

Proposals to amend annexes II, VIII and IX of the Basel Convention Preliminary comments of EuRIC

EuRIC is pleased to share preliminary comments on 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 objectives to curb marine litter.

EuRIC fully supports the objective to curb marine litter but opposes the current proposal made by Norway

EuRIC fully supports the declared objective of Norway to combat marine plastic litter which is a significant source of pollution for the oceans worldwide. However, EuRIC is not in favour of the proposal made by Norway to amend the Basel Convention by adding new entries under Annex II and Annex VIII while amending the entry B3010 in Annex IX. In essence, EuRIC is concerned that the proposed changes, as currently drafted, would result in re-classifying plastic waste as hazardous or as wastes requiring special considerations except if they fulfil the insufficiently defined characteristics* laid down in the new text replacing the existing chapeau of the entry B3010.

Consequently, shipments of plastic waste will have to be arranged under the regime of prior informed consent procedure (PIC), namely notification procedure for all plastic waste shipments except the ones fulfilling the conditions* set in entry B3010. This will render shipments of plastics destined for high quality recycling far more complex given the additional administrative burdens, which could in turn jeopardize the development of a more circular economy for plastics in Europe. As a result, the Norwegian proposal might paradoxically result in more plastics sent for disposal rather than recycled.

***Conditions of non-hazardous plastic waste set in the chapeau of entry B3010 which neither can be implemented nor enforced in practice**

The non-hazardous character of plastic waste as defined in the amended chapeau of entry B3010 depends on

- i) Its characteristics (mixed with each other or other wastes) or contamination, which is defined in a footnote by a non-exhaustive list of materials;
- ii) Its destination, namely “immediate recycling”;

In essence, these characteristics leave **too much scope for diverging interpretations** since, in the vast majority of instances, plastic wastes contain trace levels of contamination, whose level is not defined, and comprise different types of polymers found in products in which they have been incorporated. As a result, the criteria based on plastics characteristics, as currently drafted, create confusion. The qualification of “immediate recycling” is new and hence will create significant difficulties in the practice by determining what is “immediate”. In essence, the characteristics set in the chapeau of entry B3010 will put both competent authorities and operators in a systemic state of legal uncertainty as to the classification of plastic and hence the regime they will have to abide to arrange compliant shipments.

The uncertainty stemming from the criteria set in the chapeau of entry B3010 would have the effect of widening the scope of the new entries, in particular entry Y 48 (under Annex II) since, in practice, all plastics waste which are not fulfilling the criteria of the chapeau of entry B3010 will be made subject to a notification procedure. In practical terms, we suspect that plastics from e-waste (WEEE) will be directly impacted by this change and will have to be notified to be shipped from one EU Member State to another. Given the need for plastics from WEEE to be shipped in recycling facilities which have the ability (both technical and know-how) to recycle these plastics fractions, such a notification requirement will automatically adversely impact shipments of e-waste plastics for recycling in Europe.

Disproportionate impacts from measures which are unfit to achieve legitimate and supported objectives

Requiring the vast majority of plastic waste to undergo a notification procedure to be shipped will impact both intra-community trade and extra-community trade. To provide an order of magnitude, the French Recycling Federation (FEDEREC) has calculated that, under the current conditions, the reclassification proposed for plastic waste under the Basel Convention will result on average in 3000 notifications alone per year for its affiliated Members while the competent authority is only equipped to process currently 2500 notifications per year for all waste streams (not only plastics). We consider this order of magnitude – doubling the number of notifications – as relevant in all EU countries.

More adequate measures

Plastic waste collected for recycling have in many instances to be shipped from one EU country to another or to third countries as material recovery cannot currently be installed in each and single country as well as because plastic scrap is a commodity which is traded within the internal market and with third countries as well. Measures aiming at preventing plastic waste, ensuring a proper treatment of plastic waste through recycling which are both in line with the waste hierarchy as well as measures aiming at pulling the demand for recycled plastics such as incentivising recycled content are better suited to combat plastic marine litter.

For this very reason, EuRIC supports the other Norwegian proposal to set up an international partnership on plastics under the Basel Convention which will complement some of the measures announced in the Plastics Strategy at EU level. EuRIC participates to a Green Deal, the “North Sea Resource Roundabout” (NSRR), which is an initiative supported by a number of Member States aiming at streamlining waste shipment procedures within the EU to boost recycling and minimise landfill or incineration. EuRIC would be keen in sharing the expertise gathered by participating to this partnership.

Should the European Commission take the decision to support a change of the Basel Convention on the basis of the proposal made by Norway, EuRIC strongly suggests to:

- Rather consider a **closed-list of plastic waste categories** which would be made subject to notification procedures, in order to prevent diverging interpretations resulting from insufficiently defined criteria and new entries;
- Make **an impact assessment prior to any decision** so as to i) gather comments from stakeholders and ii) evaluate beforehand the consequences on the internal market of such a revision.

For further information, please contact: euric@euric-aisbl.eu

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.