

Regulatory Alert

Basel Convention Plastic Waste Amendment

Region: Global

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INTENDED AUDIENCE

This Regulatory Alert is intended for IAEG members whose operations include the management of the transboundary movements and disposal of plastic wastes.

EXECUTIVE SUMMARY

Background on Regulation:

The Basel Convention is an international environmental treaty that aims to protect human health and environment against the adverse effects of hazardous wastes and entered into force on 05 May 1992. The Convention is a comprehensive agreement on the transboundary movements of hazardous wastes, as defined by their origin and/or composition and characteristics, as well as two additional types of wastes, household waste and incinerator ash, defined as “other wastes”.

The Convention contains the following Annexes:

I	Waste streams
II	Categories of wastes requiring special consideration
III	List of hazardous characteristics
IV	Disposal operations
V	Information to be provided on notification (A) and on the movement document (B)
VI	Arbitration
VII	Parties and other states which are members of OECD, EU, Liechtenstein
VIII	Wastes characterized as hazardous
IX	Wastes not covered in Annex VIII, unless they contain Annex I material to an extent of exhibiting an Annex III characteristic

On 10 May 2019, the Parties adopted amendments to Annexes II, VIII, and IX to bring plastic waste into the scope of the Convention with the aim of preventing hazardous waste disposal in developing countries. The amendments do not imply a ban on transboundary movements of waste but rather a clarification that plastic waste is now included in scope as a new category within these annexes.

APPLICABILITY

The Basel Convention amendments clarify the scope of plastic wastes as it relates to the Prior Informed Consent (PIC) procedure, which is a central tenet of controlling the transboundary movements of wastes under this multilateral agreement.

The Annex II and VIII amendments clarify the scope of plastic wastes assumed to be hazardous and therefore are subject to PIC procedure.

The Annex IX amendment clarifies the scope of plastic wastes assumed not to be hazardous and therefore they are not subject to PIC procedure.

RELEVANT DATES

- ❖ **Basel Convention adopted:** 22 March 1989
- ❖ **Basel Convention in force:** 5 May 1992
- ❖ **Plastic Waste Amendment adopted:** 10 May 2019
- ❖ **Plastic Waste Amendment in force:** 1 January 2021

REGULATORY OBLIGATIONS

The following changes were made to three annexes to the Convention:

- Annex II:
 - New entry Y48 covers all plastic waste, including mixtures except for plastic waste covered under entries A3210 (in Annex VIII) and B3011 (in Annex IX)
 - Waste requires special consideration: subject to PIC procedure
- Annex VIII:
 - New entry A3210 covers plastic waste, including mixtures of such waste, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic
 - Waste presumed to be hazardous: subject to PIC procedure
- Annex IX:
 - New entry B3011 covers plastic waste consisting almost exclusively of:
 - One non-halogenated polymer (e.g., polyethylene (PE), polypropylene (PP) and polyethylene terephthalate (PET))
 - One cured resin or condensation product (e.g., urea formaldehyde or epoxy resins)

- One of the following fluorinated polymers: Perfluoroethylene/propylene (FEP), perfluoroalkoxy alkanes, tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA), tetrafluoroethylene/perfluoromethyl vinyl ether (MFA), polyvinylfluoride (PVF), and polyvinylidene fluoride (PVDF)
 - Mixtures of polyethylene, polypropylene and/or polyethylene terephthalate, provided they are sorted and destined for separate recycling of each material
- New entry B3011 replaces entry B3010 after 31 December 2020 and is effective as of 1 January 2021

Waste presumed to be non-hazardous is not subject to the PIC procedure, provided the waste is destined for recycling in an environmentally sound manner and almost free from contamination and other types of wastes. Environmentally sound recycling refers to recycling of organic substances that are not used as solvents or if needed, temporary storage limited to one instance only if it is followed by recycling accompanied with relevant official documentation or evidence. Technical guidelines are available.

The following countries have not ratified the amendment: Turkey.

RISKS TO AEROSPACE AND DEFENSE

For countries party to this agreement, not complying with the amendments to Annexes II, VIII, and IX may result in being reprimanded by the competent authority.

IAEG ACTIONS RELATED TO THIS RISK

Notify IAEG members of the regulation through this Alert.

Post the Alert on IAEG website.

USEFUL LINKS

Basel Convention: <http://www.basel.int/>

Basel Convention Plastic Waste Amendments:

<http://www.basel.int/Implementation/Plasticwaste/PlasticWasteAmendments/Overview/tabid/8426/Default.aspx>

Technical Guidelines:

<http://www.basel.int/Implementation/TechnicalMatters/DevelopmentofTechnicalGuidelines/TechnicalGuidelines/tabid/8025/Default.aspx>

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