



turn back the toxic tide

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**Summary of EU Regulation (EU) 2021/1840
with Respect to B3011 (non-hazardous plastic waste)**

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The EU has just published Regulation (EU) 2021/1840 of 20 October 2021 amending Regulation (EC) No 1418/2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply.

The EU bans the export of hazardous wastes and Annex II (wastes for special consideration) wastes to non-OECD countries as per the Basel Ban Amendment. Years ago, they decided to not automatically assume that non-hazardous wastes (Basel Annex IX, B list) should be allowed for export to non-OECD countries but rather to ask them if they wished to receive such wastes, and if so, under what control mechanism/circumstances.

The result of the letters out to all non-OECD countries created the 1418/2007 regulation. But of course, it needs to be updated in the course of time, and after the new Plastics Amendments and the creation of new non-hazardous entry B3011, an update was particularly needed. The update is what they have just published.

It is very interesting to note what countries are saying with respect to the non-hazardous plastic listing B3011 and whether they wish to receive that waste stream. Remember: the Basel agreement provides no controls on these B listed wastes, so when countries say they actually want to have it controlled by PIC, with respect to the EU it is an important statement. And we have no reason to believe the assertion is limited only to the EU, but rather it would be logical that the position applies to all imports from anywhere. And, the fact that some countries want these wastes prohibited, shows that countries are becoming very aware of the liability that any plastic waste represents.

It is important to note that Bangladesh is banning the imports of B3011 in its entirety. And Vietnam is banning significant portions of B3011.

Many countries indicated they will apply different national controls on B3011 but we don't have that information. It would be good to ask. In that national control we may be able to

find out more about national levels of contamination allowed/disallowed.

Only 23 countries responded to the query and their responses with respect to B3011 are summarized below. If countries didn't respond, the default position of the EU is to employ PIC. So, in fact many more exports of non-hazardous plastic waste will be controlled with PIC from the EU.

Countries or Territories that indicate they prohibit non-hazardous plastic imports:

Albania
Bahrain
Bangladesh
Burkina Faso
Cape Verde
Congo
Kuwait
Moldova
San Marino
Sao Tome and Principe
Sudan
Turkmenistan
Vietnam

all cured resins prohibited
all listed fluorinated plastics prohibited

Countries or Territories that indicate they wish to require prior informed consent:

Anguilla
Benin
Cuba
Ecuador
El Salvador
Ghana
Haiti
Jamaica
Kosovo
Madagascar
Nicaragua
Pakistan
Paraguay
Serbia
Ukraine
Zambia

Countries indicating unspecified national Controls for B3011 imports:

Cambodia
China Taipei
Egypt
Indonesia
Liberia
Laos
Malaysia

Monaco
Montenegro
Myanmar
Oman
Philippines
Singapore
Trinidad and Tobago
Uruguay
Vietnam

non-halogenated single polymers
mixture of PP, PE and PET

Countries or Territories where no control is wanted:

Armenia
Panama
Peru

Note: For the three countries immediately above, for which no specific instructions have been given regarding B3011 especially, the EU will nevertheless require PIC.

Countries or Territories not listed or not indicating a control procedure for B3011:

For non-OECD countries not listed above, the EU will utilize the PIC procedure, but it is unclear whether the countries concerned would insist on that for all imports if they had answered.

END