

## SUMMARY OF THE MEETINGS OF THE CONFERENCES OF THE PARTIES TO THE BASEL, ROTTERDAM AND STOCKHOLM CONVENTIONS: 24 APRIL – 5 MAY 2017

The thirteenth meeting of the Conference of Parties to the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal (BC COP13), the eighth meeting of the Conference of Parties to the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (RC COP8), and the eighth meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants (POPs) (SC COP8) convened from 24 April - 5 May in Geneva, Switzerland. Over 1,600 participants attended the meetings.

Negotiations in Geneva focused on Convention-specific issues such as listing POPs under the Stockholm Convention, technical guidelines on waste and hazardous substances under the Basel Convention, and listing substances under the Rotterdam Convention. Delegates also considered issues of joint concern to at least two of the three Conventions, including cooperation and coordination among the Conventions, budget, technical guidelines on POPs waste, technical assistance and financial resources. A high-level segment, which aimed to provide an interactive platform for ministers and other high-level delegates to demonstrate political leadership and raise awareness of and support for implementation of the Conventions, convened on Thursday and Friday, 4-5 May.

While the COPs were not able to achieve consensus on some long-standing issues, including compliance under the Rotterdam and Stockholm Conventions, the COPs took over 60 decisions and agreed to convene the next round of chemicals and wastes COPs jointly and back-to-back in 2019.

### A BRIEF HISTORY OF THE CHEMICALS AND WASTES CONVENTIONS

#### BASEL CONVENTION

The Basel Convention (BC) was adopted in 1989 and entered into force on 5 May 1992. It was created to address concerns over the management, disposal and transboundary movement of the estimated 400 million tonnes of hazardous wastes that are produced worldwide each year. The guiding principles of the Convention are that transboundary movements of hazardous wastes should be: reduced to a minimum; managed in an environmentally sound manner; treated and disposed of as close as possible to their source of generation; and minimized at the

source. In September 1995, at BC COP3, parties adopted the Ban Amendment, which bans the export of hazardous wastes for final disposal and recycling from Annex VII countries (European Union (EU), Organization for Economic Cooperation and Development (OECD) and Liechtenstein) to non-Annex VII countries.

There are currently 186 parties to the Convention and 89 ratifications of the Ban Amendment.

**BC COP10:** The tenth meeting of the COP to the BC was held from 17-21 October 2011, in Cartagena, Colombia. BC COP10 adopted decisions on the new strategic framework and the Indonesian-Swiss Country-Led Initiative (CLI) to improve the effectiveness of the BC. The CLI clarifies the interpretation of Article 17(5), and provides that the Ban Amendment will enter into force once three-fourths, which is 66 of the 87 parties that were parties when it was adopted at COP3, ratify the Amendment. The Ban Amendment has not yet entered into force.

COP10 also adopted 25 decisions on, *inter alia*: synergies; the budget; legal matters; Basel Convention Regional and Coordinating Centres (BCRCs); capacity building; the Partnership Programme; and technical matters. The Cartagena Declaration on prevention and minimization of hazardous wastes was also adopted.

**BC COP11:** COP11 was held 28 April - 10 May 2013 in Geneva, Switzerland. BC COP11 considered several reports on activities within the Convention's mandate and adopted over 20 decisions on issues including: strategic issues; scientific and

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technical matters; legal, compliance and government matters; technical assistance; international cooperation, coordination and partnerships; resource mobilization and financial resources; programme of work and budget; admission of observers; and a memorandum of understanding (MoU) with the United Nations Environment Programme (UNEP).

**BC COP12:** At COP12 (4-15 May 2015, Geneva), delegates adopted 25 decisions, including those approving seven POPs wastes technical guidelines, updated technical guidelines on mercury wastes, and, on an interim basis, technical guidelines on e-waste. COP12 also adopted decisions on, *inter alia*: follow-up to the Indonesian-Swiss CLI; the roadmap for action on the implementation of the Cartagena Declaration; national reporting; technical assistance; Partnership for Action in Computing Equipment (PACE); and the Open-ended Working Group (OEWG) programme of work and operations for 2016-2017.

### ROTTERDAM CONVENTION

The RC was adopted in September 1998 and entered into force on 24 February 2004. The Convention creates legally binding obligations for the implementation of the Prior Informed Consent (PIC) Procedure. It built on the voluntary PIC Procedure, created by the Food and Agriculture Organization (FAO) and UNEP. The objectives of the Convention are: to promote shared responsibility and cooperative efforts among parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm; and to contribute to the environmentally sound use of those hazardous chemicals, by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export, and by disseminating these decisions to parties. There are currently 156 parties to the Convention.

**RC COP5:** COP5 convened from 20-24 June 2011, in Geneva, Switzerland. COP5 adopted 13 decisions, including on the addition of aldicarb, alachlor and endosulfan to Annex III of the Convention (chemicals subject to the PIC Procedure). The meeting also adopted decisions on: the budget; technical assistance; synergies; information exchange; trade; and the work of the Chemical Review Committee (CRC). Delegates addressed issues that eluded consensus during the previous meeting of the COP, but could not agree on mechanisms and procedures for non-compliance and the inclusion of chrysotile asbestos in Annex III of the Convention.

**RC COP6:** COP6 was held 28 April - 10 May 2013 in Geneva, Switzerland. RC COP6 considered several reports on activities within the Convention's mandate and adopted 15 decisions on issues including, *inter alia*, listing azinphos-methyl, pentabromodiphenyl ether, octabromodiphenyl ether, and perfluorooctane sulfonic acid and its related chemicals in Annex III of the Convention. The COP considered listing paraquat and chrysotile asbestos in Annex III but could not reach consensus. RC COP6 also adopted decisions on, *inter alia*, technical assistance, the programme of work and budget; official communications; and an MoU between UNEP, FAO and the COP.

**RC COP7:** COP7 was held from 4-15 May 2015 in Geneva, Switzerland. COP-7 was unable to agree on the listing of paraquat, fenthion, trichlorfon and chrysotile asbestos in Annex III, and deferred consideration to COP8. COP7 also established an intersessional working group to: review cases in which the COP was unable to reach consensus on the listing of a chemical by identifying the reasons for and against listing and, based on that and other information, to develop options for improving the effectiveness of the process; and to develop proposals for enabling information flows to support the PIC procedure for those chemicals.

### STOCKHOLM CONVENTION

The SC was adopted in May 2001 and entered into force on 17 May 2004. The Convention, as adopted in 2001, calls for international action on 12 POPs grouped into three categories: 1) pesticides: aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, mirex and toxaphene; 2) industrial chemicals: hexachlorobenzene (HCB) and polychlorinated biphenyls (PCBs); and 3) unintentionally produced POPs: dioxins and furans. Governments were tasked with promoting best available techniques (BAT) and best environmental practices (BEP) for replacing existing POPs while preventing the development of new POPs.

In 2009, parties agreed to add nine more chemicals to the Convention: c-pentabromodiphenyl ether; chlordecone; hexabromobiphenyl (HBB); alpha hexachlorocyclohexane (alphaHCH); betaHCH; lindane; c-octabromodiphenyl ether; pentachlorobenzene (PeCB); and perfluorooctane sulfonate (PFOS), its salts and PFOS fluoride (PFOSF). In 2011, parties added endosulfan to the Convention.

The Stockholm Convention currently has 181 parties.

**SC COP5:** COP5 was held from 25-29 April 2011 in Geneva, Switzerland. SC COP5 considered several reports on activities within the Convention's mandate and adopted over 30 decisions on, *inter alia*: listing endosulfan in Annex A of the Convention; financial and technical assistance; synergies; and endorsing seven new SC regional centres, in Algeria, Senegal, Kenya, South Africa, Iran, India and the Russian Federation.

**SC COP6:** COP6 was held 28 April - 10 May 2013 in Geneva, Switzerland. SC COP6 considered several reports on activities within the Convention's mandate and adopted over 20 decisions on, *inter alia*: listing hexabromocyclododecane (HBCD) with specific exemptions for expanded and extruded polystyrene in Annex A; financial and technical assistance; and a second phase of implementation of the global monitoring plan. COP6 considered but did not reach consensus on establishing a compliance mechanism.

**SC COP7:** COP7 met from 4-15 May 2015 in Geneva, Switzerland, COP7 agreed to list hexachlorobutadiene (HCBd) in Annex A and requested the POPs Review Committee (POPRC) to further evaluate HCBd on the basis of the newly available information in relation to its listing in Annex C and to make a recommendation to COP-8. COP7 agreed to list polychlorinated naphthalenes (PCNs) in Annex A, with a specific exemption for production of those chemicals used as intermediates in production of polyfluorinated naphthalenes, and in Annex C. COP7 also agreed, by a vote, to list pentachlorophenol (PCP) and its salts and esters in Annex A with specific exemptions for the production and use of PCP for utility poles and crossarms.

### EXTRAORDINARY MEETINGS OF THE COPS

**ExCOPs1:** The first simultaneous extraordinary meeting of the Conferences of the Parties (ExCOPs1) to the Basel, Rotterdam and Stockholm (BRS) Conventions was held 22-24 February 2010 in Bali, Indonesia. The meeting was a result of the work of the Ad Hoc Joint Working Group on Enhancing Cooperation and Coordination among the Basel, Rotterdam and Stockholm Conventions, which was mandated to prepare joint recommendations on enhanced cooperation and coordination for submission to the three COPS.

At the ExCOPs, delegates adopted an omnibus synergies decision on joint services, joint activities, synchronization of the budget cycles, joint audits, joint managerial functions, and review arrangements. In the decision on review arrangements, the ExCOPs, *inter alia*, decided to review in 2013 how the synergies arrangements have contributed to achieving a set of objectives, such as strengthening the implementation of the

three Conventions and maximizing the effective and efficient use of resources at all levels. The ExCOPs also requested the Secretariats to prepare detailed terms of reference for the preparation of a report for review and adoption by the COPs of the three Conventions in 2011, and to compile and complete their report for adoption by the three COPs in 2013.

**ExCOPs2:** The second simultaneous extraordinary meeting of the Conferences of the Parties (ExCOPs2) to the BRS Conventions was held in conjunction with the back-to-back meetings of the COPs from 28 April - 10 May 2013 in Geneva, Switzerland. Delegates adopted an omnibus decision on enhancing cooperation and coordination among the BRS Conventions. The ExCOPs, *inter alia*, decided to undertake a review of the synergies process and the organization of the Secretariats. On joint activities, the ExCOPs, *inter alia*, decided to continue to present joint activities as an integral part of the proposed programmes of work and budgets of the three Conventions. On enhanced cooperation and coordination among the technical bodies of the BRS Conventions, the ExCOPs, *inter alia*, requested alignment of the working arrangements of the CRC with those of the POPRC to support effective participation of experts and observers and encouraged the POPRC to involve experts from the Basel Convention when discussing waste issues. On wider cooperation, the ExCOPs requested the Secretariat to enhance cooperation with the Strategic Approach to International Chemicals Management (SAICM) and expressed interest in coordinating with the Minamata Convention on Mercury. On facilitating financial resources for chemicals wastes, the ExCOPs welcomed an integrated approach that includes mainstreaming, industry involvement and dedicated external finance.

## REPORT OF THE MEETINGS

The meetings of the Conferences of the Parties to the Basel, Rotterdam and Stockholm (BRS) Conventions opened on Monday, 24 April 2017.

In the opening ceremony, Mohammed Khashashneh (Jordan), President of Basel Convention COP13, welcomed participants on behalf of Franz Perrez (Switzerland), President of Rotterdam Convention COP8, and Sam Adu-Kumi (Ghana), President of Stockholm Convention COP8. BC COP President Khashashneh underlined the need to increase the efficiency of the three Conventions, calling for further synergies at national and regional levels.

BRS Executive Secretary Rolph Payet encouraged parties to make the “right decisions” for a sustainable planet, citing the listing of new chemicals and agreeing to compliance mechanisms as important for these meetings.

Bill Murray, Executive Secretary of the RC, FAO, underscored the need to move from input-based systems to knowledge-based systems of food production to reduce risks to human health and the environment.

Pointing to the success of the synergies arrangements among the three Conventions, Marc Chardonnens, State Secretary for the Environment, Director of the Federal Office for the Environment, Switzerland, called for the BRS Conventions to “open their doors” to the Minamata Convention on Mercury.

Lamenting the 13 million annual deaths due to pollution, Ibrahim Thiaw, Deputy Executive Director, UN Environment, stressed the need for governments, scientists, the private sector, academia and the public to cooperate to “rethink chemicals management.”

Pakistan, on behalf of the Asia Pacific Region, said sound management of chemicals and wastes should be guided by the principle of common but differentiated responsibilities and called for flexibility in listing certain chemicals, with attention to parties’ financial and technical circumstances.

Kenya, for the African Group, expressed support for activities under the Global Monitoring Plan, suggested that the Conventions’ general trust fund could support the generation of regional data, and called for strengthening regional centres.

Georgia, for Central and Eastern Europe, emphasized the importance of compliance mechanisms and called for technical and financial assistance to support electronic reporting.

Argentina, for Group of Latin American and Caribbean Countries (GRULAC), called for sustainable and predictable funding to support implementation and emphasized the importance of strengthening regional centres.

Expressing concern that implementation is “slowing,” the EU emphasized that its industry exports several substances listed in Annex III of the RC, which demonstrates that listing chemicals supports information exchange and sustainable use.

## JOINT SESSIONS OF THE THREE COPS

### ORGANIZATIONAL MATTERS

**ADOPTION OF THE AGENDAS AND ORGANIZATION OF WORK:** BC COP President Khashashneh, RC COP President Perrez and SC COP President Adu-Kumi introduced their respective agenda and organization of work (UNEP/CHW.13/1 and Add.1; UNEP/FAO/RC/COP.8/1 and Add. 1; UNEP/POPS/COP.8/1 and Add.1). The agendas were adopted without amendment. The joint sessions of the BRS COPs met throughout the meeting to hear report back from contact groups and adopt joint decisions.

**ELECTION OF OFFICERS:** The Secretariat introduced the documents (UNEP/CHW.13/2, INF/6; UNEP/FAO/RC/COP.8/2, INF/22; UNEP/POPS/COP.8/2, INF/34), with BC COP President Khashashneh calling on all regions to discuss their nominees to the COPs bureaux as well as to the relevant expert groups, and report on progress later in the week. India objected to the proposal for countries to submit the curricula vitae of their nominees for the Rotterdam CRC, stressing that countries can nominate “anyone they see fit.” Delegates agreed to note this concern in the meeting report, and resume consideration of this item.

On Friday, 5 May, the Secretariat introduced the documents on the election of officers (UNEP/CHW.13/CRP.46; UNEP/FAO/RC/COP.8/CRP.22; UNEP/POPS/COP.8/CRP.30), including Bureau members and experts and officers on subsidiary bodies.

**BC Election of Officers:** For the Bureau: Petronella Shoko (Zimbabwe) as President; Sidi Ould Alouimine (Mauritania); Bishwanath Sinha (India); Yasser Abu Shanab (Palestine); Dragan Asanovic (Montenegro); Magda Gosk (Poland); Luis Vayas (Ecuador); Florencia Grimalt (Argentina); Els Van de Velde (Belgium); and Felix Wertli (Switzerland).

For the OEWG Bureau: Luay Sadeq Almkhtar (Iraq); Justina Grigaraviciene (Lithuania); Henry Williams (Liberia); Ole Thomas Thommesen (Norway); and Alexander Moreta De Los Santos (Dominican Republic).

For the Implementation and Compliance Committee (ICC): Leonard Leswam Tampushi (Kenya); Ali Al-Ghamdi (Saudi Arabia); Artak Khachatryan (Armenia); Mario Miranda (Ecuador); and Christine Vignon (France).

**RC Election of Officers:** For the Bureau: Osvaldo Alvarez-Pérez (Chile) as President; Abderrazak Marzouki (Tunisia); Heidar Ali Balouji (Iran); Suzana Andrejević Stefanović (Serbia); and Nicolas Encausse (France).

**Election of Experts:** The members of the CRC with terms beginning 1 May 2018 are: Joseph Cantamanto Edmund (Ghana); Noluzuko Gwayi (South Africa); Christian Sekomo (Rwanda); Victor N'Goka (Republic of the Congo); Sun Jinye (China); Nuansri Tayaputch (Thailand); Shankar Prasad Paudel (Nepal); Iftikahr Gilani (Pakistan); Līga Rubene (Latvia); Dorota Wiaderna (Poland); Cristina Salgado (Ecuador); Suresh Amichand (Guyana); Peter Korytar (Malta); Timo Seppälä (Finland); Jeffery Goodman (Canada); and, Peter Dawson (New Zealand). The Secretariat noted that 16 nominations were received for 17 positions, and the GRULAC region would be asked to nominate an additional member.

**SC Election of Officers:** For the Bureau: Mohammed Khashashneh (Jordan) as President; Ali Ald-Dobhani (Yemen); Jean Claude Emene Elenga (Democratic Republic of the Congo); Mehari Wondmagegn Taye (Ethiopia); Ana Berejiani (Georgia); Silvija Nora Kalnins (Latvia); Agustina Camilli (Uruguay); Marcus L. Natta (Saint Kitts and Nevis); Sverre Thomas Jahre (Norway); and Reginald Hernaus (Netherlands).

**Election of Experts:** The members of the POPs Review Committee (POPRC) with terms commencing 5 May 2018 are: Mantoa 'Makoena Clementina Sekota (Lesotho); Gangeya (India); Anass Ali Saeed Al-Nedhary (Yemen); Zaigham Abbas (Pakistan); Amir Nasser Ahmadi (Iran); Sam Adu-Kumi (Ghana); Amal Lemsioui (Morocco); Nadjo N'Ladon (Togo); Svitlana Sukhorebra (Ukraine); Tamara Kukharchyk (Belarus); Vilma Morales Quillama (Peru); Luis G. Romero Esquivel (Costa Rica); Victorine Augustine Pinas (Suriname); Rikke Donchil Holmberg (Denmark); Ingrid Hauzenberger (Austria); Peter Dawson (New Zealand); and Jean-Francois Ferry (Canada).

**CREDENTIALS:** On Friday, 5 May, the Secretariat introduced the report of the Bureaux on credentials. For the BC, the following parties did not present adequate credentials and therefore could only participate as observers: Barbados, Comoros, Djibouti, Equatorial Guinea, Kyrgyzstan, Lebanon, Rwanda, Suriname, and Uzbekistan.

For the RC, seven parties did not present adequate credentials and therefore could only participate as observers: Djibouti, Equatorial Guinea, Kyrgyzstan, Lebanon, Malaysia, Rwanda, and Suriname.

For the SC, seven parties did not present adequate credentials and therefore could only participate as observers: Djibouti, Equatorial Guinea, Kyrgyzstan, Lebanon, Malaysia, Rwanda, and Suriname.

On Friday, 5 May, the Secretariat introduced the documents (UNEP/CHW.13/1/Add.1, UNEP/FAO/RC/COP.8/1/Add.1, and UNEP/POPS/COP.8/1/Add.1). BC COP13 President Khashashneh welcomed as new parties: Angola, Sierra Leone and Kazakhstan to the BC; Iraq, Malta, Sierra Leone and Tunisia to the RC; and Iraq and Malta to the SC.

## **MATTERS RELATED TO IMPLEMENTATION OF THE CONVENTIONS**

**NON-COMPLIANCE:** This issue was first taken up by the joint sessions on Tuesday, 25 April. Each Convention discussed its respective compliance issues independently. These discussions are summarized under their respective COP.

**INTERNATIONAL COOPERATION AND COORDINATION:** This agenda item was first taken up by the COPs in a joint session on Monday, 24 April, and subsequently addressed in a contact group on synergies and joint issues,

co-chaired by Jane Stratford (UK) and Nguyễn Anh Tuấn (Viet Nam), from Tuesday, 25 April, to Tuesday, 2 May. On Wednesday, 3 May, parties agreed to adopt the amended decision.

The Secretariat introduced the documents (UNEP/CHW.13/19, INFs 38, 39, 54, 56, 67, 69; UNEP/FAO/RC/COP.8/20, INFs 27, 28, 42, 46, 49, 50; UNEP/POPS/COP.8/24, INFs 44, 45, 58, 59, 63, 64). Several parties noted links to the 2030 Agenda for Sustainable Development. The EU suggested integrating the overall orientation and guidance for achieving the 2020 goal of sound management of chemicals into BRS work. Kenya suggested cooperation with other entities such as UN Development Programme (UNDP). The Interim Secretariat of the Minamata Convention on Mercury reported on joint activities with the BRS Secretariat and encouraged enhanced joint efforts to combat illegal trade and traffic in hazardous chemicals and wastes. UN Industrial and Development Organization (UNIDO) highlighted its joint declaration of intent on chemical leasing, noting it is open to additional partners. UN Economic Commission for Europe (UNECE) noted its POPs modeling work could be useful for evaluating the effectiveness of the SC. The UN Environment Management Group outlined its mandate to support enhanced coordination in the UN system on electronic waste. The US emphasized that the BRS Secretariat's work should be limited to implementation of the Conventions and should use data generated by the parties.

In the contact group, participants discussed whether to mention the SAICM intersessional process and to enhance cooperation and coordination with the Interim Secretariat of the Minamata Convention. After some bilateral consultations, participants reached agreement.

On Wednesday, 3 May, the plenary agreed to adopt the joint draft decision forwarded by the contact group. Supporting the adoption, the Marshall Islands lamented the exclusion from the text reference to the small island developing states (SIDS) Accelerated Modalities of Action (SAMOA) Pathway.

**Final Decision:** In the decision (UNEP/CHW.13/CRP.37; UNEP/FAO/RC/COP.8/CRP.12; UNEP/POPS/COP.8/CRP.23), the COP, *inter alia*:

- requests the Secretariat to: make available to UNEP information relevant to the implementation of the 2030 Agenda for Sustainable Development submitted to it by parties, as a contribution to the overall follow-up and review by the High-level Political Forum on Sustainable Development; continue to cooperate with UNEP, UN Statistics Division and other relevant organizations in the development of methodologies for indicators relevant to the BRS Conventions;
- requests the Secretariat, subject to the availability of resources, to assist parties, upon request, in their efforts to integrate relevant elements of the Conventions into their national plans and strategies for sustainable development, and, as appropriate, legislation; and
- requests the Secretariat to: continue to enhance cooperation and coordination with the interim Secretariat of the Minamata Convention on Mercury and the SAICM Secretariat in areas of relevance to the BRS Conventions, as well as with the international organizations and the activities listed in the report by the Secretariat on international cooperation and coordination; and report on the implementation of the present decision to the next meeting of the COPs.

**FINANCIAL RESOURCES:** This issue was introduced in the joint session of the BRS COPs and the decision was taken under the SC COP. (See page 14.)

**TECHNICAL ASSISTANCE:** This issue was considered by the joint COPs on Monday, 24 April, and thereafter in a contact group on technical assistance and financial resources co-chaired

by Leticia de Carvalho (Brazil), and Niko Urho (Finland). Delegates considered various issues, including capacity building, BC and SC regional centres, and enlargement on the scope of the BC trust fund.

The Secretariat introduced the documents (UNEP/CHW.13/11, 12, 17 and INFs 29/Rev.1, 34-36; UNEP/FAO/RC/COP.8/17 and INFs 24-25; and UNEP/POPS/COP.8/16. Rev.1, 17 and INFs 22, 23 and 25) highlighting the proposed four-year technical assistance plan for the period 2018-2021, and the termination of the framework agreement of the BC regional centre in El Salvador.

Iran, South Africa and Liberia called for additional financial resources to implement the four-year technical assistance plan. Maldives called for special consideration for SIDS. The EU welcomed the increase in the plan's implementation timeframe.

China underscored the need to mobilize the resources of UNDP, UNIDO and other institutions for activities under the BRS Conventions. South Africa noted that technical assistance and capacity building are fundamental to implementation and must be considered alongside compliance.

On BC and SC regional and coordinating centres, several countries expressed support for strengthening the role of regional centres. Indicating that the regional centres' mandate should reflect synergies, Brazil proposed its SC regional centre (SCRC) in São Paulo also serve as a BCRC. China highlighted the need to address the potential funding shortage causing the termination of regional centres. Guinea-Bissau expressed concern that regional centres do not always work closely with countries, with Namibia suggesting further support of national governments for the centres. The EU asked for clarification on the status of inactive centres. The SCRC in Spain presented its work on marine systems, biodiversity, and human health. Greenpeace highlighted the need to address marine plastic waste.

In the contact group discussions on the omnibus technical assistance draft decision, one developed country proposed language to establish an expert working group mandated to prepare a proposal to establish a technology transfer mechanism to address technical assistance, capacity building and technology needs of developing countries.

The group also addressed the redesignation of institutions serving as BCRCs and the differentiation between centres' and the Secretariat's reports on regional centres' activities. In considering the need for new regional centres, the group discussed two proposals, one for a centre in Brazil and another for a centre in Panama. After informal consultations, delegates considered a joint proposal on the establishment of two BCRCs to serve countries in the Central American and Mexico subregion. One proponent noted that the BCRC in Brazil would only serve parties not served by another BCRC, with another highlighting that the proposed BCRC in Panama would serve the Central America and Mexico subregion. Some developed countries, opposed by some developing countries, called for clarity on the need for the two centres. The developed countries, supported by many, proposed authorizing the Secretariat to initiate the process for signing a framework agreement for possible establishment of a BCRC in the subregion.

On SCRCs, one developing country proposed, supported by others, inviting the Secretariat and the regional centres to compile information, report on activities and propose recommendations related to marine litter prevention measures. Delegates agreed that any language on marine litter would also be included in the BCRC draft decision.

On the implementation of decision V/32 on the enlargement of the scope of the BC trust fund, the contact group discussed support in the event of an emergency and inclusion of the relevant

decision text within an omnibus decision on technical assistance, agreeing to adopt the draft.

**Final Decision:** In the final decision on technical assistance (UNEP/CHW.13/CRP.45; UNEP/FAO/RC/COP.8/CRP.21; UNEP/POPS/COP.8/CRP.29), the COPs, *inter alia*:

- request the Secretariat to continue to collect, through the database established for that purpose, information on the technical assistance and capacity-building needs of developing country parties and parties with economies in transition;
- welcome the technical assistance plan for the implementation of the BRS Conventions for the period 2018-2021 and request the Secretariat, subject to the availability of resources, to implement it in cooperation with relevant actors striving to attract the programming capacity and financial resources of relevant international organizations;
- encourage parties, regional centres and others to: make financial or in-kind contributions to facilitate the availability of capacity-development materials and activities in appropriate official regional languages; and undertake capacity-building activities in official local languages, as appropriate;
- welcome the UN Environment Assembly (UNEA) resolution highlighting the role of the regional centres of the Basel and Stockholm Conventions in assisting the regions in the implementation of the two Conventions and in other relevant work relating to the multilateral environmental agreements (MEAs) in the chemicals and waste cluster in the countries they serve; and
- request the Secretariat to submit a report to the COP at its next meeting on the implementation of the technical assistance plan for the period 2018-2021, including, as appropriate, adjustments to the plan, for consideration by the COP.

The other relevant technical assistance-related decisions are summarized under the individual Conventions.

### **ENHANCING COOPERATION AND COORDINATION AMONG THE BRS CONVENTIONS**

This agenda item was first taken up by the plenary of the joint sessions on Monday, 24 April, and subsequently addressed in a contact group on synergies and joint issues from Tuesday, 25 April, to Tuesday, 2 May. The plenary adopted the amended decision on: mainstreaming gender on Friday, 29 April; reviews of the synergies arrangements, illegal traffic and trade, and clearinghouse mechanism on Wednesday, 3 May; and "from science to action" on Thursday, 4 May.

The Secretariat introduced the documents (UNEP/CHW.13/20, 22-25 and 22/Add.1; UNEP/FAO/RC/COP.8/20-24 and 21/Add.1; UNEP/POPS/COP.8/19 and 25-28 and 25/Add.1).

On the review of the BRS synergies arrangements, China stated that more attention should be paid to the measures to enhance efficiency and effectiveness. India recommended a specific, dedicated budget line for synergies and reinforced, with China, that there should be no technology transfer-related synergies. The EU highlighted that the synergies process has enhanced the operation of the Conventions. Switzerland underlined that the synergies process supports a lifecycle approach to chemicals and wastes management.

On synergies with the Minamata Convention, China, Jamaica and the US expressed caution about welcoming integration of the Minamata Convention and preempting any decisions to be made by the Minamata Convention COP. Switzerland suggested that the BRS COPs indicate willingness to accept the Minamata Convention and to prepare, should the Minamata Convention COP decide to join BRS synergies. Kenya, for the African Group, called for consideration of the possible integration at these COPs.

Colombia indicated that the entry into force of the Minamata Convention should lead to coordinated work in chemicals and waste management.

The contact group considered each draft decision under the agenda item. On review of synergies, delegates considered the African Group's proposal to prepare for integrating the future Minamata Convention Secretariat into the BRS Secretariat. Several participants characterized the idea as "premature" while others highlighted possible efficiency and effectiveness benefits. Delegates agreed to move the provision about the Minamata Convention to the decision on budget.

On illegal traffic and trade, participants discussed, *inter alia*, ensuring complementarity and consistency with the actions by UN Environment and other organizations, strengthening parties' action and cooperation and providing relevant information to the Secretariat and making such information publicly available.

On the clearinghouse mechanism, 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.

**Final Decisions:** In their final decision on **mainstreaming gender** (UNEP/CHW.13/CRP.13; UNEP/FAO/RC/COP.8/CRP.4; and UNEP/POPS/COP.8/CRP.5), the COPs:

- welcome the BRS Secretariat's Gender Action Plan and the report on its implementation and request the Secretariat to continue its efforts with respect to gender mainstreaming in its activities, projects and programmes;
- recognize that, notwithstanding efforts of the parties and Secretariat to promote gender equality, efforts are still needed to ensure women and men from all parties are equally involved in the implementation of the Conventions and are represented in their bodies and processes, and thus inform and participate in decision making on gender-responsive hazardous chemicals and wastes policies; and
- request the Secretariat to: continue to report on the implementation of the Gender Action Plan to the 2019 COPs and subsequent COPs; to update, for consideration of the next COPs, the Gender Action Plan for mainstreaming gender considerations in the programme of work with indicators of monitoring progress to enable the COPs to follow up on the plan's implementation.

In the decision on **enhancing cooperation and coordination among the BRS Conventions** (UNEP/CHW.13/CRP.36; UNEP/FAO/RC/COP.8/CRP.11; UNEP/POPS/COP.8/CRP.22), the COPs, *inter alia*:

- welcome the reports on: the further review of the synergies arrangements; the review of the matrix-based management approach and organization undertaken by the Executive Director in consultation with the Director General of FAO; the review of the proposals set out in the note by the Secretariat on the organization and operation of the part of the RC Secretariat hosted by FAO;
- invite parties to submit to the Secretariat, by 30 June 2018, suggestions for possible further actions to enhance cooperation and coordination among the BRS Conventions, and request the Secretariat to inform the COPs about the specific suggestions received in the documents to be considered under each relevant agenda item for its next meeting; and
- request the Secretariat to include information on progress achieved in enhancing cooperation and coordination in the reports on implementation of relevant decisions.

In the decision on **illegal traffic and trade** (UNEP/CHW.13/CRP.38; UNEP/FAO/RC/COP.8/CRP.13; UNEP/POPS/COP.8/CRP.24), the COPs, *inter alia*:

- underline the importance of adequate legal and institutional frameworks at the national level in preventing and combating illegal traffic and trade in hazardous chemicals and wastes under the BRS Conventions;
- invite parties to share with other parties, through the Secretariat, while avoiding duplication: their experiences; and information on cases of illegal trade in hazardous chemicals and wastes;
- invite the member organizations of the Inter-Organization Programme for the Sound Management of Chemicals, the BC and SC regional centres, the International Criminal Police Organization, the World Customs Organization, the Secretariat of the Montreal Protocol on substances that deplete the ozone layer, and relevant global and regional enforcement networks to provide the COP, through the Secretariat, with information on their activities aimed at preventing and combating illegal traffic and trade in hazardous chemicals and wastes as well as lessons learned from those activities for its consideration at its next meeting; and
- request the Secretariat to: seek, subject to the availability of resources, comments from parties and others on further areas, including areas common to two or three Conventions in which legal clarity could be improved as a means of preventing and combating illegal traffic and trade in hazardous chemicals and wastes, and, based on those comments, to prepare a report, including recommendations, for consideration by BC COP14, RC COP9 and SC COP9; support parties, upon request and within available resources, on matters pertaining to the implementation and enforcement of the provisions of the BRS Conventions aimed at controlling the export and import of chemicals and wastes covered under the three Conventions, including on the development and updating of national legislation or other measures; develop examples of the integration of the provisions of the BRS Conventions into national legal frameworks and to organize training activities, subject to the availability of resources and in collaboration with partners, to assist parties, particularly developing-country parties and parties with economies in transition, in the development of national legislation and other measures to implement and enforce the provisions of the Conventions aimed at controlling the export and import of chemicals and wastes covered under the Conventions; and report on the implementation of the present decision to COP14.

In the decision on the **clearinghouse mechanism for information exchange** (UNEP/CHW.13/CRP.39; UNEP/FAO/RC/COP.8/CRP.14; UNEP/POPS/COP.8/CRP.25), the COPs, *inter alia*:

- welcome: the progress made in the implementation of the joint clearinghouse mechanism; and the work of the Secretariat in revising the draft joint clearinghouse mechanism strategy and in preparing a draft workplan for the implementation of the joint clearinghouse mechanism for the biennium 2018-2019;
- request the Secretariat, subject to the availability of resources to: start the work to implement the strategy of the joint clearinghouse mechanism in a gradual and cost-effective manner; implement activities of the workplan for the biennium 2018-2019 in accordance with the programme of work and budget for the Convention for the biennium; ensure that activities undertaken in the development of the clearinghouse mechanism are cost-effective, proportionate and balanced and in line with the capacity and resources of the Secretariat; prioritize recurring activities, in particular with respect to maintenance; implement activities in-house whenever possible and to resort to the use of consultants only in justifiable cases; link with other relevant existing mechanisms and sources

of information without having to redo the content already contained in them; where possible, participate in meetings through electronic means and to use translations already available in the six official UN languages; and

- request the Secretariat to keep the strategy under regular review in order to take into account lessons learned and relevant developments with regard to matters such as the multi-sectoral and multi-stakeholder discussions on the sound management of chemicals and waste beyond 2020.

In the decision on “**from science to action**” (UNEP/CHW.13/CRP.40; UNEP/FAO/RC/COP.8/CRP.16; UNEP/POPS/COP.8/CRP.26), the COPs, *inter alia*:

- take note of the Secretariat’s draft road map for further engaging parties and other stakeholders in informed dialogue for enhanced science-based action in the implementation of the Conventions;
- request the Secretariat, subject to the availability of resources, and in collaboration with regional centres, as appropriate, to undertake capacity-building and training activities to support parties in science-based decision-making and action in the implementation of the Conventions;
- request the Secretariat, by 30 September 2017, to further revise the draft road map with a focus on moving from multilateral dialogue to action at the national and regional levels, while avoiding duplication and inconsistencies with existing mechanisms, and taking into account the views expressed by parties during the COPs at their meetings in 2017;
- invite parties and others to submit comments on the further revised road map by 28 February 2018; and
- invite parties to the BRS Conventions to nominate through their Bureau representatives up to four experts per UN region, by 30 June 2017, to assist the Secretariat in further revising the draft road map, working through electronic means, and request the Secretariat to prepare a final draft, with a focus on enhancing science-based action at the national and regional levels, for consideration by the COPs at their next meetings.

### **PROGRAMME OF WORK AND BUDGET**

This issue was introduced in plenary on Tuesday, 25 April, and was considered in the budget group for the duration of the meeting. The Secretariat introduced the documents (UNEP/CHW.13/26 and INF/51, 52, 53/Rev.2, 55, 58; UNEP/FAO/RC/COP.8/25 and INF/36, 37, 38/Rev.1, 43, 48, 51; and UNEP/POPS/COP.8/29 and INF/53, 54, 55/Rev.2, 57, 62). He highlighted the zero nominal growth and the Executive Secretary budget scenarios, and drew attention to the unsustainable level of contributions in arrears. Delegates agreed to establish a group on programme of work and budget, chaired by Osvaldo Álvarez (Chile).

In their discussions, the group focused on the staffing table, the draft decision on the programme and work and budget, as well as all draft decisions forwarded to the group with real or potential budgetary implications. In their first sitting, many highlighted the need to address the issue of arrears. Delegations also stated their initial preference for either the zero growth budget scenario or the Executive Secretary’s scenario, which represents 3% growth. The Secretariat explained the new budgeting system as prescribed by the UN’s central administrative system, Umoja, and provided cost estimates for staff members possibly up for retirement, with the FAO part of the RC making a presentation on its support to the Convention. The group engaged in some discussion on the funding of activities, with a number of developing countries calling for more activities to be funded by the core budget as opposed to voluntary contributions to ensure the implementation

of the Conventions. In this regard, the Secretariat clarified that the phrase contained in numerous decision texts on “subject to the availability of funding” refers to funding from voluntary sources.

The group 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 revising the 3% annual increase to a 2% increase, particularly with regard to 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 and its ability to implement the Conventions’ activities, and requesting further clarity on the rationale behind the 3% increase in the Executive Secretary’s scenario. The Secretariat stated that human resources are already stretched. In revisiting this discussion, some countries agreed to the 2% annual increase, noting that it would exclude US\$100,000 which had been included as a risk factor, noting proposed savings from a predicted decrease in post adjustment costs by the UN. Those who opposed this noted that the risk factor takes into account inflation and other uncertainties. Delegates considered allowing the Executive Secretary to access the fund balance in case the uncertainties have an effect on the staffing envelope.

On Friday, 5 May, in plenary, delegates agreed to joint programmes of work and proposed budgets for the biennium 2018-2019 of the BRS Conventions (UNEP/CHW.13/CRP.43 and Add.1; UNEP/FAO/RC/COP.8/CRP.20 and Add.1; UNEP/POPS/COP.8/CRP.28 and Add.1).

**Final Decision:** The programmes of work and proposed budgets contains an annex with tables with the programme budget for the 2018-2019 biennium, assessed contributions apportioned to parties to the BRS Conventions for the 2018-2019 biennium, and the indicative staffing table for the BRS Secretariat for the biennium 2018-2019 funded from the general trust funds. The programme budget for the biennium is set at US\$29,456,189 from the general trust fund, and US\$15,474,814 from voluntary funds.

The budget decisions for each COP are summarized for their respective COPs on pages 16 (SC), 25 (BC) and 29 (RC).

### **VENUE AND DATE OF THE 2019 MEETING OF THE COPS**

On Tuesday, 25 April, delegates decided to hold their next meetings in Geneva from 29 April to 10 May 2019 with a similar format as the 2017 meetings, with joint sessions covering matters of relevance to at least two of three Conventions and separate sessions for the meeting of each of the three COPs. They also decided that that the 2019 meetings would not feature a high-level segment and that such segments would occur only at every second set of meetings of the COPs.

### **OTHER MATTERS**

**Draft MoUs:** On Tuesday, 25 April, the Secretariat presented the documents on the MoUs between the Conventions and UNEP and the FAO (CHW.13/27, INF/56, UNEP/FAO/RC/COP.8/26, INF/46, UNEP/POPS/COP.8/30, INF/59), noting further analysis may be warranted and requesting the BRS Executive Secretary to prepare proposals for the consideration of the next COPs. The EU recalled that the COPs decided in 2015 to prepare these MoUs. This issue was forwarded to the contact group on synergies and joint issues.

In the contact group, delegates reached an agreement that highlights that consideration of the draft MoU should not be delayed and decided to include the draft MoU as an item of the provisional agenda of the next COPs.

The decisions for the MoUs are summarized under their respective COPs on pages 17 (SC), 25 (BC) and 29 (RC).

**HIGH-LEVEL SEGMENT**

A high-level segment, which aimed to raise political awareness of and support for the Conventions, as well as promote a dialogue among ministers, and between ministers and other high-level delegates, was held Thursday afternoon, 4 May, and Friday morning, 5 May.

On Thursday, Corinne Momal-Vanian, UN Office Geneva, welcomed delegates. An award ceremony was held to recognize seven countries that recently ratified the Ban Amendment, including Antigua and Barbuda, Peru, Jamaica, Seychelles, South Africa, Niger and Guinea.

Calling the BRS and Minamata Conventions “cornerstones” of international environmental cooperation, Marc Chardonens, State Secretary for the Environment, Director of the Federal Office for the Environment, Switzerland, stated that the effectiveness of the RC must be improved and said the Conventions need adequate financing to realize change on the ground for a detoxified world.

SC COP8 President Abu-Kumi, on behalf of the BRS COP Presidents, highlighted links to broader environmental challenges and initiatives, saying that the BRS Conventions demonstrate synergies at their best, particularly because “no country can realize a detoxified future alone.”

Highlighting various environmental initiatives, Erik Solheim, Executive Director, UN Environment, underscored the importance of cooperation, saying that achieving a pollution-free planet requires that governments, civil society and the private sector work together.

Naoko Ishii, CEO and Chairperson, Global Environment Facility (GEF), characterized chemicals and wastes as integrated into key economic systems, said there is “no option” but to transform current production and consumption patterns, and underscored that the GEF stands ready to work toward a detoxified future.

Maria Helena Semedo, Deputy Director-General, Climate and Natural Resources, FAO, underscored FAO’s commitment to support innovative solutions, dialogue and policies to realize sustainable agriculture and ecosystems approaches, highlighting its work to reduce the footprint of agriculture and impact of microplastics on fisheries.

Kate Gilmore, UN Deputy High Commissioner for Human Rights, highlighted the many links between human rights and toxics, including for children, who she said are being born “pre-polluted.” She further underscored that exposure to toxins and marginalization goes hand in hand, which is counterproductive to early warning and just response. She underscored the role of the state to protect rights holders.

The high-level segment resumed Friday, 5 May. Tim Kasten, UN Environment, summarized the key messages of the ministerial roundtables, which took place after the opening ceremony on Thursday, 4 May, and were attended by over 140 Ministers, Vice-Ministers, and ambassadors from more than 100 countries.

Oppah Chamu Muchinguri, Minister of Environment, Water and Climate, Zimbabwe, drew attention to waste dumping that takes place through the export of used cars and computers.

Singappuli Premajayantha, Ministry of Environment and Renewable Energy, Sri Lanka, highlighted the role of partnerships and national coordination to facilitate engagement.

Rosalie Matondo, Minister of Forest Economy, Sustainable Development and Environment, Republic of the Congo, highlighted the need for mechanisms to enable parties that agree a chemical should be listed in Annex III of the RC to move ahead.

Noel Holder, Minister of Agriculture, Guyana, underlined the need to integrate chemicals and wastes into the national agenda, across sectors and communities, and highlighted the need for waste management training.

Khaled Fahmy, Minister of Environment, Egypt, highlighted the role of South-South cooperation, and underscored the need for developed countries to provide the finance necessary to achieve compliance.

Carole Dieschbourg, Minister for the Environment, Luxembourg, underscored the role of political will and policy coherence and drew attention to the benefits of integrating gender considerations into implementation.

Sydney Samuels, Minister of the Environment, Guatemala, underscored the potential to find solutions through collaboration among the private sector, civil society and governments.

Etienne Didier Dogley, Minister of Environment, Energy and Climate Change, Seychelles, called for sufficient technology transfer and financing to facilitate the necessary science and research for sound management of chemicals and wastes.

Arlette Sombo-Dibele, Minister of Environment, Sustainable Development, Water, Forests, Hunting and Fishing, Central African Republic, underscored the role of synergies and international cooperation, but also action at the state level.

During the plenary discussion, several countries shared their national experiences implementing the BRS Conventions. Many developing countries called for the technical and financial resources necessary for, *inter alia*, monitoring, conducting research, reporting, developing bankable projects, buying patents, and developing institutional frameworks. Several called attention to the lack of available finance and difficulties accessing finance.

Some illustrated gender inequalities citing examples related to waste management and exposure to contaminated water, and highlighted the need for access to decision making, training and empowerment. Several highlighted the need for awareness raising on chemicals and wastes issues for all.

Summarizing the high-level segment, BRS Executive Secretary Rolph Payet identified three messages: political momentum for a detoxified planet is increasing; sustainable development requires commitment to a pollution-free planet; and action now and implementation of all parties to the BRS Conventions is the key to realizing a detoxified future.

Closing the high-level segment, Marc Chardonens, Switzerland, underscored that the BRS Conventions are “still vigorous” and urged all countries and stakeholders to work and be innovative together for a detoxified world.

**STOCKHOLM CONVENTION COP8**

SC COP8 chaired by Sam Adu-Kumi (Ghana), opened on Monday, 24 April, to adopt the agenda and continued on Tuesday through Friday, 25-28 April. SC COP8 reopened briefly throughout the meeting to adopt decisions.

**RULES OF PROCEDURE FOR THE COP**

President Adu-Kumi introduced the document (UNEP/POPS/COP.8/3). The COP agreed to maintain brackets around a clause stating that when attempts to achieve consensus are exhausted, a two-thirds majority vote can be used to reach a decision, meaning that the COP will continue to decide on substantive matters by consensus.

**MATTERS RELATED TO THE IMPLEMENTATION OF THE STOCKHOLM CONVENTION****MEASURES TO REDUCE OR ELIMINATE RELEASES FROM INTENTIONAL PRODUCTION AND USE:**

**Exemptions:** Plenary took up this agenda item and adopted a decision on Wednesday, 26 April. The Secretariat introduced the document (UNEP/POPS/COP.8/4).

The EU supported the draft decision. The Republic of Korea noted the need for more data on the lifecycle of certain POPs.



Egypt highlighted that parties conducting studies on certain POPs may later request exemptions. The International POPs Elimination Network (IPEN) lamented the low number of parties registered for exemptions, noting that failure to claim an exemption could constitute a gap in the Convention's information database.

After the plenary discussion, the COP adopted the draft decision without amendment.

**Final Decision:** In the decision (UNEP/POPS/COP.8/4), the COP, *inter alia*:

- encourages parties to continue to assess in a timely manner the need for exemptions, in particular after the adoption of a decision by the COP to amend Annexes A or B to the Convention;
- reminds parties that may wish to register for specific exemptions, acceptable purposes, chemicals occurring as constituents of articles, and the production and use of chemicals as closed-system, site-limited intermediates that are currently available to so notify the Secretariat using the relevant forms; and
- requests the Secretariat to continue to: maintain and update the forms, registers and related information, as appropriate, so as to ensure that information is easily accessible to parties and other stakeholders; and assist parties in their efforts to implement the provisions of the Convention related to specific exemptions and acceptable purposes.

**DDT:** This agenda item was taken up by the SC in plenary on Wednesday, 26 April. The Secretariat introduced the documents (UNEP/POPS/COP.8/5, INF/6-9).

SC COP8 President Adu-Kumi reported Morocco requested withdrawal from the DDT Register for its use in malaria control. UN Environment and the World Health Organization (WHO) reported on the road map for the development of alternatives and on the continued need for DDT for disease vector control, respectively.

The Philippines, Niger, Libya, Maldives and Gabon highlighted the ban of DDT in their countries with Venezuela indicating that DDT is only used in public health emergencies. Ghana called for technical assistance. IPEN urged acceleration of further research on and implementation of non-chemical methods and strategies for disease vector control. Pesticide Action Network (PAN) Africa indicated that in the long-term DDT is not sufficient to deal with malaria due to resistance, highlighting ecological approaches already in use. The EU suggested to add "ensuring the long-term sustainability of vector control programmes" as due priority for assistance for a transition away from reliance on DDT disease vector control.

**Final Decision:** In the decision (UNEP/POPS/COP.8/5), the COP, *inter alia*:

- takes note of the report by the DDT expert group on the assessment of the continued need for DDT for disease vector control, including the conclusions and recommendations contained therein;
- concludes that countries that rely on indoor residual spraying for disease vector control may need DDT for that purpose in specific settings where locally safe, effective and affordable alternatives are still lacking for a sustainable transition away from DDT;
- notes the necessity of providing technical, financial and other assistance to developing country parties and parties with economies in transition for a transition away from reliance on DDT for disease vector control, with due priority accorded to: reporting on DDT by parties to enable adequate assessment under the SC, including in particular the mechanism for reporting on use, import and export and stockpiles of DDT and the use of other chemicals for indoor residual spraying;

ensuring adequate national capacity for research, resistance monitoring and implementation for pilot testing and scaling up of existing alternatives to DDT, as well as ensuring the long-term sustainability of vector control programs;

- urges parties to seek guidance from WHO before considering DDT for the control of vectors of arboviruses;
- decides to evaluate at COP9 the continued need for DDT for disease vector control on the basis of the available scientific, technical, environmental and economic information, including that provided by the DDT expert group, with the objective of accelerating the identification and development of locally appropriate, cost-effective and safe alternatives;
- requests the Secretariat to continue to support the process set out in Annex I to decision SC-3/2 and to assist parties to promote locally safe, effective and affordable alternatives for a sustainable transition away from DDT;
- requests the Secretariat to continue to participate in the activities of the Global Alliance; and
- invites parties and others to continue to provide technical and financial resources to support the implementation of the activities of the Global Alliance, including the activities set out in the road map.

**Polychlorinated biphenyls (PCBs):** This agenda item was first taken up by the SC plenary on Thursday morning, 27 April. The Secretariat introduced the documents (UNEP/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. The COP discussed this in plenary on Thursday and agreed to invite interested parties to revise the draft decision. On Monday, 1 May, after another round of consultations, the COP adopted the draft decision.

On Thursday, 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, and called for additional financial assistance in order to meet the 2025 PCB use elimination goal and the 2028 PCB goal for environmentally sound management (ESM). 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. 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.

Noting its CRP, 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. 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. The Center for Public Health and Environmental Development called for, *inter alia*, standardized inventories and development of guidance on non-combustion methods for PCBs destruction.

**Final Decision:** In the decision (UNEP/POPS/COP.8/CRP.19), the COP, *inter alia*:

- invites UNEP Chemicals and Waste Branch to provide information on the activities of the PEN to COP9;
- encourages parties to step up their efforts, *inter alia* by developing and implementing rigorous plans for the ESM of PCBs throughout their life cycles, including their elimination and destruction, to meet the goals of the SC to eliminate the use of PCBs in equipment by 2025 and to achieve the ESM as waste of liquids containing PCBs and equipment contaminated with PCBs having a content above 0.005% no later than 2028;
- encourages parties to endeavor to identify, as soon as possible, open applications such as cable sheaths, cured caulk and painted objects containing more than 0.005% PCBs and to manage them in accordance with paragraph 1 of Article 6 (stockpiles), and requests the Secretariat, subject to the availability of resources, to consolidate the existing guidance on this issue;
- invites parties and others in a position to do so to support developing countries and countries with economies in transition to meet their outstanding needs to manage PCBs, including in open applications, in an environmentally sound manner;
- decides to undertake, at COP9, a review of progress towards the elimination of PCBs;
- decides to establish a small intersessional working group (SIWG), working by electronic means and, subject to the availability of funding, through a face-to-face meeting, to prepare a report on progress towards the elimination of PCBs for consideration by COP9, and requests the Secretariat to support the group; and
- requests the Secretariat, subject to the availability of resources, to continue to participate in the activities of the PEN and to assist parties in their efforts with respect to the plans referred to in paragraph 3 above, including by developing guidance and a roadmap for the implementation of such plans.

**Brominated diphenyl ethers (BDEs):** This agenda item was first taken up by the SC plenary on Wednesday, 26 April. The Secretariat introduced the documents (UNEP/POPS/COP.8/7 and INF/12). After plenary discussion, the COP agreed to invite interested parties to revise the draft decision, and adopted the amended draft decision on Monday, 1 May.

On Wednesday, Pakistan, Gabon, Norway, IPEN, BAN, and Global Alliance of Incinerator Alternatives called for an end to exemptions for recycling articles containing BDEs, with Norway saying it would propose textual amendments.

The EU and Canada underscored the importance of preventing export of articles containing BDEs to countries that lack capacity for ESM of waste, with Canada saying it would propose text on parties' obligations.

Belarus supported the decision, noting the challenges of identifying POPs articles in the waste stream. Argentina highlighted the importance of the GEF's support in addressing BDEs. Egypt underlined the need for projects on BDEs in developing countries.

**Final Decision:** In the decision (UNEP/POPS/COP.8/CRP.21), the COP, *inter alia*:

- urges parties and other relevant stakeholders to implement, where appropriate, taking into account national circumstances, the recommendations on the elimination from the waste stream of BDEs, and to provide information on progress to the COP in order to facilitate the evaluation and review of progress in eliminating BDEs;
- urges parties to take determined steps to ensure that BDEs are not introduced into articles in which the presence of these chemicals would pose a risk of human exposure, in particular consumer products such as children's toys;

- urges parties that have made use of the specific exemptions to accelerate efforts to prevent the export of articles that contain or may contain BDEs and of articles manufactured from recycled materials that contain BDEs and levels/concentrations of BDEs exceeding those permitted for the sale, use, import or manufacture of those articles within the territory of the party, in accordance with their obligations under Annex A;
- urges parties to strengthen measures for the ESM of BDEs wastes, in accordance with their obligations under Article 6 of the SC and under the BC, taking into consideration the updated guidance on BAT and BEP for the recycling and waste disposal of articles containing POP BDEs, the POPs technical guidelines (TGs) and the TGs on the ESM of wastes consisting of, containing or contaminated with hexaBDE and heptaBDE, or tetraBDE and pentaBDE;
- decides to undertake an evaluation of progress that parties have made towards eliminating BDEs contained in articles and a review of the continued need for specific exemptions for those chemicals at COP10;
- encourages parties to collect information on the types and quantities of BDEs in articles in use and in the waste and recycling stream and on measures taken to ensure their ESM pursuant to Article 6 of the Convention and, where appropriate, Annex A to the Convention, and to make that information available to the Secretariat; and
- requests the Secretariat to: continue to support the process set out in the annex to decision SC-6/3; undertake, subject to the availability of resources, activities to support parties in collecting the information required for the process set out in the annex to decision SC-6/3 and in implementing measures to facilitate the elimination of BDEs contained in articles; report to COP10 on activities undertaken, including recommendations on any modifications to the process and/or format for consideration and possible adoption by the COP.

#### **Perfluorooctane sulfonic acid (PFOS), its salts and**

**perfluorooctane sulfonyl fluoride (PFOSF):** This agenda item was first taken up by the SC plenary on Wednesday, 26 April. The Secretariat introduced the document (UNEP/POPS/COP.8/8, INF/13). After plenary discussion on Wednesday, the COP agreed to invite interested parties to revise the draft decision, and on Friday, 28 April, adopted the amended decision.

On Wednesday, several welcomed the consolidated guidance on alternatives to PFOS and its related chemicals. The EU proposed to "request" the regional centres to assist parties in enhancing their legal and technical capacity. Norway, Canada, Iceland and IPEN called for moving PFOS to Annex A to promote greater phase-out of exemptions. China opposed. Canada, IPEN and PAN supported the removal of specific exemptions and acceptable purposes, which India opposed. The US noted that the POPRC's guidance on alternatives does not mean that the POPRC assessed the alternatives.

Guinea, India and Mali expressed concern about the proposed text. The Secretariat clarified that the proposed text encourages regional centres to provide support to parties to improve their technical and legal capacity. SC COP8 President Adu-Kumi proposed that these parties work with the EU on the proposed text and report back to plenary.

**Final Decision:** In the final decision (UNEP/POP/COP.8/CRP.9), the COP, *inter alia*:

- takes note of: the options for possible action by the COP should it conclude that there is no continued need for the various acceptable purposes for PFOS, its salts and PFOSF in Annex B to the Convention; and the information related to the interpretation and application of Article 4 (register of specific exemptions) of the Convention transmitted by parties;

- invites parties and others to submit to the Secretariat, by 15 February 2018, the following information for use by the Secretariat in preparing its next report on the evaluation of PFOS, its salts and PFOSF and by the POPRC in its future updating of the guidance on alternatives to PFOS and its related chemicals: information on the production and use of sulfluramid; information on local monitoring of releases of PFOS from the use of sulfluramid; information on research on and the development of safe alternatives to PFOS, its salts and PFOSF as stipulated in paragraph 4(c) of Part III of Annex B to the Convention; and
- encourages the regional centres and others to provide support to parties to improve their technical and legal capacity.

The COP also requests the Secretariat to:

- continue to support the process set out in the annex to decision SC-6/4, in accordance with the revised schedule, and to support parties, subject to the availability of resources, in collecting the information required for the process;
- further promote the exchange of information, including information provided by parties and others, on alternatives to PFOS, its salts and PFOSF and their related chemicals; and
- to provide support to parties, in particular developing country parties and parties with economies in transition, subject to the availability of resources, to build their capacity to identify and collect information on PFOS, its salts and PFOSF, to strengthen their legislation and regulations on the management of those chemicals throughout their lifecycles and to introduce safer, effective and affordable alternatives to those chemicals.

#### MEASURES TO REDUCE OR ELIMINATE RELEASES

**FROM UNINTENTIONAL PRODUCTION:** Plenary took up this agenda item and adopted a decision on Wednesday, 26 April. The Secretariat introduced the documents on the toolkit for identification and quantification of releases of dioxins, furans and other unintentional POPs and guidelines and guidance on BAT and BEP (UNEP/POPS/COP.8/9) and related documents (UNEP/POPS/COP.8/INF/14-16). Parties adopted the draft decision.

**Final Decision:** In its decision (UNEP/POPS/COP.8/9), the COP, *inter alia*:

- adopts the workplan for the review and updating of the Toolkit and the workplan and terms of reference for review and updating of the BAT/BEP guidelines and guidance;
- encourages parties to: use the Toolkit; report the estimated releases under Article 15 according to the source categories identified in Annex C; and maintain their action plans to minimize and ultimately eliminate releases of unintentionally produced POPs;
- also encourages parties to consider the data quality guidance in the Toolkit and implement quality assurance and quality control as part of the development and updating of the source inventories and release estimates; and
- further encourages parties to use the BAT/BEP guidelines and to share their experiences by means of the SC clearinghouse mechanism.

#### MEASURES TO REDUCE OR ELIMINATE RELEASES

**FROM WASTES:** This issue was first taken up Wednesday, 26 April, and a decision was adopted Monday, 1 May. The Secretariat introduced the document (UNEP/POPS/COP.8/10). Canada and the EU suggested changes to the data collection mechanism. Guinea suggested adding reference to African countries, where data collection is difficult.

India expressed concern that the SC should adopt the BC TGs, noting that the SC has waste-related provisions. The Secretariat characterized the link between the BC and SC as “light,” in that the SC invites the BC to develop TGs for POPs waste.

The Russian Federation, Thailand, IPEN and the US expressed views on the low-POPs content TGs, and the Secretariat suggested these views be expressed in the BC technical matters contact group.

**Final Decision:** In its decision (UNEP/POPS/COP.8/CRP.12), the COP, *inter alia*:

- notes that the updated TGs adopted by BC COP13: establish provisional definitions of low-POP content; establish a provisional definition of levels of destruction and irreversible transformation; and determine methods considered to constitute environmentally-sound disposal;
- reminds parties to take into account these TGs when implementing their obligations under Article 6.1 of the Convention (stockpiles); and
- requests the Secretariat, subject to the availability of resources, to undertake capacity-building and training activities to support parties in meeting their obligations under Article 6.1, taking into account the TGs.

The COP also invites the appropriate bodies of the BC, with regard to the chemicals newly listed in Annexes A and/or C to the SC, to:

- establish for those chemicals the levels of destruction and irreversible transformation necessary to ensure that the characteristics of POPs are not exhibited;
- determine what they consider to be the methods that constitute environmentally sound disposal;
- work to establish, as appropriate, the concentration levels in order to define for those chemicals the low-POP content; and
- further update, if need be, the general TGs on the ESM of wastes consisting of, containing or contaminated with POPs and to update or develop new specific TGs under the BC.

**IMPLEMENTATION PLANS:** This issue was first taken up in plenary on Thursday, 27 April, and a decision was adopted Friday, 28 April. The Secretariat introduced the documents (UNEP/POPS/COP.8/11; INF/17 and 17/Rev.1, 18-20). Several countries reported that they were updating their national implementation plans (NIPs), while Norway noted that approximately 30% of parties have updated their NIPs and encouraged parties to use available national information to update their NIPs.

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

The EU made suggestions regarding the timelines for the appropriate BC bodies to 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. SC COP8 President Adu-Kumi suggested the EU and Canada work together on their proposed amendments.

On Friday, 28 May, the decision was adopted.

**Final Decision:** In its decision (UNEP/POPS/COP.8/CRP.11), the COP, *inter alia*:

- urges those parties that have not transmitted their NIPs within the deadlines to transmit them as soon as possible;
- takes note of several guidance and draft guidance documents;

- encourages parties to use the guidance on: developing a NIP; preparing inventories of PFOS and related chemicals; and preparing inventories of polyBDEs, as appropriate, when developing, reviewing and updating their NIPs; and
- invites parties and others to provide comments to the Secretariat on the guidance and draft guidance documents by 30 June 2018, including based on their experience using the guidance documents and on how to improve their usefulness. The COP invites the appropriate bodies of the BC to review the waste-related aspects of the draft guidance on:
  - preparing inventories of HCBd;
  - preparing inventories of polychlorinated naphthalenes; and
  - preparing inventories of PCP and its salts and esters and on identifying alternatives for the phase-out of those chemicals and to forward the outcome of their review to the Secretariat for consideration in the updating of the guidance.

The COP requests the Secretariat, subject to the availability of resources, to:

- continue to update the guidance and draft guidance documents, as appropriate, on the basis of the comments received from parties and others, including the BC bodies;
- undertake capacity-building and training activities to support parties to facilitate the development, review and updating of NIPs;
- develop as necessary, new guidance on preparing inventories of POPs listed at SC COP8;
- continue to identify any additional guidance that might be required to assist parties in the development, review and updating of NIPs; and
- develop an electronic template for the quantitative information included in NIPs in a harmonized manner with reporting.

The COP also requests parties to identify diversified, accessible, predictable and sustainable financial resources as required by the Convention to assist developing countries and countries with economies in transition in updating their NIPs.

**LISTING OF CHEMICALS IN ANNEX A, B OR C TO THE CONVENTION:** This agenda item was first taken up by the SC plenary on Tuesday, 25 April, and subsequently addressed in a contact group, co-chaired by David Kapindula (Zambia) and Björn Hansen (EU), which met from Tuesday-Friday, 25-28 April. Three chemicals were considered for listing: decabromodiphenyl ether (decaBDE), short-chained chlorinated paraffins (SCCPs), and HCBd. On Friday, 28 April, plenary adopted the decision on operation of the Persistent Organic Pollutant Review Committee (POPRC). On Monday 1 May, delegates agreed to five decisions related to decaBDE, SCCPs and HCBd: list decaBDE in Annex A with specific exemptions for production and use; review information related to specific exemptions for decaBDE; list SCCPs in Annex A with specific exemptions; review information related to specific exemptions for SCCPs; and list HCBd in Annex C.

On Tuesday, the Secretariat introduced: the documents on developments for action by the COP (UNEP/POPS/COP.8/12, INF/60); the recommendations from the POPRC to list decaBDE in Annex A (UNEP/POPS/COP.8/13), SCCPs in Annex A (POPS/COP.8/14); and HCBd in Annex C (UNEP/POPS/COP.8/15); and the compilation of comments received from parties relating to the listing of chemicals recommended by the POPRC (UNEP/POPS/COP.8/INF/21).

POPRC Vice-Chair Zaigham Abbas (Pakistan) reported on the POPRC's recommendations and work on chemicals under review. The EU suggested amending the draft decision to invite POPRC to strengthen the involvement of BC experts and request the Secretariat to facilitate their involvement. Norway proposed

text inviting parties and others to provide information on waste and disposal issues. President Adu-Kumi asked the Secretariat to make the amendments.

**Final Decision:** In the decision (UNEP/POPS/COP.8/CRP.8), the COP, *inter alia*:

- appoints the 14 designated experts with terms of office commencing on 5 May 2016 to serve as members of the Committee and notes that one vacancy arising during the intersessional period has been filled;
- appoints the 17 designated experts with terms of office commencing on 5 May 2018 to serve as members of the Committee;
- encourages parties and observers to submit the information specified in Annexes E and F to the Convention and to review and provide technical comments on the draft risk profiles and draft risk management evaluations to the Committee through the Secretariat in a timely manner to support the development of sound recommendations to the COP and supporting documents on the listing of chemicals in Annexes A, B and/or C to the Convention, and to involve experts working on the BC at the national level in this work, when relevant;
- invites the BC COP to consider enhancing the involvement of experts working under the BC in the work of POPRC;
- invites POPRC to strengthen the involvement of experts working under the BC in its work in order to receive improved information on waste and disposal issues;
- requests the Secretariat to facilitate the involvement of experts;
- encourages parties and observers to undertake, within their capabilities, appropriate research, development, monitoring and cooperation pertaining to alternatives to POPs and candidate POPs in accordance with Article 11 of the Convention (research, development and monitoring);
- requests the Secretariat to continue, subject to the availability of resources, to: assist POPRC in collecting information on POPs in products as necessary for its review of chemicals and to provide parties with guidance on labeling for the chemicals listed in Annexes A and B, and to collaborate, as appropriate, with relevant international efforts such as the Chemicals in Products project of UNEP; undertake activities to support parties and others to participate effectively in the work of the POPRC, as listed in decision POPRC-12/7, and to report on the results of those activities to COP9.

**Decabromodiphenyl ether (decaBDE):** On Tuesday in plenary, Australia, the EU, Thailand, Belarus, Ecuador, Brazil, and the US supported listing decaBDE in Annex A, with specific exemptions for legacy automobiles and the aerospace industry. Kenya, for the African Group, supported listing with specific exemptions for the automotive industry.

Chile, Canada and the US called for a specific exemption for recycling. The Russian Federation, with Kazakhstan, supported listing and called on the Secretariat to prepare a register for products containing decaBDE. India and Uruguay welcomed the proposal, calling for further discussions in a contact group. Welcoming listing, Switzerland suggested a brief transition period from decaBDE use to alternatives. Turkey, opposed by Norway, called for a specific exemption for the textile industry. Ecuador called for technical assistance to identify the substance.

IPEN opposed specific exemptions for automobiles and recycling, saying that the latter is "the same as legitimizing e-waste dumping in developing countries." Basel Action Network (BAN) said that the recycling proposal is contradictory to the SC's intent. Highlighting impacts on indigenous peoples, the International Indian Treaty Council called listing decaBDE without a recycling exemption critical to the health of all peoples.

In the contact group, participants discussed specific exemptions with several parties calling for use in textiles; the automotive and aerospace industries; and polystyrene and polyurethane foam for housing insulation. On exemptions for recycling, some emphasized that technology exists for separation of plastics and one noting that the recycling industry does not want decaBDE in the waste stream. On the use in aircraft, one developing country proposed an end date, but several developed countries noted that end-of-service life depends on the intensity of use.

On Friday, the group agreed: 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 decaBDE exemptions, which specifies the timeline for parties to submit information to support evaluation of specific exemptions by POPRC.

On Monday, 1 May, parties agreed to adopt the decisions: to list decaBDE in Annex A to the Convention with specific exemptions for production and use; and on the review of information related to specific exemptions.

**Final Decisions:** In the decision on **decaBDE** (UNEP/POPS/COP.8/CRP.14), the COP decides to list decaBDE present in commercial BDE therein, with specific exemptions for the production and use of commercial decaBDE for:

- parts for use in legacy vehicles defined as vehicles that have ceased mass production, and with such parts falling into one or more of the following categories: powertrain and under-hood applications such as battery mass wires, battery interconnection wires, mobile air-conditioning pipes, powertrains, exhaust manifold bushings, under-hood insulation, wiring and harness under hood (engine wiring, etc.), speed sensors, hoses, fan modules and knock sensors; fuel system applications such as fuel hoses, fuel tanks and fuel tanks under body; pyrotechnical devices and applications affected by pyrotechnical devices such as air bag ignition cables, seat covers/fabrics (only if airbag relevant) and airbags (front and side); suspension and interior applications such as trim components, acoustic material, and seat belts;
- parts in vehicles falling into one or more of the following categories: reinforced plastics (instrument panels and interior trim); under the hood or dash (terminal/fuse blocks, higher-ampereage wires and cable jacketing (spark plug wires)); electric and electronic equipment (battery cases and battery trays, engine control electrical connectors, components of radio disks, navigation satellite systems, global positioning systems and computer systems); fabric such as rear decks, upholstery, headliners, automobile seats, head rests, sun visors, trim panels, and carpets;
- aircraft for which type approval has been applied for before December 2018 and has been received before December 2022 and spare parts for those aircraft;
- textile products that require anti-flammable characteristics, excluding clothing and toys;
- additives in plastic housings and parts used for heating home appliances, irons, fans, immersion heaters that contain or are in direct contact with electrical parts or are required to comply with fire retardancy standards, at concentrations lower than 10% by weight of the part; and
- polyurethane foam for building insulation.

The COP also decides that the specific exemptions for parts in vehicles shall expire at the end of the service life of legacy vehicles or in 2036, whichever comes earlier, and that the specific exemptions for spare parts for aircraft for which type approval

has been applied for before December 2018 and has been received before December 2022 shall expire at the end of the service life of those aircraft.

In the decision on the **review of information related to specific exemptions** (UNEP/POPS/COP.8/CRP.15), the COP, *inter alia*:

- invites each party listed in the register of specific exemptions for decaBDE listed in Annex A to report to the Secretariat, by December 2019, justifying its need for registration of that exemption;
- invites each party listed in the register of specific exemptions for decaBDE listed in Annex A, as well as observers, to provide to the Secretariat by December 2019 information on: production; uses; efficacy and efficiency of possible control measures; information on the availability, suitability and implementation of alternatives; status of control and monitoring capacity; and any national or regional control actions taken;
- invites all parties to provide to the Secretariat information on progress made in building the capacity of countries to transfer safely to reliance on alternatives to decaBDE by December 2019;
- requests the Secretariat to compile the information provided and make it available to POPRC by January 2020;
- requests POPRC, subject to the availability of resources, to analyze the information and any other pertinent and credible information available, and to prepare a report, including any recommendations, and submit it to the COP; and
- decides, if any request is received from a party for an extension of an exemption in the register in accordance with the review process set out in the annex to decision SC-3/3, to take into account the report and the recommendations when undertaking its review of entries in the register of specific exemptions for decaBDE.

**Short-chain chlorinated paraffins (SCCPs):** On Tuesday in plenary, Argentina, supported by Chile, stressed the need for support and called for exemptions for the rubber industry. Thailand suggested specific exemptions for the automotive industry. China proposed specific exemptions for waterproof paints, lubricants and outdoor lightbulbs.

Norway and Switzerland supported listing of SCCPs in Annex A without exemptions. Serbia and the EU supported listing in Annex A. Kenya, on behalf of the African Group, said it could not support the decision unless brackets around specific exemptions were removed.

Iran and Iraq opposed listing. The Russian Federation, supported by India and Kazakhstan, questioned whether SCCPs meet the criteria for bioaccumulation and long-range environmental transport, calling listing “premature.” Australia said SCCPs “clearly meet” the listing criteria, emphasized that alternatives are available for every application, and, with Japan and Iraq, sought clarity on the chemical identity.

The US supported listing, suggesting control measures for SCCP production. Alaska Community Action on Toxics and IPEN supported the proposed listing with no exemptions.

In the contact group, the discussion focused on exemptions. Participants noted a list of exemptions that had not been considered by POPRC, began considering chemical identity, and briefly discussed the use of science in the SC, noting that POPRC, not the COP, is responsible for scientific discussions. On 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, parties agreed to apply for 1% for mixtures containing SCCPs. Parties also agreed to a process for reviewing the need for continuing

SCCPs exemptions, which specifies the timeline for parties to submit information to support evaluation of specific exemptions by POPRC.

On Monday, 1 May, parties agreed to adopt the draft decision to list SCCPs in Annex A with specific exemptions, and to invite the BC to update its TGs on POPs to address SCCPs. The COP also agreed to adopt the review of information related to specific exemptions for SCCPs, with the inclusion of a new paragraph proposed by the Russian Federation inviting parties and others to provide information on alternatives to SCCPs.

**Final Decisions:** In the decision on SCCPs (UNEP/POPS/COP.8/CRP.13), the COP decides to:

- list SCCPs in Annex A, with specific exemptions for the production and use for: additives in the production of transmission belts in the natural and synthetic rubber industry; spare parts of rubber conveyor belts in the mining and forestry industries; leather industry, in particular fat liquoring in leather; lubricant additives, in particular for engines of automobiles, electric generators and wind power facilities, and for drilling in oil and gas exploration, petroleum refinery to produce diesel oil; tubes for outdoor decoration bulbs; waterproofing and fire-retardant paints; adhesives; metal processing; and secondary plasticizers in flexible polyvinyl chloride, except in toys and children's products;
- insert a new note (vii) in part I of Annex A, as follows: (vii) Note (i) does not apply to quantities of a chemical that has a plus sign (“+”) following its name in the “Chemical” column in Part I of this Annex that occur in mixtures at concentrations greater than or equal to 1% by weight.

In the decision on **review of information related to specific exemptions** (UNEP/POPS/COP.8/CRP.16), the COP, *inter alia*:

- invites each party listed in the register of specific exemptions for SCCPs listed in Annex A to the SC to report to the Secretariat, by December 2019, justifying its need for registration of that exemption;
- invites each party listed in the register of specific exemptions for SCCPs listed in Annex A to the Convention as well as observers to provide to the Secretariat by December 2019 information on the following: production; uses; efficacy and efficiency of possible control measures; information on the availability, suitability and implementation of alternatives; status of control and monitoring capacity; and any national or regional control actions taken;
- invites all parties to provide to the Secretariat information on progress made in building the capacity of countries to transfer safely to reliance on alternatives to SCCPs by December 2019;
- requests the Secretariat to compile the information provided and make it available to the POPRC by January 2020;
- requests POPRC, subject to the availability of resources, to analyze the information and any other pertinent and credible information available, and to prepare a report, including any recommendations, and submit it to the COP;
- decides, if any request is received from a party for an extension of an exemption in the register in accordance with the review process set out in the annex to decision SC-3/3, to take into account the report and the recommendations referred to above when undertaking its review of entries in the register of specific exemptions for SCCPs; and
- invites parties and others to provide information on alternatives to SCCPs.

**Hexachlorobutadiene (HCBD):** On Tuesday, the EU, Thailand, Norway, Australia, Peru, Japan, Gabon, Serbia, Brazil, Nigeria for the African Group, and IPEN supported listing HCBD in Annex C. Japan called for additional information to be collected on sources of unintentional releases. Indonesia opposed

listing, citing insufficient data on unintentional releases. China called for caution on listing in Annex C, noting cost implications. Egypt called for financial sources for monitoring, especially the manufacture of PVC and petrochemicals.

In the contact group, participants considered cost-effectiveness of listing in Annex C.

On Monday, 1 May, the COP agreed to adopt the draft decision to list HCBD in Annex C and to invite the BC COP to update the TGs on POPs to address unintentional production and releases.

**Final Decision:** In the decision (UNEP/POPS/COP.8/15), the COP decides to list HCBD in Annex C.

**TECHNICAL ASSISTANCE:** The discussions under this agenda item are summarized under the joint sessions of the BRS COPs. On Monday, 1 May, delegates agreed to adopt the draft decision on SCRCs for capacity building and transfer of technology.

**Final Decision:** In the final decision (UNEP/POPS/COP.8/CRP.20), the COP, *inter alia*:

- requests the Secretariat to prepare a report on the activities of the SCRCs for consideration by COP9;
- takes note of the information provided by the Secretariat pertaining to the nomination and endorsement of regional centres;
- encourages interested regional and subregional centres to work, under the Convention, on the impact of plastic waste, marine plastic litter, microplastic, and measures for prevention and ESM; and
- invites parties, observers and other financial institutions in a position to do so to provide financial support to enable SCRCs to implement their workplans with the aim of supporting parties in their efforts to meet their obligations under the Convention.

**FINANCIAL RESOURCES AND MECHANISMS:** The issue was first introduced in plenary during the joint BRS COPs on Monday, 24 April, and subsequently addressed in a contact group on technical assistance and financial resources. The contact group met from Tuesday, 24 April, to Thursday, 4 May. The COP adopted the draft decision on financial mechanism on Friday, 5 May.

The Secretariat introduced the documents on the financial mechanism (UNEP/POPS/COP.8/18; INFs 27-33, 35-36, and 61). The GEF Secretariat reported on the first two years of its sixth replenishment period (GEF6) and highlighted the key elements of its chemicals and waste programming.

Colombia called for the development of strategies to create a larger role for the private sector in financing and expressed concern about potential cutbacks in resources during the ongoing GEF6 period due to exchange rate movements. Iran called for either increasing the resources for the GEF or for creating new mechanisms for the BC and RC and called for the GEF to take a technical rather than political approach.

The EU welcomed the establishment of the Special Programme to support institutional strengthening at the national level for implementation of the BRS Conventions, the Minamata Convention on Mercury and SAICM (the Special Programme), and called for further progress on mainstreaming and private sector involvement.

The BRS Secretariat and UN Environment provided updates on their participation in and implementation of the Special Programme.

Kenya, on behalf of the African Group, welcomed the second call issued under the Special Programme and called upon parties to apply.

Citing use of the Technology Facilitation Mechanism of the 2030 Agenda for Sustainable Development, GRULAC stressed the need for additional and predictable financing in order to ensure the Convention's implementation in developing countries. Argentina emphasized the need for identification and mobilization of co-financing.

Belarus called for the provision of loans with non-commercial interest rates in order to enable countries with economies in transition to address POPs-related issues. IPEN underscored the importance of making the polluter pays principle operational as a means of ensuring private sector engagement.

The contact group discussed several suggestions reflecting issues in the implementation of projects funded by the financial mechanism as well as the need for regular consolidation and updating of guidance provided by the COP to the financial mechanism. Many delegates cautioned against any reference to the GEF being involved in the "development of diversified forms of financing," which one country defined as green bonds. Others called for clarity on the GEF's work on integrated programming, with one party querying whether this could end up being counted as climate finance. Some countries called for time to consult with capitals on a proposal requesting the GEF to consider improving its access modalities including enabling the participation of a number of additional agencies from developing countries. One proponent noted that this is agreed language from Convention on Biological Diversity COP13.

**Final Decision:** In the final decision (UNEP/POPS/COP.8/CRP.31), the COP, *inter alia*:

- requests the principal entity entrusted with the financial mechanism of the SC, taking into account the specific deadlines set forth in the Convention, to consider in its programming of areas of work for the period 2018-2022 several priority areas including: development and deployment of products, methods and strategies as alternatives to POPs, introduction and use of BAT and BEP to minimize and ultimately eliminate releases of unintentionally produced POPs, development and strengthening of national legislation and regulations for meeting obligations with regard to POPs listed in the Convention annexes, and review and updating of NIPs, including, as appropriate, their initial development;
- requests the GEF to consider improving its access modalities, including enabling the participation of a number of additional agencies from developing countries;
- encourages the GEF and its partners to support recipient countries in their efforts to identify and mobilize co-financing for projects related to the implementation of the SC, including through public private partnerships, as well as applying co-financing arrangements in ways that improve access, do not create barriers or increase costs for recipient countries to access GEF funds;
- takes note of the projected shortfall of resources from GEF6 due to exchange rate movements, and the decision of the GEF Council on item 6 of the agenda of the 51st meeting of the Council;
- takes note of the report by the Secretariat on the assessment of funding needs of parties that are developing countries or countries with economies in transition to implement the provisions of the Convention over the period 2018-2022; and
- requests the GEF, during the negotiations on the seventh replenishment of the GEF Trust Fund, to consider the needs assessment report.

**REPORTING PURSUANT TO ARTICLE 15:** This issue was first introduced on Wednesday, 26 April, by the Secretariat (UNEP/POPS/COP.8/20 and INF/37). The EU asked for clarification on the proposed work of the intersessional working

group to be established to develop a manual for completing the updated format of national reporting. India recommended several modifications to make the electronic reporting system more user-friendly. Iran called for further assistance from the Secretariat on information collection and submissions through the electronic tools.

Delegates agreed to adopt the draft decision after the COP decided which chemicals would be listed at COP8.

**Final Decision:** In the final decision (UNEP/POPS/COP.8/20), the COP, *inter alia*:

- encourages parties to use the electronic reporting system when submitting their fourth national reports pursuant to Article 15 of the Convention;
- decides to establish a SIWG, operating by electronic means, to develop a manual for completing the updated format for national reporting;
- invites parties to nominate experts to participate in the SIWG and to inform the Secretariat of their nominations by 31 July 2017;
- invites parties to consider serving as lead country for the development of the manual and to inform the Secretariat of their willingness to do so by 31 July 2017; and
- requests the Secretariat to, *inter alia*, update the electronic reporting system to include the new chemicals listed at COP8, further improve the electronic reporting system in time for it to be used for the submission of the fourth report, and continue to undertake capacity-building and training activities to support parties, in particular developing country parties and parties with economies in transition, in submitting their national reports.

**EFFECTIVENESS EVALUATION:** This agenda item was first taken up by the SC plenary on Tuesday, 25 April. The Secretariat introduced the documents (UNEP/POPS/COP.8/21, 22, Add.1, and INFs 38-42). Ramon Guardans, Chair of the Global Monitoring Plan, presented its outcomes. Anne Daniel, Chair of the Effectiveness Evaluation Committee, and Linroy Christian, Vice Chair, presented on the progress of the SC Effectiveness Evaluation Committee, highlighting, *inter alia*, the limited data available from national data sources and NIPs.

On Wednesday, 26 April, Vice Chair Christian reported the completion of the review of the report. Several supported the report's recommendations. The EU emphasized that all mechanisms for supporting parties in meeting obligations are in place except compliance. Bahrain, Burkina Faso, South Africa and Georgia for Central and Eastern Europe, called for increased financial resources to enable parties to fulfill their obligations. Iran called for study of parties' difficulties accessing financial and technical assistance. Kenya called for financial support for updating NIPs. China called for future reports to focus on financial gaps. Mauritania called for South-South cooperation to facilitate POPs inventories. The Democratic Republic of the Congo and South Africa noted concerns about PCB stockpiles, with Togo calling for assistance for feasibility studies.

UN Environment reported its work supporting countries in the identification of POPs in various samples. IPEN noted poor progress in the elimination of DDT, and called for more information for POPs in products and reporting on the quantity of POPs used. The International Indian Treaty Council stressed the need to ensure public availability of research data.

After the plenary discussion on Wednesday, the COP adopted the draft decision on the effectiveness evaluation of the SC pursuant to Article 16.

**Final Decision:** In the decision (UNEP/POPS/COP.8/22), the COP, *inter alia*:

- acknowledges that, as confirmed by the effectiveness evaluation committee in its evaluation, the Convention provides an effective and dynamic framework for addressing the production, use, release, import, export and disposal of POPs globally, but inadequate implementation is the key issue identified in the evaluation;
- notes that mechanisms and processes required by the Convention to support parties in meeting their obligations have all been put in place, except for procedures and mechanisms on compliance pursuant to Article 17 (non-compliance);
- encourages parties to step up their efforts to achieve full implementation of the Convention and, to that end, to give priority to developing or strengthening and enforcing national legislation and regulations implementing the Convention that are appropriate for both industrial chemicals and pesticides; and
- notes that the framework for effectiveness evaluation provided a good basis for conducting the first evaluation cycle and requests the Secretariat to revise the framework in the light of the report of the effectiveness evaluation committee, to be submitted for consideration by COP9.

**COMPLIANCE:** This item was first taken up by the joint session of the COPs on Tuesday, 25 April, and then in a Friends of the President group comprised of 18 members. It was subsequently addressed in a contact group co-chaired by Anne Daniel (Canada) and Humphrey Mwale (Zambia).

In plenary, SC COP8 President Adu-Kumi noted that the text from either COP6 or COP7 could serve as the basis of discussions and proposed to establish a Friends of the President group (UNEP/POPS/COP.8/23).

In the contact group, which met from 2-4 May, parties reviewed a document put forward by four developing countries, with some countries noting that the current negotiating text already addresses some of these issues. Several lamented that some parties wished to open agreed text. A developing country noted that the COP6 text includes agreed text on financial obligations.

On Friday, 5 May, SC COP8 President Abu-Kumi proposed to the plenary that the COP decide to consider further for adoption at COP9 the procedures and mechanisms on compliance on the basis of the draft text contained in the annex to decision SC7/26, taking into account deliberations at this meeting, including any CRPs under this agenda item.

Iran, supported by Egypt, proposed compiling the COP6 and COP7 texts and CRPs to create a “rolling text” to inform negotiations on the entire document. Pakistan agreed that all texts should be considered.

The EU, Norway and Australia underlined that future negotiations should occur only on the basis of the last two COP texts, with no references to CRPs or any other documents. Australia noted that the texts at COP6 and COP7 were jointly worked on and reflected countries adding text over a decade.

Egypt and Iran reiterated “nothing is agreed until everything is agreed.” Namibia disagreed, stating that, by definition, unbracketed text is agreed and only bracketed text is open for negotiation. Noting a lack of consensus, SC COP8 Chair Abu-Kumi concluded that the COP decided to defer further consideration of this agenda item to COP9.

**INTERNATIONAL COOPERATION AND COORDINATION:** This agenda item was addressed in the joint session of the BRS COPs (See page 4.)

### **ENHANCING COOPERATION AND COORDINATION AMONG THE BRS CONVENTIONS**

This agenda item was addressed in the joint session of the COPs (See page 5.)

### **PROGRAMME OF WORK AND BUDGET**

This agenda item was addressed in the joint sessions of the COPs (See page 7.) On Friday, 5 May, delegates adopted the programme of work and budget.

**Final Decision:** In the final decision, the COP (UNEP/POPS/COP.8/CRP.28), *inter alia*:

- approves the programme budget for the SC for the biennium 2018-2019;
- authorizes the Executive Secretary of the SC to make commitments in an amount up to the approved operational budget, drawing upon available cash resources;
- decides to increase the working capital reserve from 13% of the annual average of the biennial operational budgets for 2018-2019 to 15% in accordance with the Office of Internal Oversight Services audit recommendation;
- welcomes the continued contribution of CHF 4 million by Switzerland to the Secretariat for the biennium to offset planned expenditures and notes that CHF 2 million, equivalent to US\$2,008,032, will be allocated as a contribution to the SC Trust Fund and will include Switzerland’s assessed contribution and that the remainder will be allocated to the SC voluntary Special Trust Fund;
- urges parties to pay their contributions promptly by or on 1 January of the year to which the contributions apply and requests the Secretariat to present information on the state of play regarding arrears and their consequences at regional meetings;
- decides to continue the practice, with regard to contributions due from 1 January 2005 onwards, that no representative of any party whose contributions are in arrears for two or more years shall be eligible to become a member of the COP Bureau or a member of any COP subsidiary body, provided, however, that this shall not apply to parties that are least developed countries or SIDS or to any party that has agreed on and is respecting a schedule of payments in accordance with the financial rules;
- decides to continue the practice that no representative of any party whose contributions are in arrears for four or more years and that has not agreed on or is not respecting a schedule of payments implemented in accordance with the financial rules shall be eligible to receive financial support for attendance at intersessional workshops or other informal meetings, as arrears that have been outstanding for more than four years must be treated as 100% doubtful debts under the International Public Sector Accounting Standards;
- also takes note of the indicative staffing table for the Secretariat for the biennium 2018-2019 used for costing purposes to set the overall budget;
- authorizes, on an exceptional basis, the Executive Secretary, as a last resort, to draw additional funds, not exceeding US\$100,000, from the BRS Conventions’ three general trust funds’ net balance to cover any shortfall from the approved staffing envelope for the biennium 2018-2019, should the annual increase applied to real staff costs and used to determine the staffing envelope not be adequate, provided that they are not reduced below the working capital reserve, except in the case of the SC, where the working capital reserve can temporarily be used for this purpose;



- takes note of the funding estimates for activities under the Convention to be financed from the SC voluntary Special Trust Fund; and
- decides that the two trust funds for the Convention shall be continued until 31 December 2019 and requests the UN Environment Executive Director to extend them for the biennium 2018-2019, subject to the approval of UNEA.

#### **OTHER MATTERS**

**CERTIFICATIONS:** The issue of certifications to be submitted in connection with exports of chemicals listed in Annexes A or B to a non-party was considered in plenary on Wednesday, 26 April. COP8 agreed to adopt the revised template for certification (UNEP/POPS/COP.8/31 and Add.1).

**Final Decision:** In the final decision (UNEP/POPS/COP.8/31), COP8 adopts the revised template for the certification for exports to a non-party and invite parties to use it.

**MOUS:** Discussions under this item are summarized under Other Matters for the joint COPs. (See page 7.)

On Monday, 1 May, delegates agreed to adopt the draft MoU between the UN Environment and the SC COP.

**Final Decision:** In the final decision (UNEP/POPS/COP.8/CRP.17), the COP, *inter alia*:

- reiterates its request, as contained in decision SC-7/32, for consideration and possible adoption by the COP of a draft MoU at its next meeting;
- takes note of UNEA resolution 2/18 on the relationship between UN Environment and MEAs and of the progress report prepared by the Executive Director of UN Environment; and
- requests the BRS Executive Secretary to engage actively in the work of the Executive Director, in consultation with the Secretariats of other UN Environment-administered MEAs, towards the development of a flexible draft template of options for the provision of Secretariat services in an appropriate form, taking into account the UN Environment delegation of authority policy and framework for the management and administration of MEA Secretariats and the draft MoUs between the BRS COPs and the Executive Director.

#### **ADOPTION OF THE REPORT**

On Friday, 28 April, the SC COP adopted its report (UNEP/POPS/COP.8/L.1/Add.1) with minor amendments.

#### **CLOSURE OF THE MEETING**

Thanking participants for working in the spirit of synergies on Friday, 5 May, SC COP8 President Adu-Kumi gaveled the meeting to a close at 6:40 pm.

### **BASEL CONVENTION COP13**

BC COP13 chaired by Mohammed Khashashneh (Jordan), opened on Monday, 24 April, to adopt the agenda and continued on Friday, 28 April – Tuesday, 2 May. BC COP13 reopened briefly throughout the second week to adopt decisions.

#### **MATTERS RELATED TO THE IMPLEMENTATION OF THE BASEL CONVENTION**

**STRATEGIC ISSUES: Strategic Framework:** This issue was considered in plenary on Friday, 28 April, and in a contact group on strategic matters, co-chaired by Yorg Aerts (Belgium) and Prakash Kowlessar (Mauritius).

The Secretariat introduced the document (UNEP/CHW.13/3) noting no progress on or financial support for the issue. Canada, noting it had prepared a draft proposal, underscored that an evaluation of work deliverables and the timeframe was necessary.

In the contact group, delegates considered the draft document and the Canadian proposal. The group reviewed and agreed to the draft decision to evaluate the Strategic Framework by 2021, discussing, among other issues, the need for a SIWG to perform this work immediately after BC COP13, as well as assurance that parties would be involved throughout the process.

In plenary on Tuesday, 2 May, delegates adopted the decision on the strategic framework.

**Final Decision:** In the final decision (UNEP/CHW.13/CRP.35), the COP, *inter alia*:

- notes that the approach used for gathering the information to assess the implementation of the strategic framework needs to be improved;
- decides to forgo the midterm evaluation and adopt a new approach for the preparation of the final evaluation of the strategic framework in time for COP15, in 2021;
- establishes a SIWG, which is open in nature, and decides that the group shall consist of 10 members nominated by parties based on equitable geographical representation, and open to observers; and
- requests the Secretariat, in consultation with the SIWG, to, *inter alia*: identify all relevant sources of information related to the indicators to be used for the preparation of the final evaluation of the strategic framework; prepare a draft compilation of this information for consideration by OEWG11 and finalize the compilation for consideration by COP14; prepare a draft report on the final evaluation of the strategic framework for consideration by OEWG12; and organize one face-to-face meeting during the 2020-2021 biennium, unless otherwise decided by COP14 and submit the final report to COP15.

**Follow-up to the Indonesian-Swiss Country-Led Initiative (CLI) to improve the effectiveness of the BC:** This issue was considered in plenary on Friday, 28 April, and Saturday, 29 April, and in contact groups on BC strategic matters and BC compliance.

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

On the ESM manuals, 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 at the subregional 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 EPR. Delegates agreed to refer remaining issues, including the work programme and manuals on EPR and financing system, to the contact group on strategic matters. On Friday, 28 April, delegates agreed to adopt the part of the decision on developing guidelines for ESM.

**Final Decision:** In the final decision on ESM of wastes set out in UNEP/CHW.13/4, the COP, *inter alia*:

- decides to extend the mandate of the expert working group;
- adopts the work programme of the expert working group and requests the group to implement it, subject to the availability of resources;

- invites parties and others to provide the Secretariat with information on activities undertaken to ensure the ESM of hazardous wastes and other wastes, including any examples of national waste prevention programmes, and requests the Secretariat to make that information available on the BC website; and
- requests the expert working group to report to OEWG11 and to COP14 on the activities it has undertaken in accordance with its work programme.

**ESM Manuals:** In the contact group on strategic matters, participants discussed the work programme, manuals on EPR and financing system. On the draft practical manuals on EPR and financing systems for ESM, delegates requested that the practical manuals on EPR and financing systems be enhanced during the intersessional period.

On Tuesday, 2 May, in plenary, the COP adopted the part of the CLI draft decision related to developing guidelines for ESM

**Final Decision:** In the final decision (UNEP/CHW.13/CRP.33), the COP, *inter alia*:

- adopts the set of practical manuals for the promotion of the ESM of wastes prepared by the expert working group, welcomes the revised fact sheets on specific waste streams prepared by the expert working group and encourages their dissemination and use by parties and others;
- welcomes the draft practical manuals on EPR and financing systems for ESM prepared by the expert working group and invites parties and others to submit comments thereon to the Secretariat by 30 November 2017;
- requests the Secretariat, subject to the availability of resources, to undertake activities to promote and disseminate the ESM Toolkit, in collaboration with the ESM expert working group, parties, regional and coordinating centres and other stakeholders as appropriate; and
- requests the ESM expert working group to further assess proposals for further pilot projects and invites those parties and other stakeholders in a position to do so to provide support towards such pilot projects.

The annex contains the annotated work programme of the ESM expert working group, including sections on the objective and the ESM toolkit and its promotion.

**Legal Clarity:** The Secretariat introduced the documents (UNEP/CHW.13/4 and INF/4/Add.2) on Saturday, 29 April. Juan Ignacio Simonelli (Argentina), on behalf of the Co-Chairs of the SIWG, reported that the group's main outcome is a draft glossary of terms that focuses on clarifying the distinction between waste and non-waste. Switzerland, Chile, the EU, Colombia, Thailand, Norway, Mexico, Argentina, Indonesia and Japan supported adoption of the glossary of terms.

Canada, the lead country on review of the annexes to the BC, reported on the work undertaken since OEWG10. China called for further discussion of some terms to address "inconsistencies." India supported a separate working group on the review of annexes, with Iran noting that any decisions suggested by this proposed working group would need to be adopted by consensus. Japan, supported by the Dominican Republic, stressed the need for the working group to be open, transparent and reflect all views. The EU called for careful assessment of the budgetary implications of an additional intersessional working group. Switzerland indicated possible merit in review of Annex II (categories of wastes requiring special consideration). The Dominican Republic called for consideration of marine conservation in Annex IV (disposal operations). Colombia called for modification of Annex IV to eliminate "incongruent provisions." Delegates agreed to forward this discussion to the contact group on BC compliance.

In the BC compliance and legal matters contact group's discussions on legal clarity, delegates considered, among others, the establishment of an intersessional expert working group to review BC Annexes I, III, IV and related aspects of IX, and its terms of reference. Several countries expressed concerns about participation of developing countries in this expert working group, with many underlining the importance of regional balance.

On Wednesday, 3 May, contact group Co-Chair Simonelli reported that the group had completed its work with agreement on, *inter alia*: an open-ended expert working group to review relevant BC annexes consisting of 50 members working under the OEWG; and the draft decision on legal clarity, including voluntary options containing the glossary of terms, and legally binding options containing the review of BC Annexes I, III, IV and related aspects of IX.

On Thursday, 4 May, BC COP13 President Khashashneh proposed to adopt the draft decision (UNEP/CHW.13/CRP.41). The EU introduced amendments to: invite parties and others to submit comments on the review of the annexes to the Secretariat; request the Secretariat to publish the comments on the BC website; and request the Secretariat to undertake work as mandated by the expert working group. China suggested language, including on the inclusion of "others" in place of "non-parties."

After consultations between China and the EU, the Secretariat introduced the amended decision, which: invites parties and others to "submit comments, if any" to the Secretariat; refers to "observers involved in the expert working group" instead of "others"; deletes the request for the Secretariat to undertake work mandated by the expert working group; and includes an appendix as submitted by the contact group on BC Strategic Matters. Japan indicated that it would provide technical and financial support for intersessional activities. The COP adopted the draft decision as orally amended.

**Final Decision:** In the final decision (UNEP/CHW.13/CRP.41), under the voluntary options (glossary of terms) the COP, *inter alia*:

- adopts the glossary of terms as a piece of guidance and agrees that it is without prejudice to the review of Annexes I, III and IV and related aspects of Annex IX of the Convention, and the legislation and guidance developed at the national level, and further agrees to consider the revision of the glossary of terms at COP14;
  - invites parties and others to use the glossary of terms, as appropriate, with a view to submitting comments, if any, to the Secretariat not later than two months prior to COP14; and
  - requests the Secretariat, subject to the availability of resources, to organize and deliver capacity-building activities to raise awareness in this regard.
- Under the legally binding options (review of BC Annexes I, III and IV and related aspects of Annex IX), the COP, *inter alia*:
- decides to establish an expert working group that is open in nature, and that the group shall consist of 50 members nominated from parties on the basis of equitable geographical representation of the five UN regional groups and shall be open to observers, with the mandate and terms of reference specified in the appendix, and notes that the number of members may be revised at COP14;
  - also decides that the expert working group will operate under the guidance of the OEWG and the authority of the COP;
  - requests each regional group to nominate through its Bureau representative 10 experts in the field by 15 July 2017;
  - invites parties to serve as lead countries for the review of Annex IV and related aspects of Annex IX and/or Annexes I and III; and

- agrees that the group should give higher priority to the work on Annex IV and related aspects of Annex IX during the next biennium.

**BAN Amendment:** This issue was considered in plenary on Friday, 28 April. The Secretariat introduced Section I of the document (UNEP/CHW.13/4) 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 the Sustainable Development Goals (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.

**Final Decision:** In the final decision (UNEP/CHW.13/4), the COP, *inter alia*:

- urges parties to continue to take action towards encouraging and assisting parties to ratify the Ban Amendment; and
- requests the Secretariat, subject to the availability of resources and upon request, to continue to assist parties that are having difficulties in ratifying the Ban Amendment.

**Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes:** This issue was considered in plenary on Friday, 28 April, and in the contact group on strategic matters.

The Secretariat introduced the documents on the Cartagena Declaration (UNEP/CHW.13/5) and draft guidance (UNEP/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 ESM working on the draft guidance. 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.

The contact group on strategic matters briefly considered the draft guidance and forwarded a revised draft decision to plenary. On Monday, 1 May, delegates agreed to adopt the draft decision.

**Final Decision:** In the final decision (UNEP/CHW.13/CRP.27), having considered the outcome of the second session of the UNEA, in particular the resolutions on the sound management of chemicals and waste, sustainable consumption and production, marine plastic litter and microplastics and delivering on the 2030 Agenda for Sustainable Development, insofar as they are relevant to waste prevention and to minimization and recovery of hazardous wastes and other wastes, the COP, *inter alia*:

- expresses its appreciation to the expert working group on ESM for their work in developing draft guidance to assist parties in developing efficient strategies for achieving the prevention and minimization of the generation of hazardous and other wastes and for their disposal;
- adopts the guidance to assist parties in developing efficient strategies for achieving the prevention and minimization of the generation of hazardous and other wastes and for their disposal; and
- invites parties and others to submit further good practices and examples with regard to waste prevention and minimization to the Secretariat by 30 June 2018 for consideration by the expert working group on ESM.

**SCIENTIFIC AND TECHNICAL MATTERS: Technical guidelines:** This item was first taken up in a joint session of the COPs on Tuesday, 25 April, to discuss the POPs-related TGs. The POPs waste TGs were adopted on Tuesday, 2 May. The BC plenary took up the other TGs on Friday, 28 April.

A contact group on technical matters, co-chaired by Jacinthe Séguin (Canada) and Magda Gosk (Poland) met on Wednesday, 26 April, and Thursday, 27 April, to discuss POPs wastes and Saturday, 29 April, and Monday, 1 May to discuss the other TGs.

**POPs wastes:** In plenary, the Secretariat introduced the documents (UNEP/CHW.13/6, Add.1-6, INF/12, INF/13.Rev.1, INF/14-18 and INF/60-61), which include the TGs for ESM of wastes consisting of, containing, or contaminated with POPs. The TGs discussed were for: HCBd; PCP, its salts and esters; PCBs, polychlorinated terphenyls, polychlorinated naphthalenes (PCNs) or polybrominated biphenyls including hexabromobiphenyl; unintentionally produced polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans, hexachlorobenzene, PCBs, pentachlorobenzene or PCNs; and pesticides.

In the contact group, on the TGs for PCP, its salts and esters, some parties offered additional information on historical import and production, use and trade names of commercial formulations.

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.

On low-POPs content, delegates agreed to 10mg/kg for PCNs, with a footnote noting that the threshold for hazardousness in the Convention is 50mg/kg.

On Tuesday, 2 May, delegates agreed to adopt the draft decision on TGs on the ESM of POPs wastes, and related TGs with textual amendments from the Secretariat.

**Final Decision:** In its decision, (UNEP/CHW.13/CRP.24, and Adds 1-6), the COP adopts the following general TGs, which are not legally binding:

- updated general TGs on the ESM of wastes consisting of, containing or contaminated with POPs;
- TGs on the ESM of wastes consisting of, containing or contaminated with HCBd;
- TGs on the ESM of wastes consisting of, containing or contaminated with PCP and its salts and esters;
- updated TGs on the ESM of wastes consisting of, containing or contaminated with PCBs, polychlorinated terphenyls, PCN or polybrominated biphenyls, including hexabromobiphenyl;
- updated TGs on the ESM of wastes containing or contaminated with unintentionally produced polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans, hexachlorobenzene, polychlorinated biphenyls, pentachlorobenzene or PCNs; and
- updated TGs on the ESM of wastes consisting of, containing or contaminated with the pesticides aldrin, alpha hexachlorocyclohexane, beta hexachlorocyclohexane, chlordane, chlordecone, dieldrin, endrin, heptachlor, hexachlorobenzene, hexachlorobutadiene, lindane, mirex, pentachlorobenzene, PCP and its salts.

The COP also, *inter alia*:

- decides to extend the mandate of the SIWG of the OEWG to provide that the group shall monitor and assist in the review, updating and preparation, as appropriate, of TGs for POPs, working in particular by electronic means;
- decides to continue working towards a review of provisional low-POP content values in the TGs and other TGs, as appropriate, before COP14;

- decides that the updating of the general TGs and the preparation or updating of specific TGs with regard to the chemicals listed in Annexes A and C to the SC by SC COP8 should be included in the OEWG work programme for 2018-2019, including with regard to: establishment of levels of destruction and irreversible transformation for the chemicals necessary to ensure that when disposed of they do not exhibit POPs characteristics; determination of which disposal methods constitute environmentally sound disposal; and establishment, as appropriate, of the concentration levels of the chemicals in order to define for them low-POP content;
- requests the Secretariat to continue to provide, subject to the availability of resources, training to developing countries and other countries, based on information gathered from parties on their needs for assistance with and training in using the adopted TGs, organizing such activities in cooperation with the BCRCs and BC Coordinating Centres in accordance with their business plans or by other appropriate means; and
- requests the Secretariat to report on the implementation of the present decision to OEWG11 and COP14.

**TGs (excluding POPs wastes):** On Friday, 28 April, the Secretariat introduced the documents (UNEP/CHW.13/6; INF/15-17). 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 UNEP/CHW.13/6. The COP took note of the information.

**E-waste:** In plenary on Friday, 28 April, China, Japan, Ghana, Malaysia, and Argentina for GRULAC, expressed appreciation for the work performed by the SIWG on the TGs on the transboundary movement of electrical and electronic waste and used electronic equipment (e-waste).

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 guidance is useful in developing legal definitions of waste versus non-waste at the national level.

India requested to be “disassociated” from the guidelines, noting an issue with the COP12 outcome.

Malaysia reminded parties that national law prevailed. Thailand and Kenya noted that national definitions of wastes and hazardous wastes may differ from the guidelines. Iran called for specific definitions to differentiate between e-waste and new items. Palestine highlighted areas of ambiguity, including the lifecycle of electronic equipment.

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

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.

In the contact group, delegates focused on establishing an intersessional process to continue work on the TGs. Many supported the establishment of an expert group, rather than a SIWG, that will develop its own working modalities. Participants discussed regional centres’ participation, and the number of

non-party observers and their selection. One developing country preferred that the group “finalize” the TGs while some developed countries preferred the group “advance the work.”

On Tuesday, 2 May, the BC COP adopted the decision in relation to the TGs on the transboundary movement of e-waste, in particular regarding the distinction between waste and non-waste. 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.

**Final Decision:** In its decision (UNEP/CHW.13/CRP.34), the COP decides: to establish an expert group to look further into the TGs to advance the work towards finalization of the guidelines. The BC COP decides that the expert working group shall: consist of 25 members nominated by parties, based on equitable geographical representation of the five UN regions; be open to observers, including from the BCRCs; may call for additional experts if needed; and operate by electronic means and shall also hold physical meetings, subject to available funding. The BC COP requests the Secretariat to, *inter alia*, develop, in consultation with the lead country, a revised questionnaire and send to parties and others by 30 September 2017.

**Updating TGs:** On the TGs on incineration on land (D10), specially engineered landfills (D5), hazardous waste physico-chemical treatment (D9), and biological treatment (D8), the Secretariat introduced a report on 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 updating 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.

In the contact group, delegates discussed a proposal put forward by GRULAC. Participants agreed: that the TGs on incineration on land (D10) and on specially-engineered landfills (D5) should be updated; and to include in the OEWG’s 2018-2019 work programme consideration on whether the TGs on hazardous waste physico-chemical treatment (D9) and biological treatment (D8) should also be updated. One developed country, opposed by several, suggested adding an invitation to experts from the SC and Minamata Convention to participate in the update of the TGs. The paragraph was deleted.

On Tuesday, 2 May, delegates adopted the decision to revise the TGs on incineration on land (D10) and on specially engineered landfills (D5).

**Final Decision:** In its decision (UNEP/CHW.13/CRP.29), the COP, *inter alia*, decides that the TGs on incineration on land (D10) and on specially engineered landfill (D5) should be updated, and establishes a SIWG to take this work forward. The BC COP further decides to include in the OEWG work programme the consideration of whether the TGs on hazardous waste physico-chemical treatment (D9) and biological treatment (D8) should be updated.

**Amendments to the annexes of the Convention:** This item was first taken up on Saturday, 29 April, in the context of the legal clarity work under the Indonesian-Swiss CLI, and was subsequently tasked to the contact group on compliance and legal issues.

The decision on the review of the annexes is contained in the decision on the Indonesian-Swiss CLI (UNEP/CHW/COP.13/CRP.41), and is summarized under that agenda item. (See page 18).

**Classification and hazard characterization of wastes:**

This agenda item was first introduced on Saturday, 29 April. The Secretariat introduced the document on the review of cooperation with the World Customs Organization (WCO) and its Harmonized System Committee regarding the classification and hazard characterization of wastes (UNEP/CHW.13/7 and UNEP/CHW.13/INF/19).

BC COP13 President Khashashneh noted the possible inclusion of electrical and electronic wastes in the 2022 edition of the Harmonized Commodity Description and Coding System (HS).

Venezuela, the EU, Peru, Trinidad and Tobago, and Morocco all expressed appreciation for the work performed by the Secretariat and for the report on the status of work of the WCO on the HS related to the Basel Convention. Serbia underscored the need for the classification of hazardous wastes in the HS to ensure compliance with the control system. Morocco noted that, even with national laws, non-classification of banned wastes still poses a problem to implementation. India stated that there is need for the addition of other wastes to the HS. Canada said that the COP can be more proactive in the implementation of the report's recommendations. Delegates then agreed to adopt the draft decision, pending approval from the budget group.

On Saturday, 29 April, the COP adopted the decision.

**Final Decision:** In the decision on classification and hazard characterization of wastes (UNEP/CHW.13/7), the COP, *inter alia*: requests the Secretariat to: continue, under the guidance of the OEWG, its cooperation with the HS Committee and relevant subcommittees of the WCO in order to facilitate the inclusion of wastes covered by the Basel Convention in the HS, and to report on progress to OEWG11 and COP14.

**National reporting:** This issue was first introduced on Saturday, 29 April. The Secretariat introduced the documents (UNEP/CHW.13/8 and INFs/20, 21, 22 and 23), highlighting the importance of reporting for parties to achieve the SDGs. Germany, the lead country for the SIWG on national reporting, informed delegates of the group's work, including: the manual for completing the format for national reporting, the user manual for the electronic reporting system under the Basel Convention and the practical guidance on the development of inventories of used lead-acid batteries, of electrical and electronic waste, and of waste oils.

The EU noted its submission of a conference room paper (CRP) on this agenda item and suggested waiting to learn more about countries' experiences in using the practical guidance on inventories before developing others for additional waste streams.

Canada and Jamaica proposed to work with the EU in order to revise the draft decision on this item. Turkey and Venezuela both noted that the manual will guide parties in performing their national reporting.

Parties requested that the Secretariat prepare a new draft decision in consultation with the EU, Canada and Jamaica. The COP adopted the decision on Tuesday, 2 May.

**Final Decision:** In the decision (UNEP/CHW.13/CRP.32), the COP requested the Secretariat to, *inter alia*: continue development of the electronic reporting system; undertake pilot projects to test the practical guidance; and provide training on reporting obligations to developing countries and other countries.

**LEGAL, COMPLIANCE AND GOVERNANCE****MATTERS: Committee administering the mechanism for promoting implementation and compliance:**

This item was first taken up by the joint session of the COPs on Tuesday, 25 April, and subsequently in a contact group on compliance and legal matters, co-chaired by Co-Chair Juan Simonelli (Argentina) and Geri-Geronimo Sañez (the Philippines), which met throughout the COP. A decision was adopted Tuesday, 2 May.

In plenary, BC COP13 President Khashashneh introduced the documents (UNEP/CHW.13/9 and Add/1,2, and INFs 24-28, 59). Juan Simonelli, Chair of the Implementation and Compliance Committee (ICC), reported on the ICC's work on specific submissions and its general review mandate.

Canada called for discussion of issues including the electronic notification system, amending the terms of reference, and recommendations for the work programme. The EU called for the ICC to focus on activities within its mandate and capacity as a subsidiary body.

Switzerland observed the value of different triggers. The Center for International Environmental Law noted that the Secretariat has yet to use the expanded Secretariat trigger.

Egypt, Yemen, Libya and Kenya underlined the need for technical and financial support for reporting. Pakistan expressed concern that the reporting system is not being implemented properly and opposed a "name and shame" system. India emphasized that compliance mechanisms must be collaborative and create capacity.

BAN noted that Canada has worked to close the legal gap allowing illegal transfer of household wastes to other countries.

In the contact group's discussions regarding compliance, the group focused on the draft decision on the work of the ICC. Views differed how to refer to the link between the Special Programme on chemicals and waste and the ICC. Regarding measuring progress in the overall implementation and compliance, delegates debated how to classify compliance with their annual reporting obligation. Participants reached agreement on the ICC's review of national reporting, national legislation and electronic approaches to the notification and movement documents, including setting the interim targets for reports due for 2014 and 2015: "10% are complete and submitted on time" and "20% of reports are complete as submitted but late."

**Final Decision:** In the decision (UNEP/CHW.13/CRP.30, Add.1 and 2), the COP, *inter alia*:

- encourages the Committee, in the framework of specific submissions, to continue to inform the relevant party about possible means of assistance from the implementation fund and from other sources, such as the Special Programme, in accordance with the integrated approach to financing;
- sets the interim targets of 10% of reports due for 2014 and 2015 are complete and submitted on time and 20% of reports due for 2014 and 2015 are complete as submitted but late; and decides that, in undertaking the classification of compliance with the national reporting obligation for the years 2014 and beyond, the Committee will classify parties on the basis of completeness and timeliness and classify parties on the basis of agreed assumptions;
- decides to prioritize efforts and ongoing activities to increase the timeliness and completeness of national reporting;
- adopts the guidance on the implementation of the BC provisions dealing with illegal traffic and encourages parties to use it and to provide information to the Secretariat on their experiences with the guidance for the consideration of the Committee;
- invites parties, in particular parties not having submitted their implementing legislation to the Secretariat, to undertake a review of their legislation for implementing the Convention, using the legislator's checklist, and to submit the outcome of their review to the Committee for its consideration;
- adopts the revisions to question 3 of the revised reporting format for BC national reporting adopted by COP12 and the revisions to the standardized reporting format for transmitting

information under paragraphs 1(a) and (b) of Article 4 and paragraphs 2(c) and (d) of Article 13 of the Convention (import and export prohibitions);

- adopts the revision to question 1(a) of the revised reporting format and to the revised form for notification of designation of country contacts and invites the RC COP8 and SC COP8 to take note of the change; and
- approves the work programme of the Committee and requests the Committee to establish priorities, work methods and schedules for activities in the work programme, consult parties on the draft work programme for 2020-2021, and report to COP14 on the work that it has carried out.

**National legislation, notifications, enforcement of the Convention and efforts to combat illegal traffic:** This issue was addressed in plenary on Saturday, 29 April. The Secretariat introduced the document (UNEP/CHW.13/10).

Supporting the draft decision, the EU suggested textual changes to ensure consistency with the COP12 decision. Many developing countries called for technical assistance and financial resources, citing specific challenges. Pakistan called on the Secretariat to organize enforcement training for customs authorities. India called for the development of guidance to aid countries to define labeling and packaging of hazardous packages, and guidance to address issues arising from “circuitous shipping routes” carrying waste.

Namibia and Samoa highlighted the need for support for border control. Indonesia called for a repatriation mechanism. Guinea called for support for data gathering. China welcomed the decision, expressing hope it would shift attention back to the issue of illegal trafficking. Kenya welcomed support for training port officers.

The Gambia called for harmonization of e-waste legislation to ensure transporting vessels are stopped at the point of entry. Ethiopia called for technical assistance to implement national and regional e-waste legislation. Libya called for international e-waste enforcement regulations to ensure exporting countries are responsible for exporting obsolete products. Mali, Sudan, Iraq, Samoa, Bahrain, and Kenya highlighted problems with e-waste imported as used or secondhand goods. BAN reported on their study using tracking devices to monitor illegal trafficking. Delegates adopted the draft decision.

**Final Decision:** In the decision (UNEP/CHW.13/10), the COP, *inter alia*:

- urges parties to fulfill their obligations under paragraph 4 of Article 4 (measures to implement and enforce the Convention) and paragraph 5 of Article 9 (legislation to prevent and punish illegal traffic) of the Convention, including by updating or developing stringent legislation on the control of transboundary movements of hazardous wastes and by incorporating into their national legislation appropriate sanctions or penalties for illegal traffic in hazardous wastes and other wastes;
- invites parties to share information, through the Secretariat, on best practices in preventing and combating illegal traffic and to report confirmed cases of illegal traffic to the Secretariat using the prescribed form for confirmed cases of illegal traffic; and
- requests the Secretariat to, among others: maintain a collection of best practices for preventing and punishing illegal traffic, forms for reporting confirmed cases of illegal traffic, information on national definitions of hazardous wastes, including national lists, as well as information on import or export restrictions or prohibitions, and to continue to make that information available on the Convention website; make information on national definitions of hazardous wastes, including national lists, as well as information on import or export restrictions or prohibitions, available in the six official

UN languages, subject to the availability of resources; and develop tools and organize enforcement training activities, subject to the availability of resources, in collaboration with the BCRCs, the Secretariats of other relevant MEAs and other international organizations, agencies or programmes and to assist parties to develop national legislation and other measures to implement and enforce the Convention and to prevent and punish illegal traffic.

**TECHNICAL ASSISTANCE: Basel Convention regional and coordinating centres:** The discussions under this issue are summarized under technical assistance for the joint sessions of the COPs. (See page 4.)

**Final Decision:** In the final decision (CHW.13/CRP.44), the COP, *inter alia*:

- takes note of the requests of Brazil and Panama to establish a new BCRC to serve the Central America and Mexico subregion, authorizes the Secretariat to initiate the process towards the signing of a framework agreement, pursuant to decision VI/3 and in accordance with the criteria agreed in decision II/19, for the possible establishment of a new BCRC to serve the Central America and Mexico subregion, taking into account the views of the parties in the region on this matter as expressed at the latest at the next meeting of the OEWG;
- requests the Secretariat to prepare a report on the activities of the BCRCs, including on technology transfer, for consideration by COP14;
- encourages regional and coordinating centres interested to work, under the Convention, on the impact of plastic waste, marine plastic litter, microplastic, and measures for prevention and ESM;
- takes note of the notification by the Government of El Salvador of the termination of the framework agreement on the hosting of the BCRC for Training and Technology Transfer for the Central American subregion, including Mexico, which will become effective on 4 May 2017; and
- invites parties, observers and other financial institutions in a position to do so to provide financial support to enable BCRCs to implement their business plans with the aim of supporting parties in their efforts to meet their obligations under the Convention.

**Implementation of decision V/32 on the enlargement of the scope of the Trust Fund to assist developing and other countries in need of technical assistance in the implementation of the BC:** This issue was addressed during the joint sessions of the COPs on technical assistance. (See page 4.) On Friday, 5 May,

delegates adopted the draft decision.

**Final Decision:** In the final decision (UNEP/CHW.13/12), the COP, *inter alia*:

- requests the Secretariat, subject to the availability of resources, and invites the BCRCs to continue to carry out capacity-building activities with relevant partners, such as the Joint UN Environment/Office for the Coordination of Humanitarian Affairs Environment Unit, relevant to the prevention of incidents and enhancing the preparedness of countries to deal with emergencies caused by transboundary movements of hazardous wastes and other wastes and their disposal, in line with part 3 of the interim guidelines for the implementation of decision V/32 on enlargement of the scope of the Technical Cooperation Trust Fund and in line with decisions BC-IX/10, RC-4/11 and SC-4/34; and
- requests the Secretariat to: continue its cooperation and collaboration with the Joint UN Environment/Office for the Coordination of Humanitarian Affairs Environment Unit; and report to COP14 on the implementation of this decision.

**INTERNATIONAL COOPERATION, COORDINATION AND PARTNERSHIPS: Basel Convention Partnership Programme: Partnership for Action on Computing Equipment (PACE):** This issue was considered in plenary on Monday, 1 May. The Secretariat introduced the documents (UNEP/CHW.13/13 and Add.1; INFs 15 and 31). The Partnership for Action on Computing Equipment (PACE) Working Group Co-Chairs, Marco Buletti (Switzerland) and Leila Devia (Argentina) reported on the group's work and its outputs over its lifespan, namely the guidance documents developed, the pilot projects implemented, and the awareness-raising and information dissemination activities undertaken.

Several countries lauded the work of the PACE Working Group and Project Groups. Serbia, Liberia, Nigeria, and Lesotho expressed support for the work of the BCRCs and BC Coordinating Centres on sound electrical and electronic waste management.

Burkina Faso shared their experience in implementing a PACE-supported pilot project on e-waste. Iraq requested the Secretariat to provide a report on the differences between electrical and electronic waste. Iran requested a list of the end-of-life management measures for e-waste. Bahrain, supported by Cameroon, called for a list of e-waste exporting companies to better manage illegal traffic.

India stressed that since the TGs on transboundary movements of electrical and electronic waste and used electrical and electronic equipment have not been finalized, adoption on the draft decision on PACE should be deferred.

Delegates agreed to request the Secretariat to revise the draft decision, in collaboration with India and the PACE Co-Chairs.

On Tuesday, 2 May, the Secretariat introduced an oral amendment to the draft decision. The revised text stated: "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."

The COP adopted the revised decision on PACE, as amended.

**Final Decision:** In the decision (UNEP/CHW.13/13), the COP, *inter alia*:

- invites parties and signatories to use the guidance document on the ESM of used and end-of-life computing equipment, as revised;
- decides that the PACE Working Group has successfully completed its mandate and is hereby disbanded and that any follow-up tasks that may be required in the future will be carried out by the Secretariat, with the participation of interested parties, signatories, industry, non-governmental organizations and other stakeholders;
- invites interested BCRCs and Basel Convention Coordinating Centres (BCCCs) to: take the lead in the implementation of activities listed in the work programme set out in the concept note, and propose further development of the concept for a follow-up partnership to the PACE at the regional or international level, as the need arises; and
- encourages parties and other stakeholders to make financial and in-kind contributions to support the BCRCs and BCCCs in their efforts to implement the activities identified.

**Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE):** This issue was considered in plenary on Monday, 1 May. The Secretariat

introduced the documents (UNEP/CHW.13/14 and INF/32). Co-Chair of ENFORCE, Leila Devia, BCRC-Argentina, provided a report on the Network's second meeting and requested that the COP nominate five members to serve on ENFORCE until BC COP14.

The EU, India, Peru, Nigeria and China supported the continuation of ENFORCE's work.

Iraq requested ENFORCE to provide information on national legislation to combat illegal traffic. China suggested that the Network use relevant cases to provide more up-to-date experiences on illegal traffic. BC COP13 President Khashashneh confirmed that analyzing cases is within the terms of reference of the Network.

The International Network for Environmental Compliance and Enforcement (INECE) and the EU Network for the Implementation and Enforcement of Environmental Law (IMPEL) both called for promoting the visibility of ENFORCE in order to enhance cooperation.

Delegates agreed to adopt the draft decision as proposed by the Secretariat, with textual amendments suggested by the EU.

**Final Decision:** In the decision on ENFORCE (UNEP/CHW.13/14), the COP, *inter alia*:

- encourages members of the Network to continue collaborating by exchanging experience, providing relevant information and undertaking capacity-building activities to prevent and combat illegal traffic;
- elects representatives of five parties to the BC to serve as members of the Network until COP14;
- designates four representatives of the BCRCs and BCCCs to serve as members of the Network until COP14; and
- requests the Secretariat, subject to the availability of resources, to organize annual meetings of the Network and to report to COP14 on the Network's activities.

**Creating innovative solutions through the Basel Convention for the ESM of household waste:** This issue was considered in plenary on Monday, 1 May. The Secretariat introduced the documents (UNEP/CHW.13/15 and INF/33). The Co-Chairs of the informal group on household waste towards the establishment of a household waste partnership under the Basel Convention, Gabriel Medina (BCCC-Uruguay) and Prakash Kowlessar (Mauritius), presented a summary of the group's intersessional work and the concept note for the establishment of a household waste partnership.

India, Argentina on behalf of GRULAC, Nigeria on behalf of the African Group, Indonesia, Sri Lanka, Iran, Kazakhstan, the Cook Islands, and Saudi Arabia all highlighted the difficulties in managing wastes arising from households and supported formation of this new partnership under the Convention.

The EU welcomed the progress made and introduced two CRPs on the issue: one on the terms of reference for the partnership and the other on a draft decision on creating innovative solutions for ESM of household waste for adoption by the COP. IPEN and Island Sustainability Alliance both noted the importance of recognizing environmentally-sound options for the treatment of household wastes in the context of the SC and SIDS, respectively.

With respect to the management of household waste, Kyrgyzstan called for technical assistance, Libya requested financial resources, and Mali asked for support to develop infrastructure to manage household waste. Morocco stressed on the need for monitored landfills for household wastes.

Cameroon, with Sudan and Ethiopia, called for the partnership to focus on plastics. Guinea noted the potential linkages between the management of plastics in household waste and the SC. Togo

made reference to their national legislation banning the import and export of non-biodegradable plastics.

Iraq called for cooperation between the BC and SC in order to tackle challenges related to household wastes containing POPs. Yemen also called for cooperation with the Minamata Convention on household wastes containing mercury. Niger called on the partnership to consider the job-creation aspects in household waste management.

Bahrain called on the partnership to prepare a comparative study of techniques and approaches on the management of household waste. Senegal called on the partnership to prepare a manual on this issue. Samoa called for appropriate, sustainable household waste disposal technologies for SIDS.

Delegates agreed to adopt the draft decision, taking into account textual amendments proposed orally by the EU, as well as the terms of reference for the household waste partnership.

**Final Decision:** In its decision on creating innovative solutions for the ESM of household waste (UNEP/CHW.12/CRP.18), the COP, *inter alia*:

- decides to establish a working group of the household waste partnership that will be responsible for overseeing organizational matters pertaining to the implementation of the partnership's activities, including the establishment of project groups and review of their work products and reports, serving as a forum for information sharing and taking the lead in awareness-raising, outreach and coordination in relation to activities undertaken by the partnership;
- adopts the terms of reference of the household waste partnership;
- requests the working group to implement the workplan set out in the annex to the decision;
- requests the working group to coordinate and collaborate, as appropriate, on activities with other organizations and initiatives to establish synergies and prevent duplication;
- emphasizes that the partnership does not have the authority to create additional or abrogate existing rights or responsibilities of parties under the BC; and
- requests the Secretariat to: facilitate and provide expertise to the partnership, subject to the availability of funds, and report on progress in the implementation of the present decision to the OEWG11 and the COP14.

#### **International cooperation and coordination:**

**Environmentally sound dismantling of ships:** This issue was first taken up in plenary on Saturday, 29 April. The Secretariat introduced the document (UNEP/CHW.13/16) and outlined its work with regard to international cooperation and technical assistance activities on the environmentally sound dismantling of ships.

Pakistan called for the development of additional infrastructure for the disposal of hazardous wastes being generated due to ship dismantling activities. Bangladesh highlighted the country's ship breaking legislation, which includes provisions for the management of the hazardous wastes generated by ship breaking.

Serbia drew attention to the importance of cooperating with the International Maritime Organization (IMO) on the recycling and disposal of ships. BAN provided an update on the dumping of ships, lauding the soon-to-be-approved EU legislation on ship recycling, and described the Hong Kong Convention criteria on ship recycling "weak."

The COP took note of the report by the Secretariat.

**Cooperation with IMO:** This agenda item was introduced on Saturday, 29 April. The Secretariat introduced the documents (UNEP/CHW.13/18 and INF/37) and outlined its work on cooperating with IMO as well as on the guidance manual on how

to improve the sea-land interface to ensure that wastes falling within the scope of the MARPOL Convention, once offloaded from a ship, are managed in an environmentally sound manner.

The EU welcomed the manual and introduced a proposal (UNEP/CHW.13/CRP.7) containing textual amendments to the draft guidance manual. This included a request for parties and others to use the guidance manual.

The COP agreed to adopt the proposed decision along with the guidance manual, as amended by the EU through its CRP, noting that there were no financial implications related to the decision.

**Final Decision:** In the decision (UNEP/CHW.13/18), the COP, *inter alia*: takes note of the information contained in the note by the Secretariat and requests it to continue, as appropriate, its cooperation with the IMO as well as with the International Organization for Standardization.

**OPERATIONS AND WORK PROGRAMME OF THE OEWG FOR 2018-2019:** This issue was addressed by the COP on Saturday, 29 May. The Secretariat introduced the documents (UNEP/CHW.13/21 and INFs 30 and 42) and outlined the options for the operation of OEWG11.

Norway, with Uruguay and Mexico, and supported by many, introduced their proposal on including marine plastic litter and microplastics in the OEWG work programme for 2018-2019 (UNEP/CHW.13/CRP.26), with Uruguay and Mexico noting the role of the BCRCs in addressing this issue.

Iceland, Samoa, New Zealand, Cook Islands, Australia, Switzerland, Senegal, Libya, Ecuador, Jamaica, Benin, IPEN and the SCRC in Spain all supported the Norwegian proposal, highlighting the importance of protecting marine environment from plastic pollution. Niger, Burkina Faso and Benin suggested considering plastic pollution in rivers and lakes. The Bahamas noted that this issue should be prioritized in the budget of the next biennium.

Zambia introduced a proposal to include nanomaterials in waste streams under the OEWG work programme (UNEP/CHW.13/CRP.25). Thailand, Ghana, Jordan, Armenia, Norway, IPEN and the Center for International Environmental Law supported the work on nanomaterials. China called for the proposed activities to be performed "within the scope of the Basel Convention."

Argentina, on behalf of GRULAC, expressed concern about shortened OEWG meetings and cutbacks to interpretation. Tunisia called for donor support for developing country participation, noting the need for regional balance. The EU supported the current format of OEWG meetings, saying that two days of plenary with interpretation "is sufficient."

Parties agreed to request the Secretariat to prepare a draft decision.

On Thursday, 4 May, delegates agreed to adopt the draft decision on the operations and work programme of the OEWG for the 2018-2019 biennium.

**Final Decision:** In its final decision (UNEP/CHW.13/CRP.42), the COP, *inter alia*:

- adopts the work programme of the OEWG for the biennium 2018-2019;
- decides that any additional work requested from the Secretariat by OEWG11 to be submitted to COP14 would be undertaken subject to the availability of resources; and
- decides that OEWG11 and subsequent future meetings will be of four days' duration, with two days of plenary sessions with simultaneous interpretation provided, plus one additional day of plenary sessions with interpretation provided subject to the availability of resources, to be applied flexibly by the



Executive Secretary, and invites those in a position to do so to provide voluntary funding for any interpretation not included in the core budget.

### **ENHANCING COOPERATION AND COORDINATION AMONG THE BRS CONVENTIONS**

This agenda item was addressed in the joint sessions of the COPs (See page 5.)

### **PROGRAMME OF WORK AND BUDGET**

This agenda item was addressed in the joint sessions of the COPs. (See page 7.)

On Friday, 5 May, delegates adopted the programme of work and budget.

**Final Decision:** In the final decision (UNEP/CHW.13/CRP.43), the COP, *inter alia*:

- approves the programme budget for the BC for the biennium 2018-2019;
- authorizes the Executive Secretary of the BC to make commitments in an amount up to the approved operational budget, drawing upon available cash resources;
- decides to maintain the working capital reserve at the level of 15% of the annual average of the biennial operational budgets for the biennium 2018-2019;
- notes with concern that a number of parties have not paid their contributions to the BC Trust Fund for 2016 and prior years, contrary to the provisions of paragraph 3(a) of rule 5 of the financial rules;
- authorizes, on an exceptional basis, the BRS Executive Secretary, as a last resort, to draw additional funds, not exceeding US\$100,000, from the BRS Conventions' three general trust funds' net balance to cover any shortfall from the approved staffing envelope for the biennium 2018-2019, should the annual increase applied to real staff costs and used to determine the staffing envelope not be adequate, provided that they are not reduced below the working capital reserve, except in the case of the SC, where the working capital reserve can temporarily be used for this purpose;
- invites the Executive Secretary to continue cooperating on programmatic matters with the interim Secretariat to the Minamata Convention and provide any Secretariat support that may be requested and is fully funded by the Minamata Convention COP;
- takes note of the funding estimates for activities under the Convention to be financed from the Trust Fund to Assist Developing Countries and other Countries in Need of Technical Assistance in the Implementation of the BC (Technical Cooperation Trust Fund);
- urges parties and invites non-parties and others to make voluntary contributions to the Technical Cooperation Trust Fund so as to encourage contributions from donors;
- decides that the two trust funds for the Convention shall be continued until 31 December 2019 and requests the Executive Director of UN Environment to extend them for the biennium 2018-2019, subject to the approval of UNEA; and
- requests the Secretariat to identify elements of programmatic cooperation with other organizations of the chemicals and wastes cluster for the programme of work for 2018-2019 in line with the decision on international cooperation and coordination.

**OTHER MATTERS: MoUs:** Discussions under this item are summarized under Other Matters for the joint COPs. (See page 7.)

On Monday, 1 May, delegates agreed to adopt the draft MoU between UN Environment and the BC COP (UNEP/CHW.13/CRP.28).

**Final Decision:** In the final decision (UNEP/CHW.13/CRP.28), the COP, *inter alia*:

- recalls its request in decision BC-12/24 for a draft MoU between the BC COP and the Executive Director of UNEP concerning the provision of Secretariat functions for the BC by UNEP, and notes with concern that no draft has been submitted for consideration and possible adoption by the COP in 2017;
- reiterates its request for consideration and possible adoption by the COP of a MoU at its next meeting;
- takes note of UNEA resolution 2/18 on the relationship between UN Environment and MEAs, and of the progress report prepared by the Executive Director of UN Environment;
- requests the Executive Secretary of the BRS Conventions to engage actively in the work of the Executive Director, in consultation with the Secretariats of other UNEP-administered MEAs, towards the development of a flexible draft template of options for the provision of Secretariat services in an appropriate form, taking into account the UN Environment delegation of authority policy and framework for the management and administration of MEA Secretariats and the draft MoUs between the BRS COPs and the Executive Director; and
- decides that if the work of UNEP under paragraph 4 above is not finalized in time for the next meeting of the COP, this should not delay consideration of the draft memorandum of understanding.

### **ADOPTION OF THE REPORT**

On Friday, 28 April, COP8 adopted the report (POPS/COP.8/L.1/Add.1) with minor amendments.

### **CLOSURE OF THE MEETING**

Thanking participants for their good faith and flexibility throughout the meeting, BC COP13 President Khashashneh gavelled the meeting to a close at 6:35 pm on Friday, 5 May.

### **ROTTERDAM CONVENTION COP8**

RC COP8 chaired by Franz Perrez (Switzerland), opened on Monday, 24 April, to adopt the agenda and continued on Thursday and Friday, 27-28 April, and Tuesday-Thursday, 2-4 May, adopting decisions throughout the meeting.

### **RULES OF PROCEDURE FOR THE COP**

On Wednesday, 3 May, the Secretariat introduced a note on the rules of procedure of the COP (UNEP/FAO/RC/COP.8/3). RC COP8 President Perrez suggested, and the COP agreed, to maintain brackets around a clause stating that when attempts to achieve consensus are exhausted, a two-thirds majority vote can be used to reach a decision, meaning that the COP will continue to decide on substantive matters by consensus.

### **MATTERS RELATED TO THE IMPLEMENTATION OF THE ROTTERDAM CONVENTION**

**STATUS OF IMPLEMENTATION: General issues:** This issue was taken up by the RC COP on Wednesday, 3 May. The Secretariat introduced the documents (UNEP/FAO/RC/COP.8/4, INFs 6,7 and 23).

The EU proposed also requesting the Secretariat to: regularly collect data on international and national trade in chemicals listed or recommended for listing in Annex III and to submit a report to the next COP; and carry out work to provide different definitions for the term "pesticide" and potential implications of these definitions for the Convention's implementation. China suggested the Secretariat add a "frequently asked questions" section to its website. Sri Lanka noted its commitment to reducing

chemicals risks through the PIC procedure. PAN urged parties to provide notifications of their final regulatory actions to improve implementation.

RC COP8 President Perrez then proposed and parties agreed, to adopt the draft decision and to reflect suggestions by the EU and China in the meeting report.

**Final Decision:** In the decision (UNEP/FAO/RC/COP.8/4), the COP, *inter alia*:

- takes note of the information provided on the status of implementation of the Convention and the results of the survey on definitions of the term “pesticides”;
- reminds parties to ensure the effective operation of the Convention by submitting notifications of final regulatory action for banned or severely restricted chemicals and import responses, in particular for newly listed chemicals; and
- requests the Secretariat to continue to review the format of the PIC Circular and its effectiveness in supporting parties’ actions to meet the objectives of the Convention.

**Proposal for activities to increase the number of notifications of final regulatory action:** This issue (UNEP/FAO/RC/COP.8/5/Rev.1 and INF/8).was first taken by the COP on Wednesday, 3 May.

The EU proposed to, *inter alia*, encourage parties to use the EU Agency for Fundamental Rights Toolkit, the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) Toolbox and other tools for national risk evaluation and decision-making. The EU urged parties to submit notifications and encouraged developing country parties or parties with economies in transition to submit proposals for listing. Mauritania noted that most countries do not have the capacity to evaluate chemicals risks. Nigeria and Kenya requested financial assistance for submissions of final regulatory actions.

Delegates adopted the draft decision and agreed to reflect other suggestions from parties in the meeting report.

**Final Decision:** In the decision (UNEP/FAO/RC/COP.8/5/Rev.1), the COP, *inter alia*:

- encourages parties to continue to provide the Secretariat with information that may assist other parties in preparing notifications of final regulatory action, including: scientific and technical information relevant to risk evaluation and decision-making on hazardous chemicals and pesticides; texts of national legislation and other measures adopted by them to implement the Convention; and
- requests the Secretariat to: continue to collect and make available to parties and other stakeholders in a user-friendly format the information referred to above; provide assistance to parties, subject to the availability of funding, to facilitate the submission of notifications of final regulatory action, including individual assistance to ensure that notifications meet the information requirements of Annex I to the RC.

**Exports, export notifications and information exchange:** This issue (UNEP/FAO/RC/COP.8/6) was taken up by the COP on Wednesday, 3 May.

The EU lamented lack of acknowledgement of receipt by importing parties and drew attention to its proposed amendment that urges implementation of Articles 11 (obligations in relation to export of Annex III chemicals), 12 (export notification) and 14 (information exchange). RC COP8 President Perrez asked if this information could be included in the meeting report. The EU agreed, requesting that this issue be considered at COP9.

RC COP8 agreed to indicate in the meeting report that the Secretariat should continue to provide information to the COP on these issues. RC COP8 President Perrez proposed, and delegates agreed, to adopt the draft decision and to reflect the EU’s proposal in the meeting report.

**Final Decision:** In the decision (UNEP/FAO/RC/COP.8/6), the COP takes note of the information provided in UNEP/FAO/RC/COP.8/6, recalls decision RC-7/2 on a proposal on ways of exchanging information on exports and export notifications, and urges parties to complete and return the questionnaire.

**LISTING OF CHEMICALS IN ANNEX III TO THE CONVENTION: Consideration of chemicals for inclusion in Annex III:** This agenda item was first considered by the COP

on Tuesday, 2 May, and continued in plenary on Wednesday 3 May. Eight chemicals were considered for listing: carbofuran, carbosulfan, short-chain chlorinated paraffins, tributyltin compounds, trichlorfon, chrysotile asbestos, fenthion ultra low volume (ULV) formulations at or above 640 g active ingredient/L, and paraquat dichloride at or above 276 g/L. Parties agreed to list four chemicals in Annex III.

On Tuesday, the Secretariat introduced the document “Chemical Review Committee (CRC): developments for action by the COP” (UNEP/FAO/RC/COP.8/7). CRC Chair Jürgen Helbig (Spain) presented the work of the CRC during the intersessional period. Delegates agreed to adopt the draft decision on the CRC.

**Final Decision:** In the decision on the CRC (UNEP/FAO/RC/COP.8/7), the COP, *inter alia*:

- appoints the 14 designated experts to serve as members of the Committee from 1 May 2016 to 30 April 2020 and confirms the appointment of Iftikhar-ul-Hassan Shah Gilani (Pakistan) to replace his compatriot, Khalida Bashir, as a member of the Committee to serve for the balance of her term, until 30 April 2018;
- appoints the 17 designated experts listed in the annex to the present decision to serve as members of the Committee with terms of office from 1 May 2018 to 30 April 2022;
- requests CRC13 to identify an interim Chair of the Committee for CRC14 and decides to consider the election of the Chair of the Committee at COP9; and
- notes that the Secretariat conducted an orientation workshop for new members and requests the Secretariat to continue, subject to the availability of resources, to organize further such workshops and to report on their results to COP8.

**Carbofuran:** The Secretariat introduced the documents (UNEP/FAO/RC/COP.8/14 and Add/1) on Tuesday, 2 May.

The EU, Cameroon, Burkina Faso, Nigeria, Norway, Switzerland, the Russian Federation and the US supported listing. Citing its use and import of carbofuran, India opposed listing. RC COP8 President Perrez clarified that listing does not constitute a ban. India restated its 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 were listed.

Later on Tuesday morning, 2 May, India expressed its support for listing in Annex III and emphasized the need for continued use. Parties agreed to adopt the draft decision to list carbofuran in Annex III and to take note of continued use of carbofuran.

**Final Decision:** In the decision (UNEP/FAO/RC/COP.8/14), the COP, *inter alia*, decides to amend Annex III to the RC to list carbofuran in the category of pesticide, which shall enter into force for all parties on 15 September 2017, and approves the decision guidance document on carbofuran.

**Carbosulfan:** The issue was discussed on Tuesday and Wednesday 2-3 May. On Tuesday, the Secretariat introduced the documents (UNEP/FAO/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. 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 the CRC's review process and said the criteria for listing were not satisfied.

On Wednesday, RC COP8 President Perrez noted an outstanding objection to listing. The Philippines also expressed its objection. Delegates agreed that the criteria for listing had been met and to forward this issue to COP9.

**Short-chain chlorinated paraffins (SCCPs):** This issue (UNEP/FAO/RC/COP.8/12 and Add.1, INF/12 and 13) was taken up on Tuesday, 2 May. 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. Delegates agreed to list SCCPs in Annex III of the Convention.

**Final Decision:** In the final decision (UNEP/FAO/RC/COP.8/12), the COP decides, *inter alia*, to amend Annex III to the RC to list SCCPs in the category of industrial chemicals, which shall enter into force for all parties on 15 September 2017, and approves the decision guidance document on SCCPs.

**Tributyltin (TBT) compounds:** This issue (UNEP/FAO/RC/COP.8/13, Add.1, INF/14 and 15) was taken up by the COP on Tuesday, 2 May.

The EU, Canada, India, Norway, Cameroon, the Russian Federation, Burkina Faso and Benin supported listing TBT compounds under the industrial use category. The US supported listing and queried whether, in the CRC's analysis, notifications of final regulatory action must be related to the same use category. Parties agreed to list TBT in Annex III in the industrial use category.

**Final Decision:** In the decision (UNEP/FAO/RC/COP.8/13), the COP decides, *inter alia*, to amend Annex III to the RC to list TBT compounds in the category of industry chemical, which shall enter into force for all parties on 15 September 2017, and approves the decision guidance document on TBT compounds.

**Trichlorfon:** This issue (UNEP/FAO/RC/COP.8/9 and Add.1) was taken up by the COP on Tuesday, 2 May. 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. Parties agreed to list trichlorfon in Annex III.

**Final Decision:** In the decision (UNEP/FAO/RC/COP.8/9), the COP decides, *inter alia*, to amend Annex III to the RC to list trichlorfon in the category of pesticide, which shall enter into force for all parties on 15 September 2017, and approves the decision guidance document on trichlorfon.

**Chrysotile asbestos:** This issue (UNEP/FAO/RC/COP.8/11, Add.1) was discussed in plenary on Tuesday and Wednesday, 2-3 May.

On Wednesday, the Russian Federation, Zimbabwe, India, Kyrgyzstan and Belarus called for more scientific data and review and, with Kazakhstan, Syria and International Alliance for Trade Union Organizations "Chrysotile," opposed listing.

RC COP8 President Perrez recalled that RC COP3 had agreed that all the criteria for listing was met, and that the question remaining was whether to list. Canada, Ecuador, Nepal, Republic of the Congo, Colombia, the EU, Uruguay, Malaysia, Nigeria, Norway, Senegal, Serbia, Peru, Australia and Iraq supported listing. Many countries cited national legislation to control or ban chrysotile asbestos and chrysotile asbestos-containing products, and several emphasized there is no safe threshold for exposure.

Underscoring that the RC does not ban chemicals, the EU expressed concern that opponents to listing "misunderstand" the Convention. Tonga, speaking on behalf of the Cook Islands, Marshall Islands and Kiribati, supported listing, citing growing threats posed by chrysotile asbestos due to low awareness of risks and natural disasters exacerbated by climate change. WHO said evidence that chrysotile asbestos is carcinogenic is "conclusive and overwhelming." Rotterdam Chrysotile Alliance (ROCA) highlighted the experience of a worker diagnosed with asbestosis due to workplace exposure. IndustriALL highlighted workers' rights to safe workplaces.

Seeing no consensus, RC COP8 President Perrez proposed, and delegates agreed, to forward the issue for consideration at COP9.

**Fenthion ULV formulations at or above 640 g active ingredient/L:** This issue (RC/COP.8/8 and Add.1) was taken up by the RC plenary on Wednesday, 3 May. RC COP8 President Perrez suggested a "quick poll" on those supporting listing and those opposing. Cameroon preferred allowing parties to make interventions. Australia highlighted the value of exchanging views.

Cameroon, the EU, Chad, Mauritania, Mali, Senegal, Nigeria, Norway, Sri Lanka, India, Brazil, Australia, Uruguay, Switzerland, Thailand, Costa Rica, the Russian Federation and PAN supported listing.

Ethiopia, Sudan, Uganda, and Kenya opposed listing, noting that there are no known alternatives to address the food security challenges posed by quelea birds. CropLife International called for development of guidance for "robust review" of listing proposals for severely hazardous pesticide formulations.

Seeing no consensus, the parties agreed to forward the issue to COP9.

**Paraquat dichloride at or above 276 g/L:** The issue was taken up by the COP on Wednesday, 3 May. The Secretariat introduced the documents (RC/COP.8/10 and Add.1). RC COP8 President Perrez recalled that COP6 agreed that all the requirements for listing were met and encouraged parties to provide information to assist others, especially developing countries and countries with economies in transition, to make an informed decision on the import and management of these formulations using information exchange provisions in Article 14. He asked countries that could not accept the decision to list paraquat to identify themselves. Indonesia, Guatemala, India and Chile raised their flags.

In their interventions, Cameroon, Canada, Costa Rica, Gabon, Jamaica, New Zealand, the EU, Maldives, Panama, Mali, Switzerland, Nigeria, Norway, the Russian Federation, the Cook Islands, Suriname, Ecuador, Nepal, Tanzania, the US and PAN supported listing, with many noting that listing does not constitute a ban.

Citing its own studies showing safe use in tropical conditions, Indonesia opposed listing. Seeing no consensus, parties agreed to consider this issue at COP9.

**Intersessional work on the process of listing chemicals in Annex III:** On Thursday, 27 April, the Secretariat introduced the documents on intersessional work on the process of listing chemicals in Annex III of the RC (UNEP/FAO/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, opposed by the EU, recommended amending RC Article 16 (technical assistance) to include financial assistance to developing country parties through the GEF. 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.

Nigeria proposed amending RC Article 22 (adoption and amendment of annexes) to allow for a voting procedure for chemicals recommended by the CRC.

Malawi, Nigeria, Cameroon, Yemen, Libya, Burkina Faso, Senegal, 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.

India, Sudan, the Russian Federation, Zimbabwe, Kyrgyzstan, Cuba, Sudan and Kazakhstan opposed the amendment. Nicaragua supported a consensus-based approach.

Pakistan objected to "hasty" amendments to Convention text and called voting a "dictatorship of the majority." Iran, supported by Syria, expressed concern that the amendments could trigger lengthy discussion of amendments to other articles.

Colombia, IPEN, IndustriALL and PAN expressed concerns about the RC's effectiveness.

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 Andrew McNee (Australia) and Silvija Kalniņš (Latvia).

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. 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.

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."

India and Iran emphasized that the proposal should not be discussed in any group. The Russian Federation and Sudan said they could discuss intersessional work.

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.

On Friday, 28 April, RC COP8 President Perrez proposed, and delegates agreed, to establish 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. This informal group met from Friday, 28 April, to Wednesday, 3 May.

On Friday, 5 May, the Secretariat introduced the draft decision on enhancing the effectiveness of the RC (FAO/RC/COP.8/CRP.19). Cameroon underscored that consensus means the adoption of resolutions by general agreement and cannot be understood to mean that each party has a veto.

**Final Decision:** In its final decision (UNEP/FAO/RC/COP.8/CRP.19), the COP, *inter alia*:

- requests the Secretariat to develop an online survey to gather information on priority actions to enhance the effectiveness of the Convention and key information gaps related to effectiveness;
- requests the Secretariat to compile the results of the survey and to prepare by 15 January 2018 a report analyzing the legal and operational implications of the priority actions; and
- decides to establish a working group with membership composed of representatives from parties to: identify, on the basis of the report and the comments received, a set of prioritized recommendations for enhancing the effectiveness of the Convention; and develop a report identifying further steps for consideration by COP9.

**COMPLIANCE:** This item was first taken up by the joint session of the COPs on Tuesday, 25 April, and later in a Friends of the President group.

In plenary, RC COP8 President Perrez suggested adopting the draft decision developed at COP7 (RC/COP.8/18). Iran called for a compliance mechanism that is supportive, non-confrontational and transparent. He said the text needs discussion to "clean it completely." India opposed adoption. Brazil suggested including only a self-referral trigger. South Africa for the African Group, Brazil and Yemen underlined the need for means of implementation.

The EU, Australia, Canada, New Zealand, Norway and Switzerland called for adoption and opposed establishing a contact group, with Switzerland citing compromises made at COP7. Chile said only bracketed text should be open for discussion. A Friends of the President group was established to continue discussions.

On Thursday, 4 May, RC COP8 President Perrez presented a President's proposal based on the work of the Friends of the President group that would, *inter alia*: establish a committee with 20 members; refer to "parties concerned"; include facilitative steps; reflect the need to understand specific national circumstances; decide that measures will be facilitative, non-punitive and non-adversarial; and ensure regular reviews of the procedures and mechanism.

Reiterating that "nothing is agreed until everything is agreed," Iran, supported by Sudan and Venezuela, objected to a party-to-party trigger, called for consensus-based decision-making in the committee, and said the committee should have a minimum of 25 members. Venezuela underlined the necessity to have a compliance mechanism associated with financial arrangements.

Pakistan said that "75-80%" of parties had not seen the President's proposal. Noting he had requested but had not received any comments on this proposal from concerned delegations, RC COP8 President underscored that incrementalism is the "fundamental principle of negotiations." Norway said the discussion in the Friends of the President's group was "fair and transparent," and noted his disappointment that many parties broke agreements reached at previous COPs. India, Cuba and Syria suggested more discussion in a contact group.

The EU, Australia and Colombia supported the President's proposal, with the EU lamenting that some parties were trying to block consensus. Namibia said some parties misinterpreted the proposal's provisions.

RC COP8 President Perrez summarized the plenary discussion and, stating that he could see no objection, declared the adoption of the proposed text.

Iran, India, Sudan, Kazakhstan and Pakistan emphasized their disagreement.

The Russian Federation suggested more discussion. RC COP8 President Perrez closed plenary, noting that the legal advisor could comment on the legitimacy of the decision on Friday.

Reopening the discussion on Thursday afternoon, RC COP8 President Perrez apologized for the misunderstanding, noted the lack of consensus among parties and withdrew his proposal. Seeing parties were unlikely to agree on the issue of compliance, he proposed to defer the issue to COP9 with the annex to decision RC-7/6 (procedures and mechanisms on compliance with the Rotterdam Convention) as the basis for future work.

Iran, with Pakistan, stressed that the COP7 text would be “a basis” for discussion, and called for including all other proposals from COP8 in discussions at COP9. The Russian Federation preferred that COP9 take into account all the deliberations that have been made so far. Sudan proposed considering the President’s text as well as any other proposals from this meeting and RC COP8 President clarified his proposal had been withdrawn.

The EU, Canada, Norway, Australia, Colombia and Switzerland supported the COP7 text on compliance as the basis of discussion at COP9. Chile proposed only negotiating bracketed text going forward, and using the text from COP7 for negotiations at COP9.

RC COP8 President Perrez suspended plenary, encouraging parties to consult among themselves on the way forward.

On Friday, 5 May, RC COP8 President Perrez proposed that the COP consider this issue further at COP9 on the basis of decision RC7/6, taking into account deliberations at this meeting, including any conference room papers (CRPs).

Iran stated its opposition to use the COP7 text as the basis of the negotiations and underscored that the COP7 text and CRPs should have equal weight.

The EU reiterated that only the COP7 text should serve as the basis of future negotiations. Namibia underscored progress at COP7 that resulted in agreed text and said that any CRP that intends to open agreed text is “unacceptable.”

Iran stated that it was a concession to allow the COP7 text to be considered.

Characterizing the President’s proposal made on Thursday, as “more balanced,” Pakistan suggested that it be discussed at the COP9. RC COP8 President Perrez reiterated that his proposal had been withdrawn.

Noting a lack of consensus, RC COP8 President Perrez concluded that the COP decides to defer further consideration of this agenda item to COP9.

**TECHNICAL ASSISTANCE:** This issue is discussed and summarized under the joint sessions of the COPs. (See page 4.)

**INTERNATIONAL COOPERATION AND COORDINATION:** This item is summarized under the joint sessions of the COPs. (See page 4.)

### ***ENHANCING COOPERATION AND COORDINATION AMONG THE BRS CONVENTIONS***

This agenda item was addressed in the joint session of the COPs (See page 5.)

### ***PROGRAMME OF WORK AND BUDGET***

The discussions under this item are summarized under the joint sessions of the COPs (See page 7). On Friday, 5 May, delegates adopted the RC programme of work and budget.

**Final Decision:** In the final decision (UNEP/FAO/RC/COP.8/CRP.20), the COP, *inter alia*:

- approves the programme budget for the RC for the biennium 2018-2019;
- authorizes the executive secretaries of the RC to make commitments in an amount up to the approved operational budget, drawing upon available cash resources;
- invites the governing bodies of UN Environment and the FAO to continue and, where possible, increase their financial and other support for the operation of the Convention and its Secretariat in the biennium 2018-2019;
- welcomes the continued contribution by Italy and Switzerland, the host countries of the Secretariat, of €1,200,000 each for the biennium to the Secretariat to offset planned expenditures;
- notes that of Switzerland’s host country contribution of €1,200,000 for the biennium, 50%, equivalent to US\$651,466, will be apportioned to the RC General Trust Fund and the remainder to the voluntary Special Trust Fund;
- urges parties to pay their contributions promptly by or on 1 January of the year to which the contributions apply and requests the Secretariat to present information on the state of play regarding arrears and their consequences at regional meetings;
- decides to continue the practice that, with regard to contributions due from 1 January 2005 onwards, no representative of any party whose contributions are in arrears for two or more years shall be eligible to become a member of the COP Bureau or a member of any COP subsidiary body, provided, however, that this shall not apply to parties that are least developed countries or SIDS or to any party that has agreed on and is respecting a schedule of payments in accordance with the financial rules;
- also takes note of the indicative staffing table for the Secretariat for the biennium 2018-2019 used for costing purposes to set the overall budget;
- authorizes, on an exceptional basis, the BRS Executive Secretary, as a last resort, to draw additional funds, not exceeding US\$100,000, from the BRS Conventions’ three general trust funds’ net balance to cover any shortfall from the approved staffing envelope for the biennium 2018-2019, should the annual increase applied to real staff costs and used to determine the staffing envelope not be adequate;
- invites the Executive Secretary to continue cooperating on programmatic matters with the interim Secretariat to the Minamata Convention and provide any Secretariat support that may be requested and is fully funded by the Minamata Convention COP; and
- urges parties, and invites others in a position to do so, to contribute urgently to the voluntary Special Trust Fund with a view to ensuring the full and effective participation of developing-country parties.

### ***OTHER MATTERS***

Discussions under this item are summarized under Other Matters for the joint sessions of the COPs (See page 7).

On Monday, 1 May, delegates agreed to adopt the draft MoU between FAO, UN Environment and the RC COP.

**Final Decision:** In the final decision (RC/COP.8/CRP.6), the COP, *inter alia*:

- requests the Executive Secretary of the BRS Conventions to engage actively in the work of the Executive Director, in consultation with the Secretariats of other UNEP-administered MEAs, towards the development of a flexible draft template of options for the provision of Secretariat services in an appropriate form, taking into account the UN Environment

delegation of authority policy and framework for the management and administration of MEA Secretariats and the draft MoUs between the BRS COPs and the Executive Director; and

- acknowledges the continued application of the MoU between the FAO Director-General and the Executive Director concerning arrangements for performing jointly the Secretariat functions for the RC, which was approved by the COP in its decision RC-2/5 and entered into force on 28 November 2005, which is different from the draft MoU requested in RC-7/14 that should be submitted for consideration by the COP at its next meeting.

### **ADOPTION OF THE REPORT**

On Thursday, 4 May, RC COP8 President Perrez presented the draft report of RC COP8 (UNEP/FAO/RC/COP.8/L.1/Add.1), and parties agreed to adopt the report with minor amendments.

### **CLOSURE OF THE MEETING**

Noting that the COP had made some small steps and some big steps during the meeting, and had not regressed, RC COP8 President Perrez thanked participants and gavelled the meeting to a close at 6:39 pm on Friday, 5 May.

## **A BRIEF ANALYSIS OF THE MEETINGS**

*“Never confuse movement with action.” – Ernest Hemingway*

At the third joint and back-to-back meetings of the Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions, institutionalization of synergies among the three Conventions was clearer than ever before. Despite the strengthened connections among the BRS Conventions, however, the three bodies seem to be facing distinct challenges and achieving varied levels of success in fulfilling their objectives to protect human health and the environment.

This brief analysis considers the outcomes of the 2017 meetings of the BRS COPs, with a focus on how the COPs—jointly and separately—prioritized new work, such as listing chemicals and developing guidelines, over actions to facilitate implementation and compliance. Basel Convention COP13 took incremental steps forward, setting up intersessional processes to reinvigorate work on the provisional e-waste technical guidelines and to continue work to “modernize” the annexes of the Convention. The Stockholm Convention COP listed three new chemicals, albeit with exemptions. The Rotterdam Convention COP listed four new chemicals, but again failed to reach agreement on “legacy” chemicals. Compliance mechanisms eluded the SC and RC for another year.

### **TAKING STOCK OF THE EFFECTIVENESS OF EACH CONVENTION**

Given the 2015 Triple COP’s focus on planning a review of the efficacy of the synergies arrangement, the outcome of this intersessional work received surprisingly little attention. The review of synergies was undertaken under carefully-negotiated terms of reference that emphasized finances, both in terms of cost savings and resources unlocked for technical assistance—a priority for many developing countries. Despite the review being “rather light” on detail in this area, as a couple of delegates noted, there was little mention of the review during plenary or even in contact groups. Instead, delegates drew on their own experiences to evaluate the effectiveness of each Convention’s efforts to achieve its objectives in practice.

The results of the SC effectiveness evaluation were striking, as they highlighted several issues related to patchy implementation of the Convention. An overarching problem is poor reporting, which, among other issues, has led to severe underestimates of

the challenges of eliminating use and environmentally sound management of substances such as PCBs, for which neither the 2025 (use elimination) or 2028 (environmentally sound management) goals will be met. Furthermore, the report pointed to widespread use of illegal use of stockpiles, and particularly of POPs pesticides by farmworkers. The evaluation also determined that listing chemicals acts as trigger for “some but not all parties” to implement measures to control production, use and trade of the substances. Together, these findings called into question the impact of the decisions and other work being done at the international level. They also signaled the need for systematic consideration of the causes of limited implementation and evaluation of ways to address challenges parties are facing in translating obligations into action.

The BC COP focused on its effectiveness in less formal ways than its partners in the synergies process. As the Partnership for Action on Computing Equipment (PACE) completed its work and drew to a close, its review found some success on its wide range of activities, despite limited funding. Noting that the PACE documents excluded references to transboundary movement of e-waste, one delegate felt the Partnership had catalyzed a lot of work, but had also “run as far as it could go.” Partly motivated by national implementation issues and ongoing debates on the distinction between waste and non-waste in the context of e-waste negotiations, BC COP12 moved ahead with work on its legal clarity, including a review of annexes on the category of waste to be controlled, the list of hazardous characteristics, and disposal operations. The goal of this work is to modernize the list of disposal operations, considering which are currently in use, effectively managing waste in an environmentally-sound manner, and realistic and achievable for all states to implement.

While the results of the Stockholm and Basel Conventions flagged some important issues related to implementation, it is the Rotterdam Convention that seems to have the most deep-rooted problems. Parties are faced with a growing number of “legacy chemicals” that parties agree meet the listing criteria, and yet cannot reach agreement to actually list due to the perceived or real implications of such action. The PIC procedure is designed to facilitate information exchange and does not constitute a ban, but many parties and stakeholders believe that listing under the RC results in reduced availability and eventual elimination of substances. This view is not a simple, easily rectified misunderstanding of the Convention, but a strongly-held opinion about the practical outcome of listing. The expectation that listing under Rotterdam acts as a trigger to phasing out chemicals was reflected not only by opponents to listing, but also by some proponents who, as they expressed their support for listing various substances, highlighted bans of chemicals in their countries.

The challenges to the Rotterdam Convention’s effectiveness were also underscored by evidence that a large percentage of parties are failing to submit notifications of their final regulatory actions on substances, an action that triggers the review of a chemical for potential listing. This means fewer chemicals are being considered by the Chemical Review Committee, and suggests that perhaps there is less demand for listing. However, many parties clearly value the PIC procedure and are actively seeking to counter the problems the Convention is facing in implementation. The demand for listing was central to RC discussions this year, as some delegations attempted to introduce amendments that would facilitate easier listing, including by allowing parties to vote instead of requiring them to achieve consensus. One proponent of the proposed amendment, Cameroon, emphasized, “A good idea that receives support from

a like-minded majority can be destroyed by the rules we have set up.... The right thing to do can be blocked when personal and financial interests are at stake.”

### **RESPONDING WITH MORE MOVEMENT THAN ACTION**

Each COP responded to concerns about its effectiveness by underscoring its ability to respond to emerging problems by drawing on scientific and technical advice. However, negotiations of other possible means for improving implementation, such as compliance mechanisms and funding, remained contentious.

In the process of implementation, each Convention draws on scientific and technical advice to identify and respond to new chemicals and wastes issues. Each also tries to clearly demarcate the line between science and politics by tasking subsidiary bodies with developing recommendations based on science for the political body, the COP, to consider. At this Triple COP, concerns about effectiveness focused almost exclusively on the political aspects of decision-making, with many parties identifying political and economic reasons for blocking consensus as more problematic than achieving agreement on technical reviews conducted by the CRC. While the RC was able to achieve consensus to list four chemicals, debates about those of more socio-economic significance seemed to be utterly intractable, with no prospect of common ground on the horizon. The interests at stake were largely explicit, with references to concerns such as the importance of maintaining jobs and protecting crops taking center stage.

For the SC, a key achievement of COP8 was the listing of all three chemicals recommended by the POPRC. However, both decaBDE and SCCPs were both listed with broad exemptions for continued production and use, even in cases where available, affordable and accessible alternatives had been identified to the POPs Review Committee. Discussions of exemptions also raised questions about the Convention’s ability to engage downstream users of industrial chemicals. Perhaps counterintuitively, the automobile sector, which had engaged with POPRC for the past two years, received the specific exemptions it requested, while the absent aerospace and textile sectors received sweeping exemptions that will, by some estimates, keep decaBDE in circulation until 2100. Foreseeing the disincentive created by this situation, the sweeping exemptions for the non-participating downstream users prompted parties to develop a new process for reviewing exemptions for SCCPs and decaBDE, which one delegate characterized as a way to “send a message to users that participating is better than staying silent.”

In contrast to the politicization of the work of the SC and RC, the political decision-making of the BC COP reinvigorated the technical work of the Convention. Work on the e-waste guidelines, adopted on an “interim” basis by a vote at COP12, had flagged during the intersessional period, with little visible momentum, differing views on whether to address only outstanding issues or to open the entirety of the guidelines, and even a call by one party to “rescind” the decision. Political work by COP13 resolved these issues, with the new intersessional process gaining clear leadership from China, resources from Switzerland and Japan, and revamped membership, open to a smaller number of participants.

Furthermore, the BC COP included two salient new issues in its workstream: nanomaterials and marine plastic. By some estimates, by 2050, 99% of the world’s seabird species will be eating plastic accidentally and marine plastics will form islands in the oceans. Nanomaterials are increasingly used in items from cosmetics to glass coating and tennis rackets, but a recent OECD report concluded that very little is known about the impacts

of these materials on waste treatment, human health or the environment. These movements to address important wastes led to renewed confidence in the dynamism of the BC.

Successful listing and planning of new work programmes alone cannot, of course, improve effectiveness of implementation; financial support and mechanisms to facilitate compliance are also essential. Historically, these have been thorny issues for both the SC and RC. In both cases, delegates that had not previously been engaged in the discussions emerged at the last COP, and more strongly at this COP, with demands to link compliance to the means of implementation. This upset several delegates from developed and developing countries who had worked for years to arrive at nearly complete, agreed text to establish a facilitative compliance mechanism. Debate became acrimonious, sharply dividing those willing to work on the basis of previous texts and those wanting to reopen all issues, insisting that “nothing is agreed until everything is agreed.” Unable to reach agreement, the SC and RC COP Presidents were left to forward the issue to the next COPs which, according to the rules of procedure, means that only the documents submitted for this COP, the previous texts, can move forward, without the CRPs put forward by a small group of four countries who referred to themselves as the “like-minded developing countries.” This means that the 2019 COPs could feature considerable procedural debate over which text to start from, rather than substantive discussions to establish compliance mechanisms acceptable to all.

Concerns about finances were heard more widely across agenda items and more loudly than ever before. Without adequate support, developing countries struggle to implement their obligations, undermining the effectiveness of the Conventions. While this point was reiterated frequently throughout the meetings of the SC and BC, the most radical action was taken by ten African countries that sought to amend the latter Convention to increase technical assistance to developing countries through the Global Environment Facility. Other countries were concerned about the arrears in contributions to the general trust fund and the attendant implications for the functioning of the Secretariat. In sometimes heated exchanges, members of the budget group differed on the appropriate source of funding for activities, with developing countries suggesting that it may be time to consider moving some essential activities, including national implementation plans, from the voluntary to the core budget. One frustrated delegate explained that the submission of NIPs is essential in assessing country needs and implementation progress, but that the NIP process is resource-intensive and “cannot be left to chance voluntary contributions.” Eventually, the argument was dropped, although many expect it to come up again if the level of NIPs’ submissions continues to be low.

### **TRANSLATING DECISIONS INTO ACTION**

Following these joint meetings, the BRS Conventions will follow largely separate intersessional paths, primarily devoted to technical and legal work to bring recommendations to the next COPs. The intersessional work serves as the impetus for movement for the Conventions, as it provides the substantive basis for the political discussions of the COPs. In the two years before the next meeting of the COPs, work will be carried out to review additional chemicals that could be listed in the SC and/or RC, guidelines will be developed and refined, and the principal text that defines the Basel Convention will be reviewed with an eye toward improving legal clarity and ensuring that the Convention continues to evolve to address new and emerging problems.

These intersessional processes are less adept at creating action to support implementation of existing decisions. For that, technical assistance provided by the Secretariat is key, and by many accounts has been enhanced by creation of the joint Secretariat through the synergies process. More fundamentally, however, engagement with other processes—perhaps most notably the GEF replenishment cycle—will be necessary to find the resources for action by all. This will require political will by developing and developed countries alike to prioritize chemicals and wastes management vis-à-vis other environmental processes to effectively capitalize on the movement created at the Triple COPs, thereby ensuring that political decisions spur meaningful action.

## UPCOMING MEETINGS

**52nd Meeting of the GEF Council:** In its first meeting in 2017, the GEF Council will approve new projects to realize global environmental benefits in the GEF's focal areas, provide guidance to the GEF Secretariat and implementing agencies, and to discuss its relations with the Conventions for which it serves as the financial mechanism, including the Stockholm and Minamata Conventions. **dates:** 23-25 May 2017 **location:** Washington D.C., US **contact:** GEF Secretariat **phone:** +1-202-473-0508 **fax:** +1-202-522-3240/3245 **email:** Secretariat@thegef.org **www:** <https://www.thegef.org/events/52nd-gef-council-meeting>

**39th Meeting of the Open-Ended Working Group of the Parties to the Montreal Protocol:** This meeting will consider issues related to the implementation of the Montreal Protocol in preparation for the 29th Meeting of the Parties (MOP29). **dates:** 11-14 July 2017 **location:** Bangkok, Thailand **contact:** Ozone Secretariat **phone:** +254-20-762-3851 **fax:** +254-20-762-0335 **email:** [ozoneinfo@unep.org](mailto:ozoneinfo@unep.org) **www:** <http://conf.montreal-protocol.org/SitePages/Home.aspx>

**13th International Conference on Mercury as a Global Pollutant (ICMGP 2017):** The ICMGP 2017 aims to support better understanding of and effective management of mercury releases and emissions in order to decrease human and wildlife exposure. **dates:** 16-21 July 2017 **location:** Providence, Rhode Island, US **contact:** Conference Secretariat **phone:** +1-877-731-1333 **email:** [mercury2017@agendamanagers.com](mailto:mercury2017@agendamanagers.com) **www:** <http://mercury2017.com/>

**12th SETAC Latin America Biennial Meeting:** The 12th SETAC Latin America Biennial Meeting aims to continue with the series of SETAC Latin America meetings and promote the interaction among Latin American professionals engaged in environmental science with colleagues from other parts of the world. The meeting also seeks to foster the education and participation of students as well as facilitate scientific exchanges among the academic, business and government sectors. **dates:** 7-10 September 2017 **location:** Santos, São Paulo, Brazil **contact:** Meeting organizers **email:** [sla2017@setac.org](mailto:sla2017@setac.org) **www:** <https://sla2017.setac.org/>

**2nd Global Summit on Chemical Safety and Security (ChemSS):** Organized by the International Centre for Chemical Safety and Security (ICCSS) in cooperation with the China Petroleum and Chemical Industry Federation, ChemSS and the accompanying exhibition is a multi-stakeholder event dedicated to addressing chemical safety and security solutions in the supply chain of raw materials, production, infrastructure, transportation and use of chemicals in all areas of chemical activity. The Summit is expected to bring together leaders and practitioners in all of the various disciplines of chemical safety and security and other communities, *inter alia*, government, industry, academia and civil society. **dates:** 19-20 September 2017 **location:** Shanghai,

China **contact:** Ambassador Krzysztof Patulej, ICCSS **phone:** +48-22-436-20-44 **email:** [k.patulej@iccss.eu](mailto:k.patulej@iccss.eu) **www:** <http://www.chemss2017.org/>

**First Meeting of the Conference of the Parties to the Minamata Convention on Mercury:** COP1 is scheduled to convene subject to the prior entry into force of the Minamata Convention, which requires the deposit of fifty instruments of ratification acceptance, approval or accession by states or regional economic integration organizations. **dates:** 24-29 September 2017 **location:** Geneva Switzerland **contact:** Interim Secretariat of the Minamata Convention **fax:** +41-22-797-3460 **email:** [mercury.chemicals@unep.org](mailto:mercury.chemicals@unep.org) **www:** <http://www.mercuryConvention.org/>

**Thirteenth Meeting of the Rotterdam Convention Chemical Review Committee:** The Chemical Review Committee (CRC13) will review chemicals and pesticide formulations for possible listing under Annex III of the Rotterdam Convention. **dates:** 16-20 October 2017 **location:** Rome, Italy **contact:** BRS Secretariat **phone:** +41-22-917-8296 **fax:** +41-22-917-8082 **email:** [pic@pic.int](mailto:pic@pic.int) **www:** <http://www.pic.int/>

**12th International Conference on Waste Management and Technology:** The 12th International Conference on Waste Management and Technology (ICWMT) is an important platform for specialists and officials to discuss scientific problems related to solid waste management, exchange experiences, and to look for innovative solutions. With the theme of "Overall Control of Environmental Risks," national and international participation are expected from governments, research institutions, academia, and industry and business interests. **dates:** 17-20 October 2017 **location:** Beijing, China **contact:** Dr. Shi Xiong, Basel Convention Regional Centre for Asia and the Pacific **phone:** +86-10-82686410 **fax:** +86-10-82686451 **email:** [icwmt@tsinghua.edu.cn](mailto:icwmt@tsinghua.edu.cn) **www:** <http://2017.icwmt.org>

**8th SETAC Africa Biennial Conference:** The 8th SETAC Africa Biennial Conference (SAF 2017) seeks to provide a forum for novel discoveries and approaches related to environmental research for Africans and by Africans. The theme is "Quality of African Environment: the Roles of Science, Industry and Regulators." This meeting will consist of lectures and presentations on landmark scientific research, professional training opportunities, and networking to promote new collaborations. Conference participation is expected to be a mix of academia, industry and government agencies. **dates:** 17-19 October 2017 **location:** Calabar, Nigeria **contact:** SETAC Europe Office **phone:** +32-2-772-72-81 **fax:** +32-2-770-53-86 **email:** [setaceu@setac.org](mailto:setaceu@setac.org) **www:** <https://saf2017.setac.org/>

**Thirteenth Meeting of the Persistent Organic Pollutants Review Committee:** The Persistent Organic Pollutants Review Committee (POPRC13) will review the possible listing of hazardous chemicals under the various annexes of the Stockholm Convention. **dates:** 23-27 October 2017 **location:** Rome, Italy **contact:** BRS Secretariat **phone:** +41-22-917-8729 **fax:** +41-22-917-8098 **email:** [ssc@pops.int](mailto:ssc@pops.int) **www:** <http://www.pops.int>

**World Resources Forum 2017:** The World Resources Forum (WRF) 2017 offers first-hand information about emerging issues, global trends, progress and innovation in resources and raw materials management. **dates:** 24-25 October 2017 **location:** Geneva, Switzerland **contact:** WRF Secretariat **phone:** +41-71-554-09-00 **email:** [info@wrforum.org](mailto:info@wrforum.org) **www:** <https://www.wrforum.org/world-resources-forum-2017/>

**38th SETAC North American Annual Meeting:** The 38th SETAC North American Annual Meeting seeks to provide a forum for novel discoveries and approaches related to environmental research. The theme is "Toward a Superior Future: Advancing Science for a Sustainable Environment." This meeting



will consist of lectures and presentations on landmark scientific research, professional training opportunities, and networking to promote new collaborations. Conference participation is expected to be a mix of academia, industry and government agencies.

**dates:** 12-16 November 2017 **location:** Minneapolis, Minnesota, US **contact:** SETAC North America Office **phone:** +1-850-469-1500 **fax:** +1-888-296-4136 **email:** setac@setac.org **www:** <https://msp.setac.org/>

**29th Meeting of the Parties to the Montreal Protocol and 11th Meeting of the Conference of the Parties to the Vienna Convention:** MOP29 and COP11 are scheduled to be held jointly to consider issues, including HFC management, implementation, and other matters. **dates:** 20-24 November 2017 **location:** Montreal, Canada **contact:** Ozone Secretariat **phone:** +254-20-762-3851 **fax:** +254-20-762-0335 **email:** ozone.info@unep.org **www:** <http://ozone.unep.org/en/meetings>

**53rd Meeting of the GEF Council:** In its second meeting in 2017, the GEF Council will approve projects to realize global environmental benefits in the GEF's focal areas, provide guidance to the GEF Secretariat and implementing agencies, and to discuss its relations with the Conventions for which it serves as the financial mechanism, including the Stockholm and Minamata Conventions. **dates:** 28-30 November 2017 **location:** Washington D.C., US **contact:** GEF Secretariat **phone:** +1-202-473-0508 **fax:** +1-202-522-3240/3245 **email:** Secretariat@thegef.org **www:** <https://www.thegef.org/events/53rd-gef-council-meeting>

**Fourteenth meeting of the COP to the Basel Convention, the ninth meeting of the COP to the Rotterdam Convention and the ninth meeting of the COP to the Stockholm Convention:** These meetings are scheduled to convene back-to-back in 2019. **dates:** 29 April-10 May 2019 **location:** Geneva, Switzerland **contact:** BRS Secretariat **phone:** +41-22-917-8729 **fax:** +41-22-917-8098 **email:** brs@unep.org **www:** www.basel.int, www.pic.int, www.pops.int, synergies.pops.int  
For additional meetings, see <http://sdg.iisd.org/>

## GLOSSARY

BAN	Basel Action Network
BAT	Best available techniques
BC	Basel Convention
BCCC	Basel Convention Coordinating Centre
BCRC	Basel Convention Regional Centre
BDEs	Brominated diphenyl ethers
BEP	Best environmental practices
BRS	Basel, Rotterdam and Stockholm
CLI	Country-led initiative
COP	Conference of the Parties
CRC	Chemical Review Committee
CRP	Conference room paper
ESM	Environmentally-sound management
E-waste	Electrical and electronic waste
FAO	Food and Agriculture Organization of the UN
GEF	Global Environment Facility
GRULAC	Group of Latin American and Caribbean Countries
HCBD	Hexachlorobutadiene
ICC	Implementation and Compliance Committee
IMO	International Maritime Organization
IPEN	International POPs Elimination Network
MEA	Multilateral environmental agreement
MoU	Memorandum of Understanding
NIP	National Implementation Plan
OEWG	Open-ended Working Group
PACE	Partnership for Action on Computing Equipment
PAN	Pesticide Action Network
PCBs	Polychlorinated biphenyls
PCP	Pentachlorophenol
PCNs	Polychlorinated naphthalenes
PEN	PCBs Elimination Network
PFOS	Perfluorooctane sulfonic acid
PFOSF	Perfluorooctane sulfonyl fluoride
PIC	Prior informed consent
POPRC	POPs Review Committee
POPs	Persistent Organic Pollutants
RC	Rotterdam Convention
SAICM	Strategic Approach to International Chemicals Management
SC	Stockholm Convention
SCCPs	Short-chain chlorinated paraffins
SCRC	Stockholm Convention Regional Centre
SDGs	Sustainable Development Goals
SIDS	Small island developing states
SIWG	Small Intersessional Working Group
TGs	Technical guidelines
UNDP	United Nations Development Programme
UNEA	United Nations Environment Assembly
UNEP	United Nations Environment Programme
UNIDO	United Nations Industrial Development Organization
WHO	World Health Organization