

INTERNATIONAL WASTE SHIPMENTS GUIDANCE ON THE BASEL CONVENTION AMENDMENTS ON PLASTIC WASTE DECEMBER 2020

Background

The Basel Convention on the control of Transboundary Movement of Hazardous wastes is the international convention that governs the movement of hazardous waste, to which the UK is a Party.

On 1 January 2021, new entries to Annexes II, VIII and IX of the Basel Convention will become effective. These amendments will strengthen the controls for the export of plastic wastes.

The changes mean that:

- (a) only plastics which are destined for recycling operations, and when consist of almost exclusively of one type of plastic can continue to be exported as 'Green List' waste;
- (b) mixtures of polypropylene (PP), polyethylene (PE), and polyethylene terephthalate (PET) can continue to be exported under Green List controls as long as they are destined for separate recycling;
- (c) all other plastic wastes exports and imports must be notified and receive consent for export from us prior to movement.

These changes only apply to the Basel Parties (which include the UK).

New legislation to implement these changes (the International Waste Shipments (Amendment of Regulation (EC) No 1013/2006) Regulations 2020 'the Regulations') is due to come into force on the 1 January 2021 so operators should take action now to ensure they will be compliance when the changes become law.

Basel Convention Amendments

Annexes II, VIII and IX of the Basel Convention have been amended to introduce the three new entries from 1 January 2021 as follows:

1. The existing code for non-hazardous plastic wastes B3010 in Annex IX (which remains in effect until 31 December 2020) has been replaced by code B3011.

The specific categories of plastic waste covered by B3011 are:

- Non-halogenated polymers;
- Cure resins / condensation products:
- Fluorinated polymers: and
- Mixtures of PP, PE, PET provided they are destined for separate recycling of each material in an environmentally sound manner and are almost free from contamination and other types of wastes.

These plastics can be shipped for recycling in OECD countries under Green List controls. **Currently, all shipments of these plastic wastes to non-OECD countries must be notified.**

Once the EU has updated its 'Green List Regulations', non-OECD countries may also accept these plastics wastes for recycling, but operators should always check with the relevant competent authority on the controls they apply.

In addition, the wastes listed above must also meet both of the following conditions:

- they must be destined for recycling (separately if they comprise mixtures of plastic waste) in an environmentally sound manner, AND
- they must be almost free from contamination and other types of wastes.

Two of these categories are non-exhaustive (non-halogenated polymers and cured resins / condensation products) and two are limited to the plastic wastes listed in **Table 1** (fluorinated polymers and PE/PP and/or PET mix).

All plastics classified as B3011 must also be recycled by R3 only. R3 is defined as *'Recycling / reclamation of organic substances that are not used as solvents'*. A footnote in the Waste Framework Directive (WFD) for R3 states that it includes gasification and pyrolysis using the components as chemicals.

The WFD classifies recycling as:

'Any recovery operation by which waste materials are processed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations.'

Therefore, R3 could include heat treatment but could be any other recycling process, but it does not include burning it for heat recovery.

Plastics, such as polyurethane foam may be recovered by R1, which is defined as *'Use principally as a fuel or other means to generate energy'*. Therefore, this would need to be notified as Y48.

The terms *'almost exclusively'* and *'almost free from contamination and other types of waste'* have not been defined in the Basel Convention Amendment. However, for example to be 'Green List', a consignment of polystyrene should contain only minimal amounts of other plastic wastes and only minimal amounts of contamination or other wastes. Baling or strapping materials which support the handling of the wastes need not be factored into the assessment of the presence of other materials. A consignment of polystyrene with more than a minimal amount of polypropylene or other plastic wastes should be described as Y48.

Our current guidance for Green List Waste still [applies](#):

Check your 'green list' waste for contamination

A waste which you think is 'green list' may need prior notification and consent, or may be prohibited if it is:

- *not properly sorted or unsorted;*
- *mixed with hazardous substance, e.g. if a batch of plastic waste contains residues of pesticide;*
- *mixed with another waste material which is more than a de minimis level of contamination and to an extent which prevents the recovery of the wastes in an 'environmentally sound manner', e.g. if glass, metals, plastic or wood are in a consignment of waste paper;*
- *contaminated by household or mixed municipal waste.*

Green list waste must contain no more than minimal contamination when the shipment starts. Information about the operating standards of the intended recycling facility is not relevant to our assessment of whether exported waste can be classified as B3011. This assessment is based on the quantity, type and quality of contaminant in the waste and on the specific type of waste to be exported. Contaminants include the presence of other polymers in a waste that is being exported as B3011.

2. The Basel Convention amended Annex II to introduce a new entry, Y48.

The following non-hazardous plastics wastes (Y48) will need to be notified to us and receive approval before they can be shipped:

- mixtures of plastic wastes (apart from mixtures of PP, PE and PET, provided they are destined for separate recycling of each material and in an environmentally sound manner and are almost free from contamination and other types of wastes);
- plastic wastes that are contaminated with other non-hazardous wastes;
- plastic waste destined for energy recovery or that cannot be recycled by R3 e.g. polyurethane foam that is recovered by R1 incineration for energy generation;

- plastic wastes that are not non-halogenated polymers, cured resins / condensation products or fluorinated polymers, such as poly vinyl chloride (PVC).

Plastic wastes classified as Y48 may move under notification controls to OECD and non-OECD countries but must receive approval from the exporting and importing countries before any waste can be shipped. Movements of EU48 (see below for explanation) between EU member states must be with prior informed consent.

3. The Basel Convention amended Annex VIII and created the new hazardous waste code A3210 (albeit the OECD has replaced it with the code AC300), which includes plastic waste or mixtures of such wastes containing hazardous constituents.

Hazardous wastes can be notified for shipment to OECD countries only and are banned from shipment to non-OECD countries. Therefore, if these wastes are moving within the OECD, the movements must receive approval from the exporting and importing countries before any waste can be shipped.

These changes come into effect on **1 January 2021** into force and remove entries B3010 and GH013 (PVC) and add new entries B3011, Y48 and AC300. Three Basel members have chosen not to implement these changes: Canada, China and Turkey; but exporters from Scotland must comply with these regulatory controls, which include these Basel changes.

Operators should also note that the EU is using the codes EU3011 (instead of B3011) and EU48 (instead of Y48) for shipments within the EU some movements of waste between Member States should use these EU codes. However, EU48 is **NOT** the same as Y48. EU48 includes consignments of plastic waste which are not covered by AC300, EU3011 or the mixtures specified in Annex IIIA, paragraph 4 of the Waste Shipment Regulation.

EU48 includes consignments of:

- contaminated plastic wastes (anything that is 'not almost free from contamination');
- plastic wastes mixed with non-plastic wastes;
- mixtures of PVC and other plastic wastes;
- mixtures of fluorinated polymers with other plastics wastes;
- mixtures of fluorinated polymers (with the exception of mixtures of perfluoroalkoxy alkanes).

TABLE 1: Plastic waste categories and export controls

Waste description	Code	Controls
<p>Non-hazardous single polymer plastic waste that is destined for R3 recycling. The categories are:</p> <ul style="list-style-type: none"> • Non halogenated polymers, including but not limited to polyethylene (PE) <ul style="list-style-type: none"> ◦ Polypropylene (PP) ◦ Polystyrene (PS) ◦ Acrylonitrile butadiene styrene (ABS) ◦ Polyethylene terephthalate (PET) ◦ Polycarbonates (PC) ◦ Polyethers • Cured resins / condensation products, including, but not limited to: <ul style="list-style-type: none"> ◦ Urea formaldehyde resins ◦ Phenol formaldehyde resins ◦ Malamine formaldehyde resins ◦ Epoxy resins ◦ Alkyd resins • Fluorinated polymers <ul style="list-style-type: none"> ◦ Perfluoroethylene/propylene (FEP) ◦ Perfluoroalkoxy alkanes <ul style="list-style-type: none"> ▪ Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA) 	<p>B3011</p>	<p>Article 18 controls for shipments within OECD countries.</p> <p>This waste may be banned or be notifiable for shipments to non-OECD countries.</p> <p>The EU is currently updating it's 'Green List Regulations 1418/07 to confirm the controls that will be in place for shipments to non-OECD countries.</p> <p>In the meantime, all shipments of B3011 to non-OECD countries must be notified.</p>

<ul style="list-style-type: none"> ▪ Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA) ◦ Polyvinylfluoride (PVF) ◦ Polyvinylidene fluoride (PVDF) 		
<p>Non-hazardous mixture of plastic waste, consisting of polyethylene (PE), polypropylene (PP) and / or polyethylene terephthalate (PET) provided they will be separately recycled.</p>	<p>B3011 (EU using EU3011 EU shipments)</p>	<p>Article 18 controls for shipments within OECD countries. This waste may be banned or be notifiable for shipments to non-OECD countries.</p>
<p>Non-hazardous plastic wastes not included in B3011, including plastic wastes that cannot be recycled by R3, e.g. polyvinyl chloride (PVC), polytetrafluoroethylene (PTFE)</p>	<p>Y48 (EU using EU48 EU Shipments)</p>	<p>Notifiable to OECD and non-OECD countries but consent must be received before the waste can ship.</p>
<p>Hazardous plastic waste</p>	<p>AC300 (A3210 as per Basel Conv.)</p>	<p>Notifiable to OECD countries by consent must be received before the waste can ship. Prohibited to non-OECD countries.</p>

Frequently Asked Questions

I export separated HDPE bales and PS bales in the same container. Is this B3011?

No, as that is not '*almost exclusively consisting of one non-halogenated polymer*'. Although the polymers themselves are in separate bales if they are exported in the same container or lorry then they will be considered to be mixed plastics and must be notified as Y48 (unless they are also hazardous, in which case they would be AC300).

I have a container (or a lorry) and it is comprised of 50% of bales that are PE and 50% of bales that are PP (or PET) – is this acceptable mixture to conform with the provisions in B3011?

Yes. A mixed load of these two polymers is acceptable - '*Mixtures of plastic waste, consisting of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET), provided they are destined for separate recycling of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes*'.

I export PET / PP/ PE plastics which are almost free from contamination and other wastes which undergo cleaning and reprocessing into a single plastic pellet – they are not separated into the different polymer types. Are these B3011?

No. Although the mixture of plastics is permitted under B3011, because the different polymers are not separated out the export would not comply with the conditions that apply to B3011.

What happens to loads that are in transit over the period of 31 December 2020 and 1 January 2021 that start their journey as B3010, but then become Y48?

We will assess each case on its own merits in line with its compliance and enforcement policy. We cannot comment on the actions of other competent authorities but where loads which would be classed at Y48 on or after 1 January 2021 enter or leave GB without necessary permissions they may be stopped and returned to the source site. Operators

should ensure that they are aware of and comply with the Regulations which come into force on 1 January 2021.

I export polyurethane for R1 recovery (incineration). Does it need to be notified?

Yes – even if it was a single polymer (which is unlikely). B3011 only applies to R3 Recycling.

I export fridge plastics for R3 recovery. Does it need to be notified?

Possibly – fridge plastics are likely to be a mixture of ABS, polystyrene and olefins and if not separated into their individual polymers prior to export would need to also be notified as Y48. Any waste being exported as B3011 must be single polymer apart from the one allowed mixture referred to in the second answer above.

I move Y48 plastics between EU member states. Does it require a notification?

Yes. Even within the EU, Y48 movements must be covered by a notification. This has been confirmed by the EC.

I want to IMPORT PVC waste from Switzerland. They have indicated they will still view PVC as GH013 and are telling their producers that they can move it on an Annex VII under Art.18. Does that mean it is Green List?

No. Where two component authorities (CAs) differ on their view on the controls that apply, the higher level of controls will always apply. In this case, under the retained EU law on waste shipments, which will operate in GB after the end of the Transition Period, the provisions of Article 28(2) '*disagreement on classification issues*' would apply where one CA classes a waste as Green List and another classes it as notifiable. In such circumstances notifications controls apply.