



Reaction “Draft Delegated Act recent changes Basel Convention”

EERA wishes to react to the “Informal consultation on a draft delegated act to implement recent changes to the Basel Convention”. The Norwegian proposals that have been culminated in a decision of the Basel Convention of May 2019 to include certain plastics waste under the control mechanism of the Convention were primarily made with the objective to reduce marine litter.

EERA fears that the proposed Delegated Act might result in WEEE plastics to become classified as hazardous under the code A3210, at least in some EU countries, as these WEEE plastics are a mixture of plastics contaminated with some restricted substances, such as some POP substances. Some (but certainly not all) brominated flame retardants, for instance, are restricted as POP and they have been used as additives in plastics used in electronic products.

These electronic products have been used for up to decades in private houses and offices without doing any harm because these substances are embedded in the structures of the polymer chains. For this reason, today by far most of the specialized recycling facilities in the European Union that recycle plastics from WEEE do not have permits to take in hazardous wastes, simply because these plastics are not considered to be hazardous.

These plastics need to be treated properly. In practice these WEEE plastic recycling facilities have the task to produce REACH (and RoHS) compliant Post-Consumer Recycled plastics. They do this by separating any plastics containing restricted substances. These contaminated plastics are properly disposed of by proper thermal treatment (incineration).

Treatment of plastics from WEEE, including the removal of contaminations and banned substances requires major investment in large high-tech recycling facilities. Such treatment facilities therefore need to treat large volumes of WEEE plastics to operate successfully.

In many national markets there would not be sufficient volumes of plastics available to justify such an investment and it would require the shipment of these plastics to or from other member states. Designating plastics from WEEE as hazardous waste would thus prohibit volumes from many countries to be treated in properly licensed facilities.

If WEEE plastics would be classified as hazardous waste, this would have several negative effects on this recycling industry as:

1. many of these recycling companies would not be able to take in WEEE plastics anymore as from the implementation date
2. the costs of transport of these plastics, that would suddenly become hazardous waste, would go up considerably
3. the costs of incineration of the non-recyclable content (also containing restricted substances) would increase considerably at least in many EU countries.



All this will result in detrimental effects on the recycling targets set by the EU for WEEE, that cannot be reached and hence will have a considerable impact on the EU plans for a circular economy. The pledged volumes of Post-Consumer Recycled plastics by the production industry of electronic products will not be available anymore. More WEEE plastics would need to be incinerated for which there is no adequate capacity available in Europe.

Recycling WEEE plastics is a very effective way to prevent marine litter and promoting the recycling option is by far the most effective way to achieve the underlying objectives of these “Norwegian Proposals” that have been implemented in the Basel Convention.

The implementation of a classification of these wastes as hazardous under A3210 would not have any advantages, from health, environmental, economic, or even marine litter perspective compared to a classification as non-hazardous with a procedure of prior consent under Y48. On the contrary it would have only negative consequences

EERA is therefore asking for a classification of mixed and/or shredded WEEE plastics for transboundary shipments within the EU under the Y48 code and that the classification of WEEE plastics as hazardous under the Basel code A3210 would not be applied for transports of these WEEE plastics within the European territory (EU and EFTA states). The notification process itself (Y48) will anyway allow the competent authorities in any of the EU countries to control the compliance of the treatment of the WEEE plastics.

Arnhem, 22 May 2020.

A handwritten signature in blue ink, appearing to read 'Chris Sijkmuis', with a horizontal line extending from the end of the signature.

Chris Sijkmuis
Expert and Board Member EERA

About EERA:

The European Electronics Recyclers Association (EERA) is a non-profit organization that promotes the interest of recycling companies who are treating waste electrical and electronic equipment (WEEE) in Europe. EERA members include the largest electronics recyclers in Europe who, together process some 2.5 million tons of WEEE.

More information about EERA can be found on the website: www.eera-recyclers.com.