

Upcoming Changes to the classification of Plastic Waste Shipments

In May 2019, at the fourteenth meeting of the Basel Convention Conference of Parties (COP), a decision¹ was reached to amend Annexes II, VIII and IX of the Convention to enhance the control of transboundary movements of plastic waste. The decision followed a proposal by Norway to amend the Convention due to concerns primarily regarding the global impact of plastic waste on marine pollution litter. Overall, the following changes will have the effect of requiring all plastic waste to be subject to the amber notification procedure unless they can pre-sorted into clean, single polymers and can be recycled easily, with only certain mixtures permitted.

Shipments to third countries

- Annex IX – insertion of a new entry, B3011, which replaces B3010. Entry B3011 is intended primarily for single polymers with only mixtures comprising of either polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET) also classifiable as B3011.
- Annex II – insertion of a new entry, Y48, which covers mixtures of plastic waste not covered by entries A3210 or B3011. Y48 is subject to the notification procedure.
- Annex VIII – insertion of a new entry, A3210, which covers hazardous plastic waste and is thus subject to the notification procedure.

These new codes will apply to shipments of plastic waste from the EU to **all third countries, including Great Britain²**, from **1 January 2021**. However, it should be noted that the shipment of Y48 to non-OECD countries is prohibited.

Shipments within the EU and Northern Ireland

Following the Basel COP decision, and in accordance with Council Decision (EU) 2019/638 of 15 April 2019, the EU is making the necessary revisions to the Waste Shipment Regulation (WSR) so that the following variations will apply for shipments **within the EU and Northern Ireland**.

- B3011 does not apply and EU3011 applies instead.

¹<http://www.basel.int/Implementation/Plasticwaste/PlasticWasteAmendments/Overview/tabid/8426/Default.aspx>

² The Protocol on Ireland and Northern Ireland provides that Regulation (EC) No 1013/2006 applies to and in the United Kingdom in respect of Northern Ireland. Therefore, in this context, Northern Ireland is treated as if it were a Member State. Please see dedicated note on the impact on waste shipments following the UKs departure from the EU on the NTFSO website

- EU3011 applies to mixtures classified under separate indents or sub-indents of either non-halogenated polymers, cured resins/condensation products or fluorinated polymers
- Y48 does not apply and EU48 applies instead. EU48 refers to plastic waste not covered by EU3011 or AC300. EU48 is subject to the notification procedure.
- AC300 applies instead of A3210. AC300 is a new OECD Decision code for hazardous plastic waste. AC300 is subject to the notification procedure.
- Polymers of vinyl chloride (PVC) – OECD entry GH013 removed and EU3011 applies instead.
- Polytetrafluoroethylene (PTFE) – not included under B3011 but EU3011 does apply

These changes will be aligned with the Basel COP decision and are also due to come into effect from **1 January 2021**.

Additional provisions

The Basel COP decision introduced a number of other provisions regarding plastic waste shipments:

- Destined for recycling/separate recycling in an environmentally sound manner (ESM)
- Almost free from contamination and other types of wastes
- Almost exclusively consisting of

To comply with the *'destined for recycling/separate recycling in an ESM' provision*, plastic waste has to be recycled/reclaimed under an R3 process with only one instance of temporary storage (interim recovery) permitted. Documentation will have to be provided to verify each stage of the shipment. This provision is not applicable for shipments within the EU.

The EC are finalising guidance on the Basel COP plastic waste amendments and once published, it will be available³ as Correspondents' Guidelines No 12. It will contain detailed information for all stakeholders on a range of topics, including the additional provisions.

These Guidelines will not be finalised prior to January 1st 2021 and the following interim arrangements have been agreed **for this period only**:

- Levels of contamination up to a range of 8 to 10% are deemed acceptable to be regarded as falling under the scope of B3011/EU3011;
- In the short term, the industry should work to ensure lower contamination levels than the ones mentioned above, with the aim to achieve a lower value.

³ <https://ec.europa.eu/environment/waste/shipments/guidance.htm>