



EERA's comments regarding the proposal by Ghana and Switzerland to amend Annexes II, VIII and IX of the Basel Convention with regards to WEEE and fractions of WEEE

Summary and recommendations

Proposals formulated by Switzerland and Ghana for an amendment of the Basel Convention's Annexes II, VIII and IX, imply that all WEEE becomes hazardous waste unless complex analyses of the constituents of the WEEE are made.

Instead of promoting the environmentally sound treatment of WEEE fractions such as printed circuit boards, copper and precious metal concentrates and WEEE plastics, these proposals are likely to make the transport of these WEEE fractions overseas to compliant end-processing plants, especially from developing nations, de-facto impossible.

This is exactly the opposite of what the Swiss/Ghana proposal intends to do, namely directing all WEEE its components and constituents moved transboundary to:

- Environmentally sound management
- Recycling with state-of-the-art technology
- A maximum of resource recovery

EERA has identified this issue as a major risk for the WEEE recycling industry, not only, but particularly for the WEEE end-processing industries, and is actively discussing these proposals with other organizations to document the consequences that these proposals will bring with them.

If exports of these fractions are no longer possible in practice, this will create a global environmental problem, not only but particularly for developing countries, which often do not have technologies available for the end-processing of such WEEE fractions.

The classification issue of defining WEEE as hazardous waste should be reviewed, as the current environmental practices of WEEE fractions for end-processing do not result in environmental risks. Classification of WEEE as hazardous, will make the transport of WEEE and fractions of WEEE from developing nations to high-tech end-processing facilities practically impossible. WEEE plastics for instance require complex and innovative treatment operations and WEEE plastics recycling facilities for instance in most cases do not have permits to take in hazardous wastes.

EERA requests that these proposals from Switzerland and Ghana will not be withheld or at least be postponed until the Basel Convention rules allow for the concept of Fast-Tracks (with a concept of pre-consented or pre-authorized treatment facilities) and that the issues of transits, particularly in the containerized transport of waste, are solved and that digital documentation of notifications is available in practice (for more information see: <https://www.eera-recyclers.com/publications>).



The summary of the Ghana / Swiss Proposal for a new classification of WEEE.

A proposal was made by Ghana and Switzerland to amend Annexes II, VIII and IX of the Basel Convention.

This proposal is made for consideration by the fifteenth meeting of the Conference of the Parties, which is now delayed until 2022. During a side event of the BRS COP, on July 27th, a discussion and presentation was made setting out the 3 proposed changes, which can be summarized as follows:

1. Annex II Proposal for a new entry Y49:

Y49 Waste electrical and electronic equipment (WEEE), including scrap thereof

- without a component containing Annex I constituents to an extent that it exhibits an Annex III characteristic (e.g. with glass from cathode ray tubes or a battery included on list A, a mercury switch, a fluorescent tube containing mercury, a capacitor containing PCBs, a component containing asbestos) and without a component (e.g. a circuit board, a plastic component containing a brominated flame retardant) containing Annex I constituents to an extent that the waste exhibits an Annex III characteristic; or
- not containing or contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic; or
- waste components of electrical and electronic equipment, including scrap thereof, not containing or contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic.

2. Annex VIII: Deletion current entry A1180, replacing the current entry with a new wording:

A1180 Waste electrical and electronic equipment, including scrap thereof

- with a component containing Annex I constituents to an extent that it exhibits an Annex III characteristic (e.g. with glass from cathode ray tubes or a battery included on list A, a mercury switch, a fluorescent tube containing mercury, a capacitor containing PCBs, a component containing asbestos) or with a component (e.g. a circuit board, a plastic component containing a brominated flame retardant) insofar this is containing or contaminated with Annex I constituents to an extent that it exhibits an Annex III characteristic; or
- containing or contaminated with Annex I constituents (e.g. cadmium, lead, mercury) to an extent that the waste exhibits an Annex III characteristic; or
- waste components of electrical and electronic equipment containing or contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic (note the related entry Y49)

3. Annex IX Deleting the current entries B1110 (E-Waste assemblies and scrap) and B4030 (used single used cameras).



The reasoning for these proposals

The argumentation is built around a forecast that the amount of WEEE is continuously growing, amongst others because of shorter service lifetime of electronic products. The growth rate is estimated to be 3-5% per year globally.

Quite rightly the assumption is that the environmentally sound treatment of WEEE leads to the recovery of valuable materials and refers to the Global E-waste Monitor 2020 report, estimating the material value of the worldwide WEEE generated in 2019 to be 57 billion US\$ (mainly aluminum, copper, iron, gold, copper) and hence that it is important to stimulate recycling keep these resources in a circular material flow.

The same Global E-waste Monitor 2020 reports that globally close to 83 % of the WEEE are managed in an undocumented manner and that consequently huge masses of WEEE are not managed in an environmentally sound manner.

The introduction of an additional listing of non-hazardous WEEE and its components and constituents on Annex II, resulting in a requirement notification for transboundary movements, would imply that all WEEE and its components and constituents would become notifiable waste and it is believed that this will ensure environmentally sound management for these wastes.

Again, according to this Global E-waste Monitor 2020, it is believed that between 7 and 20 % of the WEEE is exported to countries that do not possess the capabilities and capacities to treat WEEE in an environmentally sound manner, often as second-hand equipment.

The assumption of these Swiss/Ghana proposals is, that these new WEEE classifications, classifying WEEE in most cases as hazardous wastes, will imply that notifications are required and that these notifications will be able to solve these problems.

The reasoning of the proposal sounds logic: if all WEEE including all components and constituents that is transported across borders requires notifications, this will automatically result in:

- Environmentally sound management
- Recycling with state-of-the-art technology
- A maximum of resource recovery

And hence that applying notification processes needs to become a pre-requisite to ensure an Environmentally Sound Management of all WEEE and fractions of WEEE.



EERA and its involvement in the Transboundary Waste Shipments

EERA is the European Electronic Recyclers Association, representing the interests of key WEEE recyclers in Europe, treating approximately one third of the total quantity of WEEE in Europe in over 100 treatment facilities and end-processors in 22 European countries, including non-ferrous smelters and WEEE plastics recyclers.

EERA members are covering the entire recycling chain of WEEE and include end-processors, which convert the WEEE fractions into products that can be re-introduced as raw materials in the circular economy, such as copper, precious metals, and plastics.

EERA aims for the harmonization of international and national rules and regulations to stimulate the environmental sound treatment of WEEE recycling and to promote best treatment practices. Several studies have shown that formalizing WEEE flows into compliant WEEE treatment companies is, from an environmental point of view, the best possible way to recover valuable raw materials from WEEE that can be re-introduced into the value cycle and to remove and discard hazardous content from End-of-Life Electronics.

EERA has intensively been working on the important issue of transboundary waste shipments within the EU over the last 4 years.

There are three issues that were identified as critical areas of concern:

1. The continuous debates around thresholds of substances of concern, linked to the issue of whether wastes are classified as hazardous or as non-hazardous notifiable wastes.
2. The inflation of the number of waste-types and with it the volume of wastes, that need to be notified along the rules of the Basel PIC procedure (Procedure of Prior Information and Consent).
3. PIC procedure rules that are not up to date with current business and supply-chain practices.

Fast Tracks – the concept of pre-consented facilities.

Valuable and recyclable wastes from WEEE should be allowed to move easily to treatment facilities that work with Best-Available Technologies, and which have a track record of compliance with environmental rules and regulations.

Within the European Union, EERA is focusing its efforts on promoting the concept of “Fast-Tracks”. Different to the Basel Convention, the European Waste Shipment Regulation in its Article 14, introduces the concept of Pre-Consented Recovery Facilities. Although this concept is not applied in a harmonized way yet, EERA is confident that the re-cast of the EU Waste Shipment Regulation will introduce this concept to become generally accepted practice. The concept allows for a simpler and faster treatment of notifications to pre-consented treatment facilities and that these notifications can run over longer periods of time. Pre-Consent or Pre-Authorized status is issued by the competent authorities of receipt to treatment facilities, which indeed have proven to be treating defined wastes with Best-Available Technologies and which have a track record of compliance with environmental rules and regulations.



This concept will largely simplify the PIC procedure as most of the questions that need to be clarified by the competent authority of dispatch are covered by the pre-consent status granted to authorized treatment facility by the competent authority of receipt.

In the WCO (World Custom Organisation) similar procedures, often referred to as “Green Lanes” through such concepts as “Authorized Economic Operator (AEO)” and Customs-Trade Partnership Against Terrorism (C-TPAT) have proven to be highly effective.

The concept of Pre-Consents today is an EU concept that is not yet withheld in the procedures of the Basel Convention. EERA suggests that this should be considered by the Basel Convention to overcome many practical obstacles and to update the PIC procedures to business practices of today.

Practices in the transboundary of wastes across continents or over longer distances.

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was adopted in the end of the 1980's and entered into force on 5 May 1992. It was on the international environmental agenda from the early 1980's and it was a response to a public outcry following the discovery, in the 1980s, in Africa and other parts of the developing world of deposits of toxic wastes imported from abroad. These toxic wastes were often transported in bulk as full, or part ship loads to mainly developing nations, where these hazardous wastes were dumped, as this was much cheaper than environmentally sound alternatives. In these days it was described as combating “toxic trade”.

Since the introduction of the Basel Convention waste shipment practices changed a lot. Instead of using bulk loaded ships, practically all WEEE and fractions of WEEE that are shipped oversea today are shipped in container loads and much of the volume and many of the fractions of WEEE that are transported over longer distances over land are shipped by train, either in bulk railroad wagons or in ISO containers.

Both container shipment companies and railroad operators often do not carry documents such as notification documentation together with the load. This fact is already an infringement of the Basel procedures, which require that the notification documentation is always carried with the load. The Basel rules do not allow for an electronic notification file accompanying the transport of wastes in a virtual way.

Many shipment companies, particularly container shipment companies, do not wish to carry loads that are earmarked as “hazardous” on containerships, which implies that the shipment of hazardous wastes oversea becomes de-facto impossible.

EERA also notices increasing problems in case of transiting through third countries, when shipping waste by container ships. Some of the transit countries do not react to notification requests or transit countries simply refuse the transit, despite the consent of the countries of departure and destination.

Furthermore, there is a serious issue regarding the transit procedures. Often shipping companies change the routing of the ships, resulting in the loads to transit in harbors and countries that have not been notified in the PIC procedure. It must be noted that containers are normally not unloaded in the transit countries, as shipping companies use complex software to minimize the number of container movements, avoiding unloading/reloading operations before being delivered to the country of destination.



Waste Classification of WEEE and fractions of WEEE

An expert group met in February. Switzerland presented its proposal during this expert meeting, describing the reasoning and objectives. There were no discussions, and it was stressed that the proposals are still in the process of evaluation.

EERA is very concerned about these proposals, as the consequences can be big. Almost all WEEE has either printed circuit boards or plastics that can contain brominated flame retardants.

If this proposal is adopted and implemented, material with circuit boards, as well as material that may contain plastics with brominated flame retardants, will become classified as hazardous waste, unless it is proven that the WEEE material does not carry any Annex I constituents to an extent that it exhibits an Annex III characteristic. This is a huge analytic burden and hence is a serious threat to end processors of e-waste material (smelters and plastic recyclers), which are used to analyze the end-products of these recycling processes re-entering the circular economy.

For plastic recyclers, this change is very serious because most WEEE plastic recyclers do not have a permit to accept hazardous waste. Furthermore, with the implementation of the Norwegian proposals in the EU, EERA have put a lot of effort and energy into making sure that most WEEE plastics with BFRs, at least in the EU, are not classified as hazardous waste. Today these WEEE plastics with BFRs are considered non-hazardous, but notifiable waste. This allows that the Environmentally Sound Management and processing can be controlled. Fact is that most of the BFRs we encounter in E-waste today are not hazardous substances - see also [SOFIES report](#) and the [EERA BFR Folder](#). The SOFIES Study furthermore clearly shows that specialized recycling is the best possible route to remove and discard restricted substances.

The problem with a "hazardous" status is that it becomes even more difficult to get notifications, but more importantly, it becomes more expensive to transport these wastes and to incinerate the residues.

This in turn makes it even more difficult economically to recycle and again there are new inhibitions for investors to invest in this industry - today we already have far too little specialized treatment capacities globally. The assumption that classifying waste, such as plastics, as hazardous, will result in more proper recycling in an environmentally sound manner, is wrong – the opposite is more likely the case.

The consequences of these proposals for the transport of WEEE fractions from developing nations.

These proposals have other potentially negative consequences for end-processors (smelters and WEEE plastic recyclers), especially for imports from overseas countries such as Africa and South America where the technology for recycling PCBs, non-ferrous metals and plastics are not as advanced as in Europe.

In view of the history of the Basel Convention, the PIC procedures simply do not reflect these practical problems related to the containerized transport that have been described above. The Swiss/Ghana proposals therefore have the risk that in practice that shipments of WEEE fractions to end-processors such as smelters and/or plastic recyclers from developing countries would become virtually impossible.

This is exactly the opposite of what the Swiss/Ghana proposals intend to do, namely directing all WEEE its components and constituents moved transboundary to recycling facilities offering environmentally sound recycling, using state-of-the-art technology and thus resulting in a maximum of resource recovery.



Recommendations

Instead of promoting the environmentally sound treatment of WEEE fractions such as printed circuit boards, copper, and precious metal concentrates, as well as WEEE plastics, these Swiss/Ghana proposals are likely to make the transport of these WEEE fractions overseas to compliant end-processing plants, especially from developing nations, much more difficult if not impossible.

This is exactly the opposite of what the Swiss/Ghana proposal intend to do, namely directing all WEEE its components and constituents moved transboundary to:

- Environmentally sound management
- Recycling with state-of-the-art technology
- A maximum of resource recovery

EERA has identified this issue as a major risk for the WEEE recycling industry in Europe, particularly for the WEEE end-processing industries, and is actively discussing these proposals with other organizations to document the consequences of these proposals.

If exports of these fractions are no longer possible in practice, this will create a global environmental problem for developing countries, which often do not have technologies available for the end-processing of such fractions.

The classification issue of defining WEEE as hazardous waste should be reviewed, as the current environmental practices of WEEE fractions for end-processing do not result in environmental risks. Classification of WEEE as hazardous, will make the transport of WEEE and fractions of WEEE from developing nations to high-tech end-processing facilities practically impossible. WEEE plastics recycling facilities for instance in most cases do not have permits to take in hazardous wastes.

EERA requests that these proposals from Switzerland and Ghana will not be withheld or at least be postponed until the Basel Convention rules:

- Allow for the concept of Fast-Tracks (with a concept of pre-consented or pre-authorized treatment facilities) worldwide
- Include solutions for the issues related to transits, particularly in the containerized transport of wastes
- And lastly allow for the digital documentation of notifications, accompanying the loads virtually.

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Author: Chris Slijkhuis – Board member and expert EERA

Contact: cs@eera-recyclers.com

A handwritten signature in blue ink, appearing to be 'Chris Slijkhuis', is written over the author information.