



GLOBAL ICT SECTOR VIEWS AND RECOMMENDATIONS ON PROPOSED BASEL CONVENTION ANNEX IV AMENDMENTS RELEVANT TO THE CIRCULAR ECONOMY

April 2025

The global information and communications technology (“ICT”) sector, represented by the undersigned associations, is pleased to provide these comments and recommendations in advance of the seventeenth Conference of the Parties (“COP-17”) (April 28 – May 9, 2025).

Parties at COP-17 will consider proposed amendments, including the R14 and R17 proposals discussed further below, that have the potential to undermine global circularity efforts by disrupting well-established and environmentally sound trade flows of used equipment and components (hereinafter collectively referred to as “products”) for legitimate repair, refurbishment, failure analysis and re-use.

The global ICT sector seeks to advance environmentally sound management (“ESM”) of electronic waste (“e-waste” or “WEEE”) and continues promote a more sustainable and circular economy through repair, refurbishment and re-use of used electrical and electronic equipment (“UEEE”) in a manner consistent with the Basel Convention. The information and communications technology (“ICT”) sector has been engaged in key Basel Convention dialogues for years and is participating in several ongoing work groups.

The global ICT sector opposes expansion of Annex IV to include the proposed R14 “preparing for re-use” waste operation and the proposed R17 “catch-all” waste entry (i.e., a vague entry left up to the interpretation of individual Parties). These proposals would erect new barriers to the transboundary movement of high-value used products that are transported to specialized service centers for legitimate repair, refurbishment and re-use. It is critical that the Parties avoid adoption of new operations in Annex IV that would undermine circularity and waste minimization goals.

The bracketed R14 proposals put forth for consideration at COP-17 are:

[R14 Preparing for re-use (e.g. checking, cleaning, repair, refurbishment)]

[R14 ALT Preparing for re-use of [obsolete] objects, or components thereof, that would otherwise go to other operations in sections A or B, and that will be used for their original purpose after the operation is completed (e.g. checking, [cleaning,] repairing, refurbishment)].

1. The Expert Working Group on the Review of Annexes (“EWG-RA”) has not reached consensus on the R14 text.

The first R14 proposal option (“EU proposal”) has been considered and debated for many years at multiple EWG-RA, OEWG, and COP meetings. The second R14 option (“alternative proposal”) reflects text that was partially developed during the last EWG-RA meeting. These proposals have raised concerns among Parties and neither option has garnered consensus support from the EWG-RA or the Basel Parties. As such, there is a strong likelihood that any R14 entry agreed upon at COP-17 will not be adequately studied for legal clarity or potential implications for trade flows across impacted sectors.

2. There are uncertainties regarding the scope and implementation of both R14 and R17.

Parties at the COP and within the EWG-RA have made clear that most Parties reference Annex IV in determining whether something is waste in the first instance. **If adopted, the R14 (“preparing for re-use”) and R17 (“catch all operation”) amendment proposals to Annex IV would expand the scope of what is considered “waste” under Basel and would require changes to the application of waste laws in most countries—a fundamental and consequential change that warrants careful scrutiny.**

3. R14 operation has the potential to create conflict with the Basel Technical Guidelines on E-Waste that the COP has endorsed.

To help delineate UEEE and WEEE, the Basel Technical Guidelines on E-Waste, adopted on an interim basis with broad support from Parties, specify criteria (e.g., packaging, documentation, contracts, etc.) to distinguish *UEEE destined for legitimate repair, refurbishment, failure analysis and re-use* (considered product) from *waste* covered by the Convention. A *waste* entry in Annex IV that also references “reuse,” “repair” and/or “refurbishment” inevitably will increase legal and operational uncertainty—a result contrary to the mandate of the EWR-RA. Discussions on the contentious amendment proposals have revealed that the new operations would likely be implemented in a way that **expands Basel Convention controls and trade bans to a wide range of non-waste used products**. This will exacerbate existing challenges with the PIC system and further strain resources of competent authorities.

4. Trade disruptions to the movement valuable UEEE will ensue if R14 or R17 are adopted, undermining preferred economic and environmental outcomes.

Ultimately, classifying products destined for repair, refurbishment and re-use as waste will disrupt current robust global UEEE trade flows which enable a more circular economy by returning products to service centers and re-use channels, a multi-billion-dollar market. **Current UEEE repair, refurbishment and re-use activities extend product life, reduce waste generation, forestall the manufacture of new replacement products and dampen demand for raw materials: all objectives that advance the circular economy and reduce impacts on the planet. The R14 proposal puts these beneficial practices at risk.** As such, we urge Parties to avoid adopting the R14 proposal given the detrimental impact it will have on circularity efforts.

Given the complexity of the issues raised by the R14 and R17 amendment proposals and their potential negative trade and environmental impacts across a wide-range of sectors, we respectfully request that Parties refrain from adopting any new “preparing for re-use” or “catch-all” Annex IV entries at COP-17.

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