

3 May 2021

Virginijus Sinkevičius
European Commissioner for the Environment, Oceans and Fisheries
Directorate-General for Environment
European Commission
1049 Bruxelles/Brussel - Belgium

CC: Mrs Florika Fink-Hooijer, Director-General of DG ENVI (Environment); Kęstutis Sadauskas, Director for Circular Economy and Green Growth; and Mattia Pellegrini, Head of Unit Waste Management & Secondary Materials (DG ENVI B.3).

Subject: Repatriation of Italian waste illegally shipped to Tunisia

Dear Commissioner Sinkevičius,

As you may be aware, Italian company Sviluppo Risorse Ambientali based in Polla, Campania Region, Italy, illegally exported 282 containers of mixed municipal waste to Tunisia between May and July 2020. On 3 March 2021, the environmental NGOs Réseau Tunisie Verte, Global Alliance for Incinerator Alternatives, Basel Action Network and Zero Waste Europe published a short report examining the details of these shipments, which is included as an appendix to this letter for your consideration.

The report made it clear that these shipments are illegal under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, the Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal (Izmir Protocol to the Barcelona Convention), as well as the EU Waste Shipment Regulation (EC) No 1013/2006, as well as and Tunisian law. Illegal traffic under these rules (Article 9 of the Basel Convention) is a criminal act, and shipments which are illegal due to the fault of the exporter, as is the case in this instance, must be taken back by the exporting state within 30 days from the time the exporting state was made aware of the illegal shipment, or otherwise disposed of in an environmentally sound manner under the direction of the exporting country.

All 282 shipments are currently under custody of the Tunisian Customs and ready to be repatriated. Tunisian, European and international environmental groups have already called for the shipments to be returned to Italy (see appendix). Given Italy has failed to repatriate these wastes over three months after the 8 January deadline, and this illegal shipment breached the EU Waste Shipment Regulation, **we appeal to your leadership to ensure that EU institutions do everything in their power to ensure that Italy take responsibility to ensure that these wastes are repatriated to Italy without further delay.**

Until that time we ask that you provide us with the European Commission's plan of action to address this illegal export in accordance with EU and International law. We stand ready to assist you in this

endeavor in any way we can (contact person: Pierre Condamine pierre@zerowasteurope.eu; +33 6 82 64 26 01).

Sincerely,

Jim Puckett, Director, **Basel Action Network** (Global)

Sirine Rached, Global Policy Advocate, **Global Alliance for Incinerator Alternatives** (Global)

Pierre Condamine, Waste Policy Officer, **Zero Waste Europe** (Europe)

Semia Gharbi, **Réseau Tunisie Verte** and **Association de l'Education Environnementale pour les Futures Générations** (Tunisia)

Antoinette Vermilye, **Gallifrey Foundation** (Global)

Fabienne McLellan, **OceanCare** (Global)

Mourtada Thiam, **Pesticide Action Network Africa** (Africa)

Angelo Louw, **Greenpeace Africa** (Africa)

Lena Steger, **GLOBAL 2000** (Austria)

Shahriar Hossain, **Environment and Social Development Organization** (Bangladesh)

Luiz Roberto Santos Moraes, **Grupo Ambientalista da Bahia** (Brazil)

Gilbert Kuepouo, **Centre de Recherche et d'Education pour le Développement** (Cameroon)

Ghislaine Doralie Tchokouatou, **Jeunes Volontaires pour l'Environnement** (Cameroon)

Olga Speranskaya, **Health and Environment Justice Support** (Canada-Germany)

María José García Bellalta, **Fundación El Árbol** (Chile)

Alejandra Parra Muñoz, **Red de Acción por los Derechos Ambientales** (Chile)

Plácido Silva, **Asociación Colnodo Red de Desarrollo Sostenible de Colombia** (Colombia)

Karolína Brabcová, **Arnika** (Czech Republic)

John Ciza, **Front Commun pour la Protection de l'Environnement et des Espaces Protégés** (Democratic Republic of Congo)

Ricardo Navarro, **CESTA Friends of the Earth El Salvador** (El Salvador)

Josh Amponsem, **Green Africa Youth Organization** (Ghana)

Yuyun Ismawati, **Nexus 3 Foundation** (Indonesia)

Saadiah Hassoon, **Together to Protect Human & Environment Association** (Iraq)

Ziyad Alalawneh, **Land and Human to Advocate Progress** (Jordan)

Griffins Ochieng, **Centre for Environment Justice and Development** (Kenya)

Marie Therese Seif, **Human Environmental Association for Development** (Lebanon)

Mageswari Sangaralingam, **Sahabat Alam Malaysia (Friends of the Earth Malaysia)** (Malaysia)

Marisa Jacott, **Fronteras Comunes** (Mexico)

Kenza Sara Elazkem, **Association Zero Zbel** (Morocco)

Anabela Lemos, **JA! Justiça Ambiental** (Mozambique)

Ubrei-Joe Maimoni Mariere, **Environmental Rights Action / Friends of the Earth Nigeria** (Nigeria)

Pawel Gluszynski, **Society for Earth (TNZ)** (Poland)

Desmond D'Sa, **South Durban Community Environmental Alliance** (South Africa)

Keith Roman, **Zero Waste Association of South Africa** (South Africa)

Fortunatus Fungatwende, **Acacia Development Society** (Tanzania)

Ana Le Rocha, **Nipe Fagio** (Tanzania)

Brigitte Acakpo-Addra, **Women Environmental Programme Togo** (Togo)

Insaf Ben Rehouma, **Zero Waste Tunisia** (Tunisia)

Sedat Gündoğdu, **Microplastic Research Group** (Turkey)

Jan Dell, **The Last Beach Cleanup** (United States of America)

Michael Doshi, **Algalita** (United States of America)

Sue Mossman, **Climate Action Campaign of the Humboldt Unitarian Universalist Fellowship** (United States of America)

Xuan Quach, **Vietnam Zero Waste Alliance** (Vietnam)

Conwell Hakapya, **Citizens Environmental And Social Concern** (Zambia)



شبكة تونس الخضراء
RÉSEAU TUNISIE VERTE



Illegal shipments of Italian municipal waste to Tunisia



February 2021

The shipments and the scandal

Italy's shipments of municipal waste to Tunisia in 2020 shine a spotlight on persisting abuses in the global trade in plastic and other waste. In particular, this scandal highlights the role of problematic EU waste code 19 12 12 in these illegal shipments.

Between May and July 2020, Italian company Sviluppo Risorse Ambientali, based in Polla, Italy, shipped 282 containers of mixed municipal waste (including household waste) across the Mediterranean to Soreplast, a Tunisian company. The first 70 containers reached the importer, while Tunisian customs seized the remaining 212 containers in July after an inspection revealed that they contained municipal waste.

The issue remained largely at a standstill, however, until Tunisian TV channel Elhiwar Ettounsi exposed the scandal during its prime time show "Les 4 Vérités" on [2](#) and [9 November 2020](#). The broadcasts triggered national outrage and set off a cascade of statements by Tunisian ministries, government agencies, judicial authorities and lawmakers, trading blame for the shipments and vowing to take action.

The scandal grew in December 2020, when Tunisia's then Minister of Environment was [dismissed and arrested](#) the same day, and several other arrests took place including customs officials, officials of the Tunisian National Waste Management Agency and diplomats. An arrest warrant was also issued against the owner of Soreplast, who appears to have fled to Germany. Meanwhile, the Campania Region has requested that the Italian exporter take their wastes back from Tunisia by 9 March. Sviluppo Risorse Ambientali [reportedly](#) appealed this request to a court in Naples that ruled that it had no jurisdiction to counter the regional demand.

Avoiding costs at any cost

The trade between Sviluppo Risorse Ambientali and Soreplast appears to have been primarily a cost-avoidance scheme, as the contract between both companies suggests. The trade avoided the Italian waste disposal fees of around 100 Euros per tonne for mixed municipal waste, and instead took advantage of the low disposal fees of 5.60 Euros per tonne in Tunisia. Meanwhile, Soreplast pocketed 48 Euros per tonne to theoretically recover any recyclable wastes from the shipments and manage their final disposal. The contract between the companies allowed for a transfer of up to 120,000 tonnes of non-hazardous municipal waste per year, and explicitly stated that the recyclable waste would be recovered for recycling and that the remaining waste would be disposed of in Tunisia. The prior informed consent documents required under the EU Waste Shipment Regulation indicated only that the wastes would be exchanged and recycled.

This scheme is illegal under the European Waste Shipment Regulation and under international law, regardless of how lucrative it was, or whether the wastes would end up being finally disposed or recycled. First, Article 34 of the EU's Waste Shipment Regulation prohibits the export of all EU wastes for final disposal to Tunisia and other countries outside the European Free Trade Association. Second, the Article 36 of the same regulation also prohibits the export of wastes to non-OECD countries even for recycling when its import is prohibited under importing country legislation. Tunisia is a member of the Bamako Convention, which considers household

waste to be hazardous and prohibits the import of all hazardous wastes to its member countries. Tunisia is also a member of the Izmir Hazardous Wastes Protocol to the Barcelona Convention, which also considers household waste to be hazardous and prohibits its import to member countries.

Disposal under cover of recycling

The exporter identified the waste as code 19 12 12 of the European Waste Catalogue, covering wastes without hazardous components that have been mechanically treated. This code applies to all waste that has gone through mechanical treatment at a waste-management facility, such as mechanical-biological treatment, even though the treatment in question can be as light as partial drying of the waste, without fundamentally altering its qualities as municipal or household waste.

The use of code 19 12 12 appears to have introduced ambiguity about whether the waste exported by Sviluppo Risorse Ambientali was truly household or municipal waste. However, this EU waste code should not have been used for a waste shipment outside the EU: only the internationally-agreed code for these wastes, listing Y46 under Annex II of the Basel Convention (household waste), should have been used. Because the EU has banned the export of all Basel Convention Annex II wastes, including household waste (Y46) to non-OECD countries, that ban should have been clearly imposed in this case.

The traders claimed the wastes included recyclable materials that could be recovered, and even described the waste to Tunisian customs as post-industrial plastic waste destined for recycling [according to a joint investigation by Tunisian and Italian media outlets Inkyfada and IрпиMedia](#). However, Tunisian authorities did not find materials ready for recycling when they inspected the containers; instead, they found municipal waste. The investigation by Tunisian television channel Elhiwar Ettounsi also gained access to one of two sites owned by Soreplast and revealed that the only equipment consisted of a single, narrow, rusted and defunct sorting line. Meanwhile, Inkyfada and IрпиMedia confirmed that Soreplast had no sorting capacity in its two Tunisian facilities. There is therefore no evidence supporting the claim that the shipments contained anything genuinely recyclable, and the real destination for the Italian wastes was disposal under cover of recovery.

Fraudulent claims and prompt authorizations

Despite multiple and clear illegalities, the Italian exporter and Tunisian importer succeeded in obtaining prior informed consent for the shipments from the Tunisian National Waste Management Agency on 20 February 2020. Spokespeople for Soreplast repeatedly claimed that they intended only to extract recyclables from the Italian waste and reexport residual waste back to Italy - however, these claims are inconsistent both with the contract, and with the fact that no such re-export ever took place. Rather, the day after granting consent for the shipments, the Tunisian National Waste Management Agency authorized Soreplast to bury waste in a landfill in Sousse, Tunisia.

By ignoring the relevant laws of both the exporting and importing countries and making misleading declarations in the prior informed consent document, the scheme amounts to illegal traffic under Article 9 of the Basel Convention. According to Article 4 of the Convention illegal traffic is a criminal offense.

Furthermore, Article 9 of the Convention requires that Italy, as the initial party violating the Convention, must take back the waste or otherwise dispose of it in accordance with the provisions of the Convention within 30 days of having been informed of the illegality. So far Italy has taken no such action to repatriate the waste.

Conclusion & recommendations

The Italian-Tunisian municipal waste scandal has already had far-reaching consequences in Tunisia, with an ongoing court case against the former Minister of the Environment, among other defendants, most of whom remain in pre-trial detention at the time of publication. Nevertheless, Italy has yet to comply with its obligation under the Basel Convention to repatriate its wastes. Meanwhile, this scandal has revealed the problematic effect of European Waste Catalogue code 19 12 12 in creating confusion about the nature of wastes being traded, and facilitating breaches of EU and international law.

Recommendations to the European Union:

- Conduct an administrative investigation into Italy's violation of the Waste Shipment Regulation by exporting household wastes a country with a known ban on the import of such wastes;
- Ensure that Italy immediately repatriates the wastes at their cost in accordance with their obligations under the Waste Shipment Regulation and Basel Convention, . employing all measures available to ensure compliance;
- Review European Waste Catalogue code 19 12 12 and mirror code 19 12 11 with a view to ensure that wastes listed on Annex II of the Basel Convention are clearly identified as such and are in all cases subject to the Article 36 prohibition of the Waste Shipment Regulation, as appears to be the case currently.

Recommendations to the Government of Italy:

- Immediately repatriate the Italian municipal wastes illegally exported to Tunisia between May and July 2020;
- Guarantee prompt, effective and fair access to remedy and compensation for victims for any abuse or violation of their rights, linked to any harm to them or the environment, or other damages resulting from the illegally shipped wastes;
- Take administrative and legislative action to ensure that waste exports to countries where such imports are banned are never considered or undertaken again.

Acknowledgements

This report is authored by Sirine Rached (GAIA), with support from Semia Gharbi (Réseau Tunisie Verte), Enzo Favoino (Zero Waste Europe) and Jim Puckett (Basel Action Network).

This report has been made possible in part through funding from the Plastic Solutions Fund (PSF). The views expressed in this publication do not necessarily reflect those of PSF.

The cover photo and shows the wastes in one of the containers exported from Italy to Tunisia and revealed during a visit by Tunisian lawmakers and journalists to the port of Sousse in December 2020 (credits: Hamdi Chebaane).



© 2021 Global Alliance for Incinerator Alternatives

1958 University Avenue, Berkeley, CA 94704, USA

www.no-burn.org

GAIA is a global network of more than 800 grassroots groups, NGOs, and individuals. We envision a just, zero waste world built on respect for ecological limits and community rights, where people are free from the burden of toxic pollution, and resources are sustainably conserved, not burned or dumped. We work to catalyze a global shift towards environmental justice by strengthening grassroots social movements that advance solutions to waste and pollution.