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**Open-ended Working Group of the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal**

Tenth meeting

Nairobi, 30 May–2 June 2016

Item 3 (b) (i) of the provisional agenda*

**Matters related to the work programme of the
Open-ended Working Group for 2016–2017:
scientific and technical matters: technical guidelines**

Technical guidelines

Note by the Secretariat

I. Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants

A. Introduction

1. In its decision BC-12/3, on technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal adopted seven technical guidelines.¹

2. The following activities relating to the technical guidelines on persistent organic pollutants were included in the work programme of the Open-ended Working Group for the biennium 2016–2017:²

(a) Undertake work towards a review of all provisional low persistent organic pollutant content values in the technical guidelines referred to in paragraph 2 of decision BC-12/3;

(b) Update the general technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants and prepare or update specific technical guidelines with regard to the chemicals listed in Annexes A and C to the Stockholm Convention on Persistent Organic Pollutants by decisions SC-7/12–SC-7/14 of the Conference of the Parties to the Stockholm Convention, including the following:

* UNEP/CHW/OEWG.10/1.

¹ UNEP/CHW.12/5/Add.2/Rev.1, UNEP/CHW.12/5/Add.3/Rev.1, UNEP/CHW.12/5/Add.4/Rev.1, UNEP/CHW.12/5/Add.5/Rev.1, UNEP/CHW.12/5/Add.6/Rev.1, UNEP/CHW.12/5/Add.7/Rev.1, UNEP/CHW.12/5/Add.9.

² Decision BC-12/19, annex.

- (i) Establishment of levels of destruction and irreversible transformation for the chemicals necessary to ensure that when disposed of they do not exhibit the characteristics of persistent organic pollutants specified in paragraph 1 of Annex D to the Stockholm Convention;
- (ii) Determination of which disposal methods constitute environmentally sound disposal as referred to in paragraph 1 (d) (ii) of Article 6 of the Stockholm Convention;
- (iii) Establishment, as appropriate, of the concentration levels of the chemicals in order to define for the Stockholm Convention low persistent organic pollutant content as referred to in paragraph 1 (d) (ii) of Article 6 of the Convention.

3. In paragraph 12 of decision BC-12/3, the Conference of the Parties invited parties and organizations to indicate to the Secretariat by 15 August 2015 their willingness to take the lead in updating or preparing new technical guidelines, taking into account decisions SC-7/12–SC-7/14.

4. Furthermore, in paragraph 13 of the same decision, the Conference of the Parties invited the lead countries, if selected, and requested the Secretariat, if no lead country was selected and subject to the availability of funding, in consultation with the small intersessional working group on persistent organic pollutant wastes to prepare draft revised technical guidelines for consideration by the Open-ended Working Group at its tenth meeting.

5. With regard to the low persistent organic pollutant content values included in the technical guidelines, the Conference of the Parties, in paragraphs 9 and 10 of decision BC-12/3, invited parties and others to submit to the Secretariat, three months in advance of the tenth meeting of the Open-ended Working Group, comments and related information on the low persistent organic pollutant content values and requested the Secretariat to compile them for consideration by the Open-ended Working Group at its tenth meeting.

B. Implementation

6. The seven technical guidelines adopted in decision BC-12/3³ are available in English on the website of the Basel Convention.⁴ The Secretariat is raising funds to have them translated into the other five official languages of the meetings of the Conference of the Parties.

7. Pursuant to paragraph 12 of decision BC-12/3, the Secretariat sent a letter to all parties on 18 October 2015 inviting them to indicate their willingness to take the lead in updating or preparing the technical guidelines. In response, Japan informed the Secretariat that it would take the lead in preparing the technical guidelines on polychlorinated naphthalenes.

8. As at 11 December 2015, no other parties or organizations had indicated their willingness to take the lead in updating or preparing technical guidelines, including the overall lead in the work of the small intersessional working group. In the absence of such leads, the Secretariat is facilitating the work of the small intersessional working group and raising funds to engage consultants for preparing or updating technical guidelines in accordance with decision BC-12/3.

9. The small intersessional working group, which includes experts from the Persistent Organic Pollutants Review Committee under the Stockholm Convention, had a teleconference on 3 November 2015 and discussed its workplan. The small intersessional working group agreed:

- (a) To update the general technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants;⁵
- (b) To develop specific technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexachlorobutadiene, and thereafter consider how to update the technical guidelines on pesticides⁶ to address hexachlorobutadiene;
- (c) To update the technical guidelines on environmentally sound management of wastes consisting of, containing or contaminated with polychlorinated biphenyls, polychlorinated terphenyls or polybrominated biphenyls, including hexabromobiphenyl,⁷ to include polychlorinated naphthalenes;

³ UNEP/CHW.12/5/Add.2/Rev.1, UNEP/CHW.12/5/Add.3/Rev.1, UNEP/CHW.12/5/Add.4/Rev.1, UNEP/CHW.12/5/Add.5/Rev.1, UNEP/CHW.12/5/Add.6/Rev.1, UNEP/CHW.12/5/Add.7/Rev.1, UNEP/CHW.12/5/Add.9.

⁴ <http://www.basel.int/tabid/4248/Default.aspx>.

⁵ UNEP/CHW.12/5/Add.2/Rev.1.

⁶ UNEP/CHW.12/5/Add.9.

(d) To update the technical guidelines on the environmentally sound management of wastes containing or contaminated with unintentionally produced polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans, hexachlorobenzene, polychlorinated biphenyls or pentachlorobenzene,⁸ to include polychlorinated naphthalenes;

(e) To develop specific technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with pentachlorophenol and its salts and esters, and thereafter consider how to update the technical guidelines on pesticides⁹ to address those chemicals.

10. The draft technical guidelines to be prepared or updated by the lead country or the Secretariat as agreed by the small intersessional working group will be posted on the Basel Convention website for comment by parties and others, as soon as available.

11. With regard to the low persistent organic pollutant content values included in the technical guidelines, as at 11 December 2015 the Secretariat had not received any comments or related information in accordance with paragraph 9 of decision BC-12/3.

C. Proposed action

12. The Open-ended Working Group may wish to adopt a decision along the following lines:

The Open-ended Working Group

1. *Takes note* of the workplan of the small intersessional working group on persistent organic pollutants wastes;¹⁰

2. *Welcomes* with appreciation the contribution made by Japan in taking the lead in preparing the technical guidelines on the environmentally sound management of polychlorinated naphthalenes;

3. *Encourages* interested parties and organizations to take the lead in updating or preparing technical guidelines in accordance with paragraphs 11 and 12 of decision BC-12/3 or to provide financial support for such purpose;

4. *Requests* the Secretariat, or the lead countries and organizations, as appropriate, to revise the new or updated general and specific technical guidelines, in consultation with the small intersessional working group, for consideration and possible adoption by the Conference of the Parties at its thirteenth meeting.

II. Technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention

A. Introduction

13. In its decision BC-12/5, on technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention, the Conference of the Parties adopted, on an interim basis, the technical guidelines¹¹ on the understanding that the technical guidelines are of a non-legally binding nature and that the national legislation of a party prevails over the guidance provided within the technical guidelines, in particular in paragraphs 31, 42 and 43 thereof.

⁷ UNEP/CHW.12/5/Add.5/Rev.1.

⁸ UNEP/CHW.12/5/Add.4/Rev.1.

⁹ UNEP/CHW.12/5/Add.9.

¹⁰ UNEP/CHW/OEWG.10/5, para. 9.

¹¹ UNEP/CHW.12/5/Add.1/Rev.1.

14. In paragraph 5 of the same decision, the Conference of the Parties acknowledged the need to look further into the guidance on the distinction between waste and non-waste and agreed to include the further elaboration of work on that issue in the work programme of the Open-ended Working Group for 2016–2017¹² in order to prepare draft revised guidelines for consideration by the Conference of the Parties at its thirteenth meeting, in particular with reference to paragraphs 31 (a) and 31 (b) of the technical guidelines on the following issues:

- (a) Residual lifetime and age of used equipment;
- (b) Management of hazardous wastes from failure analysis, repair and refurbishment operations in developing countries;
- (c) Obsolete technologies, including cathode ray tubes;
- (d) Presence of hazardous components in used equipment.

15. Furthermore, the Conference of the Parties invited parties and others to provide comments on the issues mentioned in paragraph 5 of decision BC-12/5 to the Secretariat five months before the tenth meeting of the Open-ended Working Group and requested the Secretariat to publish the comments received on the website of the Basel Convention.

16. The Conference of the Parties encouraged parties to inform the Secretariat about any conditions they applied in relation to used equipment that should normally be considered waste or non-waste and requested the Secretariat to publish any information provided by parties in that regard on the Basel Convention website.

B. Implementation

17. The technical guidelines¹³ adopted on an interim basis in decision BC-12/5 are available in English on the website of the Basel Convention.¹⁴ The Secretariat is raising funds to have them translated into the other five official languages of the meetings of the Conference of the Parties.

18. The Secretariat sent a letter to all parties on 3 August 2015 inviting them to submit comments on the issues mentioned in paragraph 5 of decision BC-12/5 by 31 December 2015. The invitation for comments was also published on the website of the Convention.

19. The Secretariat will publish any comments received on the website of the Basel Convention, based on which the small intersessional working group on e-waste is expected to recommend the next steps in the further elaboration of work of the technical guidelines for consideration by the Open-ended Working Group at its tenth meeting. The Secretariat is raising funds to engage a consultant, if necessary, to implement the relevant activities.

20. In response to the invitation to submit the information on any conditions they apply in relation to used equipment that should normally be considered waste or non-waste, as at 11 December 2015 the Secretariat had received submissions from Costa Rica and the European Union and its member States and published them on the Basel Convention website.¹⁵

C. Proposed action

21. The Open-ended Working Group may wish to consider the recommendations of the small intersessional working group on how to reach agreement on the remaining issues of the interim technical guidelines for consideration and possible adoption by the Conference of the Parties at its thirteenth meeting.

¹² Decision BC-12/19, annex.

¹³ UNEP/CHW.12/5/Add.1/Rev.1.

¹⁴ <http://www.basel.int/tabid/4248/Default.aspx>.

¹⁵ <http://www.basel.int/tabid/2377/Default.aspx>.

III. Technical guidelines on incineration on land (D10), on specially engineered landfill (D5) and on hazardous waste physico-chemical treatment (D9) and biological treatment (D8)

A. Introduction

22. The work programme of the Open-ended Working Group for 2016–2017, set out in the annex to decision BC-12/19, includes the consideration of whether the technical guidelines on incineration on land (D10),¹⁶ on specially engineered landfill (D5)¹⁷ and on hazardous waste physico-chemical treatment (D9) and biological treatment (D8)¹⁸ should be updated.

B. Proposed action

23. The Open-ended Working Group may wish:

(a) To consider whether the technical guidelines on incineration on land (D10), on specially engineered landfill (D5) and on hazardous waste physico-chemical treatment (D9) and biological treatment (D8) should be updated;

(b) To invite parties and organizations to take the lead in updating the above-mentioned technical guidelines or to provide financial support for such purpose, if it concludes that those technical guidelines should be updated.

¹⁶ Decision III/13.

¹⁷ Decision III/13.

¹⁸ Decision V/26.