

## **The Alternative, Responsible e-Waste Guideline**

The Basel Action Network (BAN) has created the *Responsible Guideline on Transboundary Movements of Used Electronic Equipment and Electronic Waste to Promote an Ethical Circular Economy under the Basel Convention* as an alternative Guideline to the Basel Convention's Guideline.

In our view the present "official" guideline departs dramatically from the purpose and intent of the Basel Convention and will create harm for the environment and peoples in developing countries. The "official Guideline" unfortunately redefines even non-functional hazardous electronic equipment to be considered as non-waste. sufficient to reclassify used electronics as a non-waste as long as somebody claims it to be "repairable". This is disastrous for two reasons. First, any used equipment can be claimed to be "repairable", and second, even legitimate repair involves non-functional parts and unrepairable items being discarded and sent to Annex IV disposal destinations.

By removing broken, hazardous electronic equipment, which are claimed to be for repair, from the waste definition without substituting any other means to ensure Basel norms such as trade transparency, prior informed consent, environmentally sound management or the rules created by the Basel Ban Amendment, the existing guideline undermines the fundamental pillars of the Convention.

While the waste management hierarchy correctly favors reuse over recycling and disposal, it is unacceptable to throw out fundamental Basel controls and safeguards in the name of "reuse" or the "circular economy." But in fact, the circular economy was crafted to ensure the elimination of negative externalities such as occur with the exploitive international waste trade, -- it does not aim to facilitate such externalities.

The original Basel MPPI and PACE partnerships concluded that the default policy for defining waste equipment rests on whether it is functional or not. This is demonstrable, logical and enforceable. But sadly, certain Electronics Manufacturers represented by the Information Technology Industry Council (ITI) and Digital Europe have pressed the EU to turn the formerly agreed policies on their head. The electronics industry has, through the "official" Basel e-waste Guideline, flexed its muscle to use this Guideline as an opportunity to singularly exempt their products from the definitions of waste. and thus the Convention itself. In so doing they would

prevent countries from having the right to know what electronic scrap comes into their territories and prevent them from having a right to refuse its entry. This is being done to maximise profit at the expense of the well-being of developing countries.

BAN, an NGO watchdog that has fought to uphold the Basel Convention and the Basel Ban for 22 years has decided that rather than continuing to participate in this sham, that we would create a more responsible, ethical guideline -- one that promotes a considered and reasonable compromise position to for repair and uphold an ethical circular economy, while staying consistent with Basel Convention principles and general obligations.

We encourage its use by responsible governments and stakeholders in place of the corrupt "official" guideline. In this way we can uphold the intent and purpose of the Basel Convention to ensure the environment and peoples of developing countries are protected from unwanted and dangerously polluting imports of hazardous materials.