

Basel Convention Amendments

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Basel Convention Basics

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BASEL CONVENTION

ON THE CONTROL OF TRANSBOUNDARY
MOVEMENTS OF HAZARDOUS WASTES
AND THEIR DISPOSAL

PROTOCOL ON LIABILITY AND COMPENSATION
FOR DAMAGE RESULTING FROM TRANSBOUNDARY
MOVEMENTS OF HAZARDOUS WASTES
AND THEIR DISPOSAL

TEXTS AND ANNEXES





**BAN has
been a
watchdog of
the Basel
Convention
since 1997**

What Does Basel Do?

-

Soft Law

- Calls for national self-sufficiency in waste management (Art. 4.2.b)
- Calls for minimizing all forms of transboundary movement of hazardous and other wastes (Art. 4.2.d)
- Calls for minimizing the generation of hazardous and other waste (Art. 4.2.a)
- Calls for ensuring environmentally sound management of that which is produced (Art. 4.8)

Defines “hazardous waste” and “other wastes” (Scope of Convention, Art. 1)

“Hazardous Waste”:

1. According to Annexes (I,III and VIII)
2. According to National Law of a Country involved in trade scenario

“Other Waste” (Annex II, wastes for special consideration)

1. Wastes collected from households
2. Incinerator ash from incinerating household waste,
3. Certain plastic wastes.

**What Does
Basel Do?**

-

Hard Law

Requires certain controls over exports of “hazardous” and “other wastes”

Notification and Consent (default)

1. Sets the prior informed consent procedure (Art. 6)
2. Without this procedure its illegal traffic (criminal) (Art. 9)

Prohibitions / Bans

1. Countries can ban imports on a national basis. (Art. 4.1)
2. Ban on export to Antarctica (Art. 4.6)
3. Ban on trade between Parties and non-Parties absent a special “Article 11” agreement (Art. 4.5, Art. 11)
4. Basel Ban Amendment (Art. 4a)



186 Basel Country Members (Parties), out of 193 UN member States. Just 6 UN countries are not Parties: East Timor, Grenada, Haiti, San Marino, South Sudan, Tuvalu, and the USA.



**In the
Beginning**
—
**Factory
Wastes**

Today

...

E-Waste

Trade



Africa

and

Asia



Today...Shipbreaking Trade → South Asia



**Today...
Plastic Waste Trade →
Southeast Asia**





Basel Ban Amendment

Jim Puckett
Basel Action Network, Director

**Banner
hung in
1989 at
Treaty
Adoption**



PROGRAMME

OF THE CONFERENCE OF THE
THE BASEL CONVENTION ON THE
TRANSBOUNDARY MOVEMENTS OF
WASTES AND THEIR DISPOSAL

25 March 1994

Proposal presented by the Group of 77 and China

les agree:

hat transboundary movements of hazardous wastes from OECD to non-O
do not constitute environmentally sound management as required by
Convention;
Immediately all transboundary movements of hazardous
disposal from OECD to non-OECD States;
prohibit as of that date, a
are destined for

Text of Original Ban Decision II/12, 1994

Text of Final Ban Amendment Decision III/1, 1995

2. Decides that the Conference of the Parties shall make a decision on a list(s) at its fourth meeting;

3. Decides to adopt the following amendment to the Convention:

“Insert new preambular paragraph 7 bis:

Recognizing that transboundary movements of hazardous wastes, especially to developing countries, have a high risk of not constituting an environmentally sound management of hazardous wastes as required by this Convention;

Insert new Article 4A:

1. Each Party listed in Annex VII shall prohibit all transboundary movements of hazardous wastes which are destined for operations according to Annex IV A, to States not listed in Annex VII.

2. Each Party listed in Annex VII shall phase out by 31 December 1997, and prohibit as of that date, all transboundary movements of hazardous wastes under Article 1(i)(a) of the Convention which are destined for operations according to Annex IV B to States not listed in Annex VII. Such transboundary movement shall not be prohibited unless the wastes in question are characterised as hazardous under the Convention.

Annex VII

Parties and other States which are members of OECD, EC, Liechtenstein.”

Entered into Force December 5, 2019



BASEL CONVENTION

**Ban Amendment
Entry into force**

Diplomatic community in Geneva marks the entry into force of the Basel Convention's Ban Amendment

Watch live the special event in the UN Palais des Nations, which brings together many of the Convention's 187 Parties to celebrate the strengthening of efforts for implementing this global, legally-binding, international agreement on waste.

- It creates a new Annex VII of “developed countries” consisting of Member States of the European Union (EU), the Organization for Economic Cooperation and Development (OECD) and Liechtenstein
- Prohibits exports of hazardous waste from Annex VII countries to non-Annex VII countries.
- Does not prohibit trade from non-Annex VII countries to any other countries
- Does not prohibit trade between Annex VII countries.

**What Does
the
Basel Ban Do
and Not Do?**

Facts About the Basel Ban

- After December 5, 2019 the Convention has a new preambular paragraph, a new Annex (VII) and a new Article (4a).
- When the US ratifies the Convention they will have to accept the Ban.
- Currently 99 out of 187 Basel Parties have ratified

Facts About the Basel Ban

- Technically, it only applies to those that have ratified it, but all Basel Parties must respect other Basel Party ratifications. (e.g. Canada can not export to Indonesia)
- It does not control “Other Wastes” (Annex II)
- Of 41 Annex VII countries, 33 have ratified it



**The 41
Developed
Countries
to which
the Basel
Ban
Applies
(Annex 7)**

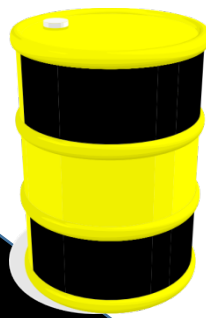
Ratified Ban (33)		Ratified Convention Only (7)
Austria	Lithuania	Australia
Belgium	Luxembourg	Canada
Bulgaria	Malta	Japan
Chile	Netherlands	Israel
Cyprus	Norway	Mexico
Czech Republic	Poland	New Zealand
Denmark	Portugal	South Korea
Estonia	Romania	
Finland	Slovak Republic	
France	Slovenia	
Germany	Spain	
Greece	Sweden	
Hungary	Switzerland	
Iceland	Turkey	
Ireland	United Kingdom	
Italy		
Latvia		Neither (1)
Liechtenstein		United States



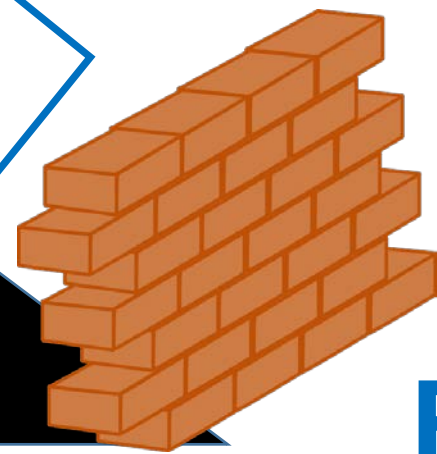
DISPOSAL COSTS



RICH



TOXIC WASTE



POOR

**Effect of
Basel Ban
in
Internalizing
Costs**

- ***Downstream Impacts*** -- Protects environment and peoples in developing countries from pollution and exposure
- ***Upstream Impacts*** – Provides strong new economic and legal incentive for implementing waste prevention/green design at source



**Environmental
Impacts**



**THE ENTRY INTO FORCE OF
THE BASEL BAN AMENDMENT**
A GUIDE TO IMPLICATIONS AND NEXT STEPS

November 2019



New in-depth Guide
to the Ban
available in BAN
website Library

www.ban.org



The Plastics Amendments

Jim Puckett
Basel Action Network, Director

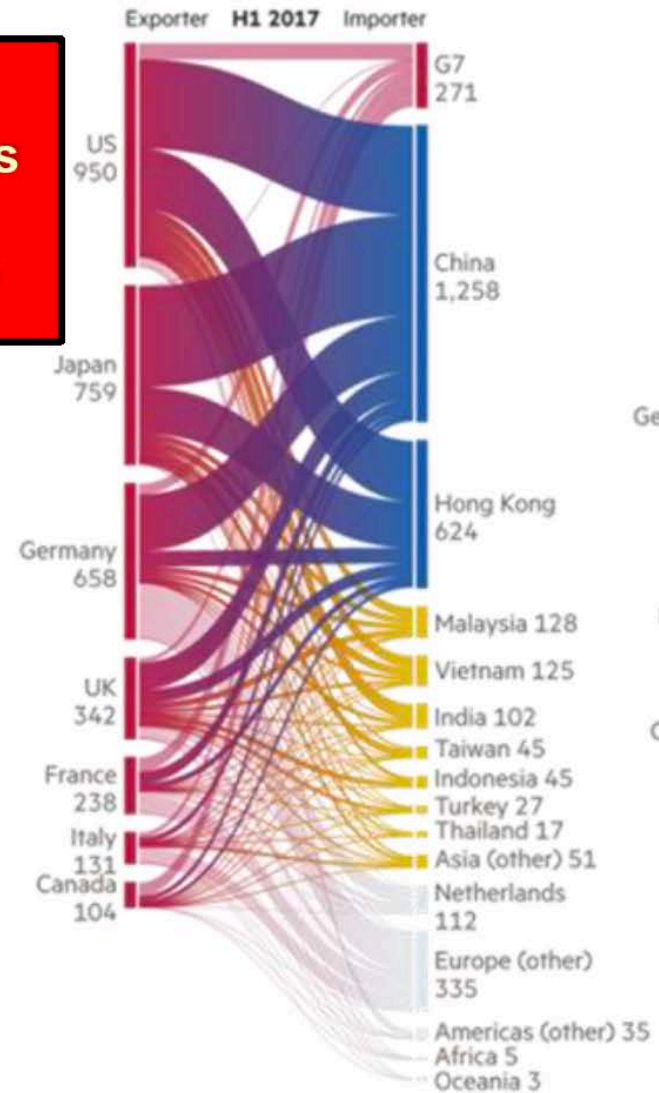
- ***National Sword*** – China bans plastic imports on (1 March 2018) for plastic scrap unless purity were 99.5%. The move created plastic waste trade chaos.

**Why the
Plastics
Amendments?**

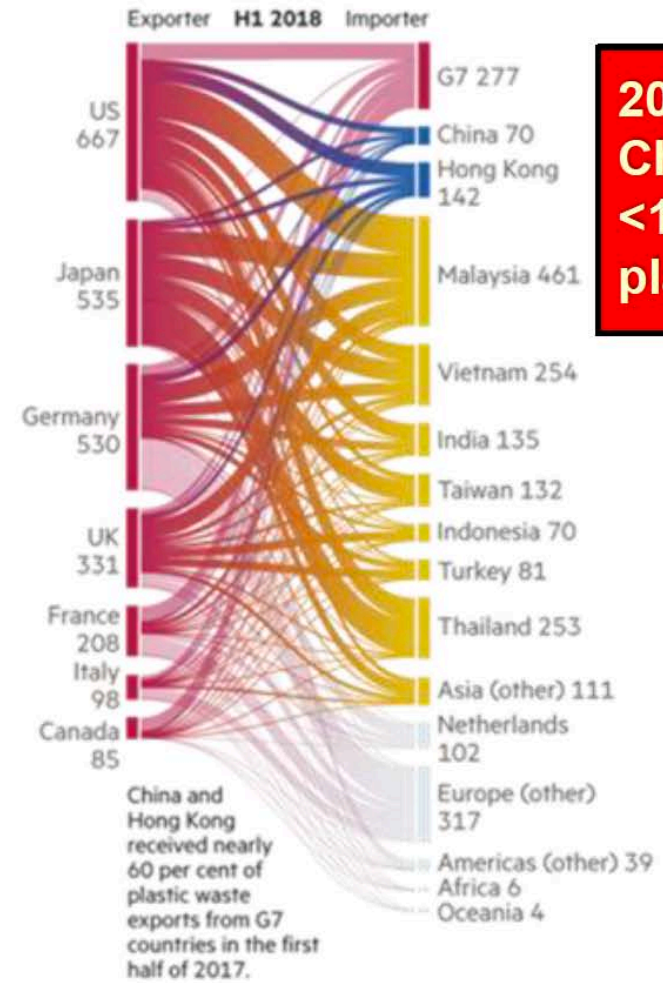
How the global river of plastic waste changed course in just 12 months

Exports of plastic waste, parings and scrap from G7 countries ('000 tonnes)

2017
China imports
60% of G7
plastic waste



2018
China imports
<10% of G7
plastic waste



China and Hong Kong received nearly 60 per cent of plastic waste exports from G7 countries in the first half of 2017. Following a Chinese crackdown on imports of plastic waste, which came into effect at the beginning of 2018, exports from the G7 fell by more than 20 per cent overall. The share of the remaining exports that went to China and Hong Kong fell below 10 per cent, with other Asian countries – particularly Malaysia – making up much of the shortfall.

Region groupings from UN Statistics Division M49 standard
Data accessed Sep 19–Oct 1, 2018
Sources: US Census Bureau; Japan e-Stat; Eurostat; Statistics Canada
© FT

Visual journalism: David Blood, Liz Faunce, Aendrew Rininsland

Hook L, Reed J (2019) Why the world's recycling system stopped working, FT Magazine 25 October 2018



From the film “Plastic China”

From the film “Plastic China”



After China Ban → Exodus to Southeast Asia







- ***National Sword*** – China bans plastic imports on (1 March 2018) for plastic scrap unless purity were 99.5%. The move created plastic waste trade chaos.
- ***Marine Pollution by Plastics*** – Multiple discoveries of the degree of plastic pollution, particularly in the oceans has created serious alarm.

**Why the
Plastics
Amendments?**







- ***National Sword*** – China bans plastic imports on (1 March 2018) for plastic scrap unless purity were 99.5%. The move created plastic waste trade chaos.
- ***Marine Pollution by Plastics*** – Multiple discoveries of the degree of plastic pollution, particularly in the oceans has created serious alarm.
- ***Basel is Legally Binding Treaty ready to Use*** – Seen as obvious first immediate step to better control trade in problematic plastic waste.

**Why the
Plastics
Amendments?**





Advocates

>180 Parties



**Africa
(54 countries)**



**Asia-Pacific
(55 countries)**

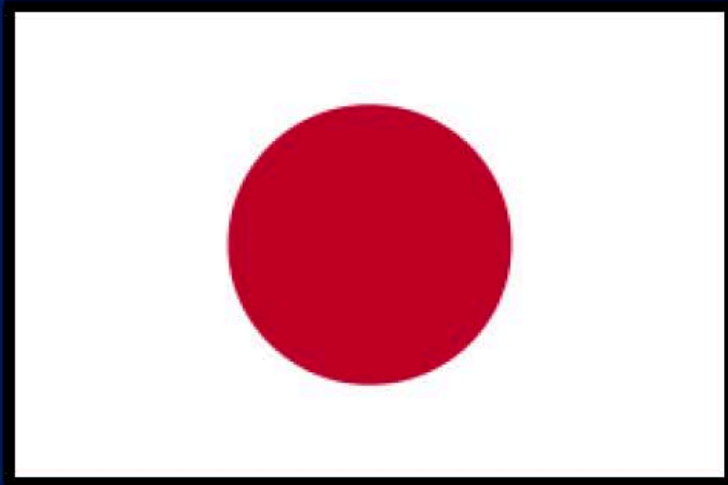


EU

(28)

Co-sponsor

Japan



**Asia-Pacific
regional statement
(55 countries)**

Strongest position

China



**All plastic wastes
should require prior
informed consent.**

OVER 600,000 PEOPLE SAY:
**SUPPORT THE NORWEGIAN
AMENDMENT**
STOP PLASTIC DUMPING



BAN #breakfreefromplastic



OVER 600,000 PEOPLE SAY:
**SUPPORT THE NORWEGIAN
AMENDMENT**
STOP PLASTIC DUMPING

BAN #breakfreefromplastic

BAN

Opponents

Parties



Argentina



Brazil



Observers



USA



EURiTS
special waste in good hands

ISRI
Voice of the Recycling Industry™



Intention of Plastic Waste Amendments

- To ensure control and transparency for movements of plastic wastes which are not likely to be recycled mechanically or in a proper way.
 - Plastic Waste Mixtures (other than PET, PE, PP mixes)
 - Contaminated Plastic Wastes
 - Halogenated Polymers (e.g. PVC)
- Control Provided Via Prior Informed Consent (PIC) Procedure
 - Requires Notification by Exporting State and Consent of Importing State
 - Assurance of Environmentally Sound Management
 - Failure equates to illegal traffic and a criminal act

What Change3?

Before

- No country controlled plastic waste trade
- No specific listings on hazardous waste list (Annex VIII)
- Some plastic waste listed as non-hazardous (Annex IX)
- No Plastics on Annex II unless it was part of the "wastes collected from households" category"

After January 2021

- New plastic listing on Annex VIII (hazardous waste) (PIC or Ban)
→ ***Impact Small***
- Annex IX (non-hazardous) listing strengthened. (no control)
→ ***Impact Small-Medium***
- New listing on Annex II (wastes for special consideration) for all other plastic wastes (PIC or Ban)
→ ***Impact Big!***

The Four Plastic Waste Types Not Controlled (Annex IX) so long as they are destined to mechanical recycling

1

Plastic waste almost exclusively consisting of one non-halogenated polymer (i.e. no PVC)

examples: PE, PP, PET, PS, ABS etc.

2

Plastic waste almost exclusively consisting of one cured resin or condensation product.

examples: urea formaldehyde, epoxy resins

The Four Plastic Waste Types Not Controlled (continued)

3

Plastic waste almost exclusively consisting of one of a short list of fluorinated polymer wastes.
examples: perfluorovinyl ether (PFA)

4

Mixtures of polyethylene (PE), polypropylene (PP) and polyethylene terephthalate (PET) provided they are destined for separate recycling and are free from contamination and other types of waste.

Anything other than those 4 uncontrolled categories going for mechanical recycling will either be controlled as:

- **Hazardous Plastic Waste (Annex VIII) (rarely)**

Will qualify here if it contains an Annex I constituent and an Annex III hazardous characteristic. (e.g. cadmium / toxic)

- **Waste for special consideration) (Annex II) (commonly)**

Most mixed and contaminated plastic scrap. Not hazardous (Annex VIII), not non-hazardous (Annex IX)

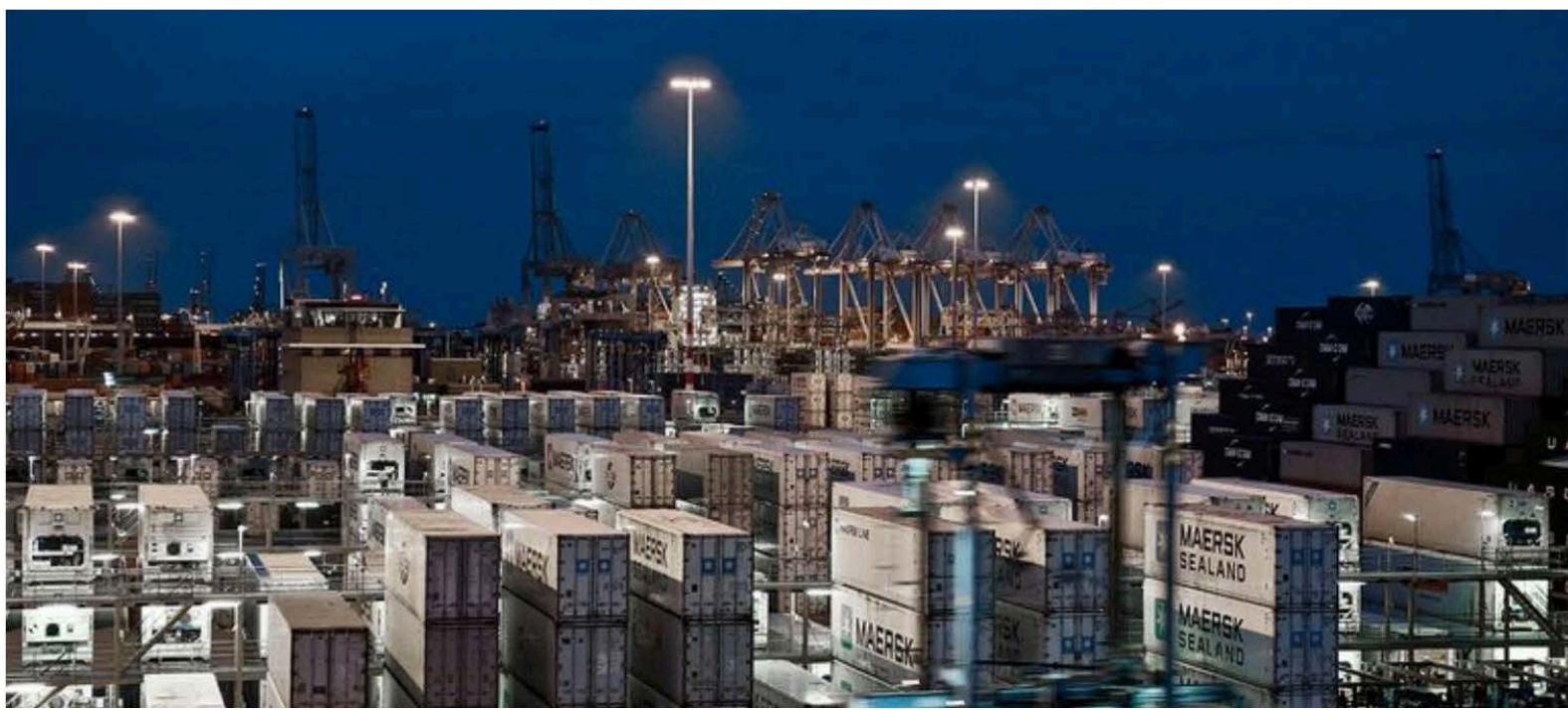
Legality of Trade in Annex II Plastics in Normal Situations

From	To	Yes / No	Reason
Basel Party (187)	Basel Party	Yes (PIC)	Annex II uses PIC (no ban)
OECD	OECD	Yes (OECD PIC)	OECD normally considers Annex II wastes as “amber”

COLUMN

Scrap Collector: US stands as lone OECD opponent of Basel plastic amendment

Plus: Cambodia returning illegal plastic waste imports, and Delhi cracking down on food waste at social functions.



 WASTE DIVE

How recycling has changed in all 50 states

Waste Dive began tracking the effects of China's scrap import policies across all 50 states (and the District of Columbia) in 2017. Since then, a host of other foreign and domestic changes have spurred ongoing ripple effects that will continue for years to come.

[Read More](#)

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 Sign up

Two Special Cases / Legality of Trade in Annex II Plastics

From	To	Yes / No	Note
USA (non-Party)	Other OECD	Yes (via OECD PIC)	Unless US finds another OECD country that agrees not to
USA (non-Party)	Other Basel Non- Parties	Yes	Very rare as almost all countries are in Basel
USA (non-Party)	Basel Parties not in OECD	No	Party to non-Party ban is relevant here

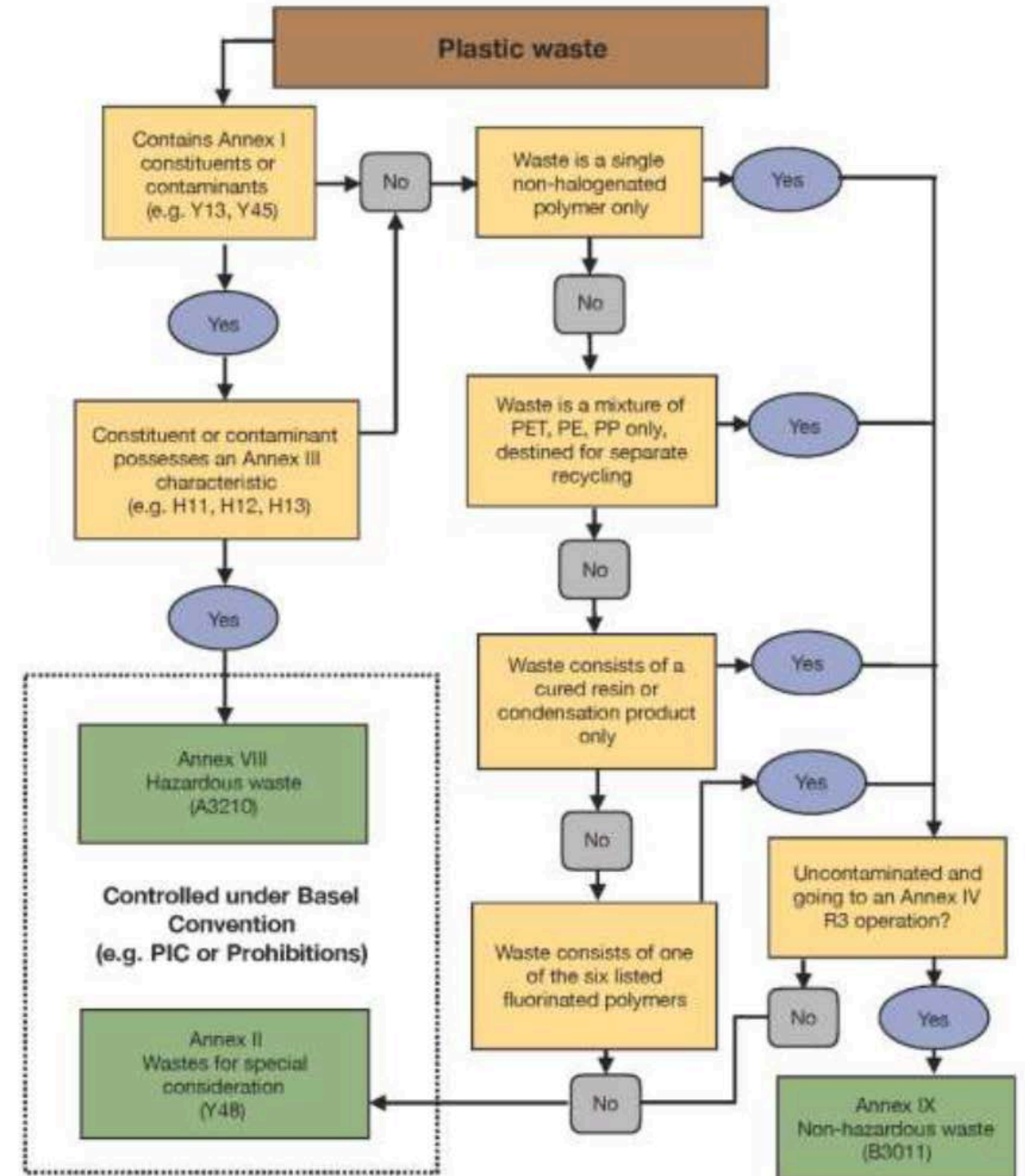
Two Special Cases / Legality of Trade in Annex II Plastics

From	To	Yes / No	Note
EU	EU	Yes (PIC not required!)	EU proposes to not apply new amendments in internal market
EU	Non-Annex VII	No	EU has implemented Basel Ban
EU	Other Annex VII (e.g. UK, Turkey)	YES (via OECD PIC)	All OECD other than US agree these are controllable wastes

Decision Flow Chart for Basel Plastic Wastes

Available in Ban Website Library
“Implications of Norwegian
Amendments”

Decision Flow Chart for Basic Listings of Plastic Wastes
(Effective January 2021)



As a Result of National Sword...

- China is still off-limits. They are not only forbidding the import but are strictly enforcing it as well.
- Many Chinese businesses have thus set up operations in Thailand, Vietnam, Malaysia, Indonesia. And US brokers continue to export to these facilities.
- However increasingly there is pressure in these countries to turn back containers which are not "clean" due to the widespread pollution caused by these facilities.

As a Result of the Basel Amendments

...

- For US (non-party) municipalities (their recyclers and brokers), all exports to non-OECD countries (except for the exempt 4 categories) will require trading partners to engage in illegal imports.
- Despite US protest intra-OECD trade (except for the 4 exempt categories) will require PIC (OECD version)

As a Result of the Basel Amendments

...

- In order to continue to pursue foreign markets (although these are diminishing) recyclers/brokers in US may either perpetuate illegal trade (illegal only in receiving country) or more hopefully...
- Ensure in-country separations of polymers and cleaning takes place prior to export.
- If separation and cleaning is done in Mexico it is unknown whether Mexico will require PIC (OECD version), or not.

- Expect more markets in Asia to dry up due to pollution there and thus political pressures to ban imports/mimic China.
- Impossible to predict rise/fall of price for scrap plastic. It depends too much on price of oil (impacting virgin plastic price), global demand for pellets and flakes, or of post consumer content. Prudence would require assuming plastics scrap will be worth very little in the near term.



**What the
Future Might
Hold**

What the Future Might Hold

- Larger recycling companies that invest in domestic separation at home or recycling or in OECD countries like Mexico could be ahead in long term.

Many plastics, in the near to mid-term will be exported to substandard operations illegally, be incinerated, or landfilled.

- Increasingly, from a policy and design perspective, plastics will be seen as poorly suited to a circular economy. (e.g. hazardous additives /climate impacts from incineration)

The image features a central green circle with a yellow border. Inside the circle, the word "Questions?" is written in white, bold, sans-serif font. The background is a light blue color with a pattern of faint, white question marks scattered throughout.

Questions?



**Thank
You!**



Contact Us!



info@ban.org



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www.ban.org