



**Open-ended Working Group of the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Eighth meeting**

Geneva, 25–28 September 2012

Item 3 (b) (iii) of the provisional agenda*

**Matters related to the work programme of the
Open-ended Working Group for 2012–2013:
scientific and technical matters:
applications for new entries to Annex IX to the Basel Convention**

**Compilation of comments received from parties on the
applications for new entries to Annex IX to the Basel Convention
on the Control of Transboundary Movements of Hazardous
Wastes and Their Disposal**

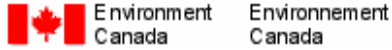
Note by the Secretariat

1. Information on applications for new entries to Annex IX to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal is set out in document UNEP/CHW/OEWG.8/8.
2. The annex to the present note contains comments received from parties (Canada and Colombia) on the applications for new entries to Annex IX to the Basel Convention compiled in document UNEP/CHW/OEWG.8/INF/11. The comments are reproduced as received, without formal editing. An informal English translation of the Colombian submission is provided for reference.

* UNEP/CHW/OEWG.8/1.

Annex

Comments submitted by Canada



Gatineau, Québec
K1A 0H3

June 15, 2012

Mr. Ibrahim Shaffi
Acting Chief Scientific Support Branch
Secretariat of the Basel, Rotterdam and Stockholm Conventions
United Nations Environment Programme (UNEP)

RE: Proposed amendment to the lists of wastes contained in Annexes VIII and IX of the Basel Convention

Dear Mr. Shaffi,

We are pleased to submit Canada's views to the request for comments on the proposed new entries in Annex IX of the Basel Convention. Canada assessed the five proposed additions for new entries into Annex IX by the Governments of Finland, Ireland, and the Netherlands. At this time, based on the information submitted, Canada does not support any of the additions and offers the following rationale and comments:

1. Canada considers that as a general practice wastes listed in Annex IX List B should be listed by product constituents rather than the product/article itself. Listing wastes based on their constituents is a more sustainable and easy to implement approach because composition of products/articles may vary regionally or nationally and also over time. Although some exceptions can be made but they should be exceptions with clear and supportable rationales.
2. Canada's assessment (Attachment 1) identified that existing entries of Annex IX already cover four of the five proposed additions. More detailed information/data is needed to ascertain why existing Annex IX lists do not cover the proposed new entries and whether existing entries should be amended or a new one created. With respect to the Ireland proposal, we do not consider these wastes covered by the Convention.
3. Clear definitions and unambiguous language would be required for each entry to be acceptable in order to avoid legal ambiguity and different national interpretations (e.g. the word clean is not a scientific term with a common definition).

In general, we consider that more information is required to understand and accept the rationale for adding these entries to Annex IX and determining implications for our national legislation. Should additional information be made available, we welcome the opportunity to discuss these proposals further at the upcoming eighth Open-Ended Working Group (OEWG8) meeting in September 2012.

Best regards

Jacinthe Seguin
Manager
Waste Reduction and Management Division
Environment Canada

Attachment 1

Attachment 1

Canada's assessment for each of the proposed new entries, including a summary table and how we have assessed that entries are covered by existing entries in Annex IX list A and B:

Proposals from Government of Finland

1. Non-separable plastic fraction from the pre-treatment of used liquid packages: Based on the information provided, the plastic fraction in question is "most likely to be made of polyethylene (PE), a chemical inert polymer that does not present any hazardous characteristics". The monomer for PE is ethylene, which is covered in Annex IX by entry B3010: *Solid plastic waste [...] scrap plastic of non-halogenated polymers and co-polymers, including [...] ethylene*. Canada is of the view that the proposed waste is already covered under this entry in Annex IX.

2. Pressure sensitive adhesive label laminate waste containing raw materials used in label material production not covered by entry B3020 in Annex IX: Our understanding is that this type of waste consists of paper, paperboard, adhesive, and silicone – all of which constitutes waste that can be covered under B3020: *Paper, paperboard and paper product wastes*. Further clarification on how this waste isn't covered by entry B3020 of the Convention would help clarify the entry proposal. With the information provided in the application, Canada believes this waste would already be covered.

3. Non-separable plastic-aluminium fraction from the pre-treatment of used liquid packages: Again the plastic fraction would be the same as for proposal 1, consisting of PE, and would already be covered under entry B3010. In addition, the aluminium fraction would be covered under entry B1010: *Metal and metal-allow wastes in metallic, non-dispersible form: [...] aluminium scrap*. Canada sees this waste already covered by these two entries and again, we would benefit from more detailed information on the reasoning for adding this waste to Annex IX.

Proposals from Government of Ireland:

Clean biodegradable waste from agriculture, horticulture, forestry, gardens, parks and cemeteries.

Canada believes the word "Clean" should be clarified as agriculture, horticulture, forestry, gardens, parks and cemeteries wastes could be contaminated or contains living microorganisms such as insects, fungus or others that countries do not wish to export and import. In addition, the proposed sectors are very broad and could include a very wide range of wastes that are not under the scope of the Basel Convention. For example, waste from agriculture could include compost, plants, earth. Further clarification on the need to add this entry to the Basel Convention Annex IX would be welcomed.

Proposals from Government of Netherlands

Composite packaging consisting of mainly paper and some plastic, not containing residues and not covered by entry B3020 in Annex IX: As this waste consists of mainly paper and plastic, we believe it would also be covered under B3010 for the plastic fraction and by entry B3020 for the paper fraction: B3020: *paper, paperboard and paper product wastes*.

ANNEX 1**Canadian summary table of proposed amendments to Annex IX of the Basel Convention by the governments of Finland, Ireland and Netherlands**

Country	Proposed Entry	Major Constituents	Hazardous Characteristics	Recovery Operations	Relevant Basel entries	Assessment
Finland	1. Non-separable plastic fraction from the pre-treatment of used liquid packages	-Plastic -Moisture -Fibres	None, as long as no contamination with other waste streams	(R1): Use as a fuel to generate energy	-Annex I Y17 -Annex VIII A4130* -Annex IX B3010	This waste would already be covered under Annex IX List B.
	2. Pressure sensitive adhesive label laminate waste containing raw materials used in label material production not covered by entry B3020 in Annex IX	-Paper -Plastic -Paperboard -Adhesives -Silicone	None, as long as no contamination with other waste streams	(R3) Recycling/ reclamation of organic substances which are not used as solvents	-Annex IX B3010 -Annex IX B3020	This waste would already be covered under Annex IX List B.
	3. Non-separable plastic-aluminium fraction from the pre-treatment of used liquid packages	-Plastic -Aluminium -Moisture -Fibres	None, as long as no contamination with other waste streams	(R1) Plastic is used as a fuel for energy production and (R4) Recycling/ reclamation of metals and metal compounds (aluminium fraction)	-Annex I Y17 -Annex VIII A4130* -Annex IX B3010 -Annex IX B1010	This waste would already be covered under Annex IX List B.
Ireland	4. Clean biodegradable waste from agriculture, horticulture, forestry, gardens, parks and cemeteries	-Grass clippings -Hedge clippings	None	(R3) Recycling/ reclamation of organic substances which are not used as solvents (Composting and recycling)	Not covered under any entry	Why add a waste to the Basel text List B when it is currently not subject to the transboundary control of the Basel Convention?
The Netherlands	5. Composite packaging consisting of mainly paper and some plastic, not containing residues and not covered by entry B3020 in Annex IX	-Plastic -Paper	None	(R1) Plastic is used as a fuel for energy production and paper is recycled	-Annex I Y17 -Annex VIII A4130* -Annex IX B3010 -Annex IX B3020	This waste would already be covered under Annex IX List B.

*A4130 would not apply to these wastes because they do not contain any Annex I substances in concentrations sufficient to exhibit Annex III hazard characteristics.

Comments submitted by Colombia

MINISTERIO DE AMBIENTE Y DESARROLLO SOSTENIBLE Dirección de Asuntos Ambientales Sectorial y Urbana

Solicitud de concepto sobre "Enmiendas a los listados de residuos contenidos en los anexos VIII y IX de la convención de Basilea" Documento UNEP/CHW.10/INF/7.

Antecedentes del trámite

El documento principal corresponde al UNEP/CHW.10/7, preparado por la secretaría del Convenio de Basilea para la décima Conferencia de las Partes celebrada en Cartagena, Colombia durante Octubre de 2011.

En primer lugar, la decisión VIII/15 de la COP de Basilea presenta la introducción de cambios a los listados de residuos, contenidos en los anexos VIII y IX. De acuerdo al texto, *"toda propuesta de enmienda debe ser presentada por una Parte y comunicadas a todas las Partes por conducto de la secretaría por lo menos seis meses antes de la reunión de la Conferencia de las Partes en que se proponga su aprobación"*.

Ahora bien, en el anexo a la Decisión VIII/15 se establece que *"El formulario de solicitud de inclusión o remoción de desechos debe presentarse a la secretaría del Convenio de Basilea por lo menos tres meses antes de la reunión del Grupo de Trabajo de composición abierta. Toda otra información también debería presentarse dentro de ese plazo"*.

Respecto al trabajo del grupo de trabajo se define, dentro de este mismo documento, que *"las decisiones del Grupo de Trabajo de composición abierta sobre la inclusión de desechos en las listas que figuran en los anexos VIII y IX, o de remoción de desechos de esas listas, se comunicarán en un informe del Grupo de Trabajo de composición abierta por conducto de la secretaría a la reunión siguiente de la Conferencia de las Partes"*.

En la tabla 1 se resumen las tres solicitudes de adición al anexo IX del convenio que han sido presentadas por los 3 países interesados, incluyendo las fechas de presentación y naturaleza de la corriente de residuo (La información detallada de las propuestas se incluye en el documento UNEP/CHW.10/INF7 disponible en la web del convenio y presentado en la COP 10).

Tabla 1. Propuestas de adición a la lista de residuos del anexo IX del convenio de Basilea.

Proponente	Fecha de presentación	Descripción del residuo
Finlandia	Enero 14 de 2011	i. Fracción plástica no separable del pre tratamiento de envases usados para líquidos. ii. Desechos laminados de etiquetas con adhesivo sensible a la presión que contengan materias primas utilizadas en la producción de materiales para etiquetas no incluidos en la entrada B3020 del anexo IX iii. Fracción de aluminio y plástico no separables procedente del pre tratamiento de envases usados para líquidos

Proponente	Fecha de presentación	Descripción del residuo
Irlanda	Febrero 7 de 2011	Desechos biodegradables limpios procedentes de la agricultura, la horticultura, la silvicultura y los jardines, parques y cementerios
Países bajos	Febrero 24 de 2011	Embalajes compuestos consistentes principalmente en papel y algo de plástico que no contengan residuos y no estén incluidos en la entrada B3020 del anexo IX.

La propuesta de enmienda será considerada en la octava reunión del grupo de composición abierta que se llevara a cabo en Ginebra – Suiza del 25 al 28 de septiembre de 2012.

Propuestas de Enmienda a los listados anexos VIII y IX

Según establece el anexo a la mencionada Decisión, "*Deberá incluirse una explicación detallada (de no más de ocho páginas adicionales), en que se tome(n) en consideración la(s) categoría(s) del anexo I del Convenio de Basilea a la(s) que corresponde el desecho, además de las pruebas de si exhibe o no alguna de las características de peligro descritas en el anexo III del Convenio (se elaborará un documento de orientación)*". Con base en lo anterior, se presentan a continuación algunas consideraciones y comentarios sobre las mismas.

1. Propuesta del Gobierno de Finlandia

Las propuestas de Finlandia incluye tres categorías de residuos que fueron objeto de estudio por parte de la Comisión Europea a través de la firma Bio-Intelligence Service, bajo el título "*Study of annex IIIA of the EU waste shipment regulation*", cuyo reporte final, que data de Agosto de 2009, está disponible en el sitio web de la comisión¹. Este estudio está enfocado a regulación local, bajo el marco del Reglamento 1013/2006 relativo al traslado de residuos². A continuación se presentan las principales consideraciones tenidas en cuenta para cada uno de los grupos de residuos considerados en la propuesta.

i. Fracción plástica no separable del pre tratamiento de envases usados para líquidos

Según la información presentada, el residuo está compuesto en su mayoría por plásticos (entre un 50% y un 70%), aunque puede contener humedad y otro tipo de componentes. Corresponde a una fracción separada por un proceso mecánico en las plantas de reciclaje de papel, que usan empaques multicapas como principal insumo. El código correspondiente en el catálogo europeo de residuos - EWC es el 03 03 07 "*wastes from pulp, paper and cardboard production and processing, mechanically separated rejects from pulping of waste paper and cardboard*" y es considerado como no peligroso.

Según se propone en el documento, la principal actividad de manejo de este residuo corresponde a la clase R1: "*utilización como combustible (que no sea incineración directa) u otros medios de generar energía*". Se especifica en el documento que el residuo es usualmente (en Europa) gasificado o usado en como combustible secundario en hornos de producción de cemento, instalaciones que cuentan con los controles de emisiones atmosféricas necesarios para asegurar su cumplimiento ambiental.

¹ http://ec.europa.eu/environment/waste/shipments/pdf/10.%20BIO_Waste%20mix.pdf

² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R1013:20071130:ES:PDF>

El documento concluye que de acuerdo a la información presentada, no se considera significativa la probabilidad de presencia de características de peligrosidad y esta corriente de residuos puede ser incluida en el listado del anexo IX del convenio.

ii. Desechos laminados de etiquetas con adhesivo sensible a la presión que contengan materias primas utilizadas en la producción de materiales para etiquetas no incluidos en la entrada B3020 del anexo IX.

El desecho corresponde a cuatro tipos de mezcla de adhesivos (dispersiones acrílicas base agua), siliconas (libres de solventes), papel y plásticos (e.g. polietileno, polipropileno, PET). Las cuatro corrientes principales corresponden a:

1. Residuos de materias primas
2. Residuos de papel laminado (papel, adhesivo, silicona y cartón)
3. Residuos de plástico y papel laminados (papel, plástico, adhesivo, silicona y cartón)
4. Residuos de plástico laminado (plástico, adhesivo, silicona y cartón)

Para el caso particular de estos residuos, laminados fuera de especificaciones o recortes y desperdicios del proceso de producción, no se tienen categorías incluidas en el Anexo I del convenio así como tampoco se espera que el residuo, de acuerdo a esta composición, exhiba las características señaladas en el anexo III del convenio.

Teniendo en cuenta lo anterior consideran como no significativa la probabilidad de que los residuos exhiban las características de peligrosidad señaladas por el anexo III del convenio, por lo que puede ser incluido en el listado del anexo IX del convenio.

Además de lo anterior, dado que las mezclas posibles varían en los componentes, se sugiere la inclusión de apartados específicos en las entradas B3010 (para residuos con mayoría de plásticos) y B3020 (para residuos con mayoría de papel). Para el caso de los residuos de materias primas, se sugiere que sean clasificadas de acuerdo a la naturaleza de cada una de ellas, evitando las mezclas desde el origen, pues si bien cartón, papel y plásticos no se constituyen en un problema complejo, otros materiales, como bien lo señala el documento en el caso de los adhesivos, pueden tener características peligrosas, asociadas a toxicidad, que le sean conferidas por tanto al residuo correspondiente.

iii. Fracción de aluminio y plástico no separables procedente del pre tratamiento de envases usados para líquidos

En esta corriente se incluye la presencia de Aluminio, lo que corresponde a un envase tipo Tetrapack. En el proceso de reciclaje el residuo se obtiene luego de una operación mecánica, en la que las fracciones de plásticos y aluminio (55%-85%) son separadas del material celulósico (10%-20%). La fracción plástica corresponde a polietileno que es inerte y no presenta en principio ninguna característica de peligrosidad.

Dentro de las alternativas de reciclaje del residuo se contempla, además de la clase R1 (que incluye gasificación o pirolisis), la clase R4 que consiste en el reciclaje/recuperación de metales o compuestos metálicos.

2. Propuesta de Irlanda

El residuo al que se refiere Irlanda corresponde principalmente a restos orgánicos vegetales biodegradables, provenientes de actividades de poda. El código del catálogo europeo de residuos asignado a esta corriente es el 20 02 01 "*garden and park wastes (including cemetery waste), biodegradable waste*" y la operación para reciclaje y recuperación de material orgánico, de acuerdo a la clase R3 del convenio,

"reciclado o recuperación de sustancias orgánicas que no se utilizan como disolventes". De tal suerte que el compostaje producido puede ser comercializado en algunos países miembro (EU) y ser usado en mercados agrícolas, paisajísticos y de jardinería.

De forma general puede considerarse que esta corriente de residuos, producto de actividades en sitios públicos y en espacios propios de los ciudadanos, tienen un control posterior frente a la separación de otras corrientes de residuos que sean fácilmente identificables, como envases y empaques de alimentos, papel, vidrio, residuos metálicos, entre otros, pero no se evidencia un control sobre el tipo de sustancias que pueden hacer parte del material vegetal, incluso previo a su corte, como es el caso de productos químicos de uso agrícola.

De igual manera, es importante tener en cuenta que el material vegetal que no haya sido objeto de un tratamiento, térmico o biológico, tiene una mayor probabilidad de contener organismos vivos animales o vegetales, esporas, microorganismos, semillas, entre otros, que en un estricto sentido deben considerarse a la luz de los demás convenios internacionales que regulan el tráfico de especies y frente al posible ingreso al país de importación por parte de especies invasoras.

Bien señala Irlanda, en el formato de aplicación de la propuesta, que se deben guardar las previsiones sobre el tráfico de organismos considerados peligrosos en países Miembro de la Comunidad Europea (directiva 2000/29/EC). Estas medidas tienen fundamento en la prevención de impactos especialmente importantes para la producción vegetal en los estados provocados por especies invasoras, por lo que en países con alta diversidad biológica y perfil productivo agrícola, deben considerarse con mayor detenimiento.

3. Propuesta de los Países Bajos

Según la descripción del residuo, dada su composición y procedencia, se trata de empaques vacíos, compuestos por un exterior de papel (70% - 95%) y un interior de plástico (30% - 5%), fácilmente separables. Las alternativas de manejo propuestas corresponden, de la misma forma, a las propuestas por Finlandia, es decir, R1 y R3, además de la R14 "*Intercambio de desechos para someterlos a alguna de las operaciones numeradas entre la R1 y la R11*".

En este sentido, el comentario sobre la propuesta de inclusión de esta corriente de residuos es en principio el mismo que el dado a Finlandia.

CONCEPTO

Considerando la propuesta de Finlandia y los Países Bajos en relación con la inclusión de algunos residuos en el Anexo IX del Convenio de Basilea, Colombia presenta las siguientes consideraciones:

1. Se apoya la iniciativa de incluir en el anexo IX: a) los residuos de la fracción plástica no separable del pre tratamiento de envases usados para líquidos teniendo en cuenta la información presentada, b) los desechos laminados de etiquetas con adhesivo sensible a la presión que contengan materias primas utilizadas en la producción de materiales para etiquetas no incluidos en la entrada B3020 del anexo IX y c) la fracción de aluminio y plástico no separables procedente del pre tratamiento de envases usados para líquidos, considerando que en principio y de acuerdo con la información suministrada no presentan características de peligrosidad incluidas en el anexo III.

No obstante lo anterior, dado que en la práctica es posible encontrarse con otro tipo de constituyentes en los residuos de envases de bebidas como los que se describen en el documento, o que en su manejo se pueden contaminar con sustancias que le confieran las características de peligrosidad

descritas en el anexo III del texto del Convenio de Basilea, como sustancias halogenadas o metales pesados, que durante las operaciones de separación y triturado no pueden ser separados de la corriente principal, es pertinente recomendar la inclusión de una entrada "espejo" en el Anexo VIII que dé cuenta de esta situación y permita el movimiento de los residuos, bajo el procedimiento de consentimiento previo informado. Por lo tanto se recomienda incluir en el anexo VIII la siguiente categoría:

A30XX (Anexo VIII) "desechos de materiales compuestos principalmente de papel, cartón, plásticos y/o sus mezclas, provenientes de la producción y/o reciclado de envases, empaques, embalajes y etiquetas, que contengan sustancias incluidas en el Anexo I en concentraciones suficientes como para mostrar las características peligrosas del Anexo III".

2. En relación con la propuesta del Gobierno de Irlanda para incluir en el anexo IX los desechos biodegradables limpios procedentes de la agricultura, la horticultura, la silvicultura y los jardines, parques y cementerios, Colombia considera que estos se pueden catalogar como residuos no peligrosos de acuerdo a las características previstas en el Anexo III del Convenio de Basilea. Sin embargo, estos residuos pueden alojar organismos vivos que en algunos casos generan riesgos fitosanitarios y zoonosarios influyendo en el estatus sanitario de un país determinado, o impactar los ecosistemas sensibles, especialmente en aquellos países con alta biodiversidad y vocación agrícola. Por lo tanto, se recomienda a la Secretaría del Convenio de Basilea consultar sobre los riesgos asociados al movimiento transfronterizo de estos residuos y los controles que se deben establecer, al Convenio sobre Diversidad Biológica (CDB) y al Acuerdo sobre la aplicación de las Medidas Sanitarias y Fitosanitarias de la Organización Mundial del Comercio, antes de tomar una decisión frente a la inclusión en el Anexo IX tal como lo propone Irlanda.

Proyectó: Grupo Sustancias Químicas y Residuos Peligrosos
Revisó: Alopez
Junio 1 de 2012

Informal English translation of the comments submitted by Colombia

MINISTRY OF ENVIRONMENT AND SUSTAINABLE DEVELOPMENT Sector and Urban Directorate for Environmental Affairs

Comment request on "Amendments to the lists of wastes contained in Annexes VIII and IX to the Basel Convention" - Document UNEP/CHW.10/INF/7

Process background

The main document corresponds to UNEP/CHW.10/7, prepared by the Secretariat of the Basel Convention for the 10th Conference of the Parties held in Cartagena, Colombia during October 2011.

Firstly, decision VIII/15 of the COP to the Basel Convention presents an introduction on the amendments to the lists of wastes contained in Annexes VIII and IX. According to the text of this decision, "*any proposed amendment to the Convention should be communicated to the parties by the Secretariat at least six months before the meeting of the Conference of the Parties at which it is proposed for adoption*".

However, Annex to decision VIII/15 establishes that "*the application form for placement or removal of wastes must be submitted to the Secretariat of the Basel Convention at least three months prior to the meeting of the Open-ended Working Group. Any additional information should be submitted within the same time frame*".

Regarding the work of the Working Group, said document stipulates that "*the decisions of the Open-ended Working Group on the placement or removal of wastes on the lists contained in Annexes VIII and IX must be transmitted in a report of the Open-ended Working Group through the Secretariat to the following meeting of the Conference of the Parties*".

Table 1 summarizes the three applications for new entries to Annex IX to the Convention that have been submitted by the three countries concerned, including the date of submission and the nature of the waste stream (detailed information on the proposals is included in the document UNEP/CHW.10/INF7, available on the Convention website and submitted to the 10th COP).

Table 2. Proposals for inclusion in the waste lists contained in Annex IX to the Basel Convention

Submitting country	Date of submission	Waste description
Finland	14 January 2011	i. Non-separable plastic fraction from the pre-treatment of used liquid packages. ii. Pressure-sensitive adhesive label laminate waste containing raw materials used in label material production not covered by entry B3020 in Annex IX iii. Non-separable plastic-aluminium fraction from the pre-treatment of used liquid packages
Ireland	7 February 2011	Clean biodegradable waste from agriculture, horticulture, forestry, gardens, parks and cemeteries
Netherlands	24 February 2011	Composite packaging mainly consisting of paper and some plastic, not containing residues and not covered by entry B3020 in Annex IX

This amendment proposal will be considered by the Open-ended Working Group at its 8th meeting to be held in Geneva, Switzerland, from 25 - 28 September 2012.

Amendment proposal to the lists contained in Annexes VIII and IX

As established in the Annex to the above mentioned decision, "a detailed case study (no more than eight additional pages) should be attached, taking into *consideration the category(ies) in Annex I to the Basel Convention under which the waste falls and with evidence demonstrating that the waste does or does not exhibit any of the hazardous characteristics in Annex III to the Convention (guidance document to be drafted)*". Based on the above, some related considerations and comments are presented below.

4. Amendment proposal of the Government of Finland

The proposals of Finland include three categories of wastes subject to a study conducted on behalf of the European Commission by the company Bio-Intelligence Service, entitled "*Study of annex IIIA of the EU waste shipment regulation*", whose final report, dated on August 2009, is available on the website of the commission³. This study focuses at a local regulation, under the framework of Regulation 1013/2006 relating to the shipments of waste⁴. The main considerations taken into account for each group of wastes considered in the proposal are analyzed below.

iv. Non-separable plastic fraction from the pre-treatment of used liquid packages

According to the submitted information, the waste consists mainly of plastics (between 50% and 70%), although it may contains moisture and other types of constituents. It corresponds to a fraction separated using a mechanical process in paper recycling plants that use multilayer packages as main inputs. The relevant code in the European Waste Catalogue (EWC) is 03 03 07 "*wastes from pulp, paper and cardboard production and processing, mechanically separated rejects from pulping of waste paper and cardboard*" and is not considered to be a hazardous waste.

As proposed in the document, the main managing activity related to this waste corresponds to class R1: "*use as a fuel (other than in direct incineration) or other means to generate energy*". The document specifies that this waste is usually (in Europe) gasified or used as secondary fuel in cement kilns, facilities that are equipped with controls of emissions into the atmosphere that are necessary to ensure environmental compliance.

The document concludes that according to the submitted information the likelihood of the presence of hazardous characteristics is not significant and that this waste stream can be listed in Annex IX to the Convention.

v. Pressure sensitive adhesive label laminate waste containing raw materials used in label material production not covered by the entry B3020 of the Annex IX

This waste corresponds to four types of adhesive mixtures (water-based acrylic dispersions), silicones (solvent free), paper and plastics (e.g. polyethylene, polypropylene, PET). The four related main streams are:

5. Wastes of raw materials
6. Wastes of paper based laminate (paper, adhesive, silicone and cardboard)

³ http://ec.europa.eu/environment/waste/shipments/pdf/10.%20BIO_Waste%20mix.pdf

⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R1013:20071130:ES:PDF>

7. Wastes of plastic and paper laminate (paper, plastic, adhesive, silicone and cardboard)
8. Wastes of plastic based laminate (plastic, adhesive, silicone and cardboard)

In the particular case of these wastes, laminates out of specifications or cuttings and scrap from the manufacturing process, Annex I to the Convention does not include categories and it is not expected that the waste, according to this composition, exhibits the characteristics mentioned in Annex III to the Convention.

Taking the above into consideration, the likelihood that this waste exhibits the hazardous characteristics identified in Annex III to the Convention is not considered significant, so that it can be listed in Annex IX to the Convention.

In addition to the above, since the constituents of the possible mixtures may vary, it is suggested to include specific categories in the entry B3010 (wastes consisting mainly of plastic) and B3020 (wastes consisting mainly of paper). In the case of waste materials, it is suggested to classify them according to their respective nature, avoiding the mixtures from the origin, although cardboard, paper and plastics do not constitute a complex issue, other materials, as rightly outlined in the document for the adhesives, can have hazardous characteristics associated with toxicity, which may be conferred to the given waste.

vi. Non-separable plastic-aluminium fraction from the pre-treatment of used liquid packages

This stream includes the presence of aluminium, which corresponds to the package type Tetrapack. During the recycling process, the waste is obtained after a mechanical operation, where the fractions of plastics and aluminium (55%-85%) are separated from the cellulosic material (10%-20%). The plastic fraction is made of a polyethylene that is inert and does not present any hazardous characteristics in principle.

The recycling alternatives for this waste include, in addition to class R1 (which comprises gasification or pyrolysis), the class R4 corresponding to recycling/recovery of metals or metal compounds.

5. Proposal of Ireland

The waste referred to by Ireland corresponds mainly to organic and biodegradable plant wastes resulting from pruning activities. The code of the European Waste Catalogue assigned to this stream is 20 02 01 "*garden and park wastes (including cemetery waste), biodegradable waste*" and the operation for recycling and reclamation of organic material according to class R3 of the Convention are defined as "recycling or reclamation of organic substances which are not used as solvents". Therefore, the produced compost can be traded in some member countries (EU) and used in agriculture, landscaping and gardening.

In general terms, it can be considered that this waste stream, resulting from activities in public sites and spaces owned by citizens, is submitted to further control in relation to the separation from other waste streams that are easily identifiable such as food containers and packages, paper, glass, metal waste, among other, but does not show evidence of control over the type of substances that may be part of the plant material, even before been cut, as is the case of agricultural chemicals.

Similarly, it is important to take into consideration that the plant material that has not been subject to any treatment, thermal or biological, is more likely to contain living plant or animal organisms, spores, microorganisms, seeds, among others, which in a strict sense should be considered in light of other international Conventions regulating the traffic of species and facing the possible entry of invasive species into the importing country.

As Ireland well noticed in the application form for the proposal, the provisions on the traffic of organisms considered as harmful in member countries of the European Commission (Directive 2000/29/EC) should be met. These measures are based on the prevention of particularly important impacts on the crop production

caused by invasive species, and therefore they should be considered in greater depth especially in countries with high biodiversity and agricultural potential.

6. *Proposal of the Netherlands*

According to the waste description and given its composition and origin, these are empty packages consisting of a paper outer package (70% - 95%) with an attached and easily removable separate plastic inner bag (30% - 5%). The proposed management alternatives correspond, in the same manner, to the proposals of Finland, that is, operations numbered R1 and R3, in addition to R14 "*Exchange of wastes for submission to any of the operations numbered R1 to R11*".

In this sense, the comments on the proposal for the inclusion of this waste stream are in principle the same as those explained in relation to the proposal of Finland.

CONCEPT

Regarding the proposal of Finland and the Netherlands for the inclusion of some wastes in Annex IX to the Basel Convention, Colombia wishes to express following considerations:

3. It supports the initiative to include in Annex IX: a) wastes of the non separable plastic fraction from the pre-treatment of used liquid packages, taking into account the submitted information, b) pressure sensitive adhesive label laminate waste containing raw materials used in label material production not covered by Basel entry B3020, and c) the non-separable plastic-aluminium fraction from the pre-treatment of used liquid packages, considering that in principle and in accordance with the submitted information, they do not exhibit the hazardous characteristics listed in Annex III.

Notwithstanding the foregoing, since it is possible in practice to find other constituents in the beverage packaging wastes as described in the document, or since they can be contaminated during its management with substances that confer the hazardous characteristics described in Annex III to the Basel Convention, such as halogenated substances or heavy metals, which can not be separated from the main stream during the separation and grinding operations, it is appropriate to recommend the inclusion of a "mirror" entry in Annex VIII that takes into account this situation and allows the waste movement under the Prior Informed Consent procedure. Therefore it is recommended to include in Annex VIII the following category:

A30XX (Annex VIII) "*wastes of materials consisting mainly of paper, cardboard, plastics and/or mixtures thereof, resulting from the production and/or recycling of containers, packages, packagings and labels containing substances listed in Annex I in concentrations such as to exhibit Annex III characteristics*".

4. Regarding the proposal of the Government of Ireland to include in Annex IX the clean biodegradable waste from agriculture, horticulture, forestry, gardens, parks and cemeteries, Colombia is of the opinion that they can be considered as non-hazardous wastes according to the characteristics set out in Annex III to the Basel Convention. However, these wastes could carry living organisms which in some cases generate phytosanitary and zoonosanitary risks affecting the sanitary conditions in a given country or having impact on sensitive ecosystems, especially in countries with high biodiversity and agricultural potential. Therefore, it recommends that the Secretariat of the Basel Convention review the potential risks associated with the transboundary movement of these wastes and the control measures that should be established, in light of the Convention on Biological Diversity (CBD) and the World Trade

Organization Agreement on the Application of Sanitary and Phytosanitary Measures, before taking any decision concerning the inclusion of such wastes in Annex IX as proposed by Ireland.

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