

The Basel Convention Amendments: One Year later

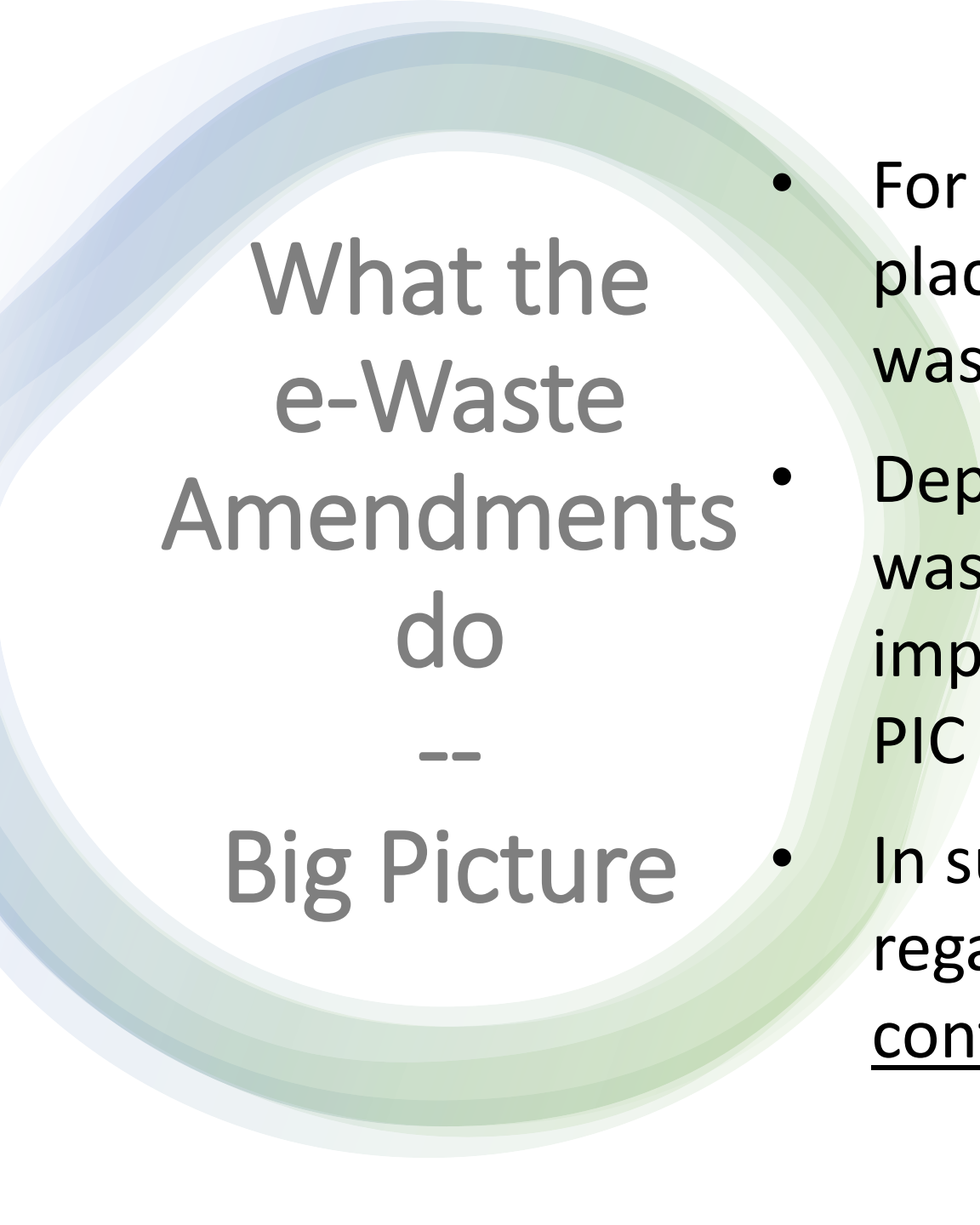


Jim Puckett
Basel Action Network
e-Waste World 2026
Frankfurt, Germany

The e-Waste Amendments

Adopted June 2022
Entered into Force January 1, 2025





What the e-Waste Amendments do -- Big Picture

- For the first time Basel controls were placed on non-hazardous electronic waste.
- Depending on Geography, some of this e-waste would be subject to export and import bans. Others are subject to the PIC Procedure.
- In sum, virtually all e-waste exports regardless of hazardousness will be controlled.



Why the e-Waste Amendments?

- Even non-hazardous e-waste has a track record of causing great harm, particularly in developing countries. Much of the e-waste shipments are only partially recycled, poorly recycled, or simply dumped and burned.
- Therefore, there was a need for greater trade transparency provided by Basel controls, which allow countries to know what is being imported and where, while providing the right of refusal.
- Avoids expensive testing to prove whether traded e-waste is hazardous or not as now all will be controlled. Such enforcement expenses are burdensome. Especially for developing countries.



Persistent Organic Pollutants (POPs) in Eggs: Report from Africa

AUTHORS:

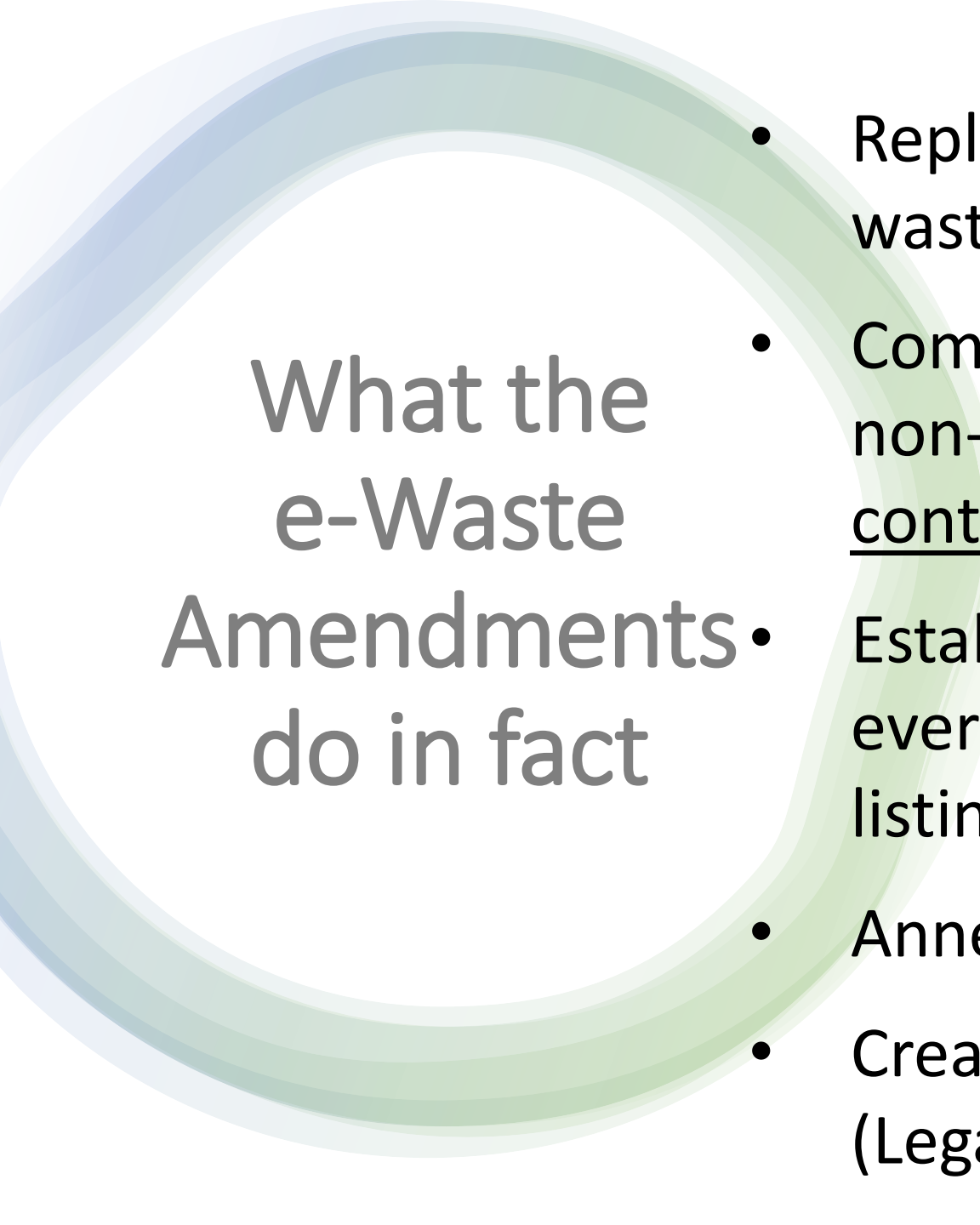
Jindřich Petrlik – Sam Adu-Kumi – Jonathan Hogarth – Eric Akortia
– Gilbert Kuepouo – Peter Behnisch – Lee Bell – Joseph DiGangi

APRIL, 2019



Highest level of brominated dioxins ever found globally were in Ghana from burning computer and cable plastics





What the e-Waste Amendments do in fact

- Replaces the old listing of hazardous e-waste with a similar new one (A1181)
- Completely removes the old listing for non-hazardous e-waste, which had no controls.
- Establishes a new listing in Annex II for everything not in the hazardous waste listing. (Y49)
- Annex II requires PIC procedure.
- Creates a small exception to the rule (Legacy Annex IX listings, e.g. clean metal)

**Basel Annex II
“wastes for special
consideration”**

Y46 -- Wastes collected from households

Y47 -- Residues arising from the incineration of household wastes

Y48 – “Mixed and Contaminated Plastics”

Y49 – “non-hazardous e-waste”

New Entry

Y49

Basel Annex II
“wastes for
special
consideration”

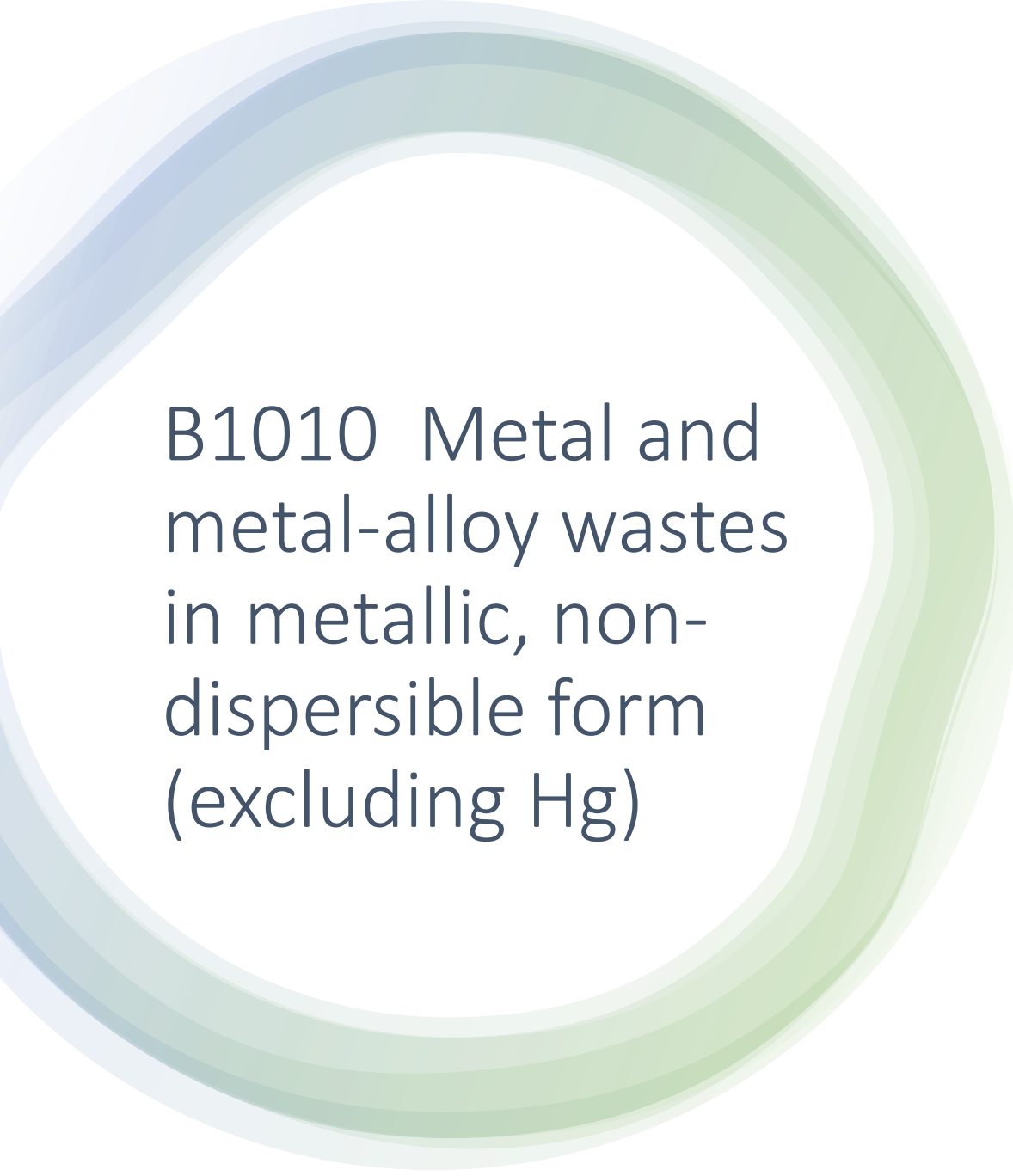
- Asserted as non-hazardous.
- But seen as needing trade controls to protect the environment and provide transparency.
- This is usually due to the likelihood of improper management (e.g. informal recycling or dumping due to proper recycling being uneconomic)
- The default control procedure is Prior Informed Consent (PIC).
- **Banned!** But from the EU, and EFTA countries, Annex II is banned from export to non-OECD countries.
- **Banned!** Trade with the US (or other non-parties) will be illegal for Basel Parties (e.g. countries importing from the US or exporting to the US).

**Important
exceptions:**

**processed
fractions that
already exist on
Annex IX**

- 1. Non-Waste Electronic Equipment for Direct Reuse:** Components or Equipment that are fully functional.
- 2. Non-Waste Equipment for Repair:** But must follow the criteria for Repair spelled out in the Technical Guidelines for TBM of e-waste.
- 3. Processed Waste Fractions that already exist on Annex IX or II.**

Some examples....



B1010 Metal and metal-alloy wastes in metallic, non-dispersible form (excluding Hg)

- Must be non-hazardous (no Annex I materials that exhibit hazardous characteristics)
- No shredded mercury or lead etc.
- Cannot contain brominated flame retardants, PFAs, nor flammable solvents as in Li-ion batteries
- Cannot have circuit board material
- Cannot have dusts or granular material, needs to be in chunks of metal.
- Can be mixed metals

Implications for US Recyclers

- US actors will not be able to receive any kind of e-waste from non-OECD countries.
- For OECD countries, import to, or export from, legality will depend on the country but if legal, it must be by PIC.
- e-wastes which have never been subject to trade controls (e.g. not containing focus materials or hazardous wastes, now must be controlled, either by PIC or by a full trade prohibition unless they are processed to become an Annex IX listed waste. This encompasses not only legal controls but also certification conformity as certifications must abide by laws of impacted jurisdictions.

Implications for EU Recyclers

- Exports of Y49 or A1181 to non-OECD countries will be forbidden.
- For OECD countries, import to, or export from, legality will depend on the country but if legal, it must be by PIC.
- e-wastes which have never been subject to trade controls (e.g. not containing focus materials or hazardous wastes, now must be controlled, either by PIC or by a full trade prohibition unless they are processed to become an Annex IX listed waste.

Implications for All Recyclers

- These kinds of waste will be covered by Basel controls:
 - electronic car parts
 - electronic bicycle parts, motorcycles
 - electrical household appliances, electric toys
 - vapes
 - power supplies, mice and keyboards, power packs, UPSs
 - LED monitors
 - Black mass from Li-ion batteries
 - Li-ion batteries (not as Y49 but as A1181)
 - RAM and DRAM that has not been tested for functionality
 - Servers and accelerators

The e-Waste Amendments -- Recent Developments





Important Recent Developments

- BAN publishes Brokers of Shame: the new Tsunami of US e-Waste to Asia.



2025 / New Tsunami of e-Waste Flooding Asia



2025 / New Tsunami of e-Waste Flooding Asia



2025 / New Tsunami of e-Waste Flooding Asia



BROKERS OF SHAME

The New Tsunami of
American e-Waste Exports to Asia

October 22, 2025

**BAN Releases 2 - Yr.
Study Showing US
Industry Still Plagued
by e-Waste Trafficking**



10 US BROKERS

1. Attan Recycling
2. Corporate eWaste Solutions (CEWS)
3. Creative Metals
4. EDM
5. First America Metals
6. GEM Lifecycle Solutions
7. Greenland Resource
8. IQA Metals
9. PPM
10. Semsotai (now doing business as Cirkadis)



Brokers of Shame / Key Findings

1. A New Tsunami:

- Based on **26 months** of trade data alone, we estimate that the **10 Brokers** exported over **10,000 40-foot shipping containers**.
- **Monthly: US Industry-wide, we estimate 32,947 metric tonnes (2,000 containers, or 66 containers per day) of e-Waste moves from the US to developing countries.**
- **Annually: 395,352 metric tonnes, roughly equivalent to the combined weight of 65,679 African elephants.**
- **Annually: 23,376 containers, enough containers to build an end-to-end vertical stack 177 miles high—the height of 32 Mount Everests.**

Brokers of Shame / Key Findings

2. Trade is Likely to be Illegal:

- US not a Party to Basel Convention -- yet importing countries are.
- Under Basel, importation of controlled waste from non-Parties is illegal without special agreement. Only agreement with US is OECD.
- Many countries, e.g Malaysia, Thailand, Indonesia, have national e-waste import bans

3. Large Customers Found Caught in Export Pathways:

- Best Buy, Iron Mountain, U.S. Department of Defense

4. Evidence of Misclassified Trade Declarations:

- Majority of exports by 10 Brokers appear to use inappropriate HS codes
- Instead of 8549, they use codes for unwrought metals, functioning electronic equipment. Misdeclaring cargo is a crime.

Brokers of Shame / Key Findings

5. Certification and Oversight Gaps:

- Eight of ten Brokers of Shame held R2V3 Certification

Yet violating the law in any jurisdiction is not accepted in R2V3

6. We are doing Great Environmental and Occupational Harm:

- The exported e-waste ends up in informal, unpermitted, and environmentally unsound and occupationally unsafe processing sites.

7. Greenwashing Comes in Multiple Forms:

- Most of the 10 Brokers market themselves with concepts such as the circular economy, ESG, or carbon footprint reductions.



Important Recent Developments

- The EU announces it will be considering lithium-ion and many other batteries as well as Black Mass to be a hazardous waste. This will go into effect in November 2026.
- Southeast Asian countries, Thailand, Malaysia and Indonesia swamped by e-waste imports. Governments are cracking down.



turn back the toxic tide

For Immediate Release

BAN Praises Southeast Asian Governments and Urges Further Action to Crack Down on Illegal E-Waste Dumping

Malaysia, Thailand and Indonesia pushing back against a growing wave of hazardous electronic waste shipments following BAN's intelligence alerts

Seattle / Kuala Lumpur / Bangkok / Jakarta. April 7, 2026. The [Basel Action Network](#) (BAN) today commends the governments of Malaysia, Thailand, and Indonesia for taking strong actions against illegal imports of hazardous electronic waste, primarily from waste brokers in the United States (US) that pose as recyclers but instead, ship containers of e-waste across the ocean to Southeast Asia. The actions taken by targeted countries include searches and seizures of containers, prosecutions of government officials for corruption, as well as raids on informal, unpermitted factories across the region.



Malaysia

January 28, 2026. Seizure of e-waste at a press conference during the inspection of containers suspected of carrying e-waste at Westports, Port Klang, Malaysia. Picture by Utusan Malaysia.



November 13, 2025. Containers suspected of carrying e-waste seized at Batam Port, Indonesia.
Picture by Yogi Eka Sahputra.



Indonesia

Batam Ports Flooded with 822 Containers of Illegal E-Waste

Reporter

Yogi Eka Sahputra

December 9, 2025 | 01:01 pm

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Thailand

March 10, 2026. Enforcement officers explaining to the Minister of Environment during the inspection of containers suspected of carrying e-waste at Laem Chabang Port, Thailand. Picture by Basel Action Network.

Recent Developments in Waste Trade Asia

September 2025 – April 2026

1. Malaysia Government / seizures of containers and Crackdowns on facilities based on OCO and other intel
2. Thailand Government joins NGOs to Open OCO containers
3. Malaysia Government Announcement – Corruption Called Out, e-waste import ban, MACC, calls for Plastic Waste Trade 6 mos. moratorium.
4. Thailand (March 10) holds Press Event invites BAN and UNODC, Minister of Environment etc.

TARIFFS

[Supreme Court strikes down tariffs](#)[Reactions](#)[15% global tariff](#)[What could come next](#)

Malaysia bans e-waste imports, vows to end illegal dumping



Recent Developments in Waste Trade Asia

5. Malaysia (April 1) officially bans e-waste imports in law. Charges officials with accepting bribes. Study on total plastics Ban. Announces 800 + container returns.
6. Indonesia e-waste seizures – over 900 containers sitting at Free Trade Zone in Batam, debate on what to do
7. Philippines: Regional Judge Forbids DENR/Customs from Entering Subic Bay Free Trade Zone, BAN provides legal Briefing to assist Government in appeal to the court.

Important Recent Developments

- BAN operates its Operation Can Opener campaign, that provides warnings to Asian Governments.



“Operation Can Opener” aka “Check these containers!”

- Subscription Data Services Provide HS 3915 shipment BOL extracts.
- Data from US and Canada is detailed
- We study the data and create a risk profile based on known Freight Forwarders, frequently misused HS codes, Destinations etc.
- We chose 5 Countries
Philippines, Malaysia, Thailand, Indonesia, Vietnam and are adding this year India and Singapore



Operation Can Opener: March 2025-June 2026

Country	Number of alerts sent since March 2025	Number of e-waste containers tracked and alerted	Number of plastic waste containers tracked and alerted
Malaysia	20	1256	609
Indonesia	18	746	266
Singapore	3	14	0
Thailand	16	675	39
Philippines	14	234	1
Vietnam	15	618	117
India	3	22	56



Important Recent Developments

- Waste being redirected more and more to Philippines, Pakistan, India and UAE.

Philippine authorities alerted of alleged illegal US e-waste shipments

FEB 11, 2026 8:02 PM PHT

IYA GOZUM



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Philippines: Drone shot of just one of about 10 Subic Bay e-waste recyclers being flooded with e-waste following crackdowns in Indonesia, Thailand and Malaysia. Copyright BAN 2026.



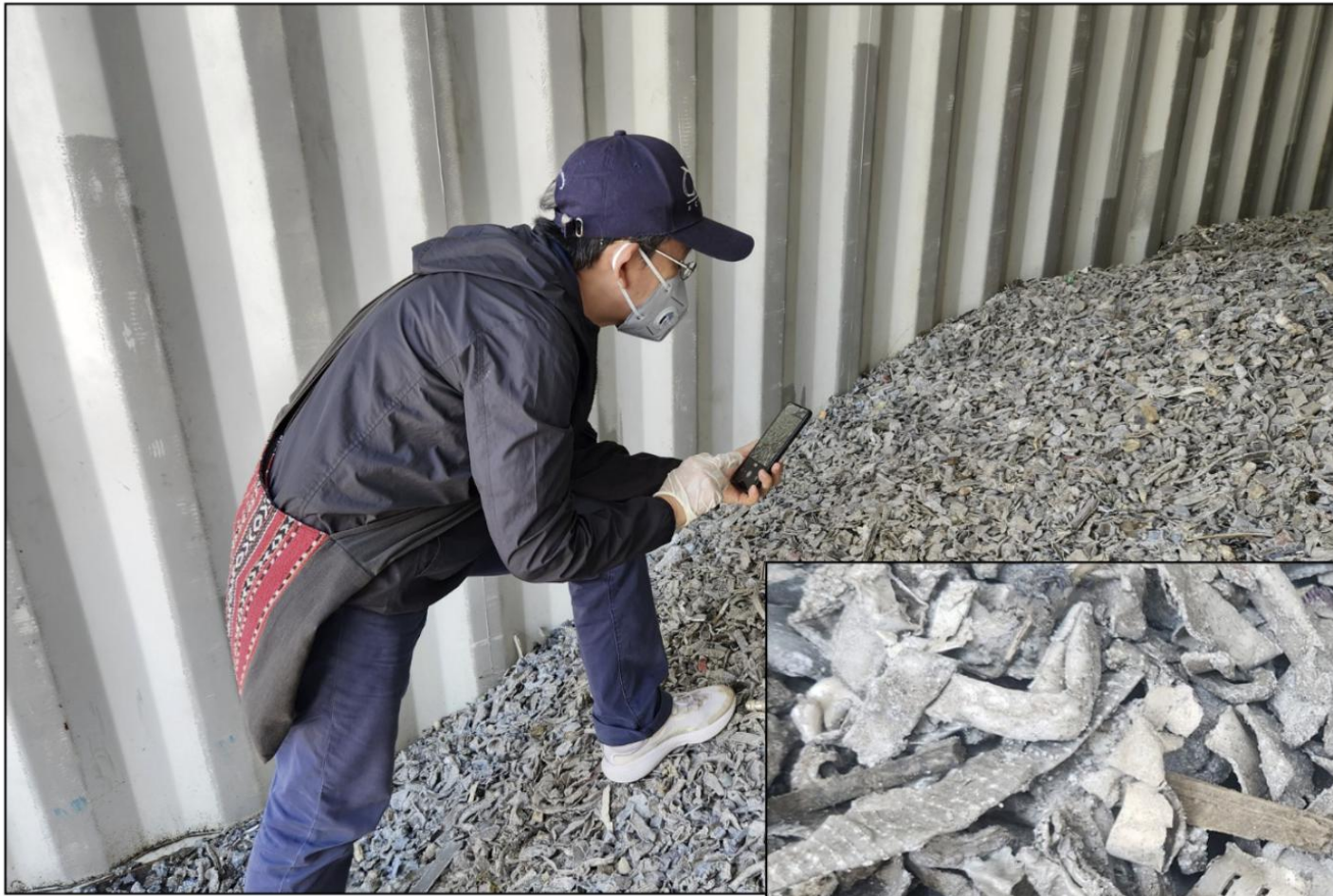


Important Recent Developments

- BIR and ReMA complain about trade in Zorba being controlled or banned for the first time to countries like Thailand.

Thailand





EARTH examines the trafficked e-waste alerted by "Operation Can Opener". May 20, 2025.
Copyright: EARTH Thailand





Important Recent Developments

- Basel launches Guidance document on how to implement the Amendments.

Thank You!



Questions?

