

DRAFT

of 12 November 2020 prepared by the European Commission

CORRESPONDENTS' GUIDELINES No 12

Note: This draft has not yet been discussed or agreed to by the Correspondents of the Member States

Subject: Common interpretation of the provisions relating to entries on plastic waste agreed in the Basel Convention (A3210, Y48 and B3011), in the OECD Decision (AC300) and in the Waste Shipment Regulation (EU48 and EU3011).

1. These correspondents' guidelines represent the common understanding of all Member States on how the Waste Shipment Regulation¹ (WSR) should be interpreted. The guidelines were agreed by the correspondents [through written procedure/meeting on XX.XX.2020]. These guidelines were developed to support a common understanding within the Union as regards the entries to classify plastic waste that were changed at global level through decision BC-14/12 by the Conference of the Parties to the Basel Convention at its fourteenth meeting in May 2019 (COP14) and implemented in the WSR, as well as the entry AC300 agreed in the OECD, as regards shipments within the OECD, and entries EU48 and EU3011, as regards shipments within the EU.

2. The Correspondents Guidelines are not legally binding. The binding interpretation of European Union law is the exclusive competence of the European Court of Justice. These guidelines apply from 1 January 2021 and should be reviewed at the latest five years from the above date and, if necessary, revised.

1. INTRODUCTION

3. These Correspondents' guidelines provide information for:

- (a) Persons involved in shipments of plastic wastes, such as notifiers, persons arranging shipments of waste in accordance with Article 18 of the WSR, waste producers, collectors, dealers, brokers, waste carriers, consignees, recovery facilities and laboratories; and
- (b) Authorities responsible for the enforcement of the WSR

4. Prior to any shipment of green-listed plastic wastes, it is highly recommended that the person arranging the shipment clarifies whether the intended shipment is in conformity with the national legislation in the countries of transit and destination, for example some third countries have introduced import restrictions on plastic wastes in their national legislation². Some EU Member States also impose a ban on waste imports destined for landfilling or energy recovery. No shipments can be destined for facilities in these countries³.

2. PLASTIC WASTE ENTRIES

5. Through decision BC-14/12, Annex IX of the Basel Convention was amended, replacing entry B3010 with B3011 from 1 January 2021. Furthermore, a new entry A3210 was included in Annex VIII of the Basel Convention to include plastic waste exhibiting/with hazardous characteristics. Finally, a new entry

¹ Regulation (EC) No 1013/2006 on shipments of waste (consolidated version)

² Regulation (EC) 1418/2007 is one possible source of information on such restrictions.

³ If the competent authorities of dispatch and of destination cannot agree on the classification of plastic wastes, the more stringent interpretation in accordance with Article 28(2) of the WSR shall prevail.

Y48 was introduced in Annex II. The integral wording of these entries, including the related footnotes is provided in Appendix 1, part 1.

6. Through delegated Commission Regulation XYZ, these changes were implemented in the Waste Shipment Regulation, whereby entries A3210, B3011 and Y48 are applicable for exports and imports from and to the Union. As an exception to this, entry AC300 applies to export and import of hazardous plastic waste to and from OECD member countries outside the EU, instead of A3210. The wording of entries A3210 and AC300 is however similar, so that that this difference has no real impact in practice.

The regime applying to the export and import from and into the EU of the waste covered by these entries is the following⁴:

Exports to Non-OECD countries outside the EU:

- the export to non-OECD Decision countries of plastic waste classified under A3210 or Y48 is prohibited (in application of Article 36 of the Waste shipment regulation);
- the export to non-OECD Decision countries of plastic waste classified under B3011 is subject to the provisions of Article 37 of the Waste shipment regulation;

Exports to OECD countries outside the EU:

- the export to OECD Decision countries outside the EU of plastic waste classified under AC300 or Y48 is subject to the prior informed notification and consent procedure (in application of Article 38 of the Waste shipment regulation);
- the export to OECD Decision countries outside the EU of plastic waste classified under B3011 is subject to the general information requirements (in application of Article 38 of the Waste shipment regulation);

Imports into the EU:

- the import into the EU of plastic waste classified under A3210 or Y48 is subject to the prior informed notification and consent procedure, while for plastic waste classified under B3011 the general information requirements apply (in application of Art. 42 and 45 of the Waste Shipment regulation);

7. **For shipments of plastic waste within the Union**, specific entries were introduced through the Delegated Commission Regulation XYZ:

- EU3011 for which the general information procedure in art. 18 of the Waste Shipment Regulation applies, and
- EU48 for which the prior notification and consent procedure in art. 4 of the Waste Shipment Regulation applies;
- AC300 for which the prior notification and consent procedure in art. 4 of the Waste Shipment Regulation applies.

The integral wording of these entries is provided in Appendix 1, part 3.

7bis. Further, as regards mixtures of plastic waste, Annex IIIA of the Waste Shipment Regulation was amended through the Delegated Commission Regulation XYZ to include the following mixtures of wastes classified under separate indents or sub-indents of entry EU3011, only for the purposes of shipments within the Union:

- (a) mixtures of wastes classified under entry EU3011 and listed under *non-halogenated polymers*;
- (b) mixtures of wastes classified under entry EU3011 and listed under *cured waste resins or condensation products*;

⁴ Appendix 2 contains an elaborate overview of all applicable rules.

(c) mixtures of wastes classified under entry EU3011 and listed under *perfluoroalkoxy alkanes*.

8. For information, work is currently ongoing to update the technical guidelines for the identification, environmentally sound management and disposal of plastic wastes under the Basel Convention, see further the decision adopted at COP-14 (BC-14/13 paragraphs 18-22).

3. COMMON INTERPRETATION OF SOME TERMS USED IN THE PLASTIC WASTE ENTRIES

9. In this section, these guidelines provide for a common interpretation of the following terms contained in the new entries for plastic waste (see for exact wording Appendix 1) :

- almost free from contamination and other types of waste.
- almost exclusively consisting of
- the reference to “temporary storage” as related to “destined for recycling”

10.. In the guidance provided below, for shipments within the EU, references to B3011, Y48 and A3210 should be understood as EU3011, EU48 or AC300 respectively. For shipments to and from OECD countries outside the EU, A3210 should be understood as AC300.

3.1 Common interpretation of the terms „almost free from contamination and other types of waste“ and „almost exclusively consisting of one non-halogenated polymer, cured resin or fluorinated resin“

3.1.1.Common interpretation of the terms “Almost free from contamination and other types of wastes”

11. This section provides a common interpretation of the terms “*almost free from contamination and other types of wastes*”, which are used in the chapeau of the second indent and in the third indent of entry Y48 and the chapeau of the first indent and in the second indent of entry B3011. The terms are also used in the chapeau of entry EU3011. Plastic wastes not almost free from other types of waste (e.g. other green listed wastes like paper, glass, cables,...) or contamination (for example by food residues, with persistent organic pollutants) or consisting of mixtures of plastic waste that are not specifically mentioned in entries B3011 or EU3011, should not be classified under entry B3011, respectively EU3011.

12. To provide legal clarity and certainty, a harmonised threshold value should be applied in the EU for the interpretation of the terms “almost free from contamination and other types of waste”. The threshold should be sufficiently strict to prevent polluted and contaminated plastic wastes from being classified and shipped under entry B3011, especially outside the OECD-area, where recycling capacity is lacking or of lower quality. Available regulatory frameworks (including concentration thresholds and technical standards, for example safety and health standards), should be taken into account when determining the level of contamination or level of presence of other waste.

13. In the context of assessing the level of contamination, a footnote in entries B3011 and Y48 indicates that “international and national specifications may offer a point of reference”. International specifications like the Guidelines of the Institute of Scrap Recycling Industry lay down maximum

contaminant thresholds⁵. For the plastic waste included in B3011, in these specifications 2% (moisture-free weight) is the most commonly referred to contaminant limit.

14. Another example of specifications developed by industry are those that Plastics Recyclers Europe published. Both for the purpose of characterizing waste going for recycling⁶ and specifying the quality of the outcome of the recycling process⁷ specifications were developed. These specifications do not in all cases contain clear limit values for occurring contaminations.

15. EuRIC⁸ has indicated that “almost free from contamination and other types of waste” should be understood as referring to maximum levels of contaminant or foreign materials accepted in the plastic waste in the range of 5 to 15%. They however did not refer to particular specifications in that regard.

16. Further, some EPR organisations have also developed specifications with regards to impurities contained in waste shipments (e.g. DerGrünePunkt⁹).

17. Specifications, such as those mentioned above, should however not be the only basis for classification as they often also provide maximum contaminant thresholds for plastic wastes destined for lower quality reclamation or applications, allowing impurities up to 20 % or even more. These higher degrees of impurities would not match the stringent terminology used in the Basel entry B3011.

18. Specifications, bilaterally agreed between sender and recycler or “customer specifications” laying down maximum limits or thresholds for impurities or non-target plastics should not be regarded as a point of reference to classify waste in general and for the purposes of the Waste Shipment Regulation.

19. Taking the elements presented above into consideration, the common understanding of the Correspondents is that the terms “almost free from contamination and other types of wastes” contained in entry B3011 and Y48 mean that the non-plastic component content in a consignment of plastic waste classified under B3011 should not exceed the following threshold: a total maximum of 2 mass % related to moisture free weight^{10,11}.

20. In order to facilitate the verification of the above mentioned threshold, it is recommended that in a declaration accompanying the consignment, the contamination or impurities in the waste are specified, together with the method that was used to establish the contamination %..

3.1.2. Common interpretation of the terms “Almost exclusively consisting of”

21. This section provides a common interpretation of the terms “almost exclusively consisting of”, which are used in the first three indents as follows:

- “almost exclusively consisting of one non-halogenated polymer” (including but not limited to the polymers mentioned in the first indent of B3011)
- “almost exclusively consisting of one cured resin or condensation product” (including but not limited to the cured resins mentioned in the second indent of B3011)

⁵ ISRI Scrap Specification Circular – Guidelines for non-ferrous scrap, ferrous scrap, glass cullet, paper stock, plastic scrap, electronics scrap, tire scrap (4/16/2018): <http://www.scrap2.org/specs/>

⁶ Waste characterisations: <https://www.plasticsrecyclers.eu/waste-characterisation>

⁷ Recyclates characterisations: <https://www.plasticsrecyclers.eu/recyclates-characterisation>

⁸ EuRIC is the Confederation representing the interests of the European recycling industries.

⁹ <https://www.gruener-punkt.de/en/downloads.html>

¹⁰ Remark: for the production of food contact plastic or films/foils even higher qualities might be required as input material.

¹¹ Remark: for certain substances, like POPs, more strict or different thresholds may apply.

- “almost exclusively consisting of one of the following fluorinated polymers” (exhaustive list in the third indent of B3011. Post-consumer wastes are excluded).

22. Plastic waste may therefore be classified under B3011 provided it almost exclusively consists of one non-halogenated polymer, cured resin or fluorinated polymer¹² (as listed in the third indent of B3011). Any presence of another polymer, cured resin or fluorinated polymer, should render the plastic waste ineligible for entry B3011, unless this polymer, cured resin or fluorinated polymer is present with an amount which is lower than a given threshold.

23. In the context of assessing the terms “almost exclusively consisting of”, a footnote in entries B3011 and Y48 indicates that “international and national specifications may offer a point of reference”. Relevant guidance on specifications is provided in section 3.1 above.

24. Taking the elements presented above into consideration, the common understanding of the Correspondents is that the terms “almost exclusively consisting of one polymer” contained in entry B3011 and Y48 mean that the amount of other polymers content in a consignment of plastic waste should not exceed the following threshold: total maximum 2 mass % related to moisture free weight¹³

25. In order to facilitate the verification of the above mentioned threshold, it is recommended that in a declaration accompanying the consignment, the contamination or impurities in the waste are specified, together with the method that was used to establish the contamination %.

3.1.3. Common interpretation of “almost free from contamination and other types of waste” and „almost exclusively consisting of one non-halogenated polymer, cured resin or fluorinated resin“ when these two terms need to be interpreted together for a single shipment

26. In case where it is necessary to assess if a single shipment of plastic waste is “almost free from contamination and other types of wastes” **and** „almost exclusively consisting of one non-halogenated polymer, cured resin or fluorinated resin“ (for example because it contains, in addition to plastic waste listed in B3011, non-plastic component as well as plastic waste other than those listed in B3011), the strict approach set out above should also prevail. Taking the elements presented above into consideration, the common understanding of the Correspondents is therefore that the total content of non-hazardous impurities/components including other polymers than the one polymer that makes up the bulk of the plastic waste to be classified under entry B3011, should not exceed the threshold of 2% mass in total, related to moisture free weight¹⁴.

3.3 Temporary storage when destined for recycling

27. In entry B3011, in the footnotes related to “destined for recycling” a reference is made to “temporary storage limited to one instance, provided that it is followed by operation R3¹⁵ and evidenced by contractual or relevant official documentation.” *It is the common understanding of the Correspondents*

¹² Post-consumer fluorinated plastic wastes are excluded

¹³ Remark: for the production of food contact plastic or films/foils even higher qualities might be required as input material.

¹⁴ Remark: for certain substances, like POPs, more strict or different thresholds may apply.

¹⁵ R3 is described in Directive 2008/98/EC on waste as “Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes). This includes preparing for re-use, gasification and pyrolysis using the components as chemicals and recovery of organic materials in the form of backfilling.”

that this sentence should be interpreted as referring to treatment operation R13¹⁶, or alternatively R12¹⁷, as described in Directive 2008/98/EC on waste .

3.3.1 Intermediate storage R13 prior to the recycling operation

28. Plastic waste may be classified as B3011 provided the shipments are destined for R13 (temporary storage) for the purpose of subsequent recycling (R3). It must be noted, that this concerns one R13-treatment and for example no series of R13-operations (or subsequent combinations with R12) via traders or brokers or pre-treatment facilities.

29. Sufficient documentation should be made available on request of the competent authorities and/or inspection bodies, detailing the final recycling operation (e.g. contract or other official documentation, including the address and permitting details of the final recycling plant(s) and final recycling operation)¹⁸.

3.3.2 Pre-treatment operation R12 for separate recycling of each material in mixtures of PE, PP or PET

30. The preliminary operation R12 “exchange of wastes for submission to any of the operations numbered R1-R11” may be considered as part of the recycling of the mixtures of plastic waste explicitly listed in B3011, consisting of PE, PP or PET, provided they are destined for separate recycling of each material in an environmentally sound manner.

31. It is noted, that this concerns one R12-treatment (sorting, washing, crushing etc.) and, if needed tempory storage to one instance, provided that it is followed by recycling operation R3. B3011 excludes shipments destined for several R12-operations or one R12 operation followed by more than one R13 operation prior to the final recycling operation R3.

32. Sufficient documentation should be provided, detailing the subsequent recycling operations for all fractions and specifying the involved pre-treatment facility or facilities as well as the final treatment facility (e.g. contracts or other official documentation, specifying that all plastic fractions of the specified mixture will be recycled in licensed recycling facilities, including the address and permitting details of the final recycling plant(s) and final recycling operation)¹⁸.

4. ADDITIONAL GUIDANCE ON CLASSIFICATION OF PLASTIC WASTE .

B3011

33. It is the understanding of the Correspondents that all plastic waste specified under B3011 are completly polymerized or cured (solid waste). It should be noted that alkanes C10-C13 (plasticisers),

¹⁶ R13 is described in Directive 2008/98/EC on waste as “Storage of waste pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where the waste is produced)”

¹⁷ R12 is described in Directive 2008/98/EC on waste as “Exchange of waste for submission to any of the operations numbered R 1 to R 11. If there is no other R code appropriate, this can include preliminary operations prior to recovery including pre-processing such as, inter alia, dismantling, sorting, crushing, compacting, pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R1 to R11.”

¹⁸ It is noted that the authorities involved in inspections may conclude that it is an illegal shipment, if the evidence referred to in Art 50 (4a) of the WSR has not been submitted within the period specified by them, or they consider the evidence and information available to them to be insufficient to reach a conclusion.

which are viscous liquids (and were listed under the former, now invalid entry B3010) are not part of B3011.

34. B3011 includes a non-exhaustive list of non-halogenated polymers and cured resins. Therefore also waste consisting almost exclusively of one other non-halogenated polymer or cured resin than mentioned in B3011 may be classified under B3011.

This includes the following non-halogenated polymers: acrylonitrile, butadiene, polyacetals, polyamides, polybutylene terephthalate, polyphenylene sulphides, acrylic polymers, polyurethane, polysiloxanes, polymethyl methacrylate, polyvinyl alcohol, polyvinyl butyral, polyvinyl acetate and others (e.g. polyether etherketone (PEEK), polybutylene succinate (PBS), polyacetal or polyoxymethylene (POM), thermoplastic polyurethane (TPU)).

This also includes the following cured resins: silicone (polysiloxane), polyimides, aromatic polyamide resins, polyester resins and thermoset polyurethane polymers.

35. The enumeration of plastic waste consisting of fluorinated polymers is exhaustive and excludes post-consumer waste. Therefore fluorinated post consumer plastic waste and other fluorinated polymers and co-polymers not explicitly mentioned do not fall under B3011.

36. Polyvinylchloride (PVC) is part of the entry EU3011. Only for shipments within the EU PVC is thus regarded as green listed, if

- not exhibiting hazardous characteristics
- almost free from contamination or other waste
- destined for recovery.

Other chlorinated polymers, such as polyvinylidene chloride, chlorinated polyethylene (PE-C or CPE) are excluded from the scope of BE3011.

Y48

37. In case a consignment of plastic waste does not meet the description for classification under B3011, but does not exhibit hazardous characteristics and/or is destined for other operations than recycling when exported or imported to or from third countries, the entry Y48 should be applied.

38. In case of a shipment within the EU, and where a consignment of plastic waste does not meet the description for classification under EU3011 or the description in Annex IIIA, 4(a) to (c) of the WSR, but does not exhibit hazardous characteristics and/or is destined for disposal, the entry EU48 should be applied.

39. Plastic waste that is derived from the pre-treatment (e.g. dismantling, sorting) of wastes collected from households (entry Y46 in Annex II of the Basel Convention) or from waste of products that have plastic components or consist partially of plastic (e.g. from the pre-treatment of waste covered by the entries B1110, B1115 and B1250) could fall under entry Y48 or EU48 (within the EU).

40. The treatment of waste that contains POPs requires specific consideration and not all of such waste can easily be recycled. Hence, plastic waste containing “new” POPs¹⁹ in quantities meeting or exceeding

¹⁹ Commission Decision 2014/955/EU refers to the „old“ POPs in relation to the classification as hazardous of waste containing these substances exceeding the concentration limits indicated in Annex IV of Regulation (EC) No 850/2004: polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/ PCDF), DDT (1,1,1-trichloro-2,2-bis (4-chlorophenyl)ethane), chlordane, hexachloro-cyclohexanes (including lindane), dieldrin, endrin, heptachlor, hexachlorobenzene, chlordecone, aldrin, pentachlorobenzene, mirex, toxaphene, hexabromo-biphenyl and/or PCB.

the POP-limits of the Regulation (EU) 2019/1021 on persistent organic pollutants (POPs) but not exhibiting any hazard characteristics, should be classified under Y48.

41. A significant indicator for the distinction between B3011 and Y48 is the market value of the plastic waste in question. Plastic waste classified under Y48 is more likely to have a low or negative market value.

[42. The following should not be classified under entry B3011:

- any waste composite materials or multi-layer materials containing plastics (e.g. paper or aluminium wastes coated with plastics, such as blister packaging, „tetra-bricks“, multilayer packaging, wood-plastic-composite wastes containing fine wood flour or fibres)
- (stripped/unstripped) printed circuit boards or laminates of copper/plastic, plastic casings of WEEE containing brominated flame retardants in an amount exceeding Annex IV of the EU-POP Regulation No. 2019/1021, such as plastics from monitors, TV sets, printers, photocopying machines, dashboards of vehicles
- cable sheets, containing more than 0,1 mass% prohibited flame retardants (POPs) or other prohibited/restricted substances
- any fibre-reinforced plastic waste containing e.g. carbon fibres or glass fibres (remark: recycling options for such waste are very limited in the EU and unlikely to happen in non-OECD countries)
- non-halogenated plastic wastes mixed with halogenated plastic waste (e.g. fluorinated plastic waste) or resins
- burnt or partly burnt waste and scrap of plastics and those polluted by extinguishing agents
- film containing photosensitive material
- sealed plastic containers, cans, bottles - any plastic containers must be open and cleaned, used plastic containers should be broken into pieces and cleaned until they have become odourless and unblemished
- waste of hollow mouldings shall exclude plastic films and foils and vice versa
- unfoamed plastic waste shall exclude foamed plastic waste (even if foamed with non-hazardous propellants)
- bio-plastics for composting
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5. HAZARDOUS PLASTIC WASTES

43. Plastic waste should be classified as hazardous when it contains or is contaminated with hazardous substances or hazardous waste listed in Annex I of the Basel Convention to an extent that it exhibits hazardous characteristics laid down in Annex III of the Basel Convention²⁰. In such cases, plastic waste will be subject to the regime applying to entry A3210, or AC300 for shipments within the EU or the OECD (notification and prior consent procedure).

44. In order to decide if plastic waste should be classified as hazardous, the persons involved in the shipments of waste need therefore to provide the information required to the competent authorities for the implementation of the WSR to verify:

²⁰ Both the list of characteristics in Annex III to the Basel Convention (see appendix 3) and those applied in the EU legislation [link] are relevant in this context.

- first, if the waste in question contains or is contaminated with hazardous substances or hazardous waste listed in Annex I of the Basel Convention,
- second, if this contamination results in the waste to exhibit the characteristics laid down in Annex III of the Basel Convention, and
- third, if the waste exhibits hazard characteristics in the meaning of Art. 3(2) of Directive (EC) 2008/98 as amended.

45. The purpose of this document is not to present an exhaustive list on what constitutes hazardous plastic waste, but to provide guidance in instances where the classification of plastic waste as hazardous is of particular relevance.

46. Examples for hazardous plastic wastes:

- rigid PVC containing cadmium and lead stabilizers;
- soft PVC containing toxic phthalates as plastizisers
- foamed plastic waste containing CFCs/HCFs in quantities > 0,1% (ozone depleting substances)
- plastic waste containing POPs in amounts to exhibit hazardous characteristics (note that in case of the “new POPs” an exceedance of the POP limit does not automatically render a waste hazardous according to EU legislation, but it would fall within Y48 or EU48. WEEE plastics containing e.g. PBDE or deca-BDE could be hazardous in case the POP content is sufficiently high).
- burnt plastic waste containing /contaminated with polyaromatic hydrocarbons (PAH) or polyhalogenated dioxins/furans or contaminated with fire extinguishing agent in quantities rendering the waste hazardous
- plastic waste containing PCB (polychlorinated biphenyls) as plasticizers (e.g. from the demolition sector; very old cables or seamants)
- plastic waste containing asbestos (e.g. as an ingredient in the raw plastic itself to be used in high-heat applications, or on the surface of the plastic).

APPENDIX 1: PLASTIC WASTE ENTRIES

Part 1: Plastic waste exported and imported from and to the EU:

Hazardous plastic waste

A3210²¹	Plastic waste, including mixtures of such waste, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic
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For shipment to and from OECD countries outside the EU entry AC300 of Appendix ...of the OECD Decision C(2001)107/final applies.

AC300	Plastic waste, including mixtures of such waste, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic.
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Such plastic waste will be subject to the following provisions in the Waste Shipment Regulation:

- Article 38 applies: prior notification and consent procedure for export to OECD countries;
- Art. 36 applies for exports from the Union to non-OECD countries: prohibition;
- Articles 43 to 45 apply: prior notification and consent procedure for imports to the EU.

Non-hazardous plastic waste:

B3011 (non-hazardous plastic waste listed in Annex IX of the Basel Convention)

B3011	<p>Plastic waste</p> <ul style="list-style-type: none">– Plastic waste listed below, provided it is destined for recycling* in an environmentally sound manner and almost free from contamination and other types of wastes**;– Plastic waste almost exclusively*** consisting of one non-halogenated polymer, including but not limited to the following polymers:<ul style="list-style-type: none">– Polyethylene (PE)– Polypropylene (PP)– Polystyrene (PS)– Acrylonitrile butadiene styrene (ABS)– Polyethylene terephthalate (PET)– Polycarbonates (PC)– Polyethers– Plastic waste almost exclusively*** consisting of one cured resin or condensation product, including but not limited to the following resins:<ul style="list-style-type: none">– Urea formaldehyde resins– Phenol formaldehyde resins– Melamine formaldehyde resins
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²¹ This entry becomes effective as of 1 January 2021.

	<ul style="list-style-type: none"> – Epoxy resins – Alkyd resins – Plastic waste almost exclusively*** consisting of one of the following fluorinated polymers:**** – Perfluoroethylene/propylene (FEP) – Perfluoroalkoxy alkanes: – Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA) – Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA) – Polyvinylfluoride (PVF) – Polyvinylidene fluoride (PVDF) – 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**. <p>* Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B) or, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.</p> <p>** In relation to “almost free from contamination and other types of wastes”, international and national specifications may offer a point of reference.</p> <p>*** In relation to “almost exclusively”, international and national specifications may offer a point of reference.</p> <p>**** Post-consumer wastes are excluded.</p> <p>***** Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B), with prior sorting and, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.</p>
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Such plastic waste will be subject to the following provisions in the Waste Shipment Regulation:

- For export from the Union to non-OECD countries, Article 37 applies;
- For import into the Union, Articles 43 to 45 apply (green-listed procedure);
- For export from the Union to OECD countries, Article 38 applies (green listed procedure).

Y48 (plastic waste listed in Annex II of the Basel Convention)

Y48	<p>Plastic waste, including mixtures of such waste, with the exception of the following:</p> <ul style="list-style-type: none"> – Plastic waste that is hazardous waste (see entry A3210 in part 1 of list A in Annex V) – Plastic waste listed below, provided it is destined for recycling* in an environmentally sound manner and almost free from contamination and other types of wastes:** – Plastic waste almost exclusively*** consisting of one non-halogenated polymer, including but not limited to the following polymers: <ul style="list-style-type: none"> – Polyethylene (PE) – Polypropylene (PP) – Polystyrene (PS) – Acrylonitrile butadiene styrene (ABS) – Polyethylene terephthalate (PET) – Polycarbonates (PC) – Polyethers – Plastic waste almost exclusively*** consisting of one cured resin or condensation product, including but not limited to the following resins: <ul style="list-style-type: none"> – Urea formaldehyde resins – Phenol formaldehyde resins – Melamine formaldehyde resins – Epoxy resins
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	<ul style="list-style-type: none"> – Alkyd resins – Plastic waste almost exclusively*** consisting of one of the following fluorinated polymers:**** – Perfluoroethylene/propylene (FEP) – Perfluoroalkoxy alkanes: – Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA) – Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA) – Polyvinylfluoride (PVF) – Polyvinylidene fluoride (PVDF) – 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.** <p>* Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B) or, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.</p> <p>** In relation to “almost free from contamination and other types of wastes”, international and national specifications may offer a point of reference.</p> <p>*** In relation to “almost exclusively”, international and national specifications may offer a point of reference.</p> <p>**** Post-consumer wastes are excluded.’</p> <p>***** Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B), with prior sorting and, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.</p>
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Such plastic waste will be subject to the following provisions in the Waste Shipment Regulation:

- For export from the Union to non-OECD countries, Article 36 applies (export ban);
- For import into the Union, Articles 43 to 45 apply: prior notification and consent procedure;
- For export from the Union to OECD countries, Article 38 applies: prior notification and consent procedure.

Part 2: Plastic waste shipped within the EU:

Hazardous plastic waste:

Entry AC300 applies (see part 1 above)

Such plastic waste will be subject to the prior notification and consent procedure in the Waste Shipment Regulation.

Non-hazardous plastic waste

EU 3011 Solid plastic waste:

The following plastic materials, provided they are almost free from contamination and other types of waste*:

- Plastic waste almost exclusively** consisting of one non-halogenated polymer, including but not limited to the following polymers:
 - Polyethylene (PE)
 - Polypropylene (PP)
 - Polystyrene (PS)
 - Acrylonitrile butadiene styrene (ABS)
 - Polyethylene terephthalate (PET)
 - Polycarbonates (PC)
 - Polyethers

- Plastic waste almost exclusively** consisting of one cured resin or condensation product, including but not limited to the following resins:
 - Urea formaldehyde resins
 - Phenol formaldehyde resins
 - Melamine formaldehyde resins
 - Epoxy resins
 - Alkyd resins
- Plastic waste almost exclusively** consisting of one of the following fluorinated polymers***:
 - Perfluoroethylene/propylene (FEP)
 - Perfluoroalkoxy alkanes:
 - Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA)
 - Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA)
 - Polyvinylfluoride (PVF)
 - Polyvinylidene fluoride (PVDF)
 - Fluorinated ethylene (PTFE)
- Polymers of vinyl chloride.

* In relation to “almost free from contamination and other types of wastes”, international and national specifications may offer a point of reference.

** In relation to “almost exclusively”, international and national specifications may offer a point of reference.

*** Post consumer wastes are excluded

Annex IIIA, point 4 includes specific mixtures of plastic waste:

‘4. The following mixtures of wastes classified under separate indents or sub-indents of one single entry are included in this Annex only for the purposes of shipments within the Union:

- (a) mixtures of wastes classified under entry EU3011 and listed under the indent referring to non-halogenated polymers;
- (b) mixtures of wastes classified under entry EU3011 and listed under the indent referring to cured resins or condensation products;
- (c) mixtures of wastes classified under entry EU3011 and listed under “perfluoroalkoxy alkanes”.’;

EU3011 and the mixtures in Annex IIIA are subject to the information requirements in Art. 18 of the WSR.

EU48:

Plastic waste not covered by entry A3210 or by entry EU3011, as well as mixtures of plastic waste not covered by paragraph 4 of Annex IIIA.

Such plastic waste will be subject to the prior notification and consent procedure in the Waste Shipment Regulation.

APPENDIX 2: OVERVIEW: APPLICABLE PROCEDURES for SHIPMENTS of PLASTIC WASTE

Plastic waste	Intra EU	OECD outside EU	Non-OECD
EU3011	Import/Export: Green listed (Art. 18)	N/A	N/A
B3011	N/A	Import/export: green listed (Art. 18)	Prior notification and consent procedures by default, unless indicate differently in Commission Regulation (EC) 1418/2007 as amended.
Mixtures of plastic waste in paragraph 4 of Annex IIIA	Import/Export: Green listed (Art. 18)	N/A (Y48 applies)	N/A (Y48 applies)
EU48	Prior notification and consent procedure	N/A	N/A
Y48	N/A	Import/Export: prior notification and consent procedure	Export: prohibition Import: prior notification and consent procedure
AC300	Prior notification and consent procedure	Import/Export: prior notification and consent procedure	N/A
A3210	N/A	N/A	Export: prohibition Import: prior notification and consent procedure

APPENDIX 3

Practical steps to ensure control of contamination levels of plastic waste

A. Sampling

A sampling plan should be developed. These plans are only suited for loose material, before any thermal treatment transforms it into agglomerates or pellets. When the material has undergone thermal treatment to agglomerate or pelletise it, the determination of the content of non-plastic components should be carried out at the latest stage of reprocessing before thermal treatment is applied to the plastic to agglomerate or pelletise it.

Quantitative (gravimetric) manual sampling of bales consist of the random selection of one or two bales of the consignment. The bale(s) is open by de-wiring and a sample is taken (often of 30 to 100 kg).

Sampling Plan:

- EN 14899 characterization of waste – Sampling of waste Materials Framework for the preparation and application of a Sampling Plan
- CEN/TR 15310 Part 5
- OENORM S 2127 –NATIONAL STANDARD in AT

Sampling: CEN/TR 15310 Part 1 and 2

- Sample Preparation: CEN/TR 15310 Part 3 and 4
- CEN/TS 16010: Plastics — Recycled plastics — Sampling procedures for testing plastics waste and recyclates

B. Analysis

Analysis:

- EN 15002 Characterization of waste - Preparation of test portions from the laboratory sample

XRF Analysis EN 15309 Characterization of waste and soil — Determination of elemental composition by X-ray fluorescence

Plastic content

Gravimetric procedures can be undertaken with a sorting table and a scale in order to determine the degree of non-plastic impurities.

The sample is manually sorted in various components (plastic types, paper, wood, glass, etc.). Each category of components is dried and weighted to quantify the amount of non-plastic components and unusable plastic, and to be measured per moisture-free weight. Moisture content is also measured by sampling, weighting, drying and weighting again.

The content and nature of non-plastic components should be measured on a regular basis to maintain a proper view on the levels of contamination of the plastic waste both by the person arranging the shipment prior to the shipment and the cosignee after receipt of the waste.

Qualified staff should assess the properties of the waste plastic. In addition to visual inspection, other sensorial controls (odour, texture) should be carried out or appropriate portable sensors could be used.

Non-plastic content

Analytical methods such as spectroscopy or chromatography are possible for the determination of the content of polymers (maybe combined with less precise methods such as sink-float). For chemical analysis of contaminants, a microwave digestion might be necessary.

Quick scanners for analysing polymer types, false colors, and metal particles within minutes are available for assessing the composition of batches of plastic flakes. The plastic material samples are analysed with the help of up to three integrated sensors: Color sensor; NIR (near infrared) sensor; metal sensor (optional)

XRF-methods (also XRF-handhelds) can be used for measurement of heavy metals, the total bromine content to screen for the presence of brominated POPs, or other relevant elements and are often used in the context of assessing compliance with the ROHS Directive (restrictions for Pb, Cd, Hg, Cr, Br). One of the main advantages of using the XRF is that it is a non-destructive testing technique which requires no sample preparation or special handling. Handheld XRF guns can be used to check polymers in situ and within seconds up to minutes.

It should be noted however that a high total Bromine reading would not necessarily imply that the Bromine is from POPs restricted under the EU POPs Regulation.