

## COMMENTS FROM THE INFORMATION & COMMUNICATIONS TECHNOLOGY SECTOR

*with regard to the*

### **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** (UNEP/CHW.14/7/Add.6/Rev.1)

October 30, 2020

Thank you for the opportunity to provide the perspectives of the Information & Communications Technology (ICT) sector on the above referenced Technical Guidelines (TGs) and, in particular, our views on the use and testing of the TGs. The Information Technology Industry Council (ITI) along with several companies in our sector have been productively engaged in discussions on the management and movement of used electronics for reuse in relation to the Basel Convention for many years. We reiterate our commitment to working with all stakeholders to secure meaningful outcomes that promote the legitimate repair, refurbishment, and reuse of electronic products and components to reduce the generation of e-waste and further circular economy goals. We are also committed to the proper classification and environmentally sound management of e-waste destined for recycling.

The TGs are critical to the development of a circular economy for electronics, as they enable the efficient repair and reuse of used equipment prior to its reintroduction into the economy. The interim adoption of the revised TGs at COP-14 represents a substantial step forward in global efforts to control improper movements of waste electronics while encouraging beneficial trade for repair, refurbishment, and reuse of valuable equipment not yet near its end of life. As adopted, the TGs balance the need to control or prevent movements of hazardous electronic waste, while allowing properly documented and managed shipments of used electronics for legitimate reuse, refurbishment, and repair in furtherance of a more circular economy.

- With the interim adoption of the TGs at COP-14 and various measures integrating the TGs into domestic laws and policies, many ICT companies have adjusted their operations around the management of used equipment for repair and refurbishment to align with the recommendations set forth in the TGs. For example, companies have adopted documentation to accompany shipments of used electrical and electronic equipment in the form of Appendix II and Appendix III of the TGs.
- Consistent with national and international initiatives around the world, many ICT companies have announced ambitious circular economy goals that will only succeed if parties allow for the efficient collection and movement of used electrical and electronic equipment for repair, refurbishment, and reuse.
- Many ICT companies have already begun making progress towards their circular economy goals, investing in facilities and logistics systems around the world that optimize the opportunities for the reuse of equipment and components, as well as the environmentally sound management and recovery of e-waste.

We recommend that the parties finalize and implement the TGs to help parties (regulators and customs officials) and stakeholders more readily identify used electrical and electronic equipment managed for legitimate repair, refurbishment, and reuse (non-wastes). The documentation and criteria set forth in the TGs, which focus on shipments of used electrical and electronic equipment, will allow parties to

more readily identify imports and exports of waste electrical and electronic equipment covered by the Convention, as well as any improper e-waste shipments. Easily and transparently distinguishing between controlled waste electrical and electronic equipment and non-waste used electrical and electronic equipment is particularly important in light of recent discussions around the proposal from Switzerland and Ghana to amend Annex II of the Convention which, if adopted, would expand the types of e-waste that would be controlled under the Convention.

The TGs provide the flexibility needed for individual parties to address implementation details at the national level, provided the core criteria for demonstrating shipments of used equipment are documented and handled in a manner to demonstrate a legitimate intention for reuse, including after refurbishment or repair. As parties adjust the TGs to their own domestic needs and circumstances, they should abstain from adding country-specific requirements that may disrupt movements of whole equipment or parts for repair or refurbishment. For example, based on the ICT sector's experience with several legal measures implementing elements included in the TGs, it has become apparent that flexibility is needed in some circumstances with respect to acceptable equivalent documentation (contracts, declarations, etc.) to accommodate various business models and existing national practices. We encourage the parties to address these and other operational and logistical details at the national level before revisiting the need for further changes to the TGs.

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