

Position Paper with amendments on the Norwegian Proposal to amend Annexes II, VIII and IX of the Basel Convention

EuRIC is pleased to share amendments to the proposals made by Norway to amend Annexes II, VIII and IX of the Basel Convention which would impact the classification of plastic waste under the Basel Convention with the declared objective to curb marine litter.

Scope

EuRIC supports the amendments of the Annexes of the Basel Convention made by Norway, especially the objective to curb marine litter. These amendments will contribute to improve controls on plastic waste exports and prevent exports of plastic waste to countries lacking adequate infrastructures and overall, strengthen the environmentally sound management of waste.

However, EuRIC supports the solution proposed by the European Commission on the position to be taken on behalf of the European Union (EU) at the 14th Conference of the Parties to the Basel Convention to:

1. **Keep the current system applicable for all plastic waste shipments within the EU and the EEA unchanged** by using the possibility provided by Article 11 of the Basel Convention*. It is legally sound since i) the European waste shipment regime is based on a system of environmentally sound management compatible with the Basel Convention and ii) it is more adapted to the objectives of the Norwegian proposal to combat marine litter.
2. EuRIC is in favor of **extending the derogation from article 11 countries to OECD Member countries**** to facilitate plastics waste shipment for recovery and recycling in countries sharing harmonized framework conditions.
3. Apply the proposal made by Norway solely to plastic waste shipments from EU and EEA countries to non-EU / non-EEA countries, which would be more tailored to the objective of curbing marine litter.

In addition, since some of the proposals made by Norway are not sufficiently clear, EuRIC provides practical **amendments and comments** to reduce the scope for diverging interpretations and support legal certainty which are instrumental both for competent authorities and operators arranging waste shipments to countries where the proposals made by Norway would apply if endorsed by the Parties to the Basel Convention.

Annex II – Categories of wastes requiring special consideration

Current version	Norwegian proposal	EuRIC's proposal
N/A	Proposal for a new entry: Annex II Y 48 Plastic waste not covered by entry AXXXX of Annex VIII or B3010 of Annex IX	A newly created Y48 entry must be classified as non-hazardous waste subject to notification, as it is the case for entry Y46.
Justification		
The listing of mixed WEEE plastics in Annex II with a new Y48 entry, implies a duty for notifications. Some of the EU plastic recycling companies already have significant difficulties in obtaining the approval of their notifications by competent authorities due to the lack of uniform interpretation in many instances of such procedures across Member States and their complexity. For instance, some notifications for waste shipments from the same company (between parent companies / subsidiaries) and between two EU countries can take up to several years or are not granted at all. An		

Annex II listing of a new Y48 code under the Basel Convention would therefore absolutely require (a) a harmonized classification within and outside the EU and (b) that Y48 code is classified as non-hazardous waste subject to notification, as it is the case for entry Y46 for example.

Annex VIII – List A

Current Version	Norwegian proposal	EuRIC's proposal
N/A	Proposal for a new entry: <u>AXXX Plastic waste</u> Plastic waste containing or contaminated with Annex I constituents to an extent that they exhibit an Annex III characteristic (note the related entry on list B B3010)	<u>AXXX Plastic waste</u> Plastic waste containing or contaminated with Annex I constituents to an extent that they exhibit an Annex III characteristic (note the related entry on list B B3010)
Justification		
<p>EuRIC strongly calls for the deletion of the proposed entry AXXX in Annex VIII to the Basel Convention.</p> <p>Such an entry would carry the risk that certain types of plastic waste will be classified as hazardous waste. This would <i>de facto</i> ban the recycling of plastics imported from third countries to the EU since none of the EU recycling facilities have permits to accept hazardous waste. This would both disadvantage European plastics recyclers and result in adverse environmental consequences.</p>		

Annex IX – List B

Current Version	Norwegian proposal	EuRIC's proposal
<p><u>Annex IX</u> B3010 Solid plastic waste: The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification: Scrap plastic of non-halogenated polymers and copolymers, including but not limited to the following</p> <ul style="list-style-type: none"> - ethylene - styrene - polypropylene - polyethylene terephthalate (...) 	<p>Proposal for an amendment: <u>Annex IX</u> B3010 Plastic waste: The plastic materials listed below, provided they are not to an extent which prevents the recycling of the waste in an environmentally sound manner, mixed with each other, mixed with other wastes or contaminated. Consignments of such plastic material should be prepared to a specification and suitable for immediate recycling requiring only minimal further mechanical preparatory treatment processes, if any (note the related entry on list A AXXXX): Scrap plastic of non-halogenated polymers and copolymers, including but not limited to the following:</p> <ul style="list-style-type: none"> - ethylene - styrene 	<p>Proposal for an amendment: <u>Annex IX</u> B3010 Plastic waste: The plastic materials listed below, provided they are not to an extent which prevents the <i>recovery</i> of the waste in an environmentally sound manner, mixed with each other, mixed with other wastes or contaminated. Consignments of such plastic material should be prepared to a specification. <i>Any deviation from the relevant specification may be tolerated only if it shall be solved by means of a mechanical preparatory treatment process.</i></p>

	- polypropylene - polyethylene terephthalate (...)	
<p style="text-align: center;">Justification</p> <p>It is important to ensure there is no discrimination made by the new entry B3010 based on the type of recovery used so as to prevent minimising artificially its scope.</p> <p>In addition, EuRIC supports a scope of the entry B3010 based on “specification” since plastic material are sold and hence shipped to customers on the basis of specifications. Standard deviations may occur and need to be tolerated <u>only if</u> preparatory mechanical treatment enables to address them. This objective-based would be easier to interpret than a provision based on “<u>minimal</u> mechanical preparatory treatment” disconnected from the material specification that constitutes the core of this new entry.</p>		

* Bilateral, Multilateral and Regional Agreements and Arrangements: In accordance with Article 11 of the Basel Convention Parties shall notify the Secretariat of any bilateral, multilateral or regional agreements or arrangements which they have entered, for the purpose of controlling transboundary movements of hazardous wastes and other wastes which take place entirely among the Parties to such agreements. See <http://archive.basel.int/article11/multi.html>

** <http://www.oecd.org/about/membersandpartners/>

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Through its Member Recycling Federations and Companies from 20+ EU and EFTA countries, EuRIC represents today over:

- ✓ 5,500+ companies generating an aggregated annual turnover of about 95 billion €, including large companies and SMEs, involved in the recycling and trade of various resource streams;
- ✓ 300,000 local jobs which cannot be outsourced to third EU countries;
- ✓ Million tons of waste recycled per year (metals, paper, plastics, glass and beyond from household as well as industrial and commercial waste streams, WEEE, ELVs, etc.).

Recyclers play a key role in a circular economy. By turning wastes into resources, recycling is the link which reintroduces recycled materials into the value chains again and again.