



BASEL CONVENTION

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**Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Fourteenth meeting**

Geneva, 29 April–10 May 2019

Item 4 (b) (v) of the provisional agenda*

**Matters related to the implementation of the
Convention: scientific and technical matters:
marine plastic litter and microplastics**

**Proposals to amend Annexes II, VIII and IX to the Basel
Convention**

Note by the Secretariat

I. Introduction

1. The provisions pertaining to the proposal, adoption and entry into force of amendments to the annexes to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal are set out in Articles 17 and 18 of the Convention.
2. With regard to Annexes VIII and IX, at its eighth meeting, the Conference of the Parties adopted decision VIII/15 on revisions to the procedure for the review or adjustment of the lists of wastes contained in Annexes VIII and IX to the Convention. According to the revised procedure, applications for any changes to Annex VIII or IX received by the Secretariat at least three months prior to a meeting of the Open-ended Working Group will be forwarded to the Working Group for its consideration at that meeting. The decision of the Open-ended Working Group on any such application will be transmitted in a report, through the Secretariat, to the Conference of the Parties for consideration at its next meeting.

II. Implementation

3. On 2 June 2018, the Government of Norway transmitted to the Secretariat an application for the removal of the entry “B3010: solid plastic wastes” from Annex IX to the Basel Convention. As part of the information provided in the application form under “Summary of reasons for proposed placement”, it was indicated that the applicant proposed an amendment to Annex IX to remove entry B3010 in order to provide clarity concerning the regulation of wastes containing plastics. It was also indicated that the applicant intended to propose at a later stage an amendment to Annex II to the Basel Convention to add a new entry to cover plastic waste. It was further indicated that these proposed amendments to Annexes II and IX were intended to increase the effectiveness of the Convention with regard to plastic wastes, and especially plastic wastes leading to marine pollution.

* UNEP/CHW.14/1.

4. On 8 June 2018, pursuant to the procedure set out in the annex to decision VIII/15, the Secretariat placed the application on the website of the Basel Convention¹ and sent a communication to all Parties to the Convention to announce that the application made by the Government of Norway was available. Parties were invited to provide comments on the application directly to the applicant by 28 June 2018. On 13 June 2018, the Secretariat sent a follow-up communication to all Parties to the Convention with information relevant to the application that had previously been inadvertently omitted.

5. At its eleventh meeting, the Open-ended Working Group considered the application under agenda item 3 (b) (vi), on amendments to the annexes to the Basel Convention, together with its consideration of agenda item 3 (b) (iv), on marine plastic litter and microplastics, and on the basis of the information provided in documents UNEP/CHW/OEWG.11/14 and UNEP/CHW/OEWG.11/INF/36. Following its consideration of the matter, the Working Group adopted decision OEWG-11/7 on the amendment to Annex IX to the Basel Convention, whereby it:

(a) Took note of the proposed amendment to Annex IX to the Basel Convention submitted by the Government of Norway for consideration by the Conference of the Parties at its fourteenth meeting;²

(b) Recommended 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;

(c) Took 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.

6. On 12 October 2018, the Secretariat received from the Government of Norway proposals to amend Annexes II, VIII and IX to the Basel Convention, followed by a corrigendum on 19 November 2018. The proposals are set out in annex I to the present note. For the convenience of Parties, annex II to the present note shows in tracked changes the proposed amendments to the current texts of Annexes II, VIII and IX. An explanatory note from the Government of Norway is set out in document UNEP/CHW.14/INF/18, which will be issued in the six official languages of the United Nations.

7. Pursuant to paragraph 2 of Article 17 and paragraphs 2 (a) and 3 of Article 18 of the Convention, on 26 October 2018, more than six months before the fourteenth meeting of the Conference of the Parties, the Secretariat communicated the proposals to amend Annexes II, VIII and IX to the Convention to the Parties and signatories to the Convention.³ The corrigendum was communicated on 6 December 2018. A compilation of comments received from Parties about the proposed amendments is set out in document UNEP/CHW.14/INF/17.

8. Pursuant to paragraph 2 of Article 17 and paragraphs 2 (a) and 3 of Article 18 of the Convention, amendments to the Annexes of the Convention are to be adopted at a meeting of the Conference of the Parties.

9. Pursuant to paragraph 3 of Article 17 and paragraphs 2 (a) and 3 of Article 18 of the Convention, the Parties are to take decisions on an amendment to the annexes by consensus. If, for a particular proposed amendment, all efforts at consensus have been exhausted and no agreement has been reached, as a last resort the amendment may be adopted by a three-fourths majority vote of the Parties present and voting at the meeting.

10. If the Conference of the Parties decides to amend an annex to the Convention, pursuant to paragraphs 2 (b) and 3 of Article 18 of the Convention any Party that is unable to accept the amendment shall so notify the Depositary, in writing, within six months from the date of communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous notification of non-acceptance in respect of an additional annex, and the annex shall thereupon enter into force for that Party.

11. Pursuant to paragraphs 2 (c) and 3 of Article 18 of the Convention, on the expiry of six months from the date of the communication by the Depositary, the amendment to the annex shall enter into force for all Parties that have not submitted a notification in accordance with the provisions of paragraphs 2 (b) and 3 of Article 18 of the Convention.

¹ <http://www.basel.int/TheConvention/Communications/tabid/1596/Default.aspx>.

² UNEP/CHW/OEWG.11/INF/36.

³ <http://www.basel.int/TheConvention/Communications/tabid/1596/Default.aspx>.

III. Proposed action

12. The Conference of the Parties may wish to consider adopting the proposed amendments to Annexes II, VIII and IX of the Basel Convention, which are set out in annex I to the present note.

Annex I

Proposals by the Government of 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 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):

- 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
- alkanes C10-C13 (plasticiser)

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.

- 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

Tracked changes to the current texts of Annexes II, VIII and IX reflecting the amendment proposals

1. Proposal to amend Annex II

ANNEX II

CATEGORIES OF WASTES REQUIRING SPECIAL CONSIDERATION

Y46	Wastes collected from households
Y47	Residues arising from the incineration of household wastes
<u>Y48</u>	<u>Plastic waste not covered by entry A5010 of Annex VIII or B3010 of Annex IX.</u>

2. Proposal to amend Annex VIII

ANNEX VIII⁷

LIST A

Wastes contained in this Annex are characterized as hazardous under Article 1, paragraph 1 (a), of this Convention, and their designation on this Annex does not preclude the use of Annex III to demonstrate that a waste is not hazardous.

A1 Metal and metal-bearing wastes

[...]

A 4160	Spent activated carbon not included on list B (note the related entry on list B B2060)
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A5 Plastic waste

<u>A5010</u>	<u>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)</u>
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⁷ The amendment whereby Annex VIII was added to the Convention entered into force on 6 November 1998, six months following the issuance of depositary notification C.N.77.1998 of 6 May 1998 (reflecting Decision IV/9 adopted by the Conference of the Parties at its fourth meeting). The amendment to Annex VIII whereby new entries were added entered into force on 20 November 2003 (depositary notification C.N.1314.2003), six months following the issuance of depositary notification C.N.399.2003 of 20 May 2003 (reflecting Decision VI/35 adopted by the Conference of the Parties at its sixth meeting). The amendment to Annex VIII whereby one new entry was added entered into force on 8 October 2005 (depositary notification C.N.1044.2005), six months following the issuance of depositary notification C.N.263.2005 of 8 April 2005 (re-issued on 13 June 2005, reflecting Decision VII/1 adopted by the Conference of the Parties at its seventh meeting). The present text includes all amendments.

3. Proposal to amend Annex IX

ANNEX IX¹⁶

LIST B

Wastes contained in the Annex will not be wastes covered by Article 1, paragraph 1 (a), of this Convention unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic.

[...]

B3 Wastes containing principally organic constituents, which may contain metals and inorganic materials

B3010 ~~Solid p~~Plastic waste;

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 wastes²³ or contaminated.²⁴ 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 A5010).

- ~~The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification~~Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following:²³
 - ethylene
 - styrene
 - polypropylene
 - polyethylene terephthalate
 - acrylonitrile
 - butadiene
 - polyacetals
 - polyamides
 - polybutylene terephthalate
 - polycarbonates
 - polyethers
 - polyphenylene sulphides
 - acrylic polymers
 - alkanes C₁₀-C₁₃ (plasticiser)
 - polyurethane (not containing CFCs)

¹⁶ The amendment whereby Annex IX was added to the Convention entered into force on 6 November 1998, six months following the issuance of depositary notification C.N.77.1998 (reflecting Decision IV/9 adopted by the Conference of the Parties at its fourth meeting). The amendment to Annex IX whereby new entries were added entered into force on 20 November 2003 (depositary notification C.N.1314.2003), six months following the issuance of depositary notification C.N.399.2003 of 20 May 2003 (reflecting Decision VI/35 adopted by the Conference of the Parties at its sixth meeting). The amendment to Annex IX whereby one entry was added entered into force on 8 October 2005 (depositary notification C.N.1044.2005) six months following the issuance of depositary notification C.N.263.2005 of 8 April 2005 (re-issued on 13 June 2005, reflecting Decision VII/19 adopted by the Conference of the Parties at its seventh meeting). The amendment to Annex IX whereby new entries were added entered into force on 27 May 2014 (depositary notification C.N. 304.2014) six months following the issuance of depositary notification C.N. 965.2013 of 26 November 2013 (reflecting decision BC-11/6 adopted by the Conference of the Parties at its eleventh meeting). The present text includes all amendments.

²³ Mixed with other wastes means waste that result from an intentional or unintentional mixing of two or more different wastes.

²⁴ 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.

²³ ~~It is understood that such scraps are completely polymerized.~~

- 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 wastes²⁴:
 - perfluoroethylene/propylene (FEP)
 - perfluoro alkoxyl alkane
 - tetrafluoroethylene/per fluoro vinyl ether (PFA)
 - tetrafluoroethylene/per fluoro methylvinyl ether (MFA)
 - polyvinylfluoride (PVF)
 - polyvinylidenefluoride (PVDF)

[...]

²⁴ ~~Post consumer wastes are excluded from this entry:~~

~~— Wastes shall not be mixed~~

~~— Problems arising from open burning practices to be considered~~