



INFORMATION BRIEF ON THE NEW REGIME ON SHIPMENTS OF PLASTIC WASTES – AMENDMENTS TO REGULATION (EC) No 1013/2006 ON SHIPMENTS OF WASTE

1. Background

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (hereinafter referred to as the Convention) is the most comprehensive global environmental treaty on wastes, which primary aim is to protect human health and the environment against the adverse effects of uncontrolled transboundary movements of wastes. The Convention applies to the hazardous wastes listed in Annexes I and VIII and the so-called “other wastes” listed in Annex II, whereas it does not apply to the non-hazardous, clean wastes included in Annex IX. The waste covered by the scope of the Convention are controlled through the prior informed consent procedure.

The Convention has been transposed into Union legislation through Regulation (EC) No 1013/2006 on shipments of waste (WSR), which also transposes the OECD¹ Council Decision C(2001)107/Final on control of transboundary movements of wastes destined for recovery operations. In Malta, the Waste Management (Shipment of Waste) Regulations (S.L.549.65) implement the provisions of the EU Waste Shipment Regulation and designate the Environment and Resources Authority (ERA) as the national competent authority for the control system on shipments of waste.

On 10 May 2019, in an attempt to tackle the issue of plastic marine litter, the Conference of the Parties (CoP) of the Basel Convention adopted at its fourteenth meeting a new regime on plastic wastes with a view to include certain types of plastic waste under the control mechanisms of the Convention. The aforementioned new regime consists of:

- A new category for unclean, contaminated and/or mixed non-hazardous plastic waste (i.e. Y48) included in Annex II to the Convention;
- A new code for hazardous plastic waste (i.e. A3210) in Annex VIII to the Convention; and
- A new code for clean, uncontaminated plastic waste destined for recycling (i.e. B3011) replacing the current code B3010 in Annex IX to the Convention.

These changes will become effective on 1 January 2021. In preparation for the said meeting, the EU and its MS had adopted [Council Decision \(EU\) 2019/638](#), in which the EU supported the proposed amendments to the Annexes to the Convention, on the condition that current shipment

¹ Organisation for Economic Cooperation and Development

controls of non-hazardous plastic waste, including certain mixtures of non-hazardous plastic waste, within the Union and the EEA is retained.

The draft Commission Delegated Regulation incorporates the above-mentioned elements into EU law, through changes to the WSR. Changes in Annexes of the Basel Convention relating to non-hazardous plastic waste will be fully incorporated into the Waste Shipment Regulation for exports of plastic wastes to third countries, while controls on intra-EU, EEA² shipments of such waste will largely remain similar to the current regime. This draft delegated regulation is currently undergoing a 2 month scrutiny period by the European Council and the Parliament.

2. New regime on plastic waste and draft delegated regulation

The draft Commission Delegated Regulation contains the following elements:

- Amendments to Annex IV and Annex V to the WSR to incorporate the new Basel codes (i.e. B3011, Y48 and A3210) that are applicable for exports and imports from and to the Union. As an exception to this, in case of shipments of hazardous plastic wastes within the EU and EEA, as well as shipments of such hazardous waste to and from OECD member countries, the OECD code AC300 applies instead³;
- New entries for non-hazardous plastic waste in Annex III and Annex IV for shipments within the Union and EEA, which take into account certain changes agreed under the Basel Convention (especially relating to the terminology used to describe the waste in question) while maintaining the current controls for such shipments within the said area (i.e. EU3011 and EU48); and
- Adjustment of wording in Annex IIIA relating to the categories of green-listed mixtures of plastic waste, to take account of the other changes above.

The above changes will become effective on 1 January 2021.

3. Information Session

Stakeholders are hereby invited to an information session on the practical implications that such a regulation may have at a national level.

The draft Commission Delegated Regulation is accessible at the following link [[Draft Commission Delegated Regulation](#)]

Furthermore, you may wish to submit any queries on the following email address: international.affairs@era.org.mt.

² European Economic Area

³ The wording of entries A3210 and AC300 is however similar, so that that this difference has no real impact in practice