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**Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Ninth meeting**

Bali, 23–27 June 2008

Item 7 (d) of the provisional agenda**

**Implementation of the decisions adopted by the Conference of the Parties
at its eighth meeting: Partnership Programme**

**Provisionally adopted guidance document on environmentally
sound management of used and end-of-life mobile phones**

Submitted by the Mobile Phone Partnership Initiative

Note by the Secretariat

The present document sets forth proposed amendments to the guidance document on environmentally sound management of used and end-of-life mobile phones (UNEP/CHW.8/2/Add.3*), which was provisionally adopted by the Conference of the Parties at its eighth meeting. The proposed amendments, set out in the annex to the present note, reflect comments received from Parties as requested by decision OEWG-VI/21. The guidance document is submitted to the Conference of the Parties for its consideration and final adoption.

* Reissued for technical reasons.

** UNEP/CHW.9/1.

Annex

Proposed changes

1. Page 25, delete para 59 (a) and (b), and replace it with Para 59, that would read:

59. The type of transboundary movement procedure to be applied depends on the condition of the collected mobile phones after evaluation and/or testing and labelling. It is recommended that Basel Convention transboundary movement controls should be implemented for end-of-life mobile phones destined for material recovery and recycling (Annex IV B operations) or final disposal (Annex IV A operations) where the end-of-life mobile phones contain Annex I constituents, unless it can be demonstrated that these end-of-life mobile phones are not hazardous using Annex III characteristics.

2. Page 25, add para 59 (1bis), that would read:

59 (1bis) To determine what is and what is not covered under the Basel Convention, the Convention defines the “wastes” to be covered in Article 2.1 of the Convention, and stipulates that wastes are substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law. The Convention then defines disposal by reference to a set of technical annexes. In addition, every Party may determine, by its own national legislation, to define additional substances and objects as wastes and hazardous wastes.ⁱ

3. Page 25, add para 59 (2bis), that would read:

59 (2bis) If, following Article 2.1 of the Basel Convention or national legislation, at least one of the Parties involved in a transboundary movement has determinedⁱⁱ that used mobile phones destined for repair or refurbishment in the importing country are classified as wastes, then the decision tree procedure (see appendix 4 (b)) should be used. The Basel Convention control procedure would then apply where such waste mobile phones are hazardous wastes in accordance:

- with Article 1.1(a) and contain Annex I constituents, unless it can be demonstrated that these used mobile phones are not hazardous using Annex III characteristics, or
- with Article 1.1(b) and are considered hazardous waste by the national legislation of one of the Parties involved.

4. Page 25, add para 59 (3bis), that would read:

59 (3bis) However, if, following Article 2.1 of the Basel Convention and national legislation, none of the Parties involved in a transboundary movement has determined that used mobile phones destined for repair or refurbishment in the importing country are classified as wastes,ⁱⁱⁱ the Basel Convention control procedure will not apply. In such circumstances the voluntary notification procedure (appendix 4(a)), or the decision tree (appendix 4(b)) should be considered by the countries involved to ensure that such movements are being monitored, and the importing country is given an opportunity to react (consent, object, or identify conditions) to such movements.

5. Page 25, add 59 (4bis), that would read:

59 (4bis) Both procedures, the voluntary notification and the decision tree, as described in appendix 4 (a) and (b) respectively, would be subject to further review at specific time intervals in order to ensure that the objective of environmentally sound management is upheld and to reflect the knowledge and experience gained, including those from the proposed MPPI pilot projects.

i Such determination should be made through Parties’ obligations as per articles 3 and 13 of the Basel Convention. Each Party has the obligation to inform each other, through the Basel Secretariat, of their national definitions and of any subsequent changes, which include any additional substances or objects as wastes and hazardous wastes.

ii Ibid.

iii Ibid.

6. Page 26, delete recommendation #5, and replace it with:

Where used mobile phones that have been evaluated and assessed to be likely suitable for reuse,^{iv} possibly after repair, refurbishment or upgrading in the importing country, have been classified as waste by at least one Party involved in their transboundary movement, the decision tree (Appendix 4 (b)) should be used.

7. Page 26, delete recommendation #6, and replace it with:

Where used mobile phones destined for repair or refurbishment in the importing country are not classified as waste by any Party involved in their transboundary movement, a voluntary notification procedure (appendix 4(a)), or the decision tree procedure (appendix 4(b)) should be considered by the countries involved to ensure that such movements are being monitored, and the importing country is given an opportunity to react (consent, object or identify conditions) to such movements.

8. Page 56, add endnote #i, that would read:

Such determination should be made through Parties' obligations as per Articles 3 and 13 of the Basel Convention. Each Party has the obligation to inform each other, through the Basel Secretariat, of their national definitions and of any subsequent changes, which includes any additional substances and/or objects as wastes and hazardous wastes.

9. Page 56, add another endnote #ii, that would read:

Ibid.

10. Page 56, add another endnote #iii, that would read:

Ibid.

11. Page 56, add endnote #iv, that would read:

Reuse: a process of using again a used mobile phone or a functional component from a used mobile phone, possibly after repair, refurbishment or upgrading (from the MPPI glossary of terms).

^{iv} Reuse: a process of using again a used mobile phone or a functional component from a used mobile phone, possibly after repair, refurbishment or upgrading (from the MPPI glossary of terms).