

Waste Shipment Regulation revision

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How to fix Europe's plastic waste trade issues

Plastic waste shipped outside of the European Union (EU) accounts for a third of reported plastic recycling.¹ At the same time, recent plastic waste trade restrictions in China and Southeast Asia have led to an increase in illegal plastic waste trade and treatment across Europe.²

Although plastic waste trade is sometimes considered as contributing to a circular economy, it doesn't fulfill that purpose, but rather acts as a means to externalise the true costs of proper waste management to weaker economies and encourages substandard treatment - something that a true circular economy must never do.

Recent amendments to the *Basel Convention* were created precisely to eliminate trade that offers a cheap and unsustainable escape for waste instead

of focusing on upstream, safe and non-polluting solutions.

A perfectly managed and transparent waste trade system, could in theory, lead us to a circular economy. However, evidence shows that this is currently not possible due to chronic plastic waste leakage or mismanagement in receiving countries and un-level economic playing fields around the world which are readily exploited by a multiplicity of actors, including organised criminals, corrupt officials and unscrupulous traders. The revision of the *Waste Shipment Regulation*, as part of the elements embedded in the wider *Circular Economy Action Plan and EU Green Deal*, offers the possibility to address these problems.

To do so, we recommend the adoption of the following measures:

1. Ban on plastic waste exports outside of the European Union

In 2017, the EU exported 2.55 million tonnes of plastic waste outside of its territory.³ This figure dropped to 1.72 million tonnes in 2019.⁴ Although decreasing, a significant quantity of plastic waste is still exported from the EU as flows shifted from China to Southeast Asia and Turkey, including illegal plastic waste shipments, all leading to adverse impacts in receiving countries and the planet as a whole.⁵

Whether greenlisted or amberlisted,⁶ whether exported to OECD (e.g. Turkey) or non-OECD countries (e.g. Southeast Asia), plastic waste shipments are highly likely to result in negative environmental consequences in receiving countries. Certainly, the EU can never be certain

that they will not. Furthermore, as Parties to the *Basel Convention*, EU countries have a general obligation to be self-sufficient in waste management and to minimise transboundary movements of waste. Certainly, rich industrialised countries of the EU should be among the first to achieve this goal. Therefore, in locations where the EU doesn't have the means to implement sound and frequent monitoring, shipments should no longer be permitted.

2. Fully implement the Basel Convention within the EU

Following several bans adopted by receiving countries, and the EU's intention to stop exporting "its waste challenges to third countries,"⁷ intra-EU plastic waste trade is increasing and can be expected to continue to do so for some time.

1. European Court of Auditors (October 2020), [Review No 04/2020: EU action to tackle the issue of plastic waste](#)

2. Interpol (August 2020), [INTERPOL STRATEGIC ANALYSIS REPORT: Emerging criminal trends in the global plastic waste market since January 2018](#)

3. Eurostat - Comext international trade in goods

4. Ibid

5. Interpol (August 2020), [INTERPOL STRATEGIC ANALYSIS REPORT: Emerging criminal trends in the global plastic waste market since January 2018](#)

6. [IMPEL LIFE SWEAP Fact sheet on green list waste shipments](#)

7. European Commission (11 March 2020). [Communication from the Commission: A New Circular Economy Action Plan for a Cleaner and More Competitive Europe](#)

Such increases should trigger stricter regulations and procedures instead of weaker ones,⁸ in particular since unsustainable management of plastic waste has already been documented within the EU. Intra-EU plastic waste trade, more than ever, needs better regulations through the full implementation of the *Basel Convention* which provides much needed transparency and assurances of environmentally sound management prior to export. Furthermore, the negative impact that a decision to exempt plastic waste trade from the newly adopted safeguards of the *Basel Convention* would have beyond the EU must be considered; namely that it is acceptable for other Parties of the *Basel Convention* to ignore the new amendments (or any other obligations in the Convention for that matter). In doing so, the EU undermines the Convention and international governance while at the same time claiming, in its *Sustainable Chemical Strategy*, that it seeks to become a leader on chemicals and waste policy in the global arena. This duplicity can only undermine the EU's standing and further weaken its negotiating positions on the international stage.

3. Establish a clear distinction between mechanical recycling and any other kind of recovery for treatment operations

The *Waste Framework Directive*⁹ establishes a clear preference for mechanical recycling over incineration with energy recovery or other kinds of recovery. However, within the *Waste Shipment Regulation*, there is no such distinction. As most incineration happening in the EU is classified as energy recovery¹⁰ (R1 operations), whose processes don't preserve the material value as well as resulting in CO₂ and toxic emissions, a clear preference, consistent with the EU's established waste management hierarchy should be made between the two operations.

Additionally, in order to promote mechanical recycling, intra-EU waste shipment destined for disposal or recovery other than mechanical recycling should be subordinated to an assessment that no better option is available.

4. Set a European-wide threshold for waste contamination of 0.5%

Both China¹¹ and Hong-Kong¹² recently adopted a 0.5% contamination threshold for non-hazardous contaminants in plastic waste imports in order to implement the "almost free from contamination" language used in the *Basel Convention*. Meanwhile, hazardous contaminants will likely need to be controlled at much lower thresholds in line with the definitions of hazardous plastic waste. The objective for adopting such thresholds is to increase the quality of recycling and lower the risk from mismanagement of contaminants and recycling rejects. Although this threshold can appear as challenging in the first place, it is in line with the Basel language "almost free from contamination." Further, it provides the right incentive for much needed action to move recycling upwards in the waste hierarchy through better waste collection and sorting systems.

5. Ensure publicly accessible access to waste trade data

Transparency is the greatest remedy to prevent leakage and environmentally unsound waste management. Furthermore, the public has the right to know where its waste ends up. We need standardised and streamlined online real-time reporting process that all stakeholders can access at any time. Standardisation and streamlining of the processes will be more efficient. The establishment of a harmonised electronic system for shipments subject to PIC (Prior Informed Consent) and GIR (general information requirement) procedures will avoid the burden of paper-based documentation. Such a system should link to and build upon the recent proposal for an EU Single Window Environment for Customs, an integrated set of interoperable electronic services delivered at EU and national level.¹³

8. <https://www.breakfreefromplastic.org/2020/10/16/open-letter-coalition-ngos-call-on-european-union-plastic-amendments/>

9. [Waste hierarchy as adopted in Directive 2008/98/EC on waste \(Waste Framework Directive\)](#)

10. EUROSTAT

11. Ministry of Ecology and Environment of the People's Republic of China (2018) [Announcement on Adjusting the "Imported Waste Management Catalog"](#)

12. Environmental Protection Department of the Government of Hong Kong Special Administrative Region (2020) [Waste Plastics Import and Export Control](#)

13. [Proposal for a Regulation of the European Parliament and of the Council establishing the European Union Single Window Environment for Customs and amending Regulation \(EU\) No 952/2013.](#)

MORE INFORMATION

For more detailed information and background, see:

- Our larger [recommendations for the Waste Shipment Regulation revision](#)
- GAIA's [briefing on Basel Convention plastic waste amendments transposition](#)

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