



BAN's Recommendations on Improving Implementation of the Plastic Waste Amendments

28 February 2026

I. INTRODUCTION

Based on decision BC-17/11¹ at the Basel COP in 2025, “Parties and others are invited to provide comments on the plastic waste amendments, particularly regarding their implementation, challenges and impacts, as applicable” by 28 February 2026. In addition, “Parties and others are invited to submit comments on possible further activities that could be conducted under the Convention on plastic waste.”

In 2019, the Parties to the Basel Convention adopted three new waste listings for plastic waste as part of the plastic waste amendments (Amendments):

- A3210 - hazardous plastics;
- B3011 - non-hazardous plastics; and
- Y48 - plastics for special consideration.

These were intended to comprehensively address all plastic waste. Norway made this clear in its explanatory note on the amendments²:

- (1) *"With our proposal plastic waste will fall into three categories under the Basel Convention – single polymer uncontaminated plastic waste, plastic waste requiring special consideration, and hazardous plastic waste, the latter two categories falling under the prior informed consent procedure."*
- (2) *"Plastic waste not fulfilling the requirements of B3011 will fall under a new entry Y48 of Annex II triggering the PIC procedure. In order to avoid misunderstandings, a new entry A3210 of Annex VIII is proposed setting out when plastic waste is hazardous."*

While an admirable and important step towards bringing plastic waste under Basel controls, unfortunately, in practice, there are large loopholes in the Amendments that are leaving large quantities of plastic waste undergoing transboundary movement without any controls.

¹ See

<https://www.basel.int/Implementation/Plasticwaste/Callforinformation/FollowuptoBCCOP17/tabid/10470/Default.aspx>

² “Explanatory note from the Government of Norway on its proposals to amend Annexes II, VIII and IX to the Basel Convention”, UNEP/CHW.14/INF/18.

As discussed in more detail further below, BAN identifies six key problems that need to be addressed with recommended solutions:

- **Problem 1:** Plastic waste is far more likely to cause harm than was understood even a few years ago, with the issue of microplastics being a key example. It is increasingly understood that almost every plastic recycling system exacerbates the problem of microplastic generation and introduction into water and air, but unfortunately this problem is not being adequately addressed globally. Likewise, the impact of chemical additives in the recycling workplace and nearby communities is going largely unaddressed.
- **Problem 2:** Contrary to the original intent of the Amendments as articulated by Norway, the Amendments have been interpreted to allow legacy listings in Annex IX, which allows vast amounts of transboundary movement of plastic that meet the definition of controlled plastics to go uncontrolled. These are often referred to as "hidden" or "forgotten" plastics.
- **Problem 3:** The Amendments do not meaningfully address hidden additives, which, if properly addressed, would require B3011 (non-hazardous) plastic waste or Y48 (waste for special consideration) to qualify as A3210 (hazardous waste).
- **Problem 4:** The current listings Y48 and B3011 include far too many exemptions that are unsubstantiated relics from the very first listings of Annex VIII and IX. These exemptions ignore the inherent hazards of these waste streams and do not track current understandings of the harms of plastic.
- **Problem 5:** Countries are improperly using Article 11 as a form of reservation from the Amendments, which is not legally appropriate under the obligations described in Article 11 of the Convention.
- **Problem 6:** The Basel Convention has a repair/reuse loophole that would exist even if the above problems were fixed. Materials with high amounts of plastic, like used electronics, cars, and textiles can be improperly labeled as being subject to re-use, essentially exempting them from being considered as wastes subject to the Convention.

II. KEY PROBLEMS AND THEIR RECOMMENDED SOLUTIONS

a. **Problem 1: Plastic is far more harmful than previously understood and therefore requires stricter controls.**

Plastic waste is far more likely to cause harm than was understood even a few years ago, with the issue of microplastics being a key example. It is increasingly understood that almost every plastic recycling system exacerbates the problem of microplastic generation and introduction into water and air, but unfortunately, this problem is not being adequately addressed globally. Likewise, the impact of chemical additives in the recycling workplace and nearby communities is going largely unaddressed. It has also become clear that plastic waste, like electronic waste, is

problematic even when it does not meet the traditional definitions of hazardous waste. Many of the hazards come from the difficulty in managing plastics or the unknown nature of their composition. In almost every shipment of plastic waste, it is virtually impossible to affordably and quickly assess its hazardousness since the additive content is unknown and different in every shipment. Practitioners of Basel implementation simply cannot justify the expenditure required to chemically analyze every shipment, and therefore, exercising the precautionary principle is critical. We must assume, at a minimum, that levels of control require the PIC procedure.

Recommended solutions

- Similar to how Basel is now regulating e-waste, Basel should remove the Annex IX B3011 listing entirely. This would mean that all plastics would be considered as Y48 or A3210 and that transparency and national control would be guaranteed through the PIC procedure. Note separate proposed controls for textiles in Problem 2 below.
- If there is reason to believe that the waste contains hazardous additives, then the listing should be A3210.

b. Problem 2: Basel's three plastic listings do not comprehensively regulate all plastic wastes, allowing almost half of the plastic waste stream to go unaddressed.

Unfortunately, legacy listings on Annex IX that contain plastic waste were not addressed by the amendments or targeted for adjustment or removal. By being left on Annex IX, these hidden or forgotten categories are essentially given a free pass while exhibiting all of the same problematic characteristics of Y48 or A3210. These include the following listings:

- B3040 - Rubber wastes
- B3080 - Waste parings and scraps of rubber
- B3140 - Waste pneumatic tyres, excluding those destined for Annex IVA operations
- B3030 - Textile wastes
- B3035 - Waste textile floor coverings, carpets
- B3020 - Paper, paperboard and paper product wastes
- B1250 - Waste end-of-life motor vehicles, containing neither liquids nor other hazardous components

There are also critical listings missing that need to be placed into the definitions of Y48, B3011, or A3210. An example of this is refuse-derived fuel (RDF).

Each of these can contain significant amounts of plastic, most of which qualifies at a minimum as Y48 due to contamination with other materials in the stream. For example, most so-called rubber is in fact not made from natural rubber but is synthetic plastic. This waste stream is not being recognized as Y48 or A3210, when it should be, to be consistent with what was proposed and decided in the Amendments. Critically, textile waste shipments invariably qualify as Y48, with approximately 69% of all textiles sold today being synthetic (plastic), and therefore, these are mixed and contaminated polymers. Likewise, RDF contains high amounts of mixed and contaminated plastic and therefore, should be Y48 at a minimum. In addition, most bales of

paper waste going for recycling are contaminated with as much as 30% plastic. This has been well documented by NGOs and journalists, but has been largely ignored by Basel Parties. Horrific incidents have been revealed of plastic waste from pulp mills being burned as fuel to make tofu in Indonesia or sugar in India, with very harmful releases of compounds such as dioxins, furans, and polycyclic aromatic hydrocarbons. Many types of paper waste contain PFAS as well, which are likewise being burned or dumped adjacent to paper mills. After more than five years of the Amendments being in place, these glaring problems can and must be addressed.

Recommended solutions

- **A practical first step to immediately start closing hidden plastic loopholes**
 - BAN proposes a practical solution to solve many of the concerns enumerated above that are allowing hidden and forgotten plastics to go unregulated. Parties should immediately begin interpreting the following listed wastes as being of the listing Y48 or A3210, the most recent and plastic-focused listings. The use of the older listings should be discontinued if they indeed contain significant amounts of plastic (greater than 5% by weight). This does not require an amendment, as it is an interpretation about which listing to use when two may be said to apply. When plastic is found at levels above 2%, the legacy plastic listings below should be retired, with Y48 at a minimum being the more legitimate description. Should there be reason to believe they may contain hazardous constituents (Annex I) possessing hazardous characteristics (Annex III), they should be managed as A3210.
 - B3040 - rubber wastes
 - B3080 - Waste parings and scraps of rubber
 - B3140 - Waste pneumatic tyres, excluding those destined for Annex IVA operations
 - B3030 - Textile wastes
 - B3035 - Waste textile floor coverings, carpets
 - B3020 - Paper, paperboard and paper product wastes
 - B3026 - Waste from the pretreatment of composite packaging
 - B3027 - Self-adhesive label laminate waste
 - B1250 - Waste end-of-life motor vehicles, containing neither liquids nor other hazardous components
- **Textiles**
 - BAN proposes *amendments* to the annexes as follows:
 - Textile listings B3030 and B3050 should be retired.
 - Waste textiles that are pure, clean, natural fibers separated by species and prepared to a specification should replace the retired B3030 or B3050 (with a new number) as the only legitimate textile listing on Annex IX.
 - All other textile waste that is not hazardous should be listed as new Annex II Y50.

- If the textiles are hazardous due to the presence of toxic additives, dyes, or microbial contamination, they should be listed under a new Annex A listing.
- **Other legacy Annex IX listings**
 - Retire B3040, B3080, and B3140. Place these listings into the new Y48 (unless they contain less than 2% plastic by weight)
 - Create a new A listing for hazardous rubber and tyre products.
 - Revise current B3020, B3026, and B3027 to only include paper shipments that contain less than 2% plastic by weight.
 - Revise current B1250 to only include end-of-life vehicles that have less than 2% plastic by weight
 - Add to the definition of Y48 any post-consumer waste that contains plastics at greater than 2% plastic.
 - Add to the Y48 definition RDF regardless of how it's presented or encapsulated as being Y48 unless it contains less than 2% plastics and does not contain any hazardous substances listed on Annex I.
- c. **Problem 3: The Amendments do not encourage the recognition or inclusion of hidden additives, which would otherwise make B3011 (non-hazardous) plastic waste or Y48 (waste for special consideration) considered as A3210 (hazardous waste).**

The Basel Convention creates a rebuttable presumption that any amount of material on Annex I qualifies a waste as hazardous unless it can be demonstrated that it does not exhibit an Annex III characteristic, regardless of an exporter's ignorance. Nowhere in the Basel Convention does it permit or condone ignorance of the nature of materials undergoing transboundary movement. Parties should therefore presume that untested or unverified plastic waste is hazardous.

While the recommendations for Problem 1 above would go a long way towards addressing the hidden toxicity issue by placing all wastes under the PIC procedure, Basel would still need to provide guidance and strategies to Parties to identify those plastics that are hazardous. For example, guidance is needed on which plastics are triggered by the Basel Ban Amendment to be banned for export to developing countries from developed countries.

Recommended solutions:

- BAN recommends that guidance be created on how to distinguish A3210 from Y48. For example, Parties need inexpensive techniques that can be used in a precautionary manner, such as the deployment of XRF guns to look for POPs and halogens in plastic waste.
- Guidance should also be provided on how to scan for hazardous additives that would readily qualify plastic waste as A3210 or as a new hazardous textile listing.

d. Problem 4: The current listings Y48 and B3011 include far too many exemptions, many of which make little sense given the inherent hazards of recycling plastics such as microplastics, VOCs, and other emissions.

Y48 will need to be rewritten to remove its many exceptions. Currently, it covers “Plastic waste, including mixtures of such waste” with three exceptions:

- 1) plastic waste that’s hazardous
- 2) plastic waste types that are in subheadings, “provided it is destined for recycling in an environmentally sound manner and almost free from contamination and other types of wastes.”
- 3) “Mixtures of plastic waste, consisting of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET), provided they are destined for separate recycling of each material and in an environmentally sound manner and almost free from contamination and other types of wastes.”

Unfortunately, all these exceptions are creating gaps in coverage:

- They don’t address the well-documented harms associated with plastic recycling, like the release of microplastics or VOCs.
- “Mixtures” and “contamination” are, in practice, impossible to define and irrelevant in determining hazard potential, now known to exist at recycling and disposal facilities or open dumps.
- The categorizations of cured resins or polymers, and the exemptions for fluorinated plastics, are all legacy notions that are no longer aligned with the latest science or the Convention.

B3011 is the plastic waste that falls under Y48’s exceptions. As detailed above, B3011 should be completely deleted.

Recommended solutions

- Remove all exceptions in Y48 except for those plastic wastes where there is reason to believe it is hazardous plastic waste, which should be A3210.
- Notes should be included to clarify that the new Y48 will encompass former B-listed wastes containing hidden and forgotten plastics.
- B3011 should be deleted in its entirety.

e. Problem 5: Countries are improperly using Article 11 as a form of reservation from the obligations of the convention.

Under Article 11 of the Basel Convention, Parties are not allowed to trade hazardous or other wastes with non-Parties to the Convention unless a valid bilateral or multilateral Article 11 agreement is in place. To be valid, Article 11 agreements must provide an equivalent level of control to that of the Basel Convention or be stricter. Basel expressly prohibits transboundary movement between a non-Party and a Party unless a valid Article 11 agreement is in place. Article 11 makes clear that side agreements outside of the Convention involving Parties can never allow waste trade and management in a manner that is less rigorous than Basel. Despite

these clear requirements, a number of instances have occurred where countries have made agreements that either provide no control or far less control over plastic wastes than is meant to occur under Basel.

The most egregious example is the Canadian plastic waste “arrangement” with the United States. Before the plastic waste amendments came into force, the US and Canada declared they had reached a “non-legally binding arrangement” that they asserted constituted an Article 11 agreement. Under this “arrangement,” Canada and the US (a non-party) allow themselves to freely trade in Basel-controlled plastic waste such as Y48 as if the amendments were not in force. Obviously, this “arrangement” runs contrary to the plastic waste amendments and Article 11’s requirement of an equivalent level of control. It is tantamount to a reservation on the Part of Canada, which the Convention explicitly prohibits in Article 26.

Another concerning case is the agreement of the European Union to ignore certain aspects of the Amendments for Basel Parties that are part of the EU. For example, PVC is allowed to be traded as if it is B3011, when the Parties agreed that halogenated polymers, except for the ones cited, must be considered Y48 and subject to prior informed consent. Clearly, having no PIC is less rigorous than requiring PIC.

Unfortunately, Basel does not have a meaningful mechanism to enforce Article 11 against violators. It is thus up to Parties and other stakeholders to condemn improper Article 11 agreements and seek to prevent such agreements. It is not hard to imagine how quickly Basel would be completely undermined if this practice becomes widespread.

Recommended solutions

- Parties must refrain from making any invalid Article 11 agreements.
- Parties should publicly challenge any inappropriate uses of Article 11, including at the Implementation and Compliance Committee.

f. Problem 6: The Basel Convention’s repair loophole

Even if the above problems are fixed, these much-needed Basel controls could still be easily circumvented by exporters who claim that used goods that contain high amounts of plastic, such as textiles, cars, or electronics, are not waste as they will be reused either directly or after repair.

The claim that any used post-consumer product might someday, in some circumstance, be reused and should therefore not be considered a waste is extremely dangerous for a variety of post-consumer wastes. Some Parties have realized how this loophole can be exploited and have proposed to close this loophole through the adoption of a listing on Annex IV of “Preparation for Reuse”, which would ensure that repairables can be considered a waste up until the point that they are fully repaired. This would enable Parties to clearly ensure that repairables fall within the scope of the Basel Convention and its control procedures and obligations. This concern was raised at Basel COP17, particularly during the finalization of the review of Annex IV, but Parties failed to reach an agreement on how this loophole should be closed. Further discussion on this vital matter has been postponed to 2028.

Until the "Preparation for Reuse" listing on Annex IV is finally adopted, there must be guidance by the Basel Convention to ensure that very strict criteria are met before any Party can consider wastes for repair or reuse as non-waste. One key criterion is that there must be a proven, viable market for such wastes, as well as a very high rate of actual repair. Equipment that is not repaired and sold for reuse must be repatriated to the exporter. Without such an amendment to Annex IV or strict guidance criteria, BAN foresees many dubious claims that the waste is reusable, is therefore a non-waste, and does not need to be controlled. Many types of waste, such as cars, electronics, or textiles, could arguably be reusable or repairable, technically or theoretically. This swings the doors wide open to allow for these wastes to fall outside of the scope of Basel as non-waste. The determinant of a Basel-controlled textile waste (old article of clothing) must not be "reusability", but rather guarantees of actual reuse, with mechanisms for return to the exporting state, should the material be deemed as "waste" and not reused.

Recommended solutions

- Establish a new "Preparation for Reuse" listing on Annex IV that closes the repair/reuse loophole at the earliest possible date. An efficient way to move quickly on this matter is for one or more Parties to propose an amendment.
- Establish strict guidance that must be met before any Party can consider wastes for repair or reuse as non-wastes

III. CONTACTS

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