



**Intervention by BAN at Basel Convention Conference of Parties in
Geneva, Switzerland, on April 28th, 2025**

Lithium-ion Batteries and Waste Trade

Thank you, Madame President. Distinguished delegates, the Basel Action Network wishes the Parties to consider that given the massive quantities of Lithium-ion (Li-ion) batteries now projected to become wastes in the very near future from electronic vehicles as well as power banks in buildings and other installations, we must now do everything we can to prevent a new tsunami of such wastes to developing countries. Indeed, the wave has already begun, and it is now incumbent on us to eliminate any ambiguity about these spent batteries or their residues being considered wastes and further considered as to whether they are hazardous or other wastes.

We are already witnessing many actors seeking a non-waste designation for Li-ion batteries that have some residual capacity, exercising the repair and reuse loophole already found in the e-Waste Technical Guidelines. This issue is yet another reason to close that loophole before this guideline is ever officially adopted on a non-interim basis. But in regards to the issue of when a degraded battery becomes waste, we will quickly need to establish, as we did earlier with the PACE guidelines, an appropriate level to distinguish waste from non-waste for used batteries on the basis of easily tested remaining capacity as well as proof of viable end-markets. We need simple guidelines and listings for this. We cannot have this become a subject for endless debate at hundreds of border crossings and ports among thousands of customs agents.

Second, and this is made easier now with the adoption of the new e-Waste Amendments, we will need to define Li-ion batteries that are wastes as being hazardous wastes established in guidance as already falling under the definition of the new listing A1181. This is based on the known constituents and hazardous characteristics as already shown in the draft Guideline's Appendix. They should not ever be considered as falling under the legacy Annex IX listing B1090 of Batteries "conforming to a specification", as that designation was never meant to apply to materials that exist on Annex I while exhibiting Annex III hazardous characteristics, which these Li-ion batteries clearly do.

Similarly so-called Black Mass, which is a residual material from the processing of Li-ion batteries, must be presumed as hazardous based on the input constituents, or, at the very least, be considered as Y49 if, after testing, such hazardous constituents and characteristics are not found to be present. In any case, all such residual materials from these batteries must be controlled under the Convention as either A1181 or Y49.

Currently these designations are unclear in the current draft and we fear that this ambiguity will result in serious harm, particularly to developing countries. We hope in the ongoing work on the Other Battery Guidelines and on our Annexes I and III, Parties will move with urgency to bring legal clarity to these emergent and very problematic waste streams. We thank you.