

## **CORRESPONDENTS' GUIDELINES No 12**

### **Subject: Classification of plastic waste**

1. These correspondents' guidelines represent the common understanding of all Member States on how the Regulation (EC) No 1013/2006 on shipments of waste (Waste Shipment Regulation (WSR))<sup>1</sup> should be interpreted. The guidelines were agreed by the correspondents through written procedure on 12 November 2021. These guidelines were developed to provide guidance on the classification of plastic waste, notably on interpreting certain terms contained in the entries on plastic waste that were included in the WSR in the follow-up of decision BC-14/12 by the Conference of the Parties to the Basel Convention in May 2019 and a decision at OECD<sup>2</sup> level in September 2020, in order to provide legal clarity and certainty.

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. The guidelines apply from 3 December 2021 and should be reviewed at the latest three 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. The control procedures for plastic wastes depend on whether the shipment of the waste has to be notified or not under the WSR, whether the waste is destined for recovery or disposal, and whether there are additional controls in the country of destination. More information on these procedures is provided in Section 5. If the competent authorities of dispatch and of destination cannot agree on the classification of plastic wastes or apply different national total maximum levels in accordance with footnotes 12, 14 or 15, the more stringent interpretation in accordance with Article 28(2) WSR is to apply. It is noted that in case a Member State applies a national total maximum level of 2 % in accordance with footnotes 12, 14 or 15 and is a country of transit for a certain shipment within the EU, its competent authority of transit and its authorities involved in inspections are to respect the total maximum levels contained in paragraphs 20(b), 21(b) or 22, in accordance with Article 28(2) WSR.

5. Prior to any shipment of plastic wastes, it is recommended that the notifier or the person arranging the shipment clarifies (in writing, if appropriate) whether the intended shipment is in conformity with the national legislation in the countries of transit and destination.

### **2. Entries on plastic waste**

6. The text of the entries on plastic waste as set out in the WSR is provided in Appendix 1. This Appendix includes entries A3210 and AC300 for hazardous plastic wastes, entries Y48, EU48,

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<sup>1</sup> Regulation (EC) No 1013/2006 of the European Parliament and the Council of 14 June 2006 on shipments of waste, see [https://ec.europa.eu/environment/topics/waste-and-recycling/waste-shipments\\_en](https://ec.europa.eu/environment/topics/waste-and-recycling/waste-shipments_en). A consolidated version is available at <http://data.europa.eu/eli/reg/2006/1013/2021-01-11>.

<sup>2</sup> Organisation for Economic Cooperation and Development

B3011 and EU3011 for non-hazardous plastic waste as well as mixtures<sup>3</sup> of non-hazardous plastic wastes listed in point 4 of Annex IIIA. The provisions of the WSR that are applicable for each of these entries are explained in section 6.

7. The changes in the WSR are based on the following amendments agreed by the Conference of the Parties to the Basel Convention at its fourteenth meeting in May 2019 which became effective as of 1 January 2021:

- (a) The insertion of a new entry A3210 in Annex VIII of the Basel Convention;
- (b) The insertion of a new entry Y48 in Annex II of the Basel Convention;
- (c) The insertion of a new entry B3011 in Annex IX of the Basel Convention<sup>4</sup>.

8. The changes in the WSR are also based on modifications of the OECD Decision on the Control of Transboundary Movements of Wastes Destined for Recovery Operations (OECD Decision)<sup>5</sup> agreed by written procedure in September 2020, which became effective as of 1 January 2021. Notably, a new entry AC300 for hazardous plastic waste has been inserted in Appendix 4 to the OECD Decision.

9. Through Commission Delegated Regulation (EU) 2020/2174<sup>6</sup>, these changes were implemented in the WSR, whereby entries A3210, Y48 and B3011 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 as well as for shipments within the EU, instead of A3210.

10. In addition, entries EU48 and EU3011 as well as point 4 of Annex IIIA for mixtures of plastic wastes, which covers three different types of mixtures of wastes classified under separate indents or sub-indents of entry EU3011<sup>7</sup>, were introduced in the WSR via Commission Delegated Regulation (EU) 2020/2174, only for the purposes of shipments within the Union.

11. The main similarities and differences between the entries on plastic waste are as follows:

- (a) The entries A3210 and AC300 have the same substance; there is only a difference with respect to references to related entries on non-hazardous plastic wastes;
- (b) The entry Y48 covers plastic waste, including mixtures of such waste, with the exception of plastic waste covered by the entries A3210 and B3011, while entry EU48 covers plastic waste not covered by entries AC300 and EU3011 as well as mixtures of plastic waste not covered by point 4 of Annex IIIA;
- (c) The enumeration of fluorinated polymers in both the entries B3011 and EU3011 is exhaustive and excludes post-consumer waste; the entries Y48 and EU48 cover fluorinated polymers not covered by the entries B3011 and EU3011, respectively, and post consumer waste of fluorinated polymers;
- (d) The main differences between entries B3011 and EU3011 are that

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<sup>3</sup> It is noted that, according to Article 2(3) of the WSR, a 'mixture of wastes' means waste that results from an intentional or unintentional mixing of two or more different wastes and for which mixture no single entry exists in Annexes III, IIIB, IV and IVA.

<sup>4</sup> The former entry B3010 is not effective anymore since 1 January 2021.

<sup>5</sup> OECD, Decision of the Council on the Control of Transboundary Movements of Wastes Destined for Recovery Operations, OECD/LEGAL/0266, see <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0266>. For further information, see also <https://www.oecd.org/env/waste/theoecdcontrolsystemforwasterecovery.htm>.

<sup>6</sup> See [http://data.europa.eu/eli/reg\\_del/2020/2174/oj](http://data.europa.eu/eli/reg_del/2020/2174/oj).

<sup>7</sup> Point 4 of Annex IIIA replaced similar mixtures in point 3 (d), (e) and (f) of Annex IIIA.

- (i) entry B3011 contains a restriction to shipments destined for recycling (operation R3) while entry EU3011 does not (operations R1, R3, R12 and R13 are possible); in addition, two footnotes in entry B3011 contain details on the terms “recycling” and “separate recycling”, respectively, while these footnotes do not appear in entry EU3011;
- (ii) entry B3011 covers certain mixtures in its last indent<sup>8</sup> while EU3011 does not cover such mixtures as they are covered by the mixtures in point 4 of Annex IIIA; and
- (iii) entry EU3011 covers polyvinyl chloride (PVC) and polytetrafluoroethylene (PTFE) while entry B3011 does not.

12. As a consequence, the following applies:

- (a) Entry Y48 is applicable in case a consignment of plastic waste cannot be classified under entry B3011, including because it is not destined for recycling, or does not fall under entry A3210 because it does not exhibit a hazardous characteristic;
- (b) Entry EU48 is applicable in case a consignment of plastic waste cannot be classified under entry EU3011 or point 4 of Annex IIIA, or does not fall under entry AC300 because it does not exhibit a hazardous characteristic;
- (c) Entry EU3011 is applicable for PVC waste and PTFE waste in case it is almost free from contamination and other types of wastes, unless if it falls under entry AC300 because it exhibits a hazardous characteristic. Entry EU3011 is not applicable for chlorinated polymers other than PVC, such as polyvinylidene chloride or chlorinated polyethylene. Entry B3011 is not applicable for PTFE waste and PVC waste and waste of chlorinated polymers other than PVC.

13. The entries B3011 and EU3011 include non-exhaustive lists of non-halogenated polymers and of cured resins or condensation products. For example, the following non-halogenated polymers and cured resins or condensation products may also fall under entries B3011 and EU3011:

- (a) Non-halogenated polymers<sup>9</sup>: polyacetals, polybutylene terephthalate, polyphenylene sulfides, acrylic polymers, thermoplastic polysiloxanes, polymethyl methacrylate, polyvinyl alcohol, polyvinyl butyral, polyvinyl acetate, polyether ether ketone, polybutylene succinate, thermoplastic polyester and thermoplastic polyurethane;
- (b) Cured resins or condensation products: thermoset polysiloxanes, polyimides, polyamide, polyester resins and thermoset polyurethane polymers.

14. It is noted that, in line with the introductory provisions in Annex III and IIIA of the WSR, regardless of whether or not plastic waste or mixtures of plastic waste are included in Annex III or Annex IIIA, respectively, a waste or a mixture may not be subject to the general information requirements laid down in Art. 18 of the WSR if it is contaminated by other materials to an extent which:

- (a) increases the risks associated with the wastes sufficiently to render them appropriate for submission to the procedure of prior written notification and consent, when taking into account the hazardous characteristics listed in Annex III to Directive 2008/98/EC<sup>10</sup>; or

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<sup>8</sup> It is noted that, in accordance with the definition of ‘mixture of wastes’ in Article 2(3) of the WSR, for example PET bottles with caps consisting of PE or PP are not considered a mixture of wastes.

<sup>9</sup> The following items that are listed in the former entry B3010 are not covered by entries B3011 and EU3011 as they are not polymers: ethylene, styrene, acrylonitrile, butadiene and alkanes C10-C13 (plasticisers).

<sup>10</sup> Directive 2008/98/EC on waste and repealing certain Directives (Waste Framework Directive), see [https://ec.europa.eu/environment/topics/waste-and-recycling/waste-framework-directive\\_en](https://ec.europa.eu/environment/topics/waste-and-recycling/waste-framework-directive_en). A consolidated version is available at <http://data.europa.eu/eli/dir/2008/98/2018-07-05>.

- (b) prevents the recovery<sup>11</sup> of the wastes in an environmentally sound manner.

15. It is noted that additives, such as fillers, plasticisers, stabilizers, colorants and flame retardants, are usually part of plastics. The presence of certain additives in plastic waste, such as brominated flame retardants that are persistent organic pollutants or lead or cadmium in PVC, may lead to a classification of the plastic waste in question as hazardous waste and covered by entries A3210 or AC300. It is further noted that “contamination” mentioned in the entries B3011 and EU3011 refers to non-hazardous foreign materials such as food residues in plastic packaging or dirt and that “other types of wastes” mentioned in the entries B3011 and EU3011 refers to non-hazardous wastes such as paper, wood or metals as well as plastic waste not covered by the specific indent.

16. A waste that, among other materials, contains plastic but can be classified under a specific entry in the Annexes III, IIIB and IV of the WSR (e.g. waste metal cables coated or insulated with plastics (see entries A1190 and B1115), waste electrical and electronic equipment (see e.g. entries A1180, B1110 and GC020) or waste vehicles (see entry B1250)), cannot be classified under one of the entries on plastic waste, but is to be classified under the relevant specific entry.

### **3. Interpretation of certain terms contained in the entries on plastic waste**

17. *There is a need for guidance on how to interpret the two terms “almost free from contamination and other types of wastes” and “almost exclusively consisting of” contained in the new entries for plastic waste (see Appendix 1 for the text of the entries).* The term “almost free from contamination and other types of wastes” is used in the chapeau of the first indent and in the second indent of entry B3011 as well as in the chapeau of entry EU3011 and therefore also applies for the mixtures of plastic wastes covered by point 4 of Annex IIIA. The term “almost exclusively consisting of” is used in the three subindents of the first indent of entry B3011 and in the first three indents of entry EU3011.

18. *As a common understanding of the correspondents,* it has been agreed that different interpretations for these terms should be set for B3011 on the one hand and EU3011 and mixtures covered by point 4 in Annex IIIA of the WSR on the other hand since:

- (a) there are no restrictions on the recovery operations for entry EU3011 and mixtures covered by point 4 in Annex IIIA of the WSR (operations R1, R3, R12 and R13 are possible), while entry B3011 contains a restriction to shipments destined for recycling (operation R3 possibly with temporary storage limited to one instance prior to operation R3; in addition, for mixtures of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET) sorting (operation R12) prior to operation R3 is necessary);
- (b) in the EU there is a robust legal framework on waste management and waste is recovered according to high environmental standards; and
- (c) the Union and its Member States have submitted a notification, covering shipment of waste within the Union, to the Secretariat of the Basel Convention under Article 11 of that Convention, whereby there is no requirement for the Union to fully implement the changes to the Annexes to the Basel Convention relating to non-hazardous plastic waste (entries B3011 and Y48) in Union law, as long as the provisions in EU law governing the shipments of this waste are not less environmentally sound than those provided in the Basel Convention.

19. *In addition, it has been agreed* that the interpretations of these terms should be sufficiently strict to prevent plastic wastes of a low quality from being classified under entry B3011 or EU3011, especially when shipped to countries where recycling capacity is lacking or of lower quality. When

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<sup>11</sup> “Recycling” in case of B3011.

determining these interpretations, inter alia available regulatory frameworks, national and international specifications, and the precautionary principle have been taken into account.

### **3.1 Interpretation of the terms “almost free from contamination and other types of wastes” and “almost exclusively consisting of”, for indents in entries B3011 and EU3011 to which both terms apply**

20. For the first indent of entry B3011 and the first three indents of entry EU3011, the terms “almost free from contamination and other types of wastes” and “almost exclusively consisting of” apply together. As a common understanding of the Correspondents, it has been agreed that, for these indents, this means that:

- (a) in a consignment of plastic waste classified under entry B3011, the content of contamination, other types of wastes<sup>12</sup> or non-halogenated polymers, cured resins or condensation products, or fluorinated polymers other than the one non-halogenated polymer, cured resin or condensation product, or fluorinated polymer that makes up the bulk of the plastic waste should not exceed a total maximum of 2 % of the weight of the consignment;
- (b) in a consignment of plastic waste classified under entry EU3011, the content of contamination, other types of wastes<sup>13</sup> or non-halogenated polymers, cured resins or condensation products, or fluorinated polymers, other than the one non-halogenated polymer, cured resin or condensation product, or fluorinated polymer that makes up the bulk of the plastic waste should not exceed a total maximum of 6 % of the weight of the consignment<sup>14</sup>.

### **3.2 Interpretation of the term “almost free from contamination and other types of wastes”, for indents in entries B3011 and EU3011 to which only this term applies**

21. For the mixtures of plastic waste (consisting of PE, PP and/or PET) covered by the second indent of entry B3011 and for the plastic waste covered by the fourth indent of entry EU3011 (PVC), the term “almost free from contamination and other types of wastes” is the only one which applies. As a common understanding of the correspondents, it has been agreed that for these indents, this means that:

- (a) in a consignment of mixtures of plastic waste (consisting of PE, PP and/or PET) classified under entry B3011, the content of contamination and other types of wastes<sup>15</sup> should not exceed a total maximum of 2 % of the weight of the consignment;
- (b) in a consignment of PVC waste classified under entry EU3011, the content of contamination and other types of wastes should not exceed a total maximum of 6 % of the weight of the consignment<sup>16</sup>.

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<sup>12</sup> “other types of wastes” may include PVC in this case.

<sup>13</sup> “other types of wastes” may include PVC in this case. It is noted that PVC is listed in entry EU3011 in its fourth indent, but not in entry B3011.

<sup>14</sup> A Member State may decide to apply at a national level, for waste classified under entry EU3011, a total maximum level of 2 %, identical to the total maximum for waste classified under entry B3011, as referred to in point (a) of this paragraph. In this case the correspondent from the Member State concerned should inform the Commission in writing on this, along with a rationale for this approach. The Commission should inform correspondents in other Member States and actors involved in shipments of plastic waste and publish such information on its website.

<sup>15</sup> “other types of wastes” may include PVC in this case.

<sup>16</sup> A Member State may decide to apply at a national level, for waste classified under entry EU3011, a total maximum level of 2 %, identical to the total maximum for waste classified under entry B3011 as referred to in point (a) of this paragraph. In this case the correspondent from the Member State concerned should inform the Commission in writing on this, along with a rationale for this approach. The Commission should inform correspondents in other Member States and actors involved in shipments of plastic waste and publish such information on its website.

22. For mixtures of plastic waste covered by point 4 of Annex IIIA, the term “*almost free from contamination and other types of wastes*” is the only one which applies. *It has been agreed* that, for consignments of these mixtures, the term “*almost free from contamination and other types of wastes*” means that the content of contamination, other types of wastes or non-halogenated polymers, cured resins or condensation products, or fluorinated polymers other than those specified in the subparagraph of point 4 of Annex IIIA in question should not exceed a total maximum of 6 % of the weight of the consignment<sup>17</sup>.

### **3.3 Measurement of the maximum levels agreed in sections 3.1 and 3.2**

23. The total maximum levels agreed in sections 3.1 and 3.2 above for the interpretation of the terms “*almost free from contamination and other types of wastes*” and “*almost exclusively consisting of*” should be measured on the weight of the plastic waste or mixture of plastic waste in question, after emptying moisture, excluding residual moisture and caps, lids and labels which are secondary components of the plastic products (for example PET bottles) that have become waste and make up the bulk of the plastic waste or mixture of plastic waste in a consignment<sup>18 19 20</sup>.

## **4. Additional guidance on the classification of plastic waste that contains persistent organic pollutants (POPs)**

24. The POP content of plastic waste is to be destroyed or irreversibly transformed using operations D9, D10 or R1, if appropriate preceded by pre-treatment, repackaging or temporary storage, if the concentration limits indicated in Annex IV to Regulation (EU) No 2019/1021<sup>21</sup> are met or exceeded.

25. *There is a need for guidance on how to classify plastic waste containing POPs, which are not to be classified as hazardous according to Decision 2000/532/EC on the list of waste<sup>22</sup>, in quantities meeting or exceeding the concentration limits indicated in Annex IV to Regulation (EU) No 2019/1021 (see also paragraph 28(c)).*

26. *As a common understanding of the Correspondents*, it has been agreed that plastic waste containing POPs, such as POP-BDEs, in quantities meeting or exceeding the concentration limits indicated in Annex IV to Regulation (EU) 2019/1021 should be classified under entry Y48 for exports from the EU and imports into the EU, or under entry EU48 for shipments within the EU. However, such waste is to be classified as hazardous if the waste exhibits a hazard characteristic listed in Annex III to the Basel Convention or Annex III to Directive 2008/98/EC.

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<sup>17</sup> A Member State may decide to apply at a national level, for waste classified under entry EU3011, a total maximum level of 2 %, identical to the total maximum for waste classified under entry B3011 as referred to in point (a) of paragraph 21. In this case the correspondent from the Member State concerned should inform the Commission in writing on this, along with a rationale for this approach. The Commission should inform correspondents in other Member States and actors involved in shipments of plastic waste and publish such information on its website.

<sup>18</sup> In case such residual moisture or caps, lids or labels would be hazardous, the waste in question may need to be classified as hazardous plastic waste (see section 5).

<sup>19</sup> It is noted that methods for sampling and measurement may be available at the level of the Member States.

<sup>20</sup> It is noted that this means for example that caps, lids and labels contained in residual plastic waste, resulting from the removal of contamination and other types of wastes from plastic products that have become waste, are not covered by this exclusion.

<sup>21</sup> Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (recast). See <http://data.europa.eu/eli/reg/2019/1021/2021-03-15>.

<sup>22</sup> Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC, see [https://ec.europa.eu/environment/topics/waste-and-recycling/implementation-waste-framework-directive\\_en#ecl-inpage-640](https://ec.europa.eu/environment/topics/waste-and-recycling/implementation-waste-framework-directive_en#ecl-inpage-640). A consolidated version of this Decision is available at <http://data.europa.eu/eli/dec/2000/532/2015-06-01>.

## **5. Hazardous plastic wastes**

27. Plastic waste must be classified as hazardous when it contains or is contaminated with constituents listed in Annex I of the Basel Convention to an extent that it exhibits a hazardous characteristic laid down in Annex III of the Basel Convention. In addition, plastic wastes covered by the entries B3011 or EU3011 in Annex III of the WSR, or mixtures of plastic waste covered by point 4 of Annex IIIA of the WSR may, in line with the introductory paragraphs in Annexes III and IIIA, not be subject to the general information requirements laid down in Article 18 of the WSR, if they are contaminated by other materials to an extent which increases the risks associated with the wastes sufficiently to render them appropriate for submission to the procedure of prior written notification and consent, when taking into account the hazardous characteristics listed in Annex III to Directive 2008/98/EC (see also paragraph 14 above).

28. In order to decide if plastic waste must be classified as hazardous, the persons involved in the shipments of waste should check:

- (a) firstly, if the waste in question contains or is contaminated with any constituent listed in Annex I of the Basel Convention,
- (b) secondly, if this content or contamination results in the waste to exhibit a characteristic laid down in Annex III of the Basel Convention, and
- (c) thirdly, if the waste exhibits a hazard characteristic listed in Annex III to Directive 2008/98/EC or is hazardous according to Decision 2000/532/EC on the list of waste because it contains certain POPs<sup>23</sup>.

29. The results of these checks could be used in case a notification is prepared. These results may also be used in case an authority involved in inspections requires documentary evidence according to Article 50(4c) of the WSR (see paragraph 43 below for details).

## **6. Shipments of plastic wastes**

30. Shipments of plastic wastes are regulated by the WSR. In certain circumstances the WSR provides for shipments of waste to be subject to additional controls under the national legislation of Member States<sup>24</sup> or other countries of import; for example there may be a prohibition on shipments of waste destined for disposal in certain Member States or other countries of import. Appendix 2 provides an overview of the procedures for shipments of plastic waste destined for recovery described in section 6.1.

31. A precautionary approach should be taken to the classification of plastic wastes. If it is not clear, for exports from the EU or imports into the EU, that the plastic wastes or mixtures of plastic wastes in question are covered by entry B3011 in Annex III ("Green" listed waste), the shipment should be classified under either entry A3210 or entry AC300 respectively (if the waste is hazardous) or entry Y48 (if the waste is non-hazardous). If it is not clear, for shipments within the EU, that the plastic wastes or mixtures of plastic wastes in question are covered by entry EU3011 in Annex III ("Green" listed waste) or point 4 in IIIA WSR, respectively, the shipment should be classified under either entry AC300 (if the waste is hazardous) or entry EU48 (if the waste is non-hazardous).

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<sup>23</sup> Wastes containing polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF), DDT (1,1,1-trichloro-2,2-bis (4-chlorophenyl)ethane), chlordane, hexachlorocyclohexanes (including lindane), dieldrin, endrin, heptachlor, hexachlorobenzene, chlordecone, aldrin, pentachlorobenzene, mirex, toxaphene hexabromobiphenyl and/or PCB exceeding the concentration limits indicated in Annex IV to Regulation (EU) No 2019/1021 shall be classified as hazardous.

<sup>24</sup> EU Member States: see [http://europa.eu/abc/european\\_countries/index\\_en.htm](http://europa.eu/abc/european_countries/index_en.htm).

## **6.1 Shipments of plastic wastes destined for recovery**

### **6.1.1 Shipments within the EU**

32. Shipments within the EU destined for recovery may be subject to either the procedure of prior written notification and consent referred to in the WSR or they may be subject to general information requirements (see Art. 18 of the WSR). The applicable controls are determined by the classification of the plastic wastes in question in the relevant lists of waste annexed to the WSR (see Appendix 1).

### **6.1.2 Exports from the EU**

33. The controls for exports from the EU destined for recovery that apply depend on:

- (a) the classification of the waste ('hazardous' vs. 'non-hazardous' and in which list non-hazardous plastic waste is covered);
- (b) whether the waste is destined to countries for which the OECD Decision applies or not;
- (c) whether additional provisions to the country of destination apply in case of countries to which the OECD Decision does not apply.

34. Exports of hazardous plastic waste covered by entry A3210 and of non-hazardous plastic waste covered by entry Y48 to countries to which the OECD Decision does not apply are prohibited according to Art. 36 of the WSR. Exports of non-hazardous plastic waste covered by entry B3011 to countries to which the OECD Decision does not apply are subject to the controls according to Commission Regulation (EC) No 1418/2007<sup>25</sup> (prohibition, procedure of prior written notification and consent or general information requirements according to Art. 18 of the WSR).

35. Exports of hazardous plastic waste covered by entry AC300 and of non-hazardous plastic waste covered by entry Y48 to countries to which the OECD Decision applies are subject to the procedure of prior written notification and consent according to Art. 38 of the WSR. Exports of non-hazardous plastic waste covered by entry B3011 to countries to which the OECD Decision applies are subject to the general information requirements according to Art. 18 of the WSR (cf. Art. 38 of the WSR).

### **6.1.3 Imports into the EU**

36. In principle, imports from outside the EU destined for recovery are allowed, unless the country of dispatch is not a Party to the Basel Convention (except where the country is a country to which the OECD Decision applies).

37. Imports from countries to which the OECD Decision does not apply of hazardous plastic waste covered by entry A3210 and of non-hazardous plastic waste covered by entry Y48 are subject to the procedure of prior written notification and consent according to Art. 42 and 45 of the WSR. Imports from countries to which the OECD Decision does not apply of non-hazardous plastic waste covered by entry B3011 are subject to the general information requirements according to Art. 18 of the WSR (cf. Art. 42 and 45 of the WSR).

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<sup>25</sup> Commission 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, see the latest consolidated version of 2014 at <http://data.europa.eu/eli/reg/2007/1418/2014-07-18> and the latest amendment of October 2021 at <http://data.europa.eu/eli/reg/2021/1840/oj>. A revised consolidated version will be accessible at <https://eur-lex.europa.eu/collection/eu-law/consleg.html>.



38. Imports from countries to which the OECD Decision applies of hazardous plastic waste covered by entry AC300 and of non-hazardous plastic waste covered by entry Y48 are subject to the procedure of prior written notification and consent according to Art. 44 of the WSR. Imports from countries to which the OECD Decision applies of non-hazardous plastic waste covered by entry B3011 are subject to the general information requirements according to Art. 18 of the WSR (cf. Art. 44 of the WSR).

## **6.2 Shipments of plastic wastes destined for disposal**

### **6.2.1 Shipments within the EU**

39. All such shipments of waste within the EU are subject to the procedure of prior written notification and consent referred to in the WSR. Member States may generally prohibit shipments of waste to or from other Member States for disposal and enquiries should be made by the relevant competent authorities to establish if the planned shipment for disposal is allowed under national legislation.

### **6.2.2 Exports from the EU**

40. All exports from the EU destined for disposal are prohibited (except waste shipments to Member States of the European Free Trade Association (EFTA)<sup>26</sup> that are a Party to the Basel Convention).

### **6.2.3 Imports into the EU**

41. In principle, imports from outside the EU destined for disposal are allowed, unless the country of dispatch is not a Party to the Basel Convention. However, EU Member States may prohibit such imports where they consider that there are sound environmental reasons for doing so. All imports for disposal are subject to the procedure of prior written notification and consent referred to in the WSR.

## **7. Controls of shipments of plastic wastes**

42. In order to facilitate the verification of whether the total maximum levels specified in paragraphs 20, 21 and 22 are adhered to, the person who arranges the shipment of plastic waste covered by entries B3011 or EU3011 or of a mixture of plastic wastes covered by point 4 of Annex IIIA, the waste holder, the carrier, the consignee and the facility that receives this waste, should be able to provide, if required by an authority involved in inspections according to Article 50(4c) of the WSR, documentary evidence to prove adherence to these levels for a given consignment and on the related methods for sampling and measurement used<sup>27</sup>. It is noted that such documentary evidence should be provided for each individual consignment as appropriate, but may also be prepared on the basis of representative samples, e.g. for the output of sorting facilities. Such documentary evidence may also accompany the consignment.

43. In order to ascertain whether a shipment of waste complies with the WSR, the authorities involved in inspections may, pursuant to the first subparagraph of Article 50(4c) of the WSR, require the notifier, the person who arranges the shipment, the holder, the carrier, the consignee and the facility that receives the waste to submit relevant documentary evidence to them within a period specified by them<sup>28</sup>. In order to ascertain whether a shipment of waste falling under the general information requirements of Article 18 of the WSR is destined for recovery operations which are in accordance with Article 49 of the WSR, the authorities involved in inspections may, pursuant to the

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<sup>26</sup> Iceland, Liechtenstein, Norway and Switzerland.

<sup>27</sup> It is noted that methods for sampling and measurement may be available at the level of the Member States.

<sup>28</sup> Such documentary evidence may cover the “contractual or relevant official documentation” referred to in first and fifth footnote of entry B3011.

second subparagraph of Article 50(4c) of the WSR, require the person who arranges the shipment to submit relevant documentary evidence provided by the interim and non-interim recovery facility and, if necessary, approved by the competent authority of destination. Where the evidence referred to in this paragraph has not been submitted to the authorities involved in inspections within the period specified by them, or they consider the evidence and information available to them to be insufficient to reach a conclusion, the shipment concerned must, pursuant to Article 50(4d) of the WSR, be considered as an illegal shipment.

44. It is noted that the precautionary approach to the classification of plastic wastes outlined in paragraph 31 above also applies when conducting inspections.

45. Those responsible for an illegal shipment may have to take back the waste to the country of dispatch at their own expense and may be liable to a criminal sanction.

46. When conducting an inspection, indicators such as the market value of the plastic waste in question may be considered for assessing if a consignment of plastic waste may be appropriately classified in a certain entry on plastic waste.

47. In order to facilitate inspections of temporary storage facilities for plastic waste subject to waste shipments, plastic waste classified under entries A3210/AC300, Y48, EU48, B3011 and EU3011, plastic waste containing POPs, such as POP-BDEs, in quantities meeting or exceeding the concentration limits indicated in Annex IV to Regulation (EU) 2019/1021 as well as mixtures of plastic waste listed under point 4 of Annex IIIA of the WSR and subject to waste shipments should be stored in physically separated areas. In addition, such a facility should be able to submit sufficient documentary evidence if required by an authority involved in inspections according to Article 50(4c) of the WSR, including information on the subsequent non-interim recycling or recovery in case of a shipment falling under the general information requirements laid down in Art. 18 of the WSR.

### Text of the entries on plastic waste

This Appendix provides the text of the entries on plastic waste as set out in the relevant Annexes of the WSR. The relationship including the main similarities and differences between certain entries are explained in paragraph 11. The provisions applicable for these entries are explained in section 6.

#### **Part 1: Hazardous plastic waste**

***Entry A3210 in Annex IV, Part I of the WSR (under wastes listed in Annex VIII of the Basel Convention) and Annex V, Part 1, List A of the WSR***

<b>A3210</b>	Plastic waste, including mixtures of such waste, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entry B3011, in list B of this Part, and entry Y48, in list A of Part 3).
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***Entry AC300 in Annex IV, Part II of the WSR***

<b>AC300</b>	Plastic waste, including mixtures of such wastes, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entry EU3011 in part I of Annex III, and the related entry EU48 in part I).
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#### **Part 2: Non-hazardous plastic waste**

***Entry Y48 in Annex IV, Part I of the WSR (under wastes listed in Annex II of the Basel Convention) and Annex V, Part 3, List A of the WSR***

<b>Y48</b>	<p>Plastic waste, including mixtures of such waste, with the exception of the following:</p> <ul style="list-style-type: none"> <li>– Plastic waste that is hazardous waste (see entry A3210 in part 1 of list A in Annex V)</li> <li>– 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:**             <ul style="list-style-type: none"> <li>– Plastic waste almost exclusively*** consisting of one non-halogenated polymer, including but not limited to the following polymers:                 <ul style="list-style-type: none"> <li>– Polyethylene (PE)</li> <li>– Polypropylene (PP)</li> <li>– Polystyrene (PS)</li> <li>– Acrylonitrile butadiene styrene (ABS)</li> <li>– Polyethylene terephthalate (PET)</li> <li>– Polycarbonates (PC)</li> <li>– Polyethers</li> </ul> </li> <li>– 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"> <li>– Urea formaldehyde resins</li> <li>– Phenol formaldehyde resins</li> <li>– Melamine formaldehyde resins</li> <li>– Epoxy resins</li> <li>– Alkyd resins</li> </ul> </li> <li>– Plastic waste almost exclusively*** consisting of one of the following fluorinated polymers:****                 <ul style="list-style-type: none"> <li>– Perfluoroethylene/propylene (FEP)</li> </ul> </li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>– Perfluoroalkoxy alkanes: <ul style="list-style-type: none"> <li>– Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA)</li> <li>– Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA)</li> </ul> </li> <li>– Polyvinylfluoride (PVF)</li> <li>– Polyvinylidene fluoride (PVDF)</li> <li>– 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.**</li> </ul> <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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***Entry EU48 in Annex IV, Part I, point (f) of the WSR***

<b>EU48</b>	Plastic waste not covered by entry AC300 in part II or by entry EU3011 in part I of Annex III, as well as mixtures of plastic waste not covered by point 4 of Annex IIIA
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***Entry B3011 in Annex III, Part I of the WSR (under wastes listed in Annex IX of the Basel Convention) and Annex V, Part 1, List B of the WSR***

<b>B3011</b>	<p>Plastic waste (note the related entry A3210, in list A of this Part, and entry Y48, in list A of Part 3)</p> <ul style="list-style-type: none"> <li>– 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**:</li> <li>– Plastic waste almost exclusively*** consisting of one non-halogenated polymer, including but not limited to the following polymers: <ul style="list-style-type: none"> <li>– Polyethylene (PE)</li> <li>– Polypropylene (PP)</li> <li>– Polystyrene (PS)</li> <li>– Acrylonitrile butadiene styrene (ABS)</li> <li>– Polyethylene terephthalate (PET)</li> <li>– Polycarbonates (PC)</li> <li>– Polyethers</li> </ul> </li> <li>– 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"> <li>– Urea formaldehyde resins</li> <li>– Phenol formaldehyde resins</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>– Melamine formaldehyde resins</li> <li>– Epoxy resins</li> <li>– Alkyd resins</li> <li>– Plastic waste almost exclusively*** consisting of one of the following fluorinated polymers:**** <ul style="list-style-type: none"> <li>– Perfluoroethylene/propylene (FEP)</li> <li>– Perfluoroalkoxy alkanes: <ul style="list-style-type: none"> <li>– Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA)</li> <li>– Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA)</li> </ul> </li> <li>– Polyvinylfluoride (PVF)</li> <li>– Polyvinylidene fluoride (PVDF)</li> </ul> </li> <li>– 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**</li> </ul> <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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***Entry EU3011 in Annex III, Part I, point (g) of the WSR***

<b>EU3011</b>	<p>Plastic waste (note the related entry AC300 in part II of Annex IV, and the related entry EU48 in part I of Annex IV):</p> <p>Plastic waste listed below, provided it is almost free from contamination and other types of waste*:</p> <ul style="list-style-type: none"> <li>– Plastic waste almost exclusively** consisting of one non-halogenated polymer, including but not limited to the following polymers: <ul style="list-style-type: none"> <li>– Polyethylene (PE)</li> <li>– Polypropylene (PP)</li> <li>– Polystyrene (PS)</li> <li>– Acrylonitrile butadiene styrene (ABS)</li> <li>– Polyethylene terephthalate (PET)</li> <li>– Polycarbonates (PC)</li> <li>– Polyethers</li> </ul> </li> <li>– 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"> <li>– Urea formaldehyde resins</li> <li>– Phenol formaldehyde resins</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>– Melamine formaldehyde resins</li> <li>– Epoxy resins</li> <li>– Alkyd resins</li> <li>– Plastic waste almost exclusively** consisting of one of the following fluorinated polymers:*** <ul style="list-style-type: none"> <li>– Perfluoroethylene/propylene (FEP)</li> <li>– Perfluoroalkoxy alkanes: <ul style="list-style-type: none"> <li>– Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA)</li> <li>– Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA)</li> </ul> </li> <li>– Polyvinylfluoride (PVF)</li> <li>– Polyvinylidene fluoride (PVDF)</li> <li>– Polytetrafluoroethylene (PTFE)</li> </ul> </li> <li>– Polyvinyl chloride (PVC)</li> </ul> <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>
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***Mixtures of waste in point 4 of Annex IIIA of the WSR***

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”.

### Overview of the procedures for shipments of plastic waste destined for recovery

This Appendix provides an overview of the procedures for shipments of plastic waste destined for recovery as described in section 6.1.

<b>Entry on plastic waste</b>	<b>Intra EU</b>	<b>Export to/Import from OECD outside EU</b>	<b>Export to/Import from Non-OECD</b>
<b>A3210</b>	N/A <sup>29</sup>	N/A	Export: prohibition Import: prior notification and consent procedure
<b>AC300</b>	Prior notification and consent procedure	Prior notification and consent procedure	N/A
<b>Y48</b>	N/A	Prior notification and consent procedure	Export: prohibition Import: prior notification and consent procedure
<b>EU48</b>	Prior notification and consent procedure	N/A	N/A
<b>B3011</b>	N/A	General information requirements (Art. 18)	Export: prohibition, prior notification and consent procedure or general information requirements (Art. 18) as specified in Commission Regulation (EC) 1418/2007 Import: General information requirements (Art. 18)
<b>EU3011</b>	General information requirements (Art. 18)	N/A	N/A
<b>Mixtures of plastic waste in point 4 of Annex IIIA</b>	General information requirements (Art. 18)	N/A	N/A

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<sup>29</sup> Not applicable.