

## UNIT-V

- The international legislation: The Basel Convention;
- The Bamako Convention.
- The Rotterdam Convention.
- Waste Electrical and Electronic Equipment (WEEE) Directive in the European Union,
- Restrictions of Hazardous Substances (RoHS) Directive

# The Rotterdam Convention

- Like the Bamako Convention, the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Chemicals and Pesticides in International Trade regulates trade in hazardous wastes but contains no commitment to reduce their use and release.
- Adopted in September, 1998, the Rotterdam Convention came into force in February, 2004. As of July, 2007, it had 73 signatories and 117 Parties.
- As on date there are 140 parties. India had acceded to the convention on 24 May 2005.
- It is a multilateral treaty to promote shared responsibilities between exporting and importing countries in protecting human health and environment from the harmful effects of hazardous chemicals.
- The Convention promotes exchange of information among Parties over a broad range of potentially hazardous chemicals that may be exported or imported.
- A key goal is to provide technical assistance for developing countries and countries with economies in transition to develop the infrastructure and capacity necessary to implement the provisions of the Convention

- The Rotterdam Convention calls on exporters of hazardous chemicals to use proper labeling, include directions on safe handling, and inform purchasers about known restrictions or bans.
- Parties can decide whether to allow or ban the import of chemicals listed in the treaty, and countries exporting chemicals are obliged to make sure that producers within their jurisdiction comply with the directions and rules.
- The Parties have nine months to prepare a response concerning the future import of the chemical.
- The response can consist of either a final decision— to allow import of the chemical, not to allow import, or to allow import subject to specified conditions- or an interim response.

- Decisions by an importing country must be trade neutral, that is, apply equally to domestic production for domestic use as well as to imports from any source. The Convention requires each Party to notify the Secretariat, provided jointly by the FAO and UNEP, when taking a domestic regulatory action to ban or severely restrict a chemical.
- Apart from the principle of Prior Informed Consent, the Rotterdam Convention highlights another principle of the Basel Convention which deals with transparency and Environmentally Sound Management (ESM) of hazardous substances. Among the 40 chemical substances covered under the Convention, mercury compounds, polybrominated biphenyls (PBB), polychlorinated biphenyls (PCB) are also substances that are found in e-waste.

# Waste Electrical and Electronic Equipment (WEEE)

## Directive in the European Union

- The Waste Electrical and Electronic Equipment (WEEE) Directive is the European Community directive (2002/96/EC) on waste electrical and electronic equipment which, together with the Restriction of Hazardous Substances (RoHS) Directive (2002/95/EC), became European Law in February, 2003 setting collection, recycling and recovery targets for all types of electrical and electronic goods.
- The WEEE Directive obliged the twenty-five EU member states to transpose its provisions into national law by 13 August, 2004.
- By August, 2005, all member states except Malta and the UK had transposed at least framework regulations.
- In May, 2001, the EU Parliament approved a directive that required producers of electronic gazettes to take responsibility—financial and otherwise—for the recovery and recycling of e-waste.
- Recognizing the scope and urgency of e-waste problem, the European Union has taken the lead in addressing it by proposing an ambitious system of the Extended Producer Responsibility (EPR).
- The EPR has been defined as “an environmental protection strategy to reach an environmental objective of a decreased total impact from a product, by making the manufacturer of the product responsible for the entire life cycle of the product and especially for the take back, recycling and final disposal of the product”

# Obligations of the Producer under the WEEE

- The WEEE Directive imposes most of the obligations on the producer of the electrical and electronic equipments (EEE).
- Article 4 of the WEEE Directive requires the producer to design the products in such a way that will facilitate dismantling and recovery.
- In addition, the producer is required not to prevent, through specific design features or manufacturing processes, the e-waste from being reused unless it is compromising the environment and/or safety requirements.
- Under Article 5 (3), the producer is obliged to collect waste electrical and electronic equipment at its end of life.
- The treatment of the EEE, when handed over to a facility for de-pollution, dis-assembly, shredding, recovery, or preparation for disposal, has to be the 'best available treatment' which includes the removal of all fluids and, in accordance with Annex II to the WEEE Directive, the removal of certain substances, consumables and components from any separately collected WEEE.

- Article 7(1) obliges the producers to set up a recovery system either individually or by joining a collective system.
- The responsibility for collection, recovery and the financing thereof are governed by two parameters.
- If a product or so-called ‘historical waste’ was put on the market on or before 13 August, 2005, then the product is a business-to-consumer (B2C) product and the responsibility has to be borne by the producer according to his market share, while the user has to take care of a business-to-business (B2B) product.
- If the product was put on the market after the date, then the producer is responsible for his individual (waste) product.
- Finally, Article 12(1) requires the member states to draw up a register of producers.
- The producers of the EEE have to register in the country where they are based and have to report in the registers the sales volume and the volume of collected and recovered products

# Restriction of Hazardous Substances (RoHS) Directive

- As a legislative initiative to solve the problem of huge amounts of toxic e-waste, a Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment, namely 2002/95/EC, commonly referred to as the Restriction of Hazardous Substances Directive or RoHS was adopted in February 2003 by the European Union.
- The RoHS Directive came into force with effect from 1 July 2006, and is required to be enforced and become law in each member state.
- The Directive restricts the use of six hazardous materials in the manufacture of various types of electronic and electrical equipment.

- In order to prevent the generation of hazardous waste, the RoHS Directive requires the substitution of various heavy metals, namely lead, mercury, cadmium, hexavalent chromium and brominated flame retardants like polybrominated biphenyls (PBB) or poly-brominated diphenyl ethers (PBDE) in new electrical and electronic equipments put on the market since 1 July, 2006.
- In brief, the WEEE Directive obliges a producer of electronic equipment to be responsible for the product at the end of its consumer life.
- The RoHS Directive takes a step further by requiring manufacturers to phase out the use of hazardous substances in the production of electrical and electronics equipment by 2008