

BRS CONVENTIONS COPS HIGHLIGHTS: FRIDAY, 28 APRIL 2017

The BRS COPs convened jointly on Friday morning to hear reports from the contact groups. In the morning, delegates convened in RC COP8 and BC COP13. In the afternoon, SC COP8 and the joint COPs convened. Contact groups met throughout the day.

ROTTERDAM COP8

LISTING OF CHEMICALS IN ANNEX III: Intersessional work on the process of listing chemicals: RC COP8 President Perrez proposed establishment of an informal open-ended contact group to develop a way forward on enhancing effectiveness of the RC, open to participation of parties and non-party states.

BASEL COP13

SCIENTIFIC AND TECHNICAL MATTERS: Technical guidelines (excluding POPs wastes): The Secretariat introduced the documents (CHW.13/6; CHW.13/INF/15-17). CHINA, JAPAN, GHANA, MALAYSIA, and Argentina, for GRULAC, expressed appreciation for the work performed by the small intersessional working group (SIWG) on e-waste. Ghana, for the AFRICAN GROUP, noted that non-functional e-wastes were defined as hazardous wastes under the Bamako Convention and that paragraph 31(b) of the TGs (on information accompanying transboundary transport of used equipment) needed reform.

MALAYSIA reminded parties that national law prevailed. THAILAND and KENYA noted that national definitions of wastes and hazardous wastes may differ from the guidelines.

INDIA requested to be “disassociated” from the guidelines, noting an issue with the COP12 outcome. The EU called the guidelines a “significant step forward” in protecting developing countries from e-wastes and, with the US, encouraged parties to use them and share their experiences. MOLDOVA and ECUADOR noted that the guide is useful in developing legal definitions of waste versus non-waste at the national level.

BAN, supported by IPEN, highlighted the need for strong action to address the “repairable loophole” created by paragraph 31(b).

IRAN called for specific definitions to differentiate between e-waste and new items. PALESTINE highlighted areas of ambiguity, including the lifecycle of electronic equipment.

BC COP13 President Khashashneh proposed asking the contact group on technical matters to consider the e-waste TGs and prepare a draft decision. INDIA, supported by the AFRICAN GROUP, but opposed by the EU, BRAZIL and JAPAN, suggested also considering non-bracketed text. Delegates agreed to prioritize discussion of bracketed text and then to discuss CRPs submitted by China and India.

On TGs on the ESM of wastes consisting, containing or contaminated with mercury or mercury compounds, the Secretariat introduced the information in Part III of CHW.13/6. Japan highlighted the importance of ESM of mercury and mercury wastes. The COP took note of the information provided in Part III.

On TGs on incineration on land (D10), specially engineered landfills (D5), hazardous waste physico-chemical treatment (D9), and biological treatment (D8), the Secretariat introduced an online survey to assess the relevance and utility of the BC documents related to ESM and proposed consideration of whether these guidelines should be updated.

GRULAC proposed to update D5 and D10. The EU welcomed the survey results, indicating that updating these guidelines will be important in the next biennium. Nigeria, for the AFRICAN GROUP, supported by JAMAICA, said the guidelines should be updated and called for revisions of the factsheets to assist ESM in developing countries. CANADA suggested discussing this issue in a contact group.

STRATEGIC ISSUES: Strategic framework: The Secretariat introduced the document (CHW.13/3) noting no progress on or financial support for the issue. CANADA, noting it had a prepared a CRP, underscored that an evaluation of work deliverables and the timeframe was necessary. The EU stressed the importance of the framework and welcomed the draft decision. Delegates agreed to establish a contact group on strategic matters to consider the draft document and the Canadian CRP.

Follow-up to the Indonesian-Swiss country-led initiative (CLI) to improve the effectiveness of the Basel Convention:

ESM Guidelines: The Secretariat introduced the documents (CHW.13/4), including the: draft practical manuals for the promotion of ESM of wastes (CHW.13/4/Add.1); draft work programme of the expert working group (CHW.13.4/Add.3); draft factsheets on specific waste streams (CHW.13/INF/7); and draft practical manuals on extended producer responsibility and financing systems (CHW.13/INF/8). Andreas Jaron (Germany), Co-Chair of the expert working group, reported on the intersessional work.

The EU, NORWAY, SWITZERLAND, THAILAND, LIBERIA and ARGENTINA supported adoption of the manuals for promotion of ESM.

The EU, LIBERIA and MALI supported extending the mandate of the working group, with several calling for clarification of some activities. MALI called for a pilot project on the sub-regional or regional level to test the efficacy of the guides and practical manuals.

INDIA suggested that the guidelines incorporate BAT and BEP and supported the revised fact sheets and practical manuals. SERBIA called for further work on extended producer responsibility.

Delegates agreed to adopt the part of the decision on developing guidelines for ESM set out in CHW.13/4 and to refer remaining issues, including the work programme and manuals on extended producer responsibility and financing system, to the contact group on strategic matters.

Ban Amendment: The Secretariat introduced Section I of the document (CHW.13/3) addressing entry into force of the Ban Amendment. INDONESIA, the EU, CHILE, the AFRICAN GROUP, PERU and BAN urged countries to ratify as soon as possible. MALDIVES noted it is preparing to ratify. INDIA characterized the Amendment as “restrictive” in the context of the circular economy and SDGs. BAN highlighted the Amendment needs six parties to enter into force. Delegates accepted an EU proposal to amend the draft text to urge ratifications and adopted part I of the decision.

Cartagena Declaration: The Secretariat introduced the documents on the Cartagena Declaration (CHW.13/5) and draft guidance (CHW.13/INF/11).

The EU supported adoption of the guidance and called for discussion of amendments to the draft decision. IRAQ underscored the importance of the decision and work of the expert group on minimizing hazardous wastes.

INDIA expressed concern about exclusion of recovery in the draft guidance. SERBIA supported further revision of the draft guidance and emphasized the importance of national implementation of the Cartagena Declaration.

Delegates agreed to mandate the strategic matters contact group to further consider the draft guidance and prepare a draft decision.

STOCKHOLM COP8

SC COMPLIANCE: Humphrey Mwale (Zambia), Co-Chair of the Friends of the President group reported that the group considered the issue of measures but could not reach conclusions because a party was unsatisfied with the establishment of the group. SC COP8 President Adu-Kumi proposed a three-hour session of a contact group to discuss triggers and measures.

Highlighting POPS/COP.8/CRP.10, IRAN, supported by EGYPT, INDIA and SAUDI ARABIA, suggested that the contact group to consider all related issues with new leadership.

The EU, NORWAY and NIGERIA, supported the President’s proposal, emphasizing their confidence in the leadership of the President and Co-Chairs.

IRAN further noted that any facilitation of the contact group requires fairness and impartiality.

SC COP8 President Adu-Kumi suspended the discussion and suggested considering this issue later.

LISTING OF CHEMICALS: SC COP8 adopted the decision on operation of the POPRC (POPS/COP.8/CRP.8).

MEASURES TO REDUCE OR ELIMINATE RELEASES FROM INTENTIONAL PRODUCTION AND USE: PFOS, its salts and PFOSE: COP8 adopted the decision (POP/COP.8/CRP.9).

NIPs: COP8 adopted the decision (POP/COP.8/CRP.11).

ADOPTION OF THE REPORT: COP8 adopted the report (POPS/COP.8/L.1/Add.1) with minor amendments.

JOINT SESSIONS OF THE BRS COPS

ADOPTION OF THE SECTION OF THE REPORTS ON THE JOINT SESSIONS OF THE MEETINGS OF THE COPS: Delegates adopted the report of the joint sessions of the BRS COPS without amendment (CHW/COP.13/L.1; RC/COP.8/L.1; and POPS/COP.8/L.1).

CREDENTIALS: The Secretariat introduced the reports on the credentials of representatives to BC COP13, RC COP8 and SC COP8, which were adopted by the respective COPS.

GENDER MAINSTREAMING: Jane Stratford (UK), Co-Chair of the contact group on synergies and joint issues, introduced the draft decision on mainstreaming gender (CHW.13/CRP.13; RC/COP.8/CRP.4; and POPS/COP.8/CRP.5), which the COPS adopted.

CONTACT GROUPS

SC LISTINGS: Delegates discussed the specific exemption for use of decaBDE in aircraft, with one developing country proposing an end date while several developed countries noted that end-of-service life depends on the intensity of use. Delegates discussed a clarification note that the note in Annex A regarding unintentional trace contaminants does not apply to quantities of SCCPs occurring in mixtures at concentrations greater than 1%, 2.5% or 2.8% by weight. A developing country suggested removing a paragraph on the expiration of specific exemptions.

Parties agreed to: the 1% value for mixtures containing SCCPs; decaBDE exemptions for aircraft that have applied for type approval before December 2018 and received approval before December 2022; and removal of the paragraph on the expiry of specific exemptions. Parties also agreed to a process for reviewing the need for continuing SCCPs and decaBDE exemptions, which specifies the timeline for parties to submit information to support evaluation of specific exemptions by the POPRC.

BUDGET: Delegates discussed staffing and post-adjustment costs. The Secretariat noted that four staff members could retire by 2018 creating a potential cost saving of approximately US\$350,000, with some delegates stressing the need not “to gamble” with this potential saving, and others proposing new staff recruitment at the lower end of the staffing scale. They also considered FAO funding to the RC, noting that FAO funds to the RC are “ring-fenced” and set at US\$1.5 million per biennium; and highlighting a reorganization of allocations for staff and non-staff resources. Discussing SC draft decisions with budgetary implications, some developing countries stressed the need for NIPs financing to come from the core budget to improve the status of reporting, with developed countries preferring voluntary funding for NIPs and querying the role of the Secretariat in NIPs-related activities.

BC STRATEGIC MATTERS: The group discussed responses to the online survey assessing the relevance and utility of the BC documents related to ESM. On the draft practical manuals on extended producer responsibility and financing systems for ESM. It was requested that the practical manuals on extended producer responsibility and financing systems be enhanced during the intersessional period.

BC COMPLIANCE: Chaired by ICC Chair Juan Ignacio Simonelli (Argentina), the group agreed to the EU proposals on revised ICC forms and the guidance on the implementation of the BC provisions on illegal traffic. They also discussed the draft decision on the work of the ICC.

IN THE CORRIDORS

On Friday, the BC COP was allocated most of the day, but the SC COP occupied most of the attention. Overnight work paid off for the SC listing group, as a package emerged on listing chemicals. When the deal was done, one delegate observed, “I know no one will stand up and dance for joy, but hopefully no one will cry.” Several lamented that the list of exemptions exceeded those suggested by the POPRC; however, one noted that the process for reviewing exemptions before any possible extension put the onus on parties and downstream users to provide information early, rather than last minute at the COP.

Delegates also compared similar issues that were being addressed in different conventions. Nodding to the SC compliance discussions, which are mired in procedural debate, one veteran participant said that BC compliance discussions show that the “implementation of compliance is easy compared to the politics of creating compliance mechanisms.”