



INTRODUCTION TO: TRANSBOUNDARY MOVEMENTS OF PLASTIC WASTE UNDER THE BASEL CONVENTION

NANCY ISARIN
INTERNATIONAL EXPERT ENVIRONMENTAL
ENFORCEMENT

Content

1. **Plastic Waste Trade**
2. **Rules for Transboundary Movements of Waste**
3. **Plastic Waste Classification**



- Film: <https://www.youtube.com/watch?v=Sb5Mdz0Tw9U> (**until 3.56**)



Plastic Waste Production

The growth of plastics production has substantially outpaced any other manufactured material.

Resulting in a corresponding increase in plastic waste.

Approximately 6.3 billion tonnes of plastic waste have been generated since 1950, of which 12% has been incinerated, less than 10% recycled and nearly 80% either discarded or landfilled

(Source: Jambeck et al., 2015)

Flaws in the current svstem

Drivers of plastic leakages from collected waste

Policy	<ul style="list-style-type: none">• High recycling targets in developed countries that heavily rely on transboundary movement.• Emerging trade restrictions in recipient countries starting with China and followed by other countries.• Under current regulations, scrap plastic does not require control for the transboundary movement.• Lack of traceability or obligation for exporters to demonstrate the environmental performance of exported waste recycling.
Compliance	<ul style="list-style-type: none">• Existing international trade codes do not match control requirements. This promotes low accountability and transparency throughout the value chain.• Weak enforcement of pollution control in recipient countries.• Competent authorities in waste importing countries lack capacity to monitor the amount of waste entering their territories.

Flaws in the current system

<i>Drivers of plastic leakages from collected waste (continued)</i>	
Market indicators	<ul style="list-style-type: none">• Low grade, mixed, unsorted and contaminated scrap plastics are costly to process and have little or no market value.• Low oil and gas prices make virgin plastic cheap and undermine the market for secondary plastic feedstock.• Global trade deficit with China lowers return shipping costs.• Low demand for recycled feedstock and materials.• Lower environmental controls, working standards and cheaper labour make it cost effective to export waste to emerging economies.
Waste management, transportation and technology	<ul style="list-style-type: none">• Insufficient recycling and technological capacity along with high capital and operational costs in industrialised countries.• Despite advancing methodologies to recycle plastic, there are still technological shortfalls that make sorting scrap plastic challenging (Bureau of International Recycling, 2008).• Recycling bias amongst developed nations. Within the EU, domestic plastic recycling is selective toward plastics that are easy to collect and recycle. Yet, this represents only a small fraction of plastics consumed. The remainder is generally exported.• Delays in transportation trade hubs e.g., over-supply at ports in emerging scrap plastic markets.
Culture	<ul style="list-style-type: none">• Single-use plastic consumerism trends.• While some plastic products such as building materials have long lifecycles, the majority of plastic products have a short lifetime lasting between one day and two years.• Lack of a universally agreed definition of “recyclable” thwarts commitments to promote changes among consumers.



Plastic Waste Trade

- Plastic pollution's environmental impact is wide ranging and serious.
- Impact of waste import restrictions by China*:
 - Re-routing
 - Increase of illegal and/or improper treatment of plastic waste
 - Increase of fraudulent activities
- Urgent need for action to prevent and reduce the illegal shipping of plastic waste (as defined in the Basel Convention).

*(*Interpol strategic analysis report - August 2020)*

- Film: <https://youtu.be/U1sQNvdos3I>

General rules for shipping waste across borders



Basel, Rotterdam and Stockholm Conventions

(BRS Conventions)

Common objective:

to protect human health and the environment

A framework for Life Cycle Management:

The 3 conventions together cover elements of “cradle-to- grave” approach

Interlocking scope and coverage:

- Common thread: most POPs are covered by all 3 Conventions.
- Many pesticides are subject to the 3 Conventions.
- As wastes, all chemicals fall under the scope of the Basel Convention

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal

“Seeks to protect human health and the environment from harm which may be caused by generation and management of hazardous wastes”

Adopted in 1989, entry into force 1992 (189 Parties as of December 2021)





Photocredit: Person-in-Port Project

Pillars of the Basel Convention

I. The minimization of the generation of hazardous and other wastes

II. The requirement of environmentally sound management (ESM) of hazardous wastes and other wastes

III. The control of transboundary movements of hazardous wastes and other wastes (Prior Informed Consent Procedure – PIC)

Pillars of the Stockholm Convention

- ❑ Eliminating or reducing the production and use of the intentionally produced POPs listed in Annexes A and B
- ❑ Minimizing and where feasible eliminating releases of unintentionally produced POPs listed in Annex C
- ❑ Cleaning-up of old stockpiles and equipment containing POPs
- ❑ Supporting the transition to safer alternatives
- ❑ Targeting additional POPs for action

(short video: <https://www.youtube.com/watch?v=keOLiXOoFDU>)

Export/Import/Transit Control under Basel Convention – basic rules and principles



-
- Basel contains a detailed Prior Informed Consent (PIC) procedure with strict requirements for transboundary movements (TBM) of wastes (article 6)
 - Right for each Party to prohibit import/export/transit of all or specific wastes (article 4)
 - Classify additional waste streams as hazardous (article 3)
 - Basel specifies consequences of illegal traffic, eg. obligation for exporter to take back illegal shipment (article 9)
 - Transboundary movements between Parties and non-Parties generally not permitted unless entered into an agreement (Article 11)

Agreements with non- Parties



The screenshot shows the Basel Convention website interface. At the top, there are navigation tabs for 'Basel Convention', 'Rotterdam Convention', 'Stockholm Convention', and 'Synergies'. Below these is a header with the UN Environment Programme logo and the text 'BASEL CONVENTION Controlling transboundary movements of hazardous wastes and their disposal'. A navigation menu includes 'HOME', 'THE CONVENTION', 'PROCEDURES', 'IMPLEMENTATION', 'COUNTRIES', and 'PARTNERS'. A breadcrumb trail indicates the current location: 'You are here: Basel Convention > Countries > Agreements or Arrangements'. A sidebar on the left lists various resources under the 'Countries' heading, including 'Status of Ratifications', 'Country Contacts', 'Country Profiles', 'Imports / Export Restrictions', 'National reporting', 'National Definitions', 'National Legislation', and 'Country Fact Sheets'. The main content area is titled 'Bilateral, Multilateral or Regional Agreements or Arrangements' and contains text explaining the purpose of these agreements according to Article 11 of the Basel Convention. It also provides information on where to find additional national legislation (ECOLEX portal) and where to find full texts of national reports. A filter section allows users to select a country (currently 'Colombia') and a 'Hide Intro' button. Below this, the 'Colombia' section is highlighted, showing the 'Last Update: 31/12/2020'. A table titled 'Table of Bilateral, Multilateral or Regional Agreements' is displayed, with columns for 'Type of agreement(s) / arrangement(s)', 'States and territories covered', and 'Remarks'. The table currently shows 'No agreement'.

Bilateral, Multilateral or Regional Agreements or Arrangements

In accordance with Article 11 of the Basel Convention Parties shall notify the Secretariat of any **Bilateral, Multilateral and Regional Agreements and Arrangements** which they have entered, for the purpose of controlling transboundary movements of hazardous wastes and other wastes which take place entirely among the Parties to such agreements.

Additional information concerning national legislation can be obtained from the ECOLEX portal, which is an information service on environmental law jointly operated by FAO, IUCN and UNEP. This portal includes information on national legislation, treaties, judicial decisions and technical guidance documents and can be accessed at www.ecolex.org

The full texts of the Basel Convention national reports are available [here](#)

Filter by Countries:

Colombia

Last Update: 31/12/2020

Table of Bilateral, Multilateral or Regional Agreements

Type of agreement(s) / arrangement(s)	States and territories covered	Remarks
No agreement		

Source: <http://www.basel.int/Countries/AgreementsorArrangements/tabid/8690/Default.aspx>

What is waste?

- Article 2.1: Substances or objects that are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of

What is hazardous waste?

- (a) Wastes that belong to any category contained in Annex I, unless they do not possess any of the characteristics contained in Annex III; and
- (b) Wastes that are not covered under paragraph (a) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit.

What are other wastes?

- Wastes that belong to any category contained in Annex II that are subject to transboundary movement shall be “other wastes” for the purposes of this Convention.



What types of waste fall under the scope of the Basel Convention?

Waste classification

PIC procedure
required for
hazardous and other
wastes:

- Annex I: Categories of wastes to be controlled (Y-codes)
- Annex II: Categories of wastes requiring special consideration (Y-codes)
- Annex III: List of hazardous characteristics (H-codes)
- Annex VIII - List A (A-codes)

No PIC procedure
required for non-
hazardous wastes:

- Annex IX - List B (B-codes)

Examples of hazardous waste A-codes



Cadmium containing waste



Lead containing waste



PCB containing waste

Examples of other waste (Y-codes)



Y46: wastes collected from households



Y47: Residues arising from the incineration of household wastes



Y48: Plastic wastes, including mixtures

The 4 stages of the Prior Informed Consent (PIC) procedure



1

Notification by the
exporting country



2

Consent and issuance of
a movement document



3

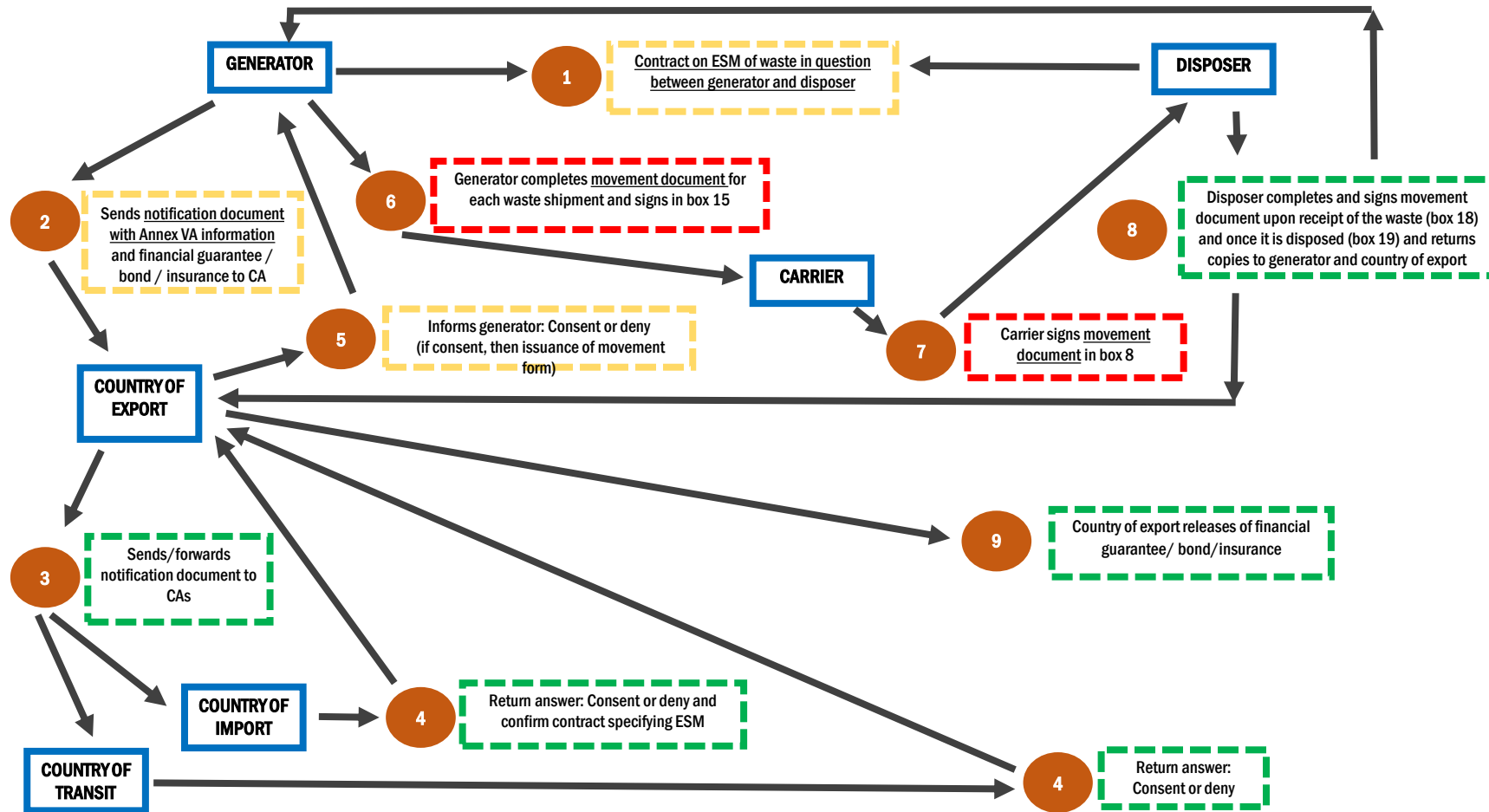
Transboundary
movement



4

Confirmation of disposal

Prior informed consent procedure



Notification document for transboundary movements/shipments of waste

1. Exporter - notifier Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	3. Notification No: Notification concerning A.(i) Individual shipment: <input type="checkbox"/> (ii) Multiple shipments: <input type="checkbox"/> B.(i) Disposal (1): <input type="checkbox"/> (ii) Recovery: <input type="checkbox"/> C. Pre-consented recovery facility (2;3) Yes <input type="checkbox"/> No <input type="checkbox"/>												
2. Importer - consignee Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	4. Total intended number of shipments: 5. Total intended quantity (4): Tonnes (Mg): m ³ : 6. Intended period of time for shipment(s) (4): First departure: Last departure:												
8. Intended carrier(s) Registration No: Name(7): Address: Contact person: Tel: Fax: E-mail: Means of transport (5):	7. Packaging type(s) (5): Special handling requirements (6): Yes: <input type="checkbox"/> No: <input type="checkbox"/> 11. Disposal / recovery operation(s) (2) D-code / R-code (5): Technology employed (6): Reason for export (1;6):												
9. Waste generator(s) - producer(s) (1;7;8) Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Site and process of generation (6)	12. Designation and composition of the waste (6): 13. Physical characteristics (5):												
10. Disposal facility (2): <input type="checkbox"/> or recovery facility (2): <input type="checkbox"/> Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Actual site of disposal/recovery:	14. Waste identification (fill in relevant codes) (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EC list of wastes: (iv) National code in country of export: (v) National code in country of import: (vi) Other (specify): (vii) Y-code: (viii) H-code (5): (ix) UN class (5): (x) UN Number: (xi) UN Shipping name: (xii) Customs code(s) (HS):												
15. (a) Countries/States concerned, (b) Code no. of competent authorities where applicable, (c) Specific points of exit or entry (border crossing or port)													
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">State of export - dispatch</td> <td style="width: 33%;">State(s) of transit (entry and exit)</td> <td style="width: 33%;">State of import - destination</td> </tr> <tr> <td>(a)</td> <td></td> <td></td> </tr> <tr> <td>(b)</td> <td></td> <td></td> </tr> <tr> <td>(c)</td> <td></td> <td></td> </tr> </table>		State of export - dispatch	State(s) of transit (entry and exit)	State of import - destination	(a)			(b)			(c)		
State of export - dispatch	State(s) of transit (entry and exit)	State of import - destination											
(a)													
(b)													
(c)													
16. Customs offices of entry and/or exit and/or export (European Community): Entry: Exit: Export:													
17. Exporter's - notifier's / generator's - producer's (1) declaration: I certify that the information is complete and correct to my best knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.													
Exporter's - notifier's name: Date: Signature: Generator's - producer's name: Date: Signature:	18. Number of annexes attached												
FOR USE BY COMPETENT AUTHORITIES													
19. Acknowledgement from the relevant competent authority of countries of import - destination / transit (1) / export - dispatch (9): Country: Notification received on: Acknowledgement sent on: Name of competent authority: Stamp and/or signature:	20. Written consent (1;8) to the movement provided by the competent authority of (country): Consent given on: until: Consent valid from: No: <input type="checkbox"/> If Yes, see block 21 (6): <input type="checkbox"/> Specific conditions: No: <input type="checkbox"/> Name of competent authority: Stamp and/or signature:												

Movement document for transboundary movements/shipments of waste

1. Corresponding to notification No:		2. Serial/total number of shipments: /	
3. Exporter - notifier Registration No: Name: Address: Contact person: Tel: Fax: E-mail:		4. Importer - consignee Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	
5. Actual quantity: Tonnes (Mg): m³:		6. Actual date of shipment:	
7. Packaging Type(s) (1): Number of packages: Special handling requirements: (2) Yes: <input type="checkbox"/> No: <input type="checkbox"/>			
8.(a) 1st Carrier (3): Registration No: Name: Address: Tel: Fax: E-mail:		8.(b) 2nd Carrier: Registration No: Name: Address: Tel: Fax: E-mail:	
		8.(c) Last Carrier: Registration No: Name: Address: Tel: Fax: E-mail:	
----- To be completed by carrier's representative -----			
Means of transport (1): Date of transfer: Signature:		Means of transport (1): Date of transfer: Signature:	
9. Waste generator(s) - producer(s) (4;5;6): Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Site of generation (2):		12. Designation and composition of the waste (2):	
10. Disposal facility <input type="checkbox"/> or recovery facility <input type="checkbox"/> Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Actual site of disposal/recovery (2)		13. Physical characteristics (1):	
11. Disposal/recovery operation(s) D-code / R-code (1):		14. Waste identification (fill in relevant codes) (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EC list of wastes: (iv) National code in country of export: (v) National code in country of import: (vi) Other (specify): (vii) Y-code: (viii) H-code (1): (ix) UN class (1): (x) UN Number: (xi) UN Shipping name: (xii) Customs code(s) (HS):	
15. Exporter's - notifier's / generator's - producer's (4) declaration: I certify that the above information is complete and correct to my best knowledge. I also certify that legally enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantee is in force covering the transboundary movement and that all necessary consents have been received from the competent authorities of the countries concerned. Name: Date: Signature:			
16. For use by any person involved in the transboundary movement in case additional information is required			
17. Shipment received by importer - consignee (if not facility): Date: Name: Signature:			
TO BE COMPLETED BY DISPOSAL / RECOVERY FACILITY			
18. Shipment received at disposal facility <input type="checkbox"/> or recovery facility <input type="checkbox"/> Date of reception: Accepted: <input type="checkbox"/> Rejected: <input type="checkbox"/> Quantity received: Tonnes (Mg): m³: *immediately contact competent authorities Approximate date of disposal/recovery: Disposal/recovery operation (1): Name: Date: Signature:		19. I certify that the disposal/recovery of the waste described above has been completed. Name: Date: Signature and stamp:	

(1) See list of abbreviations and codes on the next page
 (2) Attach details if necessary
 (3) If more than 3 carriers, attach information as required in blocks 8 (a,b,c).

(4) Required by the Basel Convention
 (5) Attach list if more than one
 (6) If required by national legislation

Colombia Import and Export restrictions

- Hazardous and other wastes can be exported
- Total ban on imports of hazardous and other wastes

Toxic and nuclear wastes were banned from entering the country since 1991, through Article 81 of the Colombian Constitution.

Colombian Law No. 1252 (November 27th, 2008) banned hazardous wastes from entering the country. Article 4 forbids the “entering, importation and traffic of hazardous wastes to the national territory”.

National Decree No. 4741 (2005) bans the import of wastes containing Persistent Organic Pollutants (COP's: Aldrin, Chlordane, Dieldrin, Endrin, Heptachlor, Hexachlorobenzene, Mirex, Toxaphene, Polychlorinated Biphenyls –PCBs-, DDT), as well as equipment or substances containing PCBs, in an amount equal or above to 50 mg/kg.

Resolution No. 1402 (2006) issued by Ministry of Environment provides further dispositions to those set in Decree 4741 of December 2005 regarding hazardous wastes.

The screenshot displays the Basel Convention website interface. At the top, there are navigation tabs for 'Basel Convention', 'Rotterdam Convention', 'Stockholm Convention', and 'Synergies'. Below these is a header with the UN Environment Programme logo and the text 'BASEL CONVENTION Controlling transboundary movements of hazardous wastes and their disposal'. A main navigation bar includes links for 'HOME', 'THE CONVENTION', 'PROCEDURES', 'IMPLEMENTATION', 'COUNTRIES', and 'PARTNERS'. A breadcrumb trail indicates the current location: 'You are here: Basel Convention > Countries > Import / Export Restrictions'. On the left, a sidebar menu lists various topics, with 'Imports / Export Restrictions' highlighted. The main content area features the title 'Decisions to prohibit or restrict import or export of hazardous or other wastes' followed by explanatory text. A dropdown menu allows selecting a country, with 'Colombia' chosen. Below this, the 'Colombia' section is titled 'Basel 2020' and contains three expandable sections: 'Implementation of the Ban Amendment', 'Restrictions on export of wastes for final disposal (Annex IV A)', and 'Restrictions on export of wastes for recovery (Annex IV B)'. The 'Implementation of the Ban Amendment' section is currently expanded, showing text about the ban's implementation and ratification details.

Source: <http://www.basel.int/Countries/ImportExportRestrictions/tabid/4835/Default.aspx>

A photograph of an open shipping container filled with waste, with two men standing outside. The container is orange and has a red door. The waste inside is a large pile of crumpled paper and other debris. Two men are standing outside the container; one is wearing a light blue shirt and the other is wearing a blue shirt and a red cap. The background shows a paved area and some greenery.

Amendments to the Basel Convention



Ban amendment

Decision III/1 of 1995 amended the Convention »

Bans exports of hazardous waste from countries listed in Annex VII (OECD, EC, Liechtenstein) to non-Annex VII countries

Entered into force 15 December 2019

note: transboundary movements of hazardous waste between non-Annex VII countries is possible – if all procedures have been followed



Plastic Waste amendments

Decision BC-14/12 amended the Convention » identifies new categories of plastic waste subject to the Basel Convention

- To address the challenges with plastic waste
- To limit or regulate movements of plastic waste

Entered into force 1.1.2021

New rules for shipping plastic waste

- Increased transparency
- Traceability
- Sharing of information

To make enforcement more effective, curbing the illegal dumping of plastic waste in countries not wishing to receive such waste or lacking the capabilities for environmentally sound waste management.

The Basel Convention and Plastic Waste



**BC-14/12:
Plastic Waste
Amendments**

*Effective
1 Jan 2021*

Annex II

Y48

Plastic waste,
including mixtures



Annex VIII

A3210

Hazardous plastic waste



Annex IX

B3011

Clean plastic waste
for recycling



**Prior
Informed
Consent
(PIC)**

The Basel Convention and Plastic Waste

Y48 All plastic waste, including mixtures of plastic waste, except for the plastic waste covered by entries A3210 (in Annex VIII) and B3011 (in Annex IX)

BC-14/12:
Plastic Waste
Amendments
Effective 1 Jan 2021

Annex VIII **A3210**
Hazardous plastic waste



Prior
Informed
Consent
(PIC)

Annex IX **B3011**
Clean plastic waste for
recycling



The Basel Convention and Plastic Waste





- Non-hazardous plastic waste
- B3011
- Annex IX



- Hazardous plastic waste
- A3210
- Annex VIII



- Other plastic waste
- Y48
- Annex II

Non-hazardous plastic waste

- A group of cured resins, non-halogenated and fluorinated polymers, provided the waste is:
 - destined for recycling in an **environmentally sound manner** and
 - **almost free from contamination and other types of wastes**;
- Mixtures of plastic wastes consisting of polyethylene (PE), polypropylene (PP) 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**.

Examples of national interpretations (1)

Examples of "Regulated Waste Plastics" & "Non-regulated Waste Plastics"

"Regulated Waste Plastics"^{Note 1}



✗ Waste plastics of mixed types (over 0.5% of total weight)



✗ Waste plastics with impurities (such as waste wood, cables, printed circuit boards) over 0.5% of total weight



✗ Unclean waste plastics with impurities (such as dirt and metal) over 0.5% of total weight



✗ Waste plastics not listed in entry B3011 of Annex IX to the Basel Convention (such as PVC)

Examples of national interpretations (2)

Examples of national interpretations (3)

"Non-regulated Waste Plastics"^{Note 2}

  <p>Transparent plastic bottles</p>	  <p>High-density polyethylene flakes</p>	  <p>Transparent plastic bags</p>
<p>✓ Single-type and uncontaminated waste plastics^{Note 3}</p>		
  <p>Plastic bottle caps</p>	  <p>Polystyrene flakes</p>	 <p>CD (Polycarbonate)</p>

Examples of national interpretations (4)

	
<p>✓ Different single-type and uncontaminated waste plastics stored in separate receptacles inside a cargo container</p>	<p>✓ Mixtures of waste plastics, consisting of PE, PP and/or PET (such as plastic beverage bottles), provided they are destined for separate recycling of each material and in an environmentally sound manner and free from contamination and other types of wastes</p>

EU Waste Shipment Correspon dents Guidelines on Plastic Waste



(Link: https://ec.europa.eu/environment/system/files/2021-11/Correspondents_guidelines_No12_final_Nov_2021.pdf)

EU Waste Shipment Correspon dents Guidelines on Plastic Waste

Note 15:

- It is noted that additives, such as fillers, plasticisers, stabilizers, colorants and flame retardants, are usually part of plastics.
- The presence of certain additives in plastic waste, such as brominated flame retardants that are persistent organic pollutants or lead or cadmium in PVC, may lead to a classification of the plastic waste in question as hazardous waste and covered by entries A3210 or AC300.

Other references

-
- OECD Overview on non-hazardous plastic waste (link: <https://www.oecd.org/environment/waste/Reporting-of-controls-non-hazardous-waste.pdf>)

(Colombia has become an Adherent to OECD/LEGAL/0266 with a specific timeframe for implementation. Therefore, it is currently not participating in the Decision's control system)

- Import regulation of plastic waste in Asian countries (as of December 2020) (link: https://www.env.go.jp/en/recycle/asian_net/Annual_Workshops/2020_PDF/4_Summary%20matrix%20of%20import%20regulation%20on%20plastic%20waste%20in%20Asian%20Network%20countries.pdf)



THANK YOU

NANCY.ISARIN@AMBIENDURA.COM

