



November 28, 2023

Julie Croteau  
 Head, International Section  
 Waste reduction & management division  
 Environment and Climate Change Canada  
 351 St. Joseph Blvd,  
 Gatineau, Québec K1A 0H3

*Transmission by email*

Dear Julie Croteau:

***Re: Status of ratification of BAN Amendment (electronic waste) under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal***

The Canadian Environmental Law Association (CELA) and Health and Environment Justice Support (HEJSupport) wish to note Canada's efforts to propose amendments to *Cross Border Movement of Hazardous Waste and Recyclable Hazardous Material Regulations (Regulations)* under the *Canadian Environmental Protection Act*. The proposed amendments to these regulations are necessary steps for Canada to ratify the BAN Amendments under the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention)* for further restricting the transboundary movement of electrical and electronic wastes. The BAN Amendment, adopted at the third Conference of the Parties in 1995 and entered into force on December 5, 2019, prohibits each Party included in Annex VII to the Convention (Parties and other States which are members of OECD, EC and Liechtenstein) of:

- *all transboundary movements to States not included in Annex VII of hazardous wastes covered by the Convention that are intended for final disposal, and*
- *all transboundary movements to States not included in Annex VII of hazardous wastes covered by paragraph 1 (a) of Article 1 of the Convention that are destined for reuse, recycling or recovery operations.<sup>1</sup>*

We encourage an expedited process to ratify the BAN Amendment. The Ban Amendment will support protection to developing countries from the impacts from hazardous waste, including - electronic waste. There was no explicit timeframe proposed for Canada to introduce the ratification notice for the BAN Amendment. In order to put in place necessary regimes to track and secure prior informed consent for the hazardous waste captured under the BAN Amendment,

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<sup>1</sup> <https://www.basel.int/TheConvention/Overview/TextoftheConvention/tabid/1275/Default.aspx>

Canada should take the necessary time in the coming months to introduce the ratification package needed for adoption.

We want to stress that Canada's efforts to ratify the BAN amendment should not be affected by OECD/LEGAL/0266, where OECD members can submit an objection to the automatic adoption of decisions made under the Basel Convention. The expressed objection received on this decision will mean that the OECD "is currently underway to work towards an alternative proposal on how to control transboundary movements of e-wastes under the OECD Decision"<sup>2</sup> before the Basel Convention provisions enter into force by January 1, 2025. However, whatever the alternative proposal is made, it should not affect Canada's decision to submit its ratification notice.

Should further amendments be required to the Regulations to account for alternative approaches to control transboundary movement of e-waste that differ from the Basel Convention, it would be necessary to undertake another public review of the Regulations before they come into force. It would be essential to understand the implications for Canada that would affect its ability to ratify the BAN Amendment.

CELA and HEJSupport look forward to Canada's response towards an expedited process to ratify the BAN Amendment.

We welcome the opportunity to meet with you to discuss developments by Canada to ratify the BAN Amendment.

Yours truly,



**CANADIAN ENVIRONMENTAL LAW ASSOCIATION**  
Fe de Leon, MPH  
Researcher and Paralegal



**HEALTH AND ENVIRONMENT JUSTICE SUPPORT**  
Olga Speranskaya, PhD  
Co-Director

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<sup>2</sup> <https://www.oecd.org/env/waste/theoecdcontrolsystemforwasterecovery.htm>