
Excellency,

We have the honour to address you in our capacities as the Environmental Law Working Group of ASSEDEL (Association européenne pour la défense des droits et des libertés). ASSEDEL is a non-profit organization located in Strasbourg. Its objective is to disseminate, promote and defend human rights and fundamental freedoms in the spirit of the European Convention on Human Rights, both within the Council of Europe system and at the local, national, and international levels. Our association submits reports to international organizations, informs the public, and publishes opinion articles about human rights violations and humanitarian issues. More information about ASSEDEL is available on our website, assedel.org.

We are writing to you regarding the lingering plastic waste disaster in Turkey. We wish to draw attention to the following concerns, which, in our view, warrant consideration. We hope that Your Excellency, Special Rapporteur on human rights and the environment, would take them into account and take the necessary measures on the subject.

It's undoubtful that plastics have become an inseparable and integral part of many economic sectors as well as our daily life. Plastics are currently used in several sectors from packaging to construction, and from electronics to transportation. But, according to a UNEP report, only 9% of the plastic waste ever produced has been recycled, while 79% are now in landfills, dumps, or in the environment and 12% have been incinerated.¹ It is estimated that there will be 12 billion tonnes of plastic litter in landfills and the environment by 2050. If current trends continue, our oceans could contain more plastic than fish by 2050.² These unmanageable plastics have undeniable negative impacts on the environment, climate change, and human and animal health. Some studies indicate that plastic bags and Styrofoam³ containers can stay in the environment without decomposing for thousands of years.⁴ Accordingly, most plastics slowly break down into small fragments known as "microplastics". Microplastic pollution of the marine environment is receiving increased publicity over the last few years. Microplastics are more commonly found on the beaches because of high UV radiation and abrasion by waves, and in the oceans where the degradation process is slower due to cooler temperature and reduced UV exposure.⁵ The plastics and microplastics, that break down from plastics, can enter into

¹ <https://www.unep.org/interactive/beat-plastic-pollution/>

² https://www3.weforum.org/docs/WEF_The_New_Plastics_Economy.pdf

³ Styrofoam™ is a name trademarked for a specific variation of expanded polystyrene (EPS) packaging. The EPS or foam polystyrene you're used to seeing is used in egg cartons, to-go cups, packaging peanuts, and in blocks used to protect electronics and appliances in shipping.

<https://recyclingpartnership.org/communitiesforrecycling/is-styrofoam-recyclable/>

⁴ UNEP (2018), SINGLE-USE PLASTICS, A Roadmap for Sustainability,

https://wedocs.unep.org/bitstream/handle/20.500.11822/25496/singleUsePlastic_sustainability.pdf

⁵ Ibid

food chains by the consumption of fish and other animals. Recent studies reveal that even common table salts, and both tap, and bottled water contain microplastics. These products which contain toxic chemicals such as styrene and benzene can also lead to some health complications causing negative impacts on the nervous, respiratory, and reproductive systems, and perhaps on the kidneys and liver.

In a survey published in 2017, which has been conducted in the Mediterranean Sea, 1337 specimens of fish were examined for the presence of plastic microlitter representing 28 species and 14 families.⁶ A total of 1822 microplastic particles were extracted from the stomach and intestines of fish. 34% of all fish had microplastic in the stomach. On average, fish, which had microplastic, contained 1.80 particles per stomach. 41% of all fishes had microplastic in the intestines with an average of 1.81 particles per fish. 771 specimens contained microplastic in either stomach and/or intestines representing 58% of the total sample with an average of 2.36 particles per fish. There is no doubt that these numbers truly demonstrate what sort of catastrophe current and next generations face.

European Parliament and the European Council have been dealing with the reduction of plastic use for many years. In this context, the EU has implemented numerous regulations and policies like Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment. EU has come up with new strategies to cope with the dramatic plastic pollution in the last couple of years.

However, plastic waste pollution has become one of the greatest environmental challenges in Turkey as much as in Europe for the last decades. According to a statement made by the Turkish Ministry of Environment and Urbanisation in late 2018,⁷ 30-35 billion plastic bags were consumed annually in Turkey, which represented approximately 440 plastic bags per person per year. Whereas an annual average per capita consumption in Europe was nearly 200 plastic bags.⁸ This indicated that the plastic bags consumption in Turkey was high above the European average. However, Turkey's official recovery rate for municipal waste is just 12% in 2018, the lowest of any Organization for Economic Co-operation and Development (OECD) member country.⁹ But, despite these numbers, Turkey was one of the primary destinations for the EU's waste exports in recent years, for instance in 2019 with a volume of around 11.4 million tonnes.¹⁰ Some environmentalists criticized this by questioning "how Turkey can recycle the imported plastic waste when it lacks the capacity to recycle its plastic waste". According to Greenpeace Turkey, the amount of plastic waste Turkey imported from the EU increased 173 times in 2019 compared to 2004.¹¹ Greenpeace Turkey portrays this situation as "213 trucks

⁶ Güven O, Gökdağ K, Jovanović B, Kideys AE. Microplastic litter composition of the Turkish territorial waters of the Mediterranean Sea, and its occurrence in the gastrointestinal tract of fish. *Environ Pollut.* 2017;223:286-294. doi:10.1016/j.envpol.2017.01.025

⁷ Sıfır Atık, Videolar, Retrieved in March 2021, from <https://sifiratik.gov.tr/kutuphane/videolar>

⁸ EP Directorate for Relations with National Parliaments (2017), Spotlight on Parliaments in Europe, Measures to reduce the consumption of plastic bags and disposable tableware, Retrieved in March 2021, from http://www.epgencms.euoparl.europa.eu/cmsdata/upload/8109834a-5869-4e05-b65c-9976ef7e7904/N_17_Consumption_of_plastic_bags.pdf

⁹ OECD.Stat 'Municipal waste, generation and treatment'
<https://stats.oecd.org/Index.aspx?DataSetCode=MUNW#>

¹⁰ European Commission (2020), Turkey: main destination for EU's waste, Retrieved in March 2021, from <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/DDN-20200416-1>

¹¹ Greenpeace Turkey (2020), Türkiye'de plastik atık ithalatı son 15 yılda 173 kat arttı, Retrieved in March 2021, from

full of plastic dumping these plastics in Turkey every day”. The top five plastic waste exporters to Turkey were respectively the UK (153,976 tonnes), Italy (85,843 tonnes), Belgium (85,843 tonnes), Germany (67,466 tonnes), and France (56,824 tonnes).¹²

When exporting waste to other countries, the EU takes its lack of capacity and gains in recycling into account. However, EU law prohibits EU members from exporting their waste to countries outside the Union for disposal purposes. Nevertheless, there is not enough information and transparency on how plastic waste exported from the EU to non-EU countries is managed.

According to an investigation by BBC¹³ that has been carried out in Adana¹⁴, plastic wastes exported by the UK to Turkey for recycling purposes were either dumped by the roadsides or incinerated. The region has been particularly blighted by plastic. At ten sites dotted around the outskirts of Adana, investigators documented piles of plastic waste dumped illegally in fields, near rivers, on train tracks, and by the roadside. In many cases, the plastic was on fire or had been burned. Many had been ripped open, seemingly deliberately, allowing the plastic to escape. In some cases, layers of plastic waste had been covered in the soil before more plastic waste was dumped on top, creating artificial hills several feet high.

Furthermore, according to a report entitled “Plastic waste inputs from land into the ocean”, Turkey ranks as the 14th among the list of top 20 countries in the world that mismanaged plastic waste the most.¹⁵ Another report entitled “Out of the plastic trap: Saving the Mediterranean from plastic pollution” by the WWF also states that Turkey is the biggest contributor to plastic pollution in the Mediterranean Sea, with 144 tonnes of plastic waste ending up in the Mediterranean Sea from the shores of Turkey per day.¹⁶ A study for WWF found that The River Seyhan, which runs through the center of Adana, and the River Ceyhan, which runs to its southeast, are collectively responsible for 9% of the plastic pollution entering the Mediterranean each year.¹⁷ It is the most polluted stretch of the entire Mediterranean.¹⁸ In August 2020, INTERPOL noted that the influx of European plastic waste to Turkey had contributed to an explosion of waste crime, with imported plastic waste dumped illegally and then burned.¹⁹

However, some great strides on the subject have drawn attention in the last years. The Basel Ban Amendment, which bans the export of hazardous waste from developed countries to

<https://www.greenpeace.org/turkey/basin-bultenleri/turkiyede-plastik-atik-ithalati-son-15-yilda-173-katartti/>

¹² Ibid

¹³ Crawford A. (2020), Why is UK recycling being dumped by Turkish roadsides?, BBC, Retrieved in March 2021, from <https://www.bbc.com/news/av/uk-53181948>

¹⁴ Adana is less than 100 km from Mersin, Turkey’s largest port and a convenient stopping point for container vessels travelling to East Asia via the Suez Canal.

¹⁵ Jenna R. Jambeck, Roland Geyer, Chris Wilcox, Theodore R. Siegler, Miriam Perryman, Anthony Andrady, Ramani Narayan, Kara Lavender Law (2015), Plastic waste inputs from land into the ocean, Science, Retrieved in March 2021, from <https://science.sciencemag.org/content/347/6223/768/tab-pdf>

¹⁶ Alessi E. (2018), Out of the plastic trap: saving the Mediterranean from plastic pollution, WWF, http://awsassets.panda.org/downloads/a4_plastics_med_web_08june_new.pdf

¹⁷ WWF (2019) ‘Stop the flood of plastic: How Mediterranean countries can save their sea’ www.wwf.fr/sites/default/files/doc-2019-06/20190607_Rapport_Stoppons_le_torrent_de_plastique_WWF-min.pdf p11

¹⁸ Turkey Resumes Trade That Made It Europe’s Top Trash Destination - Bloomberg

¹⁹ INTERPOL (2020) ‘INTERPOL report alerts to sharp rise in plastic waste crime’ 27 August 2020 www.interpol.int/en/News-and-Events/News/2020/INTERPOL-report-alerts-to-sharp-rise-in-plastic-waste-crime

developing ones, finally came into force officially as of 2021. The Amendment has enhanced the control of the transboundary movements of plastic waste and has clarified the scope of the Convention as it applies to such waste.²⁰ Thus, contaminated, mixed, and non-recyclable plastic wastes will not be allowed to be shipped to non-OECD countries without the consent of the receiving countries. Based on the Basel Convention amendments, the EU also adopted new rules on the export, import, and intra-EU shipment of plastic waste on 22 December 2020.²¹

Thus, the EU has taken it a step further and has established stricter rules. Under the new framework, exporting clean and non-hazardous waste for recycling purposes to non-OECD countries is expected to be authorized only if the importing country specifies to the European Commission which rules apply to such imports. When the importing country does not inform the European Commission about their legal regime, “prior notification and consent procedure” will be applied. The new EU rules are observed to be stricter than the original Basel Convention amendments. Regarding the exports to the other OECD countries, the EU states that “exporting plastic waste from the EU to OECD countries and imports in the EU will also be more strictly controlled”. Accordingly, exporting hazardous plastic waste and hard to recycle plastic waste to the OECD countries will be subject to the “prior notification and consent procedure” and both parties will be required to authorize the shipment.

Turkey, an OECD member, and the only country that has ratified the Basel Convention but not its Plastic Waste Amendments is now at the risk of becoming a dump for plastic scraps. Turkey submitted a notification of non-acceptance under Article 18 (2)(c) and (3).²² Turkey has explained that it has not accepted the amendments because Turkish authorities regard 1 January 2021 as early to make necessary preparations for the implementation of the amendments and additional time is needed.²³ While the non-recyclable plastic scraps cannot be exported to non-OECD countries anymore, these can be re-routed to Turkey since it is an OECD country. Turkey has already begun to be a primary destination for plastic waste due to the non-OECD countries’ ban on polluting plastic waste imports. Hence, this situation is thought to fuel the already existing plastic crisis in Turkey.

After the raising of awareness on the plastic importation scandal, Turkey has pretended to put some efforts into reducing plastic waste imports. The Ministry of Environment and Urbanisation repealed the Waste Import Implementation Circular No 2019/18 and put Circular No. 2020/22 into force.²⁴ Within the scope of this circular, the waste import quota was reduced from 80% to 50% as determined in the previous circular. Thus, companies would be able to import waste at the rate of a maximum of 50% of the facility consumption capacity stated in their Capacity Reports. Moreover, identity documents would be prepared for the imported

²⁰ Basel Convention, Basel Convention Plastic Waste Amendments, Retrieved in March 2021, from <http://www.basel.int/Implementation/Plasticwaste/PlasticWasteAmendments/Overview/tabid/8426/Default.aspx>

²¹ European Commission (2020), Plastic waste shipments: new EU rules on importing and exporting plastic waste, Retrieved in March 2021, from https://ec.europa.eu/environment/news/plastic-waste-shipments-neweu-rules-importing-and-exporting-plastic-waste-2020-12-22_en

²² Basel Convention, Amendments to Annexes II, VIII and IX to the Basel Convention Status of Ratifications, Retrieved in March 2021, from <http://www.basel.int/Countries/StatusofRatifications/PlasticWasteamendments/tabid/8377/Default.aspx>

²³ UN Treaties(2020), Turkey: Notification In Accordance With Article 18 (2) (B) Relating To The Amendments To Annexes Ii, Viii And Ix Of The Convention Reference: C.N.109.2020.TREATIES-XXVII.3

²⁴ Ministry of Environment and Urbanisation (2020), Atık İthalatı Uygulama Genelgesi, Retrieved in March 2021, from https://webdosya.csb.gov.tr/db/ced/icerikler/2020_22-at-kithalatgenelge-20200907094451.pdf

waste. Any waste that has not been issued an identity document will no longer be able to enter Turkey. Furthermore, the Communiqué on Import Controls of waste for the protection of Environment (*Çevrenin Korunması Yönünden Kontrol Altında Tutulan Atıkların İthalat Denetimi Tebliği*), which regulates the operations and procedures regarding the import of the non-hazardous waste, was republished on the Official Gazette on 31 December 2020 with some amendments.²⁵ In accordance with the new communique, the import of mixed plastic scraps and waste printed circuit boards has been banned as of 1 January 2021. However, Turkey's good approach on the issue did not last long. Turkey has reversed a short-lived ban on imports of some plastic waste. Authorities have eased restrictions only imposed in May 2021 on polyethylene, found in everyday products from grocery bags to water bottles, according to an official decree published July 2021²⁶ after intense lobbying by industry groups. "This is a colossal renunciation with implications for the environment," said Nihan Temiz Atas, biodiversity project leader from Greenpeace Mediterranean. He additionally said that "Authorities had assured us that the ban on imports was meant to last."²⁷ Furthermore, Greenpeace is stipulating that the Turkish Government has "succumbed to industry lobbying", citing recent meetings between Ministers and the PAGDER Turkish Plastics Industrialists' Association.²⁸ Greenpeace UK's political campaigner Megan Randles said, "UK plastic sent to Turkey is being dumped and burned, with serious environmental and social consequences for local people,". He added, "With the Turkish government stalling on their restrictions, the UK Government must even more urgently ban all plastic waste exports and stop our plastic mess impacting other countries."²⁹

Microplastic Research Group, a team of Turkish scholars tracking the recycling industry, says at least 68 fires were reported at Turkish plants in the first half of this year, up from eight in the whole of 2016. The group's chief, Sedat Gündoğdu said "Turkish companies get their raw material cheaper. European firms get rid of their trash. And tons of leftover plastics end up getting dumped into Turkey,"³⁰ İzmir Deputy and Environmental Commission Member Murat Çepni drew attention to the increase in fires in recycling facilities and submitted a motion to the Parliament to investigate the causes.³¹ He emphasized that the right of the people in the vicinity to live in a healthy and balanced environment has been usurped due to the lack of control of the companies and their greed for profit, he also highlighted the responsibility of the government in this situation.

Moreover, one of the fundamental problems in plastic importation is sending low-quality plastics, even non-recyclable rubbish. Mixed plastics are the dirtiest and least desirable waste in the trade, as they typically contain household rubbish such as bottles or packaging, meaning a jumble of recyclable plastics with non-recyclable items. As many countries move to ban mixed plastic imports, observers say some traders have taken to hiding bales of banned mixed

²⁵ Ministry of Environment and Urbanisation (2021), Atık İthalatı Uygulama Genelgesi Yayınlandı., Retrieved in March 2021, from <https://ced.csb.gov.tr/atik-ithalati-uygulama-genelgesi-yayimlandi.-haber-257645>

²⁶ <https://www.resmigazete.gov.tr/eskiler/2021/07/20210710-28.htm>

²⁷ <https://www.bloomberg.com/news/articles/2021-07-28/turkey-resumes-trade-that-made-it-europe-s-top-trash-destination>

²⁸ <https://www.edie.net/news/5/Turkey-reverses-ban-on-plastics-imports-for-recycling/>

²⁹ Ibid

³⁰ <https://www.bloomberg.com/news/articles/2021-07-28/turkey-resumes-trade-that-made-it-europe-s-top-trash-destination>

³¹ <https://sendika.org/2021/07/cepni-geri-donusum-tesislerinde-cikan-yanginlardaki-artisin-nedenleri-arastirilmalidir-627018/>

plastics behind others that pass regulation to sneak them, past inspectors.³² Some of these countries issued complaints on the quality of the plastic waste they imported by stating that the imported plastic waste was nonrecyclable. For instance, Malaysia shipped back it to their country of origin. Especially the plastic waste imported from the UK was deemed to be non-recyclable rubbish and was claimed to be buried in landfills.³³ As seen by the previously mentioned BBC investigation, Turkey was one of the countries facing a similar problem.³⁴

We agree with the reproof of Gündoğdu who said that “Some of the top waste producers in Europe, like the UK, France, and Germany have to find ways to deal with this issue. And the way they’ve found is exporting to poorer countries without effective waste management systems or environmental legislation and regulations. This is waste colonialism.”³⁵

In the conclusion, it is necessary to say that Turkey should start to take its import of plastic waste under control and give more importance to the better separation and recycling of its municipal waste. Hence, Turkey should firstly focus on increasing its capacity for collecting, sorting, and recycling its plastic waste rather than importing plastic waste from other countries’ plastic waste. This would decrease the import dependency on plastic waste in Turkey and would also make it easier to address the unmanageable waste pollution. This would, overall, result in a healthier and cleaner environment for the citizens. For this to happen, Turkey should introduce more ambitious strategies with a sooner deadline.

It is the fact that the ignorance of the environment anywhere in the world has an impact on the rest of the world. Obviously, the effect of lingering plastic waste disaster in Turkey is not limited with the Turkish boundary. The harm that has come out both in the Mediterranean Sea and in the ozone layer because of the plastic waste and its burning concerns undoubtedly humanity and unnumerable creatures. Even if Turkish authorities pretend to take some measures on the issue, it does not seem to continue and have an effect at the expected level because of the instability of the current Turkish policy. This is the reason why we demand each of the EU Member States to be aware of this plastic waste disaster in Turkey. We emphasize that the EU has a vital responsibility, and it is able to put an end to this disaster by using its own political and legal mechanisms.

We would like Your Excellency to respond to this plastic pollution disaster having global effects and promote best practices of the use of human rights in environmental policymaking in Turkey.

Please note that this letter will be transmitted to Members of the European Parliament in the coming days, and it will be available on our website as well.

Please accept, Excellency, the assurances of our highest consideration.

ASSEDEL, L’Association européenne pour la défense des droits et des libertés
assedel.org

³² <https://www.theguardian.com/environment/2021/dec/31/waste-colonialism-countries-grapple-with-wests-unwanted-plastic>

³³ www.uktradeinfo.com/

³⁴ Crawford A. (2020), Why is UK recycling being dumped by Turkish roadsides?, BBC, Retrieved in March 2021, from <https://www.bbc.com/news/av/uk-53181948>

³⁵ <https://www.theguardian.com/environment/2021/dec/31/waste-colonialism-countries-grapple-with-wests-unwanted-plastic>