

BASEL CONVENTION

Secretariat of the Basel Convention

United Nations Environment Programme

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26 October 2018

Subject: Proposals to amend annexes II, VIII and IX of the Basel Convention to be considered at the fourteenth meeting of the Conference of the Parties

Dear Madam/Sir,

The purpose of this letter is to communicate to the Parties and the signatories to the Basel Convention the text of amendments to annexes II, VIII and IX of the Convention proposed by Norway.

The proposals will be considered at the fourteenth meeting of the Conference of the Parties, which is scheduled to take place from 29 April to 10 May 2019. The letter is being sent in accordance with paragraph 2 of Article 17 and paragraph 2 (a) of Article 18 of the Convention, which provide that the text of any proposed amendment to the annexes of the Convention “shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption”.

Annex I to this letter sets out the proposals to amend annexes II, VIII and IX of the Convention. Annex II sets out the text (in English) of an explanatory note submitted by Norway on the proposed amendments.

To facilitate discussion at the fourteenth meeting of the Conference of the Parties, Parties are invited to submit to the Secretariat and to the Government of Norway any comments relating to the amendment proposals by **31 December 2018**. The Secretariat will provide the Conference of the Parties with a compilation of any comments submitted. Please send your comments, preferably by e-mail, to:

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To: Basel Convention focal points

Cc: Permanent missions to the United Nations Office at Geneva

Basel Convention competent authorities

Depositary of the Convention, United Nations Office of Legal Affairs

Should you require additional information or clarification, please do not hesitate to contact the Secretariat.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'R. Payet', written over a horizontal line.

Rolph Payet
Executive Secretary of the Basel Convention

Annex I

Proposals by Norway to amend annexes II, VIII and IX of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal

Annex II

Proposal for a new entry:

Y 48 Plastic waste not covered by entry AXXXX of Annex VIII or B3010 of Annex IX.

Annex VIII

Proposal for a new entry:

AXXX Plastic waste

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)

Annex IX

Proposal for a new text to replace the existing chapeau of the entry, the existing indents and sub indents to remain unchanged:

B3010 Plastic waste:

The plastic materials listed below, provided they are not to an extent which prevents the recovery of the waste in an environmentally sound manner, mixed with each other, mixed with other wastes¹ or contaminated². 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 co-polymers, including but not limited to the following:

- ethylene
- styrene
- polypropylene
- polyethylene terephthalate
- acrylonitrile
- butadiene
- polyacetals
- polyamides
- polybutylene terephthalate
- polycarbonates
- polyethers
- polyphenylene sulphides
- acrylic polymers

¹ Mixed with other wastes means waste that result from an intentional or unintentional mixing of two or more different wastes.

² Contamination may comprise:

- non-recyclable material, e.g. nappies, rubble, dog waste;
- non-targeted material, e.g. plastic packaging included in 'plastic bottles only' collections; or
- targeted materials contaminated with unwanted items, e.g. dirt, stones, food-contaminated cardboard or plastic bottles containing liquids.

- alkanes C10-C13 (plasticiser)
- polyurethane (not containing CFCs)
- polysiloxanes
- polymethyl methacrylate
- polyvinyl alcohol
- polyvinyl butyral
- polyvinyl acetate

- Cured waste resins or condensation products including the following:

- urea formaldehyde resins
- phenol formaldehyde resins
- melamine formaldehyde resins
- epoxy resins
- alkyd resins
- polyamides

- The following fluorinated polymer wastes:

- perfluoroethylene/propylene (FEP)
- perfluoro alkoxyl alkane
- tetrafluoroethylene/per fluoro vinyl ether (PFA)
- tetrafluoroethylene/per fluoro methylvinyl ether (MFA)
- polyvinylfluoride (PVF)
- polyvinylidene fluoride (PVDF)

Annex II

Explanatory note by Norway on the proposed amendments

Norway proposes to amend Annexes II, VIII and IX of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. The proposal consists of a new entry Y48 in Annex II, a revised entry B3010 in Annex IX, and as a consequence of these two amendments, a new entry AXXXX in Annex VIII. With our proposal plastic waste will fall into three categories under the Basel Convention – single polymer uncontaminated plastic waste, plastic waste requiring special consideration, and hazardous plastic waste, the two latter categories falling under the prior informed consent procedure.

By transmission 2 June 2018 Norway submitted an application for the amendment of Annex IX to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal for consideration by the 11th session of the OEWG. The application concerned the removal of the waste category B3010 from list B of Annex IX. Norway equally signaled its intention to propose the addition of a new entry in Annex II covering plastic waste. Further explanation of the rationale and context for the Norwegian proposals is reflected in the addendum to the proposal contained in document UNEP/CHW/OEWG.11/INF36. The OEWG-11 decided the following:

The Open-ended Working Group

1. *Takes note* of the proposed amendment to Annex IX to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal submitted by the Government of Norway for consideration by the Conference of the Parties at its fourteenth meeting;1
2. *Recommends* that the Conference of the Parties consider at its fourteenth meeting whether to amend entry B3010 on solid plastic waste in Annex IX to the Convention and, if so, in what form;
3. *Takes note* of the intention of the Government of Norway to submit a proposal to amend Annex II to the Convention for consideration by the Conference of the Parties at its fourteenth meeting.

Norway believes that in order to address the global challenge of marine litter there is a need to better control transboundary shipments of plastic waste. The Basel Convention and its prior informed consent procedure has been designed to enhance the control of transboundary waste shipments. It supports the establishment and implementation of national export and import policies and empowers importing countries to manage their imports and ensure that environmental standards are met. However, the discharge of non-hazardous solid plastic waste into the environment causes problems globally in the form of marine litter and microplastics. This merits treating plastic waste as a category of waste requiring special consideration and listing it as a category of "other wastes" in Annex II.

Norway has submitted a revised proposal for amendments of Annexes II, VIII and IX of the Convention. These amendments are interdependent and should be considered in conjunction and treated as three distinct elements of the same proposal.

The proposal:

- 1) Further clarifies the criteria for when solid plastic waste in entry B3010 of annex IX does not trigger the prior informed procedure, and
- 2) Establishes a new category Y48 to be included in Annex II. This will trigger the prior informed consent procedure for that category, according to the Convention Article 1, paragraph 2 and Article 6, paragraph 1. Norway proposes that the scope of this category is negatively defined to cover solid plastic waste not covered by B3010 in Annex IX.
- 3) Establishes a new entry AXXXX in Annex VIII for plastic wastes containing or contaminated with Annex I constituents to an extent that they exhibit an Annex III characteristic.

The proposed amendments aim to clarify the distinction between hazardous plastic waste already covered by the PIC procedure, problematic streams of plastic waste that should be made subject to the prior informed procedure (Annex II-waste), and uncontaminated, pre-sorted plastic materials for recycling, prepared to a specification and suitable for immediate recycling. The latter group are less likely to pose environmental risks as a result of transboundary movements and therefore may continue to proceed without applying the convention prior informed consent procedures.

The proposal promotes the trade for recovery of uncontaminated and sorted plastic waste streams and incentives the environmentally sound management of plastic wastes limiting the plastic waste that ends up in the marine environment.

The core of the proposal is the new text for the chapeau of the entry B3010 of Annex IX.

Firstly, it limits the application of B3010 to plastic waste for recovery. Secondly, it clarifies that the plastic waste may only be mixed or contaminated to an extent that does not prevent its environmentally sound management. Thirdly, it sets out requirements on the extent to which the waste must be prepared for recycling. Plastic waste not fulfilling the requirements of B3010 will fall under a new entry Y48 of Annex II triggering the PIC procedure. In order to avoid misunderstandings, a new entry AXXXX of Annex VIII is proposed setting out when plastic waste is hazardous. This is a consequential amendment, the need for which was identified during consultations at the 11th meeting of the OEWG.

The proposed amendments are modelled over the concept that has been the practice for transboundary movements of plastic wastes between 32 countries in Europe for a number of years which has proven to be a balanced approach to the trade in plastic waste and environmental concerns on the sound management of wastes.