

BAN's Responsible Guideline Summary

The basic rule when determining whether used electronics can be managed as waste or non-waste is based on a requirement for pre-export functionality testing. Notwithstanding the conditional exception outlined below, under BAN's Responsible Guideline if used electronic equipment is to be exported it must be tested and declared as fully functional. If it is untested or not fully functional it must be managed as a waste.

This basic rule applies, unless all States concerned (exporting, importing or transit) have pre-notified the Basel Convention Secretariat that they wish to exercise the conditional exception found in the Responsible Guideline, and that they have pre-approved and listed the designated exporters or repair facilities that can legally accomplish the trade in an environmentally sound manner and in a manner which respects the Basel Ban Amendment. In this way all States Concerned are in agreement and there is transparency as to the responsible exporters and facilities involved.

Further, this export for repair, refurbishment or failure analysis exception is only allowed for:

- a. Defined Professional IT Equipment; or
- b. Qualified Consumer IT equipment, (not containing cathode ray tubes, mercury, PCBs or asbestos).

Any failure to follow the procedures outlined in the Responsible Guideline would mean that the equipment in question is a waste and it would be subject to the rules regarding criminal trafficking in hazardous waste found in the Basel Convention.

END