



Mr. Daniel Calleja Crespo, Director-General for Environment

CC: Ms. Cristina de Ávila, Head of Unit, sustainable chemicals

DG Environment
European Commission
Avenue de Beaulieu 5 / Beaulieulaan 5
1160 Brussels

8 July 2019

Re: Incorporating Basel Convention plastics amendments into the OECD Decision

Dear Director General Calleja Crespo,

On 10 May 2019, the European Union joined 186 Parties in a consensus decision to bring plastic wastes under the control regime of the Basel Convention. This decision is extremely important for addressing plastic waste pollution, an issue of global concern.

By rule, the Member States of the OECD¹ will automatically incorporate these amendments into the OECD Council Decision on the Control of Transboundary Movements of Wastes Destined for Recycling Operations² on 9 July (60 days following Basel adoption) unless objections are lodged before that date. The signatories of this letter support the simple automatic incorporation procedure.

We are however concerned that certain powerful industry bodies, have called *not* to adopt these plastics amendments for use within the OECD but to object to them. We are writing to urge the European Union to resist this effort at creating a global double standard. Much effort has been expended in the past to ensure that the OECD listings are in harmony with the Basel Convention listings. To not accept the most recent amendments would be an unfortunate regression in that progress towards global harmonization and maintenance of a level playing field in relation to which wastes are problematic or hazardous.

¹ Australia, Austria, Belgium, Canada, Chile, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Republic of Korea, Latvia, Lithuania, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Slovakia, Spain, Sweden, Switzerland, Turkey, United Kingdom, and United States.

² [OECD Council Decision](#)



We urge you to work towards acceptance of the Amendments without objections by any OECD Member States including the European Union. Under no circumstance should the new listings for plastics on Basel Convention Annex II and VIII become part of OECD's [Green Control Procedure](#), notably PVC, identified in numerous reports as one of the most hazardous polymers and for which the track record for recycling is poor.³ Only non-hazardous waste listings of Basel Convention Annex IX are appropriate for the Green Control Procedure.

The arguments being made by some industry associations that were opposed to the Basel Convention amendments on plastics which were passed by consensus inappropriately invoke the circular economy as a justification to dispense with transboundary movement controls within the OECD. However, the European Union and all other Basel Convention Parties rejected the plastic and waste industry's claims globally, and opted to bring plastics under the treaty's control regime precisely because a circular economy can only function if it provides enough transparency and control necessary to eliminate negative externalities and exploitation. Plastic waste recycling destinations in some parts of the world, even within OECD countries, are very often mismanaged and in fact can be highly polluting operations. It is important therefore that countries have the ability to control exports and ensure environmentally sound management (ESM) prior to export through a prior informed consent (PIC) procedure. It is to be recalled that already, the OECD rules allow for a streamlined PIC procedure for pre-consented facilities.

We therefore urge the European Union to accept and to not object to the incorporation of the new Basel Convention amendments on plastics into the OECD Decision and work to ensure that all OECD Member States do the same.

We thank you for consideration of this important matter.

Yours sincerely,

Jeremy Wates,
Secretary General

On behalf of:

³ Wastes subject to the green and amber control procedures are listed in Appendices 3 and 4 of the [OECD Decision](#) of the Council on the Control of Transboundary Movements of Wastes Destined for Recovery Operations.



Jim Puckett, Basel Action Network

David, Azoulay, CIEL

Joe DiGangi, IPEN

The European Environmental Bureau (EEB)

In view of the public interest in this matter, we intend to make this letter publicly available.