



THE PLASTIC WASTE AMENDMENTS TO THE BASEL CONVENTION

Introduction to the Plastic Waste Amendments

Marine plastic trash, global warming, and ozone depletion have all become and continue to be environmental issues that warrant international attention. Plastics, and plastic wastes in particular, are considered detrimental to a sustainable global environment, largely due to their chemical component and improper disposal practices. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, referred to as the "Basel Convention", seeks to address this global threat by establishing standards to regulate the import, export and transit of hazardous waste, solid waste, and municipal incinerator ash.

Hazardous waste is defined in the Convention as wastes that need to be controlled (Annex I), i.e., requires prior approval from the country of import and transit, unless the wastes do not possess any hazardous characteristics (Annex III).

Additionally, the Basel Convention dictates that the transboundary movements (i.e., import and export) of hazardous wastes and their disposal should be governed by the 'prior informed consent' (PIC) procedure.

The Basel Convention has been amended three times, the most recent of which are the Plastic Waste Amendments, which entered into force on January 1, 2021. These amendments were adopted at the fourteenth meeting of the Conference of the Parties in 2019 and were made to the Convention's **Annexes II, VIII, and IX** by revising or introducing entries on plastic waste.

The referenced Annexes comprise itemized lists of plastic wastes that are hazardous and non-hazardous, and also include those that require special consideration. The hazardous waste and waste that require special consideration, i.e., also wastes that require prior approval from the country of import and transit.

As a result, the amendments do not suggest a prohibition on the import, transit, or export of plastic waste, but, instead, indicate the procedures or regulations that govern the transboundary movement of such wastes.



Objective

To improve control of transboundary movement of plastic waste and clearly define the scope of the Convention with regards to such waste.

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Regulation of the Plastic Waste Amendment in Jamaica

The National Environment and Planning Agency (NEPA) is the lead government agency with the mandate for environmental protection, natural resource management, land use and spatial planning in Jamaica. As such, NEPA was designated as the competent authority for the Basel Convention by the Government of Jamaica (GoJ). This agency is responsible for receiving notifications of transboundary movements of hazardous wastes and any related information, and for responding to such notifications. Jamaica became a Party to the Basel Convention on January 23, 2003. This was subsequent to the country's implementation of the local law, the National Resources (Hazardous Waste) (Control of Transboundary Movement) Regulations, 2002, on December 27, 2002. The Convention entered into force on April 23, 2003.

Parties to the Basel Convention are required to comply with its provisions and to take measures to effectively implement the amendments. The Plastic Waste Amendments to the Basel Convention became globally binding on all Parties, including Jamaica, effective January, 1, 2021. However, Jamaica has not yet amended its law to reflect the Plastic Waste Amendments as the legal review is still pending. NEPA has been charged with ensuring the review and amendment of the national regulations for subsequent implementation of the Plastic Waste Amendments.

In the interim, NEPA has been taking measures to raise awareness of the amendments to stakeholders, which is aimed at minimizing the potential of non-compliance with the Convention. These measures include NEPA:



Categories of Plastic Waste

Plastic wastes that are included or characterised by the entries Y48 and A3210, of Annexes II and VIII respectively, of the Basel Convention are those that are required to obtain the consent of the importing state before being shipped. In other words, there is need to comply with the PIC procedure of the Basel Convention. On the contrary, plastic wastes that are classified as B3011 of Annex IX do not require the consent of the import state prior to export of the waste.

As a reminder, prior informed consent, or PIC, includes three (3) key elements:

- (i) **notification** of all Competent Authorities that will be involved in the transboundary movement of the consignment;
- (ii) **consent in writing** from the Competent Authorities of the countries of import and transit; and
- (iii) **the documentation of movement** must accompany the consignment at all times .



Categories of Plastic Waste (cont'd)

Entry Y48 - Amendment to Annex II

Entry Y48, which speaks to plastic waste, was added to Annex II to the Basel Convention. **Y48 includes mixtures of plastic waste that are contaminated but not with hazardous elements.** It does not include:

- a) Plastic waste that is hazardous classified at entry A3210; and
- b) Plastic waste that is non-hazardous classified at entry B3011.

Examples of entry Y48 plastic waste:

- Baled PET clear beverage bottles with polypropylene caps. The bale had signs of dirt contamination.
- PET bottles mixed with metal cans
- Polytetrafluoroethylene (PTFE) Circuit Board
- Polyethylene terephthalate (PET) bottles that are significantly dirty, similar to the state of plastic waste removed from the disposal site or a blocked gully.

Y48 plastic waste falls into the category of waste that requires special consideration. Therefore, **trade in Y48 plastic waste requires 'prior informed consent' (PIC)** of the importing state under the Convention because of its potential hazardous nature. As such, a permit from the National Environment and Planning Agency (NEPA) is required prior to exportation.



Entry A3210 - Amendment to Annex VIII

Entry A3210 was added to List A of Annex VIII to the Basel Convention. This entry speaks to hazardous plastic waste, including mixtures of such plastic waste.

Entry A3210 (cont'd)

A3210 plastic waste is deemed hazardous because it contains or is contaminated with constituents of Annex I (i.e., lead, mercury, chromium compounds, and acidic solutions), and demonstrates characteristics of Annex III (i.e., ecotoxic, poisonous, and toxic).

Examples of entry A3210 plastic waste:

- Plastic case of a lead acid battery is contaminated by the lead and acid.
- Plastic packaging that are contaminated by the toxic pesticide content.
- Television and computer monitors are made of plastics that contain flame retardants, made of brominated compounds.
- Toys consisting of Hexavalent Chromium compounds

Trade in A3210 plastic waste requires 'prior informed consent' (PIC) of the importing state under the Convention because of its hazardous nature. Therefore, a permit from NEPA is required prior to exportation.

Entry B3011 - Amendment to Annex IX

Entry B3011 was added to List B3 of Annex IX to the Basel Convention. **This entry speaks to categories of plastic waste that are deemed to be non-hazardous.** B3011 plastic waste includes, but is not limited, plastic waste that has not left the manufacturing facility and designated for export.

Examples of entry B3011 plastic waste:

- Pre-consumer PET that failed quality control requirements for consumer products. The plastic wastes were collected and maintained separately for export and recycling.
- Polyethylene Terephthalate (PET) plastic beverage bottles that are almost free from contamination

B3011 plastic waste does not require the 'prior informed consent' (PIC) of the importing state under the Convention. Therefore, a permit from NEPA is **NOT** required prior to exportation.



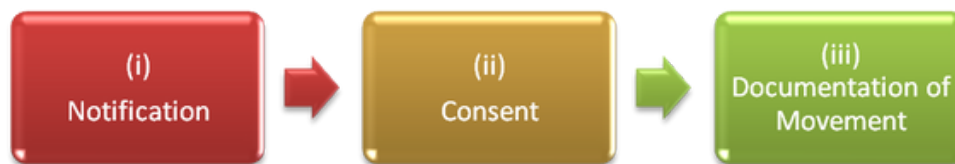
The Role of the Jamaica Customs Agency

The Jamaica Customs Agency (JCA) is a major agent in the enforcement of the Plastic Waste Amendment to the Basel Convention. Specifically, the JCA is mandated to monitor the entry and exit of items, including plastic waste, into the country or special economic zones. Furthermore, the JCA is responsible for ensuring that such imports and exports comply with national, regional, and international legislation.

The responsibility for verification applies to officers in the countries of export, transit and import, and can include activities, such as inspecting documentation, waste packages/containers, and the contents of the containers.

In Jamaica, the JCA and NEPA conduct joint inspections for shipment that require PIC. Once the shipment of hazardous plastic waste is at Jamaica's port of exit, the Jamaica Customs Agency must carry out its agency mandate. (See *The Role of the Jamaica Customs Agency in the previous TradeBeat* entitled, 'The Basel Convention and the Role of Customs')

Customs officers should verify that the appropriate PIC procedures, including **notification** and **consent**, have been followed. They are to also ensure that the waste being transported corresponds to the information provided in the notification and is reflected on the **movement document**.



Treatment of Trade with Parties and non-Parties

According to the Article 4(5) of the Basel Convention, trade in plastic waste is confined to Parties to the Convention. Notwithstanding this, Article 11 of the Convention makes an allowance for Parties to enter into bilateral, multilateral, or regional agreements or arrangements with non-Parties. This is provided that such agreements or arrangements do not deviate from the environmentally sound management of hazardous wastes and other wastes mandated by this Convention. If any such agreement or arrangement is made by a Party with a non-Party, the Party must inform the Secretariat of the Basel Convention.

The implementation of the Basel Convention is critical to monitor and control the transboundary trade of hazardous and other wastes to ensure they are treated and disposed of in an environmentally sound manner. The Plastic Waste Amendments to the Convention were added to improve control of transboundary movement of plastic waste. Therefore, stakeholders, especially the Customs officers at the ports who are tasked with carrying out the agency functions to protect the borders of Jamaica, are encouraged to familiarise themselves of the related processes and documents of the Convention in order to be compliant with the law.

For more information, please visit:

1. <http://www.basel.int/Home/tabid/2202/Default.aspx>
2. <https://www.jacustoms.gov.jm/tradebeats-0> [TradeBeat for June 2022]
3. <https://www.nepa.gov.jm/index.php/node/1176>

The International and Industry Liaison Branch



The International and Industry Liaison Branch (IILB) is committed to raising awareness on topics relating to international trade, as well as issues concerning the Caribbean Community which affect our internal and external stakeholders. Our quarterly newsletter seeks to highlight global trade topics and their importance to customs administrations worldwide, specifically as it relates to the Jamaica Customs Agency (JCA).

As we realize our vision of becoming a modern customs administration delivering excellent service, we recognize the importance of knowledge transfer in delivering our objectives and use this forum as our way of contributing to the vision of the JCA.

The IILB is located at the JCA's Head Office, Myers' Wharf, Newport East, Kingston, and our officers are available to respond to your trade-related queries. You may contact us via email at iilu@jca.gov.jm.

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