

## BRS CONVENTIONS COPS HIGHLIGHTS: THURSDAY, 27 APRIL 2017

The BRS COPs convened on Thursday first as joint COPs to hear updates from the contact groups. In the morning, SC COP8, SC compliance Friends of the President group, and contact groups on BC technical matters and SC listing met, the last closing to observers. In the afternoon, the RC COP convened and BC technical matters and synergies and joint issues contact groups met. The budget, technical assistance and financial resources and SC listing contact groups met in the evening.

### STOCKHOLM COP8

#### MEASURES TO REDUCE OR ELIMINATE RELEASES FROM INTENTIONAL PRODUCTION AND USE: Polychlorinated biphenyls (PCBs):

The Secretariat introduced the documents (POPS/COP.8/6, INF/10-11). UN ENVIRONMENT noted that the PCB Elimination Network (PEN) had provided tools to assist in PCB identification, inventory and phase out.

Many developing countries reported on their national efforts to address PCBs, with several expressing gratitude to the GEF and UN Environment for support in PCB elimination programmes. The PHILIPPINES welcomed GEF, UN Environment and UNDP support for the development of non-combustion destruction facilities. BOLIVIA highlighted a three-year GEF project on PCB elimination. PERU highlighted a public-private partnership through the BCRC.

Many developing countries called for additional financial assistance in order to meet the 2025 PCB use elimination goal and the 2028 PCB ESM goal. MACEDONIA queried the sustainability of GEF's PCB elimination projects, noting that US\$18 billion is required to meet the PCB ESM goal, with the GEF only allocating US\$1.3 billion for this purpose. IRAN suggested a decision paragraph to reflect the lack of technology transfer and technical assistance. NORWAY supported the allocation of additional funding.

The EU, supported by NORWAY and JAPAN, proposed: to "urge" rather than "encourage" parties to step up their efforts on ESM of PCBs throughout their lifecycle; and to request the Secretariat, rather than establishing a small intersessional working group, to prepare a report on progress toward the elimination of PCBs (POPS/COP.8/CRP.7). NIGERIA opposed, preferring a small intersessional working group.

Underscoring that "the PCB problem is everybody's problem," UN INSTITUTE FOR TRAINING AND RESEARCH (UNITAR) indicated that it would continue to support the PEN.

IPEN deplored the "poor progress" in destroying PCBs globally and called for changes to improve the SC's effectiveness.

CENTER FOR PUBLIC HEALTH AND ENVIRONMENTAL DEVELOPMENT called for, *inter alia*, standardized inventories and development of guidance on non-combustion methods for PCBs destruction.

SC COP8 agreed that Nigeria, the EU, Iran and other interested parties would revise the text for later consideration.

**NATIONAL IMPLEMENTATION PLANS (NIPs):** The Secretariat introduced the documents (POPS/COP.8/11; INF/17/Rev.1, 18-20). NEPAL and DEMOCRATIC REPUBLIC OF THE CONGO reported that they were updating their NIPs while RWANDA and the GAMBIA indicated that they will be submitting updated NIPs this year. MALDIVES and IRAN stated that they had completed their initial NIP. BURUNDI noted new measures in its updated plan.

Noting the dates of the eleventh meeting of the Open-Ended Working Group (OEWG11), the EU suggested extending the timeline for the appropriate BC bodies forward the outcome of their review to the Secretariat. CANADA proposed altering a paragraph to encourage parties to use only those guidance documents that had been through the review and commenting process, rather than encouraging use of all guidance and draft guidance documents.

NORWAY noted approximately 30% of parties have updated their NIPs and encouraged parties to use available national information to update their NIPs.

AFGHANISTAN highlighted its various difficulties in tackling POPs, particularly dioxins. NIGERIA, SRI LANKA and IRAQ called for more technical and financial support. BANGLADESH and SENEGAL highlighted the support of UNDP. BOSNIA AND HERZEGOVINA, UGANDA, GUINEA, MEXICO, and CHAD thanked GEF and UNIDO for establishing and/or updating their NIPs.

ANTIGUA AND BARBUDA strongly supported the submission of NIP updates as an obligation of parties.

NEW ZEALAND indicated its updates of several chemicals, requesting the Secretariat to revise the table in POPS/COP.8/INF/17/Rev.1 (transmission of implementation plans).

Lamenting that 78% of the parties had not submit updates, IPEN called for increased participation of civil society in the design and update of NIPs. The US emphasized the importance of implementing NIPs.

President Adu-Kumi suggested the EU and Canada to work together on their proposed amendments.

#### GUIDELINES ON RULES OF CONDUCT FOR

**MEETING PARTICIPANTS:** The Secretariat explained the guidelines (CHW.13/INF58, RC/COP.8/INF/47, POPS/COP.8/INF/24).

Citing "an incident" related to Twitter, CHILE asked about the guidelines' status and whether they could be amended to prevent future occurrences.

The Secretariat explained that the guidelines are the prerogative of and enforced by the Secretariat.

ARGENTINA called on observers to respect rules of conduct. INDIA and CHINA called for the guidelines to have punitive provisions.

President Adu-Kumi said the issue could be revisited later if necessary.

**ADMISSION OF OBSERVERS:** The Secretariat explained the practices (CHW.13/INF/57/Rev.1, RC/COP.8/INF/9, POPS/COP.8/INF/56/Rev.1). CHINA stated that NGOs' participation should meet the criteria set out in UN resolutions. Delegates agreed to note this in the meeting report.

### **ROTTERDAM COP8**

**LISTING OF CHEMICALS IN ANNEX III: Intersessional work on the process of listing chemicals:** The Secretariat introduced the documents (RC/COP.8/16, Add.1; INF/20, 21, 40, 41). Andrew McNee, Australia, Lead Facilitator of the intersessional work, provided an overview of the outcomes. Several countries supported the intersessional working group's work and called for its continuation.

CAMEROON recommended amending RC Article 16 (technical assistance) to include financial assistance to developing country parties through the GEF. NIGERIA proposed amending RC Article 22 (adoption and amendment of annexes) to allow for a voting procedure for chemicals recommended by the Chemical Review Committee (CRC).

On amending **Article 16**, the EU expressed opposition to the amendment. SENEGAL, BURKINA FASO, LIBYA, MAURITANIA, and MALDIVES supported. The RUSSIAN FEDERATION called for more information on the implications of implementing the amendment. SWITZERLAND and AUSTRALIA called for further discussions in a contact group.

On amending **Article 22**, INDIA, SUDAN, the RUSSIAN FEDERATION, ZIMBABWE, KYRGYZSTAN, CUBA, SUDAN and KAZAKHSTAN opposed the amendment. NICARAGUA supported a consensus-based approach. ZIMBABWE, SUDAN and SOUTH AFRICA noted that the proposal does not have the support of the African Group.

Several African countries, NORWAY, SWITZERLAND, YEMEN, and MALDIVES supported the proposal. CAMEROON emphasized that many countries objecting are exporting chemicals to Cameroon without advance information.

The EU supported consideration of the amendment. CANADA and JAPAN said they shared the concerns that motivated the proposals and raised concern about unintended consequences of the proposal. GABON expressed caution in amending Article 22. CHINA suggested parties should work together during the intersessional process in order to reach consensus and adopt the amendment.

PAKISTAN objected to hasty amendments to Convention text and said voting is "dictatorship of the majority." IRAN, supported by SYRIA, expressed concern that the amendments could trigger lengthy discussion of amendments to other articles.

COLOMBIA, IPEN, INTERNATIONAL ALLIANCE OF TRADE UNION ORGANIZATIONS (IndustriALL) and PAN expressed concerns about the RC's effectiveness. The US noted that parties can take a number of actions.

RC COP8 President Perrez proposed establishing a contact group to develop a draft decision on enhancing the effectiveness of the RC, building on the plenary discussions, to be co-chaired by Australia and Latvia. GABON expressed discomfort with the proposed co-chairs. SUDAN and KAZAKHSTAN suggested that if any contact group is established, either India or the Russian Federation should serve as Co-Chair to promote a balance of views. COP8 President Perrez underscored the need for delegates to be respectful and said implying Chairs are not acting neutrally indicates a lack of respect.

SWITZERLAND and CAMEROON supported the establishment of a contact group, with CAMEROON cautioning against certain countries "hijacking the process" through their unwillingness to list chemicals, amend the Convention, or establish a contact group.

The RUSSIAN FEDERATION and SUDAN, with ZIMBABWE, SYRIA and GABON, stressed that the COP would need to agree to amend the Convention before any contact group discussion on the proposed amendments. The RUSSIAN FEDERATION and SUDAN said they could discuss intersessional work.

CHILE, supported by GHANA and GABON, suggested creating an informal group with a broader remit to discuss ways to improve the RC's effectiveness. MEXICO supported creation of a "working group."

CANADA, supported by CAMEROON, underscored that, under Article 21, any proposed amendment must be considered by the COP in plenary or in a smaller setting. INDIA and IRAN emphasized that the proposal should not be discussed in any group.

CHINA suggested treating the proposals as "background materials" for discussion. CAMEROON opposed this and added that an informal group would undermine the proposal of 10 African countries.

COP8 President Perrez suspended plenary until Friday morning.

### **CONTACT GROUPS**

**SYNERGIES AND JOINT ISSUES:** The contact group progressed in drafting the decision on illegal traffic and trade as participants reached agreement for most paragraphs, except the provision of relevant information, as one country wanted the information to be agreed by relevant parties.

On the CHM, one developed country raised strong concern on the cost implications of the workplan. The Secretariat noted the zero-nominal growth budget for the activities in the workplan, and Co-Chair Nguyen noted that budgetary issues should not be considered in this contact group. Divergences emerged on whether the strategy is 'revised' or not, and whether to "approve" or "take note of" the workplan. The Co-Chairs encouraged informal consultations to resolve bracketed text.

**BC TECHNICAL MATTERS:** The contact group focused on the general TGs for POPs waste. One developing country party asked to stipulate that these TGs are not legally binding, which other countries opposed, noting that all TGs, including POPs TGs, are not legally binding as explained in the BC. The group considered proposals for additional information raised by an observer on technologies in the section on destruction and irreversible transformation of wastes.

In the afternoon, the contact group closed all remaining POPs-related TGs and discussed the draft analysis of the need for new TGs for candidate POPs if they are listed. In the low-POPs content TGs, delegates agreed to 10mg/kg for polychlorinated naphthalenes (PCNs), with a footnote noting that the threshold for hazardoussness in the Convention is 50mg/kg. Discussions on the draft decision led to additions including that the TGs are non-legally binding.

### **IN THE CORRIDORS**

On the fourth day, all three Conventions were working on issues close to the heart of their objectives, with emotions sometimes running high. In a measured, informal discussion before the SC listing group (scheduled to meet until 2am), some POPs experts considered the implications of the decaBDE exemptions for downstream users. One wondered if the more blanket exemption for the aerospace industry "rewarded their non-participation in the process," compared to the narrower exemptions for the participating automotive industry. Another noted this might be a bit premature, given proliferating exemptions and deadlocks in the listing group more generally.

In the afternoon, heated exchanges were the main feature of the plenary, where the Rotterdam Convention COP discussed possibly amending the Convention itself. As misunderstanding, and perhaps mistrust fueled by rising tensions, grew, one delegate declared "We wouldn't need an amendment if we were assured that exporting countries would just honor obligations on information exchange in the first place." Without agreement on whether to establish a contact group, RC COP8 President Perrez suspended plenary for delegates to cool down and return to the discussion Friday.