

Summary of BAN's Alternative e-Waste Guideline

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. Professional (e.g. medical, scientific, specialty) 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.

Differences Between the Official and the Responsible Guidelines on the Transboundary Movement of Used Electronic Equipment		
Issue	"Official" Basel Guideline	BAN's Responsible Guideline
Default policy on determining waste from non-waste for electronics	A claim of "Repair" can allow exporters to avoid	The basic rule is that non-functional equipment is waste. Export as non-waste of non-Functional

	the Basel Convention controls and norms.	Electronic Equipment for repair is a strictly limited exception.
Consistency with Africa's Bamako Convention Decisions and EU law	Violates Bamako Decisions stating that non-functional equipment must be considered as waste and likewise violates EU WEEE directive which requires functionality testing to assure equipment is non-waste prior to export.	YES
Prevents obsolete consumer IT equipment containing mercury, asbestos, PCBs, and CRTs from ever being exported as non-waste unless it is fully functional with a guaranteed re-use market.	NO	YES
Ensures Parties have prior knowledge to all imports of non-functional electronic equipment for repair and where it will be repaired.	NO	YES
Ensures Parties have the right to refuse imports of non-functional electronic equipment for repair.	NO	YES
Ensures Parties will pre-approve all exporters and importers that might be able to exercise the exception an export/import used equipment for repair.	NO	YES
Recognizes that export for repair involves Annex IV (waste management) operations.	NO	YES

Respects the object and purpose of the Basel Ban Amendment.	NO	YES
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