

Full summary of the amendments to the OECD Council Decision

The OECD Control System for waste recovery, embodied in the [OECD Decision of the Council on the Control of Transboundary Movements of Wastes Destined for Recovery Operations](#) (OECD-Legal-0266) (the OECD Decision), aims at facilitating the trade of waste destined for recovery that can be recovered in an environmentally sound and economically efficient manner, by using a simplified procedure as well as a risk-based approach to assess the necessary level of control for materials.

Wastes exported outside the OECD area, whether for recovery or final disposal, do not benefit from this simplified control procedure. Rather, the transboundary movement of such wastes is likely to be covered by the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal* (the Basel Convention), to which 187 countries are currently party. The two international agreements are however closely interlinked, and the waste categorisations under the OECD Decision are harmonised with the waste lists in the annexes to the Basel Convention.

At the 14th meeting of the Conference of the Parties (COP) to the Basel Convention, which took place between 29 April and 10 May 2019, the COP adopted amendments to Annexes II, VIII and IX to the Basel Convention, impacting the transboundary movement of plastic wastes.

Normally, amendments to the Annexes of the Basel Convention are automatically incorporated into the Appendices of the OECD Decision unless an objection is made by an OECD Member country [Chapter II B. 3. of the OECD Decision]. On 3 July 2019, the OECD Secretariat received an objection to the automatic incorporation into the OECD Decision of the amendments to the Basel Convention adopted on 10 May 2019, accompanied by an alternative proposal.

As a consequence, OECD Member countries held a series of meetings to consider the classification of the wastes in question in the OECD Decision and the resulting modifications to Appendices 3 and 4 of the OECD Decision, having until one month before the amendments become effective for the parties to the Basel Convention, *i.e.* until 1 December 2020, to reach a conclusion [Chapter II B. 3. c) of the OECD Decision].

In the context of this tight timeline and considering also the lead time necessary for implementation of changes, modifications to Appendices 3 and 4 of the OECD Decision were subsequently adopted by the OECD's Environment Policy Committee on 7 September 2020. These modifications will come into effect on 1 January 2021.

Accordingly, for purposes of the OECD Decision, as of 1 January 2021, the following will apply:

- Hazardous plastic wastes, namely those covered by new Basel entry A3210, will be listed under Appendix 4, Part II of the OECD Decision as new OECD entry AC300 (adapted as necessary for the context of the OECD Decision), and therefore subject to the Amber control procedure under the OECD Decision. This means that movement of such wastes will be controlled pursuant to the tacit consent procedure with a consideration period of 30 days, or seven days where pre-consented facilities are concerned.
- For other plastic wastes, namely those covered by [new Basel entries B3011 and Y48](#), each OECD Member country retains its right to control the plastic waste in question in conformity with its domestic legislation and international law, as no consensus was reached on the controls to be applied within the OECD system. Corresponding text will be incorporated into Appendix 3, Part I and II; and Appendix 4, Part I of the OECD Decision.

With regard to other plastic wastes, the situation will remain subject to later review, given the significant uncertainty about how trade in these plastic wastes will be affected by the coming into force of the amendments concerning plastic waste under the Basel convention. Specifically, the modified text will reflect the agreement of OECD Member countries that the appropriate OECD body should review whether consensus could be reached to incorporate these plastic wastes into the Decision before the end of 2024. Meanwhile, information on the controls in place will be communicated to the OECD Secretariat by OECD Member countries by 15 January 2021 and made available on the OECD website, as will any future changes of such controls.

A version of Appendices 3 and 4 to the OECD Decision showing the modifications that will be effective as of 1 January 2021, is also provided.