

Covering Plastic Waste at the 17th Conference of the Parties to the Basel Convention

March 2025

This briefing note outlines the views of the Environmental Investigation Agency (EIA) on key agenda items related to plastic waste at the seventeenth meeting of the Conference of the Parties (COP-17) to the Basel Convention. Our focus includes concluding amendments for legal clarity in waste classifications, strengthening the Prior Informed Consent (PIC) procedure, ensuring further considerations on plastic waste are in line with the most up-to-date science, maintaining the integrity of the Basel Convention's role in transboundary plastic waste management. Additionally, EIA supports strengthening the clearinghouse mechanism to facilitate information-sharing, capacity-building and technical collaboration using lessons learned from the Montreal Protocol.

Item 4(c)(ii) Providing Legal Clarity on Wastes and Disposal Operations

Legal clarity discussions under Basel have focused on refining disposal operation definitions to close loopholes and prevent misclassification of environmentally sound management (ESM). Annex IV was designed to categorise disposal and recovery operations, which inform the definition of "wastes" and "disposal",¹ but as waste management technologies have advanced, ambiguities emerged. Concerns over inconsistent national interpretations, particularly around incineration, co-processing and recycling, have grown over decades. At COP-15, the EU proposed amendments to Annex IV to improve legal clarity across all waste classifications, which is particularly relevant to plastic waste, as debates continue over whether certain processes, should be classified as recovery or disposal.

EIA supports efforts to establish a clearer legal framework with all necessary codes to reflect technologies to date and enhance the implementation of the Basel Convention. The revised amendment proposals for Annex IV and the draft recommendations on the review of Annexes I and III developed by the expert working group on the review of Annexes (EWG) should be used as a basis for negotiations. EIA strongly supports the objective to finalise amendments to Annex IV at COP-17 and, accordingly, this working group and amendments to R1-R16 should be prioritised.

On the work to be finalised for disposal operations in Annex IV, Section A: EIA supports a D17 open burning code because it is a highly polluting practice that violates Basel's ESM requirements. Retaining "open burning" as an example within D10 (land incineration) and D11 (sea incineration) codes creates regulatory uncertainty, as thermal treatment, though still harmful, may involve some level of containment or emission control. A separate classification ensures more precise enforcement and stronger reporting and prevents misinterpretation of open burning as a regulated disposal method. At a minimum, D10 and D11 should explicitly distinguish incineration and co-incineration from open burning to eliminate ambiguity.

On the work to be finalised for recovery operations in Annex IV, Section B: EIA supports keeping R2 and R3 separate, as merging them would not improve legal clarity. However, both the status quo and the proposed amendments to R3 remain inadequate for plastic waste management. R3 fails to distinguish between processes that retain material value, like mechanical recycling of plastic, and those that lead to waste destruction, most chemical recycling of plastic. At COP-16, the Basel Convention adopted Technical Guidelines for the ESM of plastic waste with brackets around chemical recycling, reflecting the view that it is not environmentally sound.

To prevent weakening plastic waste regulations, mechanical and physical treatment must be clearly distinguished from chemical treatment. The broad definition of "recycling of organic substances" risks misrepresenting waste treatment as material recovery and thus EIA proposes classifying chemical recycling under R1 (use as a fuel), a new R code or as disposal, ensuring it is not misclassified as R3. For the same reason we also oppose merging R9 with R3.

EIA strongly supports a clear R14 code for reuse for legal clarity that waste destined for reuse is regulated, similar to how waste destined for recycling is regulated. The lack of a specific designation has enabled illegal waste trade, with low-quality waste falsely labelled as reusable goods to evade Basel controls. An R14 code would ensure waste

remains regulated until it qualifies as reuse, preventing the dumping of second-hand textiles, electronics and other waste streams in countries where inadequate infrastructure leads to environmental and health risks. This would support initiatives at the Montreal Protocol on Substances that Deplete the Ozone Layer, which have adopted a series of decisions to address the unwanted import—dumping—of used energy-inefficient equipment containing hydrofluorocarbons under the pretence of reuse.^{2,3,4,5}

An R14 code would align Basel's framework with the waste hierarchy and enhance transparency, enforcement and data collection, helping to separate legitimate reuse from waste trafficking. EIA urges Basel Parties to adopt this amendment to close regulatory loopholes, strengthen waste traceability and prevent environmental harm while ensuring that reuse supports more circularity.

Finally, EIA opposes a new R15 code for co-processing in cement kilns. From a technical perspective, co-processing destroys waste and generates energy but does not return material to the value chain like true recycling. While it reduces fossil fuel use, it still emits pollutants and diverts plastics from mechanical recycling and thus should be treated as a D10 operation to prevent the burning of plastic waste being falsely counted as recycling and recovery.

Item 4(a)(ii) Improving the Functioning of the PIC Procedure

Parties have reaffirmed their commitment to improving the PIC procedure, a key mechanism for controlling the transboundary movement of hazardous and other wastes. Building on the progress made under COP-16, a small intersessional working group (SIWG) assessed challenges, best practices and possible initiatives to enhance the effectiveness of the PIC procedure.

EIA continues to advocate for strengthening the PIC procedure, particularly to combat illegal plastic waste trade, which persists due to inconsistent regulations, weak enforcement and poor communication. EIA's Dirty Deals reports expose PIC's role in illegal shipments which aligns with challenges identified by Parties.⁶ The working group has put forward several recommendations, which EIA supports, including standardised documentation procedures, enhanced capacity-building measures and improved information-sharing mechanisms. Still, the most critical development is digitalisation.

The working group strongly recommended adopting electronic approaches, such as a real-time online database for tracking waste shipments, recognising the success of similar systems implemented by the United States, Canada and Mexico. The recently revised European Union Waste Shipment Regulation is also transitioning to an online database to streamline PIC, improve accessibility for data and ensure compliance with their regional waste trade regulations.⁷ EIA supports a globally accessible digital platform to enhance transparency, improve compliance monitoring and significantly reduce opportunities for illegal trafficking. Additionally, an integrated digital system could support capacity-building by offering training materials, best practices and guidelines for waste management, particularly to help low-income countries.

Transitioning to an electronic system for notifications and movement documentation remains a key priority. EIA encourages Parties to report on their progress in adopting digital tools, including electronic signatures and automated data exchange as well as support the development and use of a web-based tool to facilitate real-time updates of contact information for focal points and competent authorities.

Item 4(b)(v) Further Consideration of Plastic Waste Under the Basel Convention

Following the adoption of UNEA Resolution 5/14, the Secretariat invited Basel Parties to provide input on further activities related to plastic waste under the Convention. In response, the Secretariat proposed initiatives that have evolved through discussions at COP-16 and OEWG-14, culminating in the proposals outlined in Information Document 18.⁸

EIA supports the proposals to strengthen the implementation and enforcement of the Basel Convention's plastic waste amendments, particularly through assessing their effectiveness. Collecting data on plastic waste generation, management and illegal trade within the Convention's scope can enhance transparency and enforcement. Establishing a SIWG to analyse the effectiveness of the plastic waste amendments is welcomed, provided it focuses on measuring compliance and addressing loopholes in plastic waste trade. For example, EIA investigations in plastic waste trade reveal that a lack of PIC for all is a major driver in misdeclaration, thus we encourage Parties to establish and participate in a SIWG between COP-17 and OEWG-15.

EIA also believes it is premature to reopen discussions on the Technical Guidelines on the Environmentally Sound Management of Plastic Waste, which were only adopted at COP-16 and have yet to be fully implemented. Rather than revisiting these guidelines, Basel should prioritise ensuring compliance with existing regulations and strengthening enforcement. Discussions should remain focused on the proposed technical guidelines rather than expanding into debates on advanced recycling, which risks diverting attention from the Convention's core mandate.

Item 6(a) Clearing-house mechanism for information

EIA welcomes the initiative to strengthen the clearinghouse mechanism that supports the Basel Convention. In our decades of experience at the Montreal Protocol on Substances that Deplete the Ozone Layer, a key element in its success has been the gradual and cost-effective implementation of its clearinghouse mechanism, known as the Compliance Assistance Programme (CAP). CAP is described as the “cornerstone of the institutional architecture in place to assist [developing] countries to comply with their obligations under the Montreal Protocol.”⁹ A feature of CAP was to relocate staff to the regions to deliver more timely advice and assistance to both individual countries and the regions themselves, engaging with national ozone units on a day-to-day basis to support and sustain compliance. This also facilitated the operation of the regional networks of ozone officers—also referred to as regional ozone networks—which meet every year to discuss regional issues and disseminate information from the Meeting of the Parties (MOP) and ExCom meetings. In addition to capacity-building and training, OzonAction, the unit within UNEP dedicated to the Montreal Protocol, describes the activities of its regional ozone networks as:¹⁰

- Providing a regular forum for efficient exchange of information, ideas and experiences;
- Encouraging and facilitating assistance from experienced ozone officers to new colleagues;
- Improving access to technical, scientific and policy information;
- Facilitating feedback to the MLF and Ozone Secretariats and implementing agencies on progress towards compliance, difficulties encountered and the need for further support and assistance;
- Informing ozone officers of ExCom and MOP decisions and assist with their implementation;
- Promoting the sharing of information and awareness-raising materials;
- Reviewing progress with implementation of investment and non-investment projects;
- Assisting with collection and verification of data for reporting to MLF and Ozone Secretariats;
- Initiating regional and joint activities to promote awareness-raising, information exchange and other enabling actions to facilitate compliance.

There are ten regional or sub-regional networks, which form the backbone of a global ozone network, that include 147 countries. For the role it plays, CAP is also remarkably cost-effective. In the UNEP business plan for 2024-2026, CAP has been budgeted US \$11.6 million in 2024, US \$11.9 in 2025 and US \$12.3 million in 2026.¹¹ CAP is the quintessential clearinghouse mechanism, delivering on the Montreal Protocol’s clearinghouse functions with consistency and operational closeness to the national ozone units, and has been paramount to its success. EIA recommends that the Parties request the Secretariat to engage with the Montreal Protocol Secretariat, in particular to explore the history, evolution and activities of CAP for consideration—and possible replication—in the implementation of its own clearinghouse mechanism.

Additional comments

EIA supports increased discussions to strengthen governance on textile waste trade. The global trade in used and discarded textiles has significant environmental and human health consequences, particularly for lower-income countries that receive large volumes of low-quality textile waste under the guise of reuse. Many of these textiles are synthetic or blended materials that shed microplastics, contribute to landfill overflow and often end up being openly burned or dumped, polluting waterways and ecosystems. Textile waste should be treated with the same level of scrutiny as other problematic waste streams such as plastics and e-waste.

EIA urges strengthening controls on textile waste trade to not only curb microplastic pollution but also prevent environmental degradation and health risks in importing countries. A robust regulatory framework under the Basel Convention is a crucial step in addressing the growing impact of fast fashion waste and ensuring that end-of-life textiles are managed in an environmentally sound manner.

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