaken including in Asia Pacific, Latin America, the Middle East, and Africa. At COP8 in 2006, the Nairobi Declaration on the Environmentally Sound Management of Electrical and Electronic Waste and decision VIII/2 were adopted by the Conference of the Parties that mandated more structured and enhanced efforts towards achieving solutions for e-waste problems globally. At COP9 in June 2008, the work plan on e-waste was adopted and a new Partnership for Action on Computing Equipment (PACE) was also agreed. The Basel Convention, although not equipped to handle electronic and electrical products fully from its life-cycle approach, is the most relevant existing global instrument to address international efforts to deal with the e-waste challenge especially with regard to waste electrical and electronic equipment (WEEE) going for recycling, recovery and disposal. Through the available financial mechanism existing under SAICM Quick Start Programme (QSP), Parties to the Convention could benefit from more concerted efforts in solving the ever-growing influx of nationally generated and imported e-waste.

[1] "Other wastes" are wastes covered under Annex II of the Basel Convention which include wastes collected from households and residues arising from the incineration of household wastes

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I. Key objectives of the Basel Convention

1. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal was adopted on 22 March 1989 and came into force in May 1992. The main goal of the Convention is to protect human health and the environment against the adverse effects which may result from the generation, transboundary movements and management of hazardous wastes and other wastes. To achieve this goal a number of interrelated objectives have to be fulfilled: reducing the transboundary movements of hazardous wastes; minimizing the quantity and hazardousness of wastes generated and ensuring their environmentally sound management; and assisting developing countries in environmentally sound management of the hazardous wastes. As of March 2009, a total of 172 States and an economic integration organization are Parties to the Convention.

2. Since its inception, the Basel Convention has established systems to regulate and restrict the export and import of hazardous wastes and other wastes through the notification and prior informed consent procedures. In addition, the Convention does not permit the exports or imports of hazardous wastes or other wastes between a state Party and a non-Party, provided the countries involved have concluded a bilateral or regional agreement pursuant to Article 11 of the Convention. For the export of hazardous wastes from OECD to non-OECD countries, in 1995 the Basel Convention adopted a decision to amend the Convention that when fully enforced would ban the export of hazardous wastes from Annex VII (OECD, EC and Liechtenstein) to non-Annex VII countries. Although the Ban Amendment is not yet enforced due to lack of ratification, it has been implemented by many countries such as those Parties that are members of the European Community.

3. A central goal of the Basel Convention is "environmentally sound management (ESM)", the aim of which is to protect human health and the environment from the adverse effects which may result from hazardous and other wastes. ESM means addressing the issue through an "integrated life-cycle approach", which involves strict controls from the generation of a hazardous waste to its storage, transport, treatment, reuse, recycling, recovery and final disposal. Towards this end, in 1999 Parties to the Convention adopted the Basel Declaration on environmentally sound management which within the framework of integrated life-cycle management of materials, the following fundamental objectives are to be pursued:

(a) To prevent to the extent possible and minimize the generation of hazardous and other wastes;

(b) To treat and dispose of such wastes in such a way that they do not cause harm to health and the environment;

(c) To eliminate or reduce transboundary movements of hazardous and other wastes.

4. At the sixth meeting of the Conference of the Parties in 2002, the Strategic Plan for the Implementation of the Basel Convention was adopted to give effect to the Basel Declaration which established priorities in terms of policies and programmes, and selected priority waste streams for concerted actions that included e-waste.

II. Control of transboundary movements[1]

5. The Basel Convention stipulates that any transboundary movement of wastes (export, import, or transit) is permitted only when the movement itself and the disposal of the concerned hazardous or other wastes are environmentally sound.

[1] For more details please see: http://www.basel.int/pub/instruct.doc

6. Article 4, paragraphs 2 (a)–(d), contain key provisions of the Basel Convention pertaining to ESM, waste minimization, and waste disposal practices that mitigate adverse effects on human health and the environment:

"Each Party shall take appropriate measures to:

(a) Ensure that the generation of hazardous wastes and other wastes within it is reduced to a minimum, taking into account social, technological and economic aspects;

(b) Ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes, that shall be located, to the extent possible, within it, whatever the place of their disposal;

(c) Ensure that persons involved in the management of hazardous wastes or other wastes within it take such steps as are necessary to prevent pollution due to hazardous wastes and other wastes arising from such management and, if such pollution occurs, to minimize the consequences thereof for human health and the environment;

(d) Ensure that the transboundary movement of hazardous wastes and other wastes is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes, and is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement".

7. Parties to the Basel Conventions should examine national controls, standards and procedures to ensure that they are in compliance with the Convention and with their obligations under them, including those which pertain to ESM of e-wastes.

III. Classification of e-waste under the Basel Convention

8. Hazardous wastes regulated by the Convention are, by Article 1 (1)(a), defined as those belonging to any category contained in Annex I, unless they do not possess any of the hazardous characteristics contained in Annex III. The wastes are further clarified by lists of wastes contained in Annexes VIII and IX. Under the Basel Convention, electrical and electronic wastes **(**e-wastes) which are classified under Annex VIII (List A) and IX (List B) entries are:

A1150 – precious metal ash from incineration of printed circuit boards

A1170 – unsorted waste batteries, excluding list B batteries

A1180 – waste electrical and electronic assemblies or scrap containing components such as accumulators and other batteries included on list A, mercury switches, glass from cathode ray tubes and other activated glass and PCB-capacitors, or contaminated with annex I constituents

A1190 – waste metal cables coated or insulated with plastics containing or contaminated with coal tar, PCB, lead, cadmium or other halogenated compounds

A2010 – glass waste form cathode-ray tubes and other activated glasses

B1040 – scrap assemblies from electrical power generation not contaminated with lubricating oil, PCB or PCT to an extent to render them hazardous

B1110 – electrical and electronic assemblies (when not contaminated with Annex I constituents)

9. E-wastes are characterized as hazardous wastes under the Convention when they contain components such as accumulators and other batteries, mercury switches, glass from cathode-ray tubes and other activated glass, PCB-containing capacitors or when contaminated with cadmium, mercury, lead or PCBs. Also, precious-metal ash from the incineration of printed circuit boards, LCD panels and glass waste from cathode-ray tubes and other activated glasses are characterized as hazardous wastes. The plastics associated with e-wastes may also be covered under Annex II of the Basel Convention.

IV. E-waste activities under the Basel Convention

A. Mobile Phone Partnership Initiative (MPPI)

10. The sixth meeting of the Conference of the Parties (COP6) considered e-waste as a priority issue and agreed to include it as one of the priority wastes in the Strategic Plan for Implementation of the Basel Convention. The Mobile Phone Partnership Initiative was launched at COP6 which constitute the establishment a sustainable public-private partnership for the environmentally sound management of used and end-of-life mobile phones to the benefit of the partners and the environment. Since the start of the Initiative, the Mobile Phone Working Group has successfully finalized five guidelines that address the refurbishment of used mobile phones; the collection of used mobile phones; the material recovery and recycling of end-of-life mobile phones; raising awareness on design considerations; and on the transboundary movement of collected mobile phones. These guidelines serve as vital information to recovery and refurbishment operations, governments, manufacturers and telecom operators. In addition to the five guidelines, an overall guidance document on environmentally sound management of used and end-of-life mobile phones was finalized in 2006 and was adopted provisionally by the Conference of the Parties at its eighth meeting. Under this partnership, it is also envisaged that pilot testing of the guidelines will be carried out in selected countries.

B. Basel Convention partnership on the environmentally sound management of e-waste in the Asia-Pacific Region

11. Answering to the needs of the countries in that region, the Basel Convention Partnership on the Environmentally Sound Management of Electrical and Electronic Wastes for the Asia-Pacific Region was officially launched in Tokyo on 25 November 2005. The following Asian countries have supported and are participating in the project activities: Cambodia, China, India, Indonesia, Malaysia, the Philippines, Singapore, Sri Lanka, Thailand and Viet Nam. In addition, the South Pacific Regional Environment Programme has implemented a regional inventory for five countries of the Pacific. Activities involving detailed inventories of e-waste in Cambodia, Malaysia, Thailand and Viet Nam were completed. Two sets of technical guidelines were developed and completed under the leadership of the Basel Convention Regional Centre for South East Asia on the methodology of e-waste inventory and environmentally sound management and “3R” (reduce, reuses, recycle) of end-of-life e-products.

12. On 1 November 2006 a memorandum of understanding for the implementation of the Pilot Project on Transboundary Movement of End-of-Life Mobile Phones in South East Asian Countries was signed between the Secretariat of the Basel Convention, the Basel Convention Regional Centre for South East Asia based in Jakarta and the Dowa Eco-System Co. Ltd., Japan. Under the Pilot Project, Dowa Eco-System Co. Ltd. contributed ¥10 million of seed money to cover the costs of activities for the first stage of the project which ended on 31 March 2008.

C. South America

13. The project on the Inventory of Electronic Wastes in the South American Region was completed in 2006 by the Basel Convention Regional Centre for Training and Technology Transfer for the South American Region (BCRC-Argentina) together with the regional focal points and competent authorities, and in cooperation with the Secretariat of the Basel Convention. The project was aimed at assisting the participating countries to prepare, draft and update a national inventory and to establish technical directives to deal with e-waste in order to achieve the international standards on environmental sound management.

D. Arabic-speaking Countries

14. Under the auspices of the Basel Convention Regional Centre for Arabic-speaking Countries located in Cairo, Egypt pilot projects on e-waste were carried out in 2007/2008 involving Algeria, Egypt, Jordan and Saudi Arabia. The objectives were to carry out local assessment of the situations in those countries, inventory of the amounts of generation, facilities to manage such waste and recycling capacity. The pilot projects produced and estimate of e-waste generation, legislative information, current practices, etc.

E. The Nairobi Declaration on the Environmentally Sound Management of Electrical and Electronic Waste

15. The theme for the eighth meeting of the Conference of the Parties to the Basel Convention, held from 27 November to 1 December 2006, was "Creating Innovative Solutions through the Basel Convention for the Environmentally Sound Management of Electronic Waste". The high-level segment featured an in-depth discussion on the theme during a one-day World Forum on E-wastes. Ministers, corporate officials, civil-society representatives and other participants explored solutions for advancing the objectives of ensuring the environmentally sound management of e-waste. Subsequently, the Nairobi Declaration on the Environmentally Sound Management of Electrical and Electronic Waste and decision VIII/2 were adopted by the Conference of the Parties at its eighth meeting. The adoption of the Nairobi Declaration underscores the global importance of e-waste issue and was a recognition that the Basel Convention provides an effective framework for effective partnership and platform for developing programmes for the sound management of such waste.

16. In paragraph 3 of decision VIII/2, the Conference of the Parties mandated the Open-ended Working Group, beginning at its sixth meeting, to develop a work plan for consideration by the Conference of the Parties at its ninth meeting on the environmentally sound management of e-waste focusing on the needs of developing countries and countries with economies in transition. At the ninth meeting of the Conference of the Parties (COP9) a work plan for 2009-2011 was adopted. Elements of the work plan include the following:

(a) Programme of activities for the environmentally sound management of e-waste in the Asia-Pacific, Africa and South America.

(b) Preparation of technical guidelines on transboundary movements of e-waste, in particular regarding the distinction between waste and non waste.

(c) Adoption of Partnership for Action on Computing Equipment and Mobile Phone Partnership Initiative activities on awareness-raising

17. The next phase of activities for the environmentally sound management of E-waste in the Asia-Pacific Region include the initiation of pilot schemes on the collection and segregation of e-wastes, including take-back schemes; initiation of pilot repair, refurbishment and recycling schemes; and training of customs and enforcement officers to control or verify export or import of electrical and electronic wastes so as to combat illegal trafficking in such wastes. Development of appropriate methods for evaluation, testing, characterization and classification of electrical and electronic wastes, including the development of environmental management systems, extended producer responsibility (EPR), standards and guidelines or principles for environmentally sound management or certification schemes will also be initiated. The establishment of mechanisms for information exchange at the national and regional level and monitoring of the impacts on human health and the environment of activities concerning or related to the management of electrical and electronic wastes will also be a priority.

18. Following the project implemented in 2006 by the Basel Convention Regional Centre for Training and Technology Transfer for the South American Region (BCRC-Argentina)

together with the existing regional focal points and competent authorities, pilot projects on collection, storage, repair and refurbishment of e-waste will be initiated in a few pilot countries in the region.

E. E-waste Africa Project

19. In late 2008, under the financial contribution from the European Commission (AIDCO), the Secretariat of the Basel Convention and its partners[2] launched the E-waste Africa Project. The objectives of this 3-year project are: (a) to improve the level of information available on the flows of e-waste and e-products imported into West Africa; (b) to increase the capacity of the participating countries to manage e-waste and end-of-life products and prepare management plans; (c) to study the feasibility of promoting and establishing ESM facilities and recovery operations; and (d) to enhance the capacity of Parties to the Basel Convention to monitor and control transboundary movements of e-waste and prevent illegal traffic. This project is due to start in early 2009 with a budget of 1.25 million Euros.

F. Partnership for Action on Computing Equipment (PACE)

20. After prior consultations in 2007, the partnership was adopted at COP9 in 2008. The primary focus of the global partnership would be on the environmentally sound management of used and end-of-life computing equipment, taking into consideration the entire (product) life cycle. In the partnership, personal computers and their accessories will be addressed, given that they reach their end of life at an accelerated pace and the proper management of such equipment presents an environmental challenge. The agreed mission of PACE is to increase the environmentally sound management of used and end-of-life computing equipment, taking into account social responsibility and the concept of sustainable development, and promoting the sharing of information on life-cycle thinking.

21. The PACE Working Group was officially established on 14 January 2009 and the Terms of Reference, Work Plan and financial mechanism were agreed. The project working groups are being established and the respective activities will commence in due course. Under this Partnership the following activities have been identified that would assist countries, in particular developing countries and countries with economies in transition, to manage used and end-of-life computing equipment in an environmentally sound manner:

(a) To develop tools (such as guidelines) and activities on environmentally sound refurbishment and repair, including criteria for testing, certification and labelling;

(b) To develop tools (such as guidelines) and activities on environmentally sound recycling and material recovery, including facility certification;

(c) To develop and promote pilot schemes for the environmentally sound management of used and end-of-life computing equipment towards the attainment of the Millennium Development Goals;

(d) To develop awareness-raising and training programme activities.

G. Coordination and cooperation with other bodies

22. The Basel Convention Secretariat continue to participate in and consult with other stakeholders regarding activities including programmes on e-waste, in particular, UNESCO, StEP – Solving the E-waste Problem and GeSI – Global e-Sustainability Initiative. A Memorandum of Understanding was signed with StEP in September 2008 for enhancing future cooperation. The Secretariat also provided inputs into an e-waste manual developed by the UNEP/Division of Technology, Industry and Economic and other documents including the UNEP E-waste Strategy, Waste Management and UNEP Medium-Term Strategy.

[2] EMPA, the Oko-Institute, IMPEL, UNESCO, BCCC-Nigeria, BCRC-Senegal and 5 countries in West Africa.

V. Relevance of the Basel Convention in the discussion on e-waste at ICCM2

23. As stated in section II above, the environmentally sound management (ESM) of hazardous waste constitutes a fundamental objective of the Basel Convention. Under the general obligations of the Convention, Parties shall take a set of measures to ensure that hazardous wastes are managed in an environmentally sound manner and illegal trafficking of such wastes are prevented. This obligation applies not only to waste generated domestically but also from transboundary sources. The general obligation for minimizing the generation of the waste, in particular through product substitution and minimization, constitute a solid basis for the development more stringent obligations such as progressive phase out and prohibitions on the use of some of heavy metals and hazardous component in e-products, if such measures are called for. The Basel Convention is already involved in voluntary initiatives which are aiming to promote the green design and sustainable use of materials in e-products such as the Basel Convention led Partnership for Action on Computer Equipment (PACE) and Mobile Phone Partnership Initiative (MPPI). These programmes indirectly promote resource recovery as well as the utilization of secondary materials through environmentally sound recovery and recycling.

24. The Basel Convention is the most relevant existing global instrument to deal with e-waste related issues in particular on the control of transboundary movements, and should be considered a key contributor to any international efforts to address this waste problem. In fact, the Convention currently regulates most of the aspects of e-waste that have been identified by the international community for priority action, especially hazardous e-waste. Further, with regard to addressing the capacity building needs of the developing countries and countries with economies in transition and with the view to conserving existing resources, existing facilities should be utilized, such as by employing the Basel Convention Regional Centres[3] in various parts of the world. Through the available financial mechanism existing under SAICM Quick Start Programme (QSP), Parties to the Convention could benefit from more concerted efforts in solving the ever-growing influx of nationally generated and imported e-waste.

[3] For more information: http://www.basel.int/pub/broch-bcrc-270508.pdf