

## BRS CONVENTIONS COPS HIGHLIGHTS: TUESDAY, 2 MAY 2017

Plenary convened in a joint session of the BRS COPs on Tuesday morning for reports from contact groups. RC COP8 convened in the morning, and BC COP13 convened in the afternoon. Contact groups met throughout the day.

### RC COP8

**CONSIDERATION OF CHEMICALS FOR INCLUSION IN ANNEX III: Developments for actions of the COP of the work of CRC:** The Secretariat introduced the documents (RC/COP.8/7). Jürgen Helbig (Spain), CRC Chair, presented the work of the CRC during the intersessional period.

The decision, which was adopted pending budgetary approval, *inter alia*, requests CRC13 to identify an interim Chair and decides to consider the election of the CRC Chair at COP9.

**Carbofuran:** The Secretariat introduced the documents (RC/COP.8/14 and Add.1). The EU, CAMEROON, BURKINA FASO, NIGERIA, NORWAY, SWITZERLAND, the RUSSIAN FEDERATION and the US supported listing.

Citing their use and import of carbofuran, INDIA opposed listing. RC COP8 President Perrez clarified that listing does not constitute a ban. INDIA restated their opposition.

PAN noted the Sahelian notifications illustrate the lack of proper equipment employed when using carbofuran and supported listing to provide information to users.

CROPLIFE INTERNATIONAL cited concerns with the use of qualitative data, rather than exposure or bridging data, in the Sahelian notifications and suggested that these notifications be excluded from the rationale if carbofuran is listed.

Later in the morning, INDIA expressed its support for listing in Annex III and emphasized the need for continued use.

Parties adopted the draft decision to list carbofuran in Annex III and to take note of continued use of carbofuran.

**Carbosulfan:** The Secretariat introduced the documents (RC/COP.8/15 and Add.1, INF/18 and 19).

Citing concerns about food security, INDONESIA opposed listing. RC COP8 President Perrez reminded participants that the PIC procedure does not ban or phase out substances. The PHILIPPINES, supported by the US, sought clarification on the extent and scope of the risk evaluation undertaken to inform the final regulatory action and called for further discussion.

PERU, BENIN, CAMEROON, the RUSSIAN FEDERATION, NORWAY, MALDIVES, INDIA, ECUADOR, the EU, SERBIA, SENEGAL and UKRAINE supported listing carbosulfan in Annex III. The EU underscored that listing enables importers to use substances safely and does not hinder exports.

Citing risks to groundwater, soil and birds and emphasizing that the criteria are met, PAN supported listing.

CROPLIFE INTERNATIONAL expressed concern about the rigor of CRC's review process and said the criteria for listing were not satisfied.

**SCCPs:** The Secretariat introduced the documents (RC/COP.8/12 and Add.1, INF/12 and 13).

Noting all relevant requirements had been met, AUSTRALIA, CAMEROON, THAILAND, the EU, NIGERIA, NORWAY, INDIA, BRAZIL, SYRIA, the US, and IPEN supported listing SCCPs in Annex III in the industrial use category.

Parties adopted the draft decision to list SCCPs in Annex III of the Convention.

**Tributyltin (TBT):** The Secretariat introduced the documents (RC/COP.8/13, Add.1, INF/14 and 15). The EU, CANADA, INDIA, NORWAY, CAMEROON, the RUSSIAN FEDERATION, BURKINA FASO and BENIN supported listing TBT under the industrial use category. The US supported listed and raised questions of the CRC's analysis of whether notifications of final regulatory action must be related to the same use category.

RC COP8 then adopted the decision to list TBT in Annex III in the industrial use category.

**Trichlorfon:** The Secretariat introduced the documents (RC/COP.8/9 and Add.1). BRAZIL, INDIA, the EU, CAMEROON, NORWAY, NIGERIA, NEW ZEALAND, the REPUBLIC OF THE CONGO, THAILAND, the RUSSIAN FEDERATION, UKRAINE, PERU, URUGUAY and PAN supported listing.

RC COP8 adopted the decision to list trichlorfon in Annex III of the Convention.

**Chrysotile asbestos:** The Secretariat introduced the proposal to list chrysotile asbestos in Annex III (RC/COP.8/11) and the draft decision guidance document (DGD) (RC/COP.8/11/Add.1). Seeing many delegates willing to make interventions, RC COP8 President Perrez proposed, and delegates agreed, to continue discussion in plenary on Wednesday.

**MATTERS RELATED TO THE IMPLEMENTATION OF THE CONVENTION: Compliance:** Noting some parties' unwillingness to establish a contact group, RC COP8 President Perrez proposed the establishment of a Friends of the President group and urged delegates to engage in a constructive discussion based on Iran's proposal (CRP.5).

The EU indicated support for the group, but expressed hesitation about using the CRP as a basis for discussion.

### **BC COP13**

#### **MATTERS RELATED TO THE IMPLEMENTATION OF THE CONVENTION: Scientific and technical matters:**

**Technical guidelines:** On POPs waste, delegates agreed to adopt the draft decision on TGs on the ESM of POPs wastes, and related TGs (CHW.13/CRP.24, and Add. 1-6) with textual amendments from the Secretariat, pending confirmation from the budget group.

Delegates also adopted the decision to revise the TGs on incineration on land (D10) and on specially engineered landfills (D5) (CHW.13/CRP.29), pending confirmation from the budget group.

On e-waste, delegates agreed to adopt the TGs on their transboundary movements, in particular regarding the distinction between waste and non-waste (CHW.13/CRP.34), pending confirmation from the budget group. Lauding China as lead country of the expert working group, SWITZERLAND announced its intention to provide a financial contribution for this work, with JAPAN also announcing technical support for the working group. CHINA noted that there is still a lot to be done and looked forward to working with countries on this issue. KENYA expressed a “special interest” in the work of the group.

**National reporting:** BC COP13 President Khashashneh proposed, and delegates agreed, to adopt the draft decisions (CRP.32 and 5), pending budgetary approval.

#### **International cooperation, coordination and partnerships:**

**PACE:** The Secretariat introduced an oral amendment to the draft decision (CHW.13/13), stating that “section 3 of the guidance document on ESM of used and end-of-life computing equipment refers to the TGs on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the BC, which were adopted on an interim basis by decision BC-12/5, and mindful of the fact that further work is required on the outstanding issues referred to in decision BC-13/11 on the technical guidelines referred to above.”

Delegates adopted the revised decision as amended, pending budgetary approval.

**Legal, compliance and governance matters: Committee Administering the Mechanism for Promoting Implementation and Compliance (ICC):** BC Compliance contact group Co-Chair Simonelli (Argentina) introduced the draft decisions (CHW.13/CRP.30, Add.1-2), noting that the names of the ICC members will be provided later in the week by regional groups. Parties adopted the decision on ICC pending confirmation from the budget group.

**Strategic issues: Follow-up to the Indonesian-Swiss CLI to improve the effectiveness of the Basel Convention:** BC COP13 President Khashashneh proposed, and delegates agreed, to adopt the draft decision on the follow-up to the Indonesian-Swiss CLI to improve the effectiveness of the BC (CHW.13/CRP.33).

**Strategic framework:** BC COP13 President Khashashneh proposed, and delegates agreed, to adopt the draft decision on the Strategic Framework (CHW.13/CRP.35).

**Technical assistance: Regional Centres:** BC COP13 President Khashashneh proposed, and delegates agreed, to forward a proposal on the establishment of a BCRC in Panama (CRP.21) to the contact group on technical assistance and financial resources.

**ADOPTION OF THE REPORT:** COP13 adopted the report (CHW.13/L.1/Add.1) without amendment.

### **CONTACT GROUPS**

**BUDGET:** The Secretariat first explained the meaning of “subject to the availability of resources,” clarifying that this refers to funding from voluntary sources.

Having agreed to use the Executive Secretary’s budget scenario (representing 3% annual increase based on real costs as opposed to UN standard costs) as a basis for negotiations, some developed countries suggested using a 2% annual increase in staff costs, stressing that this would not mean a reduction of staff. Many developing countries called for clarification on how this would affect the functioning of the Secretariat. The Secretariat stated that human resources are already stretched. The group agreed to “park” the discussions on staffing costs until Wednesday.

On the BC trust fund, delegates considered, *inter alia*, proposed language requesting the Secretariat to inform members of the bureau on the status of arrears, with some developing countries preferring that the Secretariat circulate information on arrears at regional meetings.

**BC COMPLIANCE:** The group considered the text of the CRP on the review of the Annexes with a view to improving legal clarity of the BC. Delegates discussed the establishment of an intersessional expert working group and its terms of reference. Several countries expressed concerns about participation of developing countries in the working group. Many noted that regional balance within the group was paramount. The group reconvened in the evening.

**SC COMPLIANCE:** Participants discussed the way forward, with many countries underlining the need to avoid reopening agreed text. Some developed countries cited divergent positions on whether to use the COP6 or COP7 text as a basis for negotiations and proposed stopping negotiations and continuing them at the next COP. One developing country and three developed countries supported further discussion, with some calling for work on details to operationalize ideas such as ‘facilitative,’ and others for flexibility on the part of some parties. An informal group of developing countries highlighted a text they prepared. The group will reconvene Wednesday to consider this text and to identify the way forward.

### **IN THE CORRIDORS**

As the BC agenda wound down with the adoption of several decisions on Tuesday, delegates were cautiously optimistic about some of the decisions and the road ahead for the Basel Convention. In a nod to other international processes, marine plastic litter was included on the agenda of work for the BCRCs, with delegates also agreeing to establish a new partnership on household wastes. Many delegates lauded these decisions, with some citing “high expectations” for the work of the Convention going forward. Similar sentiments were expressed on what some termed the “highly sensitive topic” of e-waste. “This is the right way to go,” quipped one delegate, confident that the expert group, which had gained previously-absent leadership and pledges of both technical assistance and financial support, was going to make substantial headway in addressing this issue.

Optimism was also the theme in the RC COP, which proceeded to list four chemicals under Annex III. One participant described the ease with which these substances were adopted during plenary as “a pleasant surprise.” With only compliance left under the BC, many left plenary hoping that this positive atmosphere will carry over to contact group discussions and help delegates find common ground on the remaining work.