

Our Reference: UNE-2023-00309

02 March 2023

Dear Mr. Betterman Simidi M,

We acknowledge receipt of your communication of Friday, 17 February 2023, in which you provide information about a report and documentary of some activities you deem illegal that are happening in the exportation of used clothes and textiles containing plastic. You also stated that the recycling companies in the EU and UK were using legal loopholes to make their exports into Kenya.

The [Basel Convention](#) on the Control of Transboundary Movements of Hazardous Wastes and their Disposal is the key global legal instrument whose objective is to protect human health and the environment against the adverse effects of hazardous wastes. Its scope of application covers a wide range of wastes defined as “hazardous wastes” based on their origin, composition, and characteristics, as well as two types of wastes defined as “other wastes” - household waste and incinerator ash. UNEP has been designated by the governing body of the Basel Convention to provide its secretariat functions.

Controlling transboundary movements of hazardous and other wastes is a cornerstone of the Basel Convention. Parties to the Basel Convention have the overall obligation to ensure that transboundary movements of hazardous and other wastes are minimized and that any such movement is conducted in a manner which will protect human health and the environment. In addition to these general obligations, the Convention provides that transboundary movements can only occur if certain conditions are met and in accordance with certain procedures.

The Basel Convention requires that only persons authorized or allowed to transport or dispose of wastes undertake such operations and that wastes subject to a transboundary movement be packaged, labelled and transported in conformity with generally accepted and recognized international rules and standards.

The Basel Convention sets out a detailed [Prior Informed Consent \(PIC\) procedure](#) with strict requirements for transboundary movements of hazardous and other wastes. The procedure forms the heart of the Basel Convention control system and is based on four key stages (1) notification; (2) consent and issuance of movement document; (3) transboundary movement; and (4) confirmation of disposal. The Convention requires all Parties to prevent and punish conduct contravening its provision, including [illegal traffic](#).

The amendment to Annex VIII of the Basel Convention, with the insertion of a new entry A3210, clarifies the scope of plastic wastes presumed to be hazardous and, therefore, subject to the PIC procedure. The amendment to Annex IX, with a new entry B3011 replacing existing entry B3010, clarifies the types of plastic wastes that are presumed not to be hazardous and, as such, not subject to the PIC procedure. The wastes listed in entry B3011 include: a group of cured resins, non-halogenated and fluorinated polymers, provided the waste is destined for recycling in an environmentally sound manner and almost free from contamination and other types of wastes; mixtures of plastic wastes consisting of polyethylene (PE), polypropylene (PP) 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.

The third amendment is the insertion of a new entry, Y48 in Annex II, which covers plastic waste, including mixtures of such wastes, unless these are hazardous (as they would fall under A3210) or presumed not to be hazardous (as they would fall under B3011).

UNEP does not have a policy brief on synthetic textiles, but an overview of our approach and activities can be found [here](#) or summarized in a brochure [here](#). We have not done any specific research on textile plastic waste as yet. Our main report, which provides the science we base our recommendations on is this [one](#). SAICM has issued a [review of PFAS in textiles](#), textiles being one of their emerging policy issues (see [here](#)).

The Basel Convention has ANNEX IX, List B: Wastes contained in the Annex will not be wastes covered by Article 1, paragraph 1 (a), of this Convention unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic. Therefore, products having polyfluoroalkyl substances (PFAS) are categorized in Y32 of Annex I. Wastes containing PFAS are thus termed “hazardous wastes” and subject to transboundary control measures under the Basel Convention.

Thus, efforts are being made by UNEP to engage the textiles industry as a key sector in SAICM to curb the quantities and uses of PFAS (forever chemicals) chemicals.

As with all Environmental Treaties and Conventions, their implementation is solely the responsibility of the Parties, in this case, Kenya as a Member State that has ratified the Convention. In Kenya, the Department of Multilateral Environmental Agreements in the Ministry of Environment and Forestry is the focal point for the Basel Convention.

We applaud your vigilance and efforts in caring for the environment and reminding others in the process to have a safe place for us to live in.

Thank you for your continued efforts to safeguard human health and the environment.

With my best regard,



For RD (OIC)

Frank Turyatunga
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