



FEAD position on the Norway Proposal to amend annexes II, VIII and IX of the Basel Convention December 2018

FEAD is the representative body of the private waste management industry in the European Union and a passionate advocate of the circular economy. FEAD's members have a strong track record of turning wastes into new commodities. As experts in environmental services we are deeply concerned about the global scourge of marine plastic pollution and therefore welcome Norway's ambition to address the issue of global marine litter. However, we firmly believe that this proposal is bound to miss its own objective: to combat marine litter, countries need to work on improving and expanding their respective waste management and particularly recycling capabilities, firmly combat illegal dumping. To reduce the amounts of refuse going into the world's oceans we need an effective enforcement of waste management legislation, the expansion of waste collection and treatment infrastructure, dissemination of information and best practice, as well as educational measures.

Despite the desirable goal of the proposal, the waste management companies are very concerned of its implications on waste management in the EU. The import ban on different types of solid waste put in place by China last year has already a significantly impact, taking away the world's largest market for scrap plastics but also opening up an opportunity to recycle more of our waste in the EU, if we adopt the right supporting measures that markets need for a real take off of the uptake of recycled plastics. Norway's proposal risks unfortunately to hinder the development of an EU market for plastic waste, by raising the administrative burden and the costs of shipping plastic waste, or by making them simply impossible. For avoiding this, the new entries need to be clear to avoid confusion and varying interpretations. **FEAD is also opposed to a system that restricts the use of the B3010 entry to plastic recycling under the green procedure, excluding plastic waste for recovery operations.**

Indeed, today, a large quantity of non-hazardous plastics is crossing the borders within the EU under the aforementioned waste entry and under the application of the green procedure for recovery. With the next proposed rules, an additional number of transfers would then be subject to notification, which would increase the administrative burden, for the notifiers as for the administrations without any positive environmental impact (at least within the EU).

To this end, FEAD calls for:

- a robust impact assessment since the Norwegian proposal could negatively impact plastic recycling and recovery;
- complementing measures to stimulate European demand for recycled materials and investment in recycling capacities (e.g. packaging and WEEE plastics);
- sufficient lead in time to allow new recycling infrastructure to be built;
- a clear commitment by the EU to limit delays for notified shipments;
- consideration given to intra EU trade.

Plastics wastes in number¹... (in 2015)

Plastics Production in EU	58 Mt/year
Plastics Post-Consumer Wastes generated in EU	26 Mt/year
Plastics wastes collected for recycling	7,8 Mt/year (30%)
Plastics wastes exported outside EU for recycling	3 Mt/year (11,5% of EU wastes) (appr. 50% of plastic waste collected for recycling)

Early November 2018, Norway submitted a revised proposal 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 this proposal, plastic waste will fall into three categories under the Basel Convention:

- **single polymer uncontaminated plastic waste** (a revised entry B3010 in Annex IX),
 - **plastic waste requiring special consideration**, for all plastics which are not covered by entry AXXXX of Annex VIII or B3010 of Annex IX (new entry Y48 in Annex II),
 - **and hazardous plastic waste** (a new entry AXXXX in Annex VIII),
- ⇒ the two latter categories falling under the prior informed consent procedure.

B3010 - Analysis of the chapeau suggested by Norway

<p>Norway's proposal</p> <p>B3010 Plastic waste</p> <p><i>The plastic materials listed below, provided they are not to an extent which prevents the recycling 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):</i></p> <p><i>1 Mixed with other wastes means waste that result from an intentional or unintentional mixing of two or more different wastes.</i></p> <p><i>2 Contamination may comprise:</i></p> <ul style="list-style-type: none">- 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.
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Under the new chapeau of the entry B3010, all waste which doesn't comply with the B3010 has to be regarded as "amber listed", and exporters of this waste have to apply the notification procedure.

Compared to the current definition, the Norwegian proposal adds three criteria to the B3010 entry listing:

- criterion n°1: Mixing/contamination is forbidden if it "prevents the recycling of the waste in an environmentally sound manner"

¹ <http://ec.europa.eu/environment/circular-economy/pdf/plastics-strategy-swd.pdf> p. 46

- criterion n°2: Plastic waste is limited to “R3 - operation” (other recovery operations are excluded)
- criterion n°3: Recycling operations may “only involve minimal further mechanical preparatory treatment processes, if any”

FEAD would like to comment those three new criteria.

As for criterion n°1: Mixing/contamination is forbidden if it “prevents the recycling of the waste in an environmentally sound manner”

FEAD considers this new criterion as confusing, subject to variable interpretation and, consequently, to legal uncertainty. **Closer/detailed specification of this new criteria is crucial to keep the entry B3010 from turning into an empty shell, an entry without substance, in favour of the entry Y48 and AXXXX (notification procedure).** Progressively, plastic waste could be considered as amber listed due to considerable room for interpretation. Furthermore, interpretations will very likely vary between competent authorities from different countries.

Mixed polymers and some contamination would continue to be allowed as long as it does not prevent the recycling of waste in an environmentally sound manner, but operators would have no visibility on how it will be interpreted by competent authorities. For example, we assume that plastic bottles with caps and/or sleeves made from a different polymer could still be exported as green listed, but is that definitely the case in each country? What about mixed bottles if it can be demonstrated that all material was recycled in an environmentally sound manner?

Moreover, one should keep in mind that the requirements to accept plastic waste from Europe set up by China and other countries in Asia have already raised sorting standards for waste plastics.

As for criterion n°2: Plastic waste is limited to “recycling” (no energy use)

FEAD members strongly oppose to limiting the use of the green list procedure to “recycling” operations, any recovery operation should be allowed.

Indeed, the article 18 and Annex III of the Waste Shipment Regulation refers to recovery operations, and not exclusively to recycling operations. Norway tries to introduce a distinction between recycling and recovery, which is not acceptable and, additionally, would be subject to variable interpretations.

Waste Shipment Regulation

Annex III – List of waste subject to the general information requirements laid down in article 18

(“Green” listed waste)

Regardless of whether or not wastes are included on this list, they may not be subject to the general information requirements laid down in Article 18 if they are contaminated by other materials to an extent which

[...]

(b) prevents the recovery of the wastes in an environmentally sound manner.

Companies currently shipping green listed waste within EU for recovery operation, do perform an “environmentally sound” task, applying other recovery operations than recycling (R3). There is no

reason why they should be subject to more administrative burden that would not bring any added value in terms of avoiding marine litter.

So far, the administrative procedure for shipment of waste makes a distinction between recovery and disposal in green-listed waste, and not a distinction between recovery and recycling. FEAD insists to make this fundamental distinction unchanged.

Moreover there is no recycling solution for all “pure streams”. Used polyurethane is a good example: recycling it would need specific chemical transformations that does not lead back to the production of polyurethane, or with extra environmental impacts and costs. Polyurethane is a type of polymer that a lot of countries in EU ship as green listed waste for recovery. Indeed, the best way to manage polyurethane is coprocessing at high temperature e.g. in cement kilns, as combustion is not well performing in classical incinerators. It represents a relatively high number of green list transfers within the EU. A notification procedure within the EU would not produce any environmental benefits.

In addition, FEAD expresses specific concerns about the MS with limited recycling/recovery capacity. Limitations of waste shipments within EU would lead to an accurate waste congestion. The example of cross-border shipments between Northern Ireland and Ireland can be mentioned. In such situation, there would be no other choice but to increase the landfill and incineration of plastic waste. This is the antithesis of the European strategy for plastics in a circular economy.

Finally, FEAD is concerned about the length of time it takes a notification to be approved by all competent authorities. We are worried that national authorities when assessing this proposal will not take enough into consideration the significant increase in the number and the variety of applications (financial impact). If this proposal is accepted by a majority of parties, we encourage the competent authorities to consider automating the process and making additional resources available to deal with the increase in the number and the variety of applications.

As for criterion n°3: Recycling operations may “only involve minimal further mechanical preparatory treatment processes, if any”

As most recycling operations involve “preparatory treatment processes”, FEAD doesn’t see the need to limit the entry B3010, as no environmental benefit is likely to result.

Y48 and AXXXX Hazardous – amber listed waste

At the moment there are no suitable codes in the amber list, which implies that in the notification form they are normally coded as “not listed under OECD”. In that sense, the Norway’s proposal would make it possible to fill in a Basel/OECD code on the forms.

Conclusion:

FEAD, as professional organisation of waste management companies dealing daily with the recycling and recovery of plastic waste within and outside Europe, will follow with an extreme attention the reaction of the signatories of the Basel Convention.

FEAD is certainly open to propose its collaboration and expertise, once more clarity is available on the future of this proposal, in order to develop a text ensuring:

- 1. An effective contribution to the reduction of marine litter**
- 2. An improved qualified recycling of plastic waste within and outside Europe**
- 3. To ensure the recovery of the non-recyclable fractions of plastic waste**
- 4. To keep the increased workload of the administration to acceptable proportion**
- 5. To ensure the required flexibility for the stakeholders in marketing the plastic waste streams.**

FEAD is the European federation representing the European waste and resource management industry. FEAD's members are national waste management associations covering 19 Member States, Norway and Serbia. They have an approximate 60% share in the household waste market and handle more than 75% of industrial and commercial waste in Europe. Their combined annual turnover is approximately € 75 billion. FEAD represents about 3,000 companies with activities in all forms of waste management. These companies employ over 320,000 people who operate around 2,400 recycling and sorting centres, 1,100 composting sites, 260 waste-to-energy plants and 900 controlled landfills.

They play a key role in the transition to a circular economy by producing resources which can be re-injected in the economy and by supplying energy. Our companies add value through innovative and cost-efficient collection, sorting, and recycling of secondary raw materials. Our members' companies also determine the best environmental option for non-recyclable waste streams.