UK Proposal for changes to Article 10b

Part II: Article 10b

The UK believes the Basel Convention is the appropriate multilateral environmental agreement to regulate and discuss the transboundary movement of plastic waste.

In 2019 the Conference of the Parties to the Basel Convention adopted decision BC-14/12 to amend Annexes II, VIII, and IX to the Convention in relation to plastic waste.

These plastic waste amendments mean that all plastic waste and mixtures of plastic waste which are to be moved to another Party are subject to the prior informed consent procedure unless they are non-hazardous and destined for recycling in an environmentally sound manner and almost free from contamination and other types of waste.

We recognise the substantial work undertaken and ongoing by the Parties to the Basel Convention and therefore suggest it would be more appropriate for this instrument to focus on cooperation with the Basel Convention rather than aiming to provide new obligations on the transboundary movement of plastic waste.

b. Transboundary movement of plastic waste

1. Each Party shall not allow transboundary movement of plastic waste, except for the purpose of its safe and environmentally sound management, with the prior informed consent of the importing State, and in a manner consistent with obligations under this instrument.

2. Each Party exporting plastic waste pursuant to this provision shall establish and implement an export permit requirement for such exports and track the types, volumes and destination of all its exports of plastic waste.

3. Where transboundary movement of plastic waste is permitted pursuant to paragraph 1, each exporting Party shall:

   a. not allow the transboundary movement to commence until it has received the written consent of the importing State, which shall include that State’s assurances

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1 Note: For the purposes of this text, the term “transboundary movement of plastic waste” is used to refer to any movement of plastic waste from an area under the national jurisdiction of one Party to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement (adapted from Article 3.3 of the Basel Convention). This definition is used without prejudice to how Members may define this term as needed in the instrument.

2 The reference to “environmentally sound management” of plastic waste in this provision shall be understood to refer to plastic waste management, including final disposal, consistent with the requirements of [part II.9 on waste management].

Note: The language of this provision may need to be adapted to the exact scope and content of the relevant requirements to be adopted in respect of plastic waste management under part II.9.
that the exported plastic waste will be managed in an environmentally sound manner;\(^3\)

b. require the exporter to:

i. provide to the importing State and the importer complete information about the composition of the exported waste, including its contents in polymers, chemicals and plastics, and any associated hazards to human health or the environment, based on the relevant harmonized disclosure requirements contained in annex A, including safety data sheets, as relevant;\(^4\)

ii. mark and label the exported waste in accordance with the relevant harmonized labelling requirements contained in annex A, as relevant; and

iii. comply with generally accepted and recognized international rules, standards and practices for packaging, labelling and transport.\(^5\)

4. The governing body* shall, at its first session, adopt guidance for the implementation of the provision set out in paragraph 3, taking into account as appropriate relevant arrangements under other multilateral environmental agreements.\(^6\)

5. Each Party shall prevent and eliminate illegal trade\(^7\) in plastic waste.

6. Parties shall promote synergy and complementarity with relevant organizations and intergovernmental bodies and cooperate towards the adoption and implementation of effective measures to prevent and eliminate illegal exports and dumping of plastic waste.

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\(^3\) The reference to “environmentally sound management” of plastic waste in this provision shall be understood to refer to plastic waste management, including final disposal, consistent with the requirements of [part II.9 on waste management].

\(^4\) **Note:** The exact language of this provision may need to be adapted to the exact scope and content of the relevant requirements to be adopted in respect of plastic waste management in the instrument.

\(^5\) **Note:** Adapted from the Rotterdam Convention, Article 13.

\(^6\) **Note:** Adapted from Minamata Convention, Article 11.

\(^7\) **Note:** The specific modalities for the application of this provision, including the operation of the prior informed consent (PIC) procedure, could be further elaborated in an annex or the governing body, taking into account in particular relevant provisions under the Basel Convention. See, for example, Article 11.3.c. of the Minamata Convention, addressing transboundary movement of mercury waste for Parties to the Basel Convention. On the treatment of plastic waste under the Basel Convention, see [https://www.basel.int/Implementation/Plasticwaste/PlasticWasteAmendments/FAQs/tabid/8427/Default.aspx](https://www.basel.int/Implementation/Plasticwaste/PlasticWasteAmendments/FAQs/tabid/8427/Default.aspx).

**Note:** The term “illegal trade” is used in this text to refer to importation or exportation that would violate domestic legislation of the exporting Party or of the importing State. This is without prejudice to how Members may define this term as needed in the instrument.