

## **Why an Alternative e-Waste Guideline is Necessary**

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. This Guideline will be published and available at the 14th Conference of the Parties to the Basel Convention which will be held in Geneva from 28 April to 9 May.

We have taken this step because the current "official" guideline in its latest negotiated draft iteration (UNEP/CHW.14/7/Add.6) departs dramatically from the purpose and intent of the Basel Convention. Sadly, it has not been corrected despite subsequent negotiations since it was adopted on an interim basis at COP12 despite a lack of consensus at the time. As a result, its use will harm the environment and peoples in developing countries and do great harm to the overarching effort of fostering environmental justice and a responsible circular economy.

At the behest of the electronics industry, and promoted by the European Union, the "official Guideline" unfortunately has taken the step of redefining Basel definitions. It allows non-functional hazardous electronic equipment to be considered as non-waste as long as somebody claims it to be "repairable". This is a serious problem for two reasons. First, any used equipment can be claimed to be "repairable" and thus avoid waste controls, and second, even legitimate repair involves non-functional parts and unrepairable items being discarded in importing countries and then managed in Annex IV disposal operations.

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 including 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" as is promoted by this official industry induced Guideline. In fact, the architects of the circular economy paradigm were careful 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 earlier 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 views of developing countries have been largely patronized and ignored in the negotiations. The electronics industry has now succeeded, through the "official" Basel e-waste Guideline, to use this Guideline as an opportunity to singularly exempt their products from the definitions of waste at these products end-of-life. In so doing they exempt these products from the Convention and are thus via a Guideline hoping to prevent countries from having the right first know when and what electronic scrap comes into their

territories and second, prevent these countries from having a right to refuse entry of such toxic material. This is being done to maximize 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 and has in good faith tried to promote a compromise with the electronics industry, has now decided to turn away from industry and the EU's efforts to protect them, and prepare an alternative 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 urge** Parties to refuse to finally adopt the latest draft version of the Guideline. Instead, we encourage that all responsible governments and stakeholders make use of BAN's "Responsible Guideline" instead of the corrupted "official" one. In this way Parties and others can uphold the original intent and purpose of the Basel Convention and ensure the environment and peoples of developing countries are protected from unwanted and dangerously polluting imports of hazardous materials.

**We urge** all human rights, environmental organizations, governments, and others, after reading the summary document, to endorse our alternative standard and join us in launching it at COP14.

Thank you.