

BRS Conventions COPs Highlights: Tuesday, 30 April 2019

Meeting jointly in the morning and afternoon, the COPs discussed issues including, *inter alia*, financial resources and mechanisms, compliance, and programme of work and budget. In the afternoon, delegates considered SC compliance and perfluorooctane sulfonic acid, its salts, and perfluorooctane sulfonfyl fluoride (PFOS, its salts, and PFOSF).

Contact groups met to address listing of chemicals under the SC, programme of work and budget, and technical assistance and financial resources.

Joint Sessions of the COPs

Matters Related to Implementation of the Convention

Financial Resources (BC and RC) and Financial Resources and Mechanisms (SC): The Secretariat introduced the document on the integrated approach to financing sound management of chemicals and wastes (CHW.14/INF/34, FAO/RC/COP.9/INF/27, POPS/COP.9/INF/33). UNEP reported on the status and implementation of the special programme (CHW.14/INF/35, FAO/RC/COP.9/INF/28, POPS/COP.9/INF/34).

GRULAC highlighted the importance of strengthening the role of the private sector in the integrated approach, and underscored the importance of additional finances to ensure implementation.

Several countries, including the GAMBIA, BOLIVIA, TOGO, SOUTH AFRICA, NIGERIA, PAPUA NEW GUINEA, and IRAQ, outlined national actions to implement the special programme and integrated approach.

COLOMBIA called for revising the terms and conditions for accessing financing. IRAN and KAZAKHSTAN urged non-discriminatory disbursement of funds. PALESTINE suggested review of the application submission procedures. PALAU called for strengthening international cooperation to facilitate greater access to funding.

CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW (CIEL) recognized the value of the special programme, but emphasized that full and adequate management mechanisms require industry involvement.

The plenary took note of the information provided.

Compliance: BC Compliance: BC COP14 President Zivayi Matiza introduced the documents (CHW.14/13; Add/1-4 and INF/20-22, 26, 52). Juan Simonelli, Chair of the Implementation and Compliance Committee (ICC), reported on the Committee's work.

Several parties welcomed the efforts and achievements of the ICC. BELARUS appreciated that the report seeks to simplify national reporting. The GAMBIA called for more information on challenges shared during the reporting period.

RC Compliance: The Secretariat introduced the documents (CHW.14/13, Add. 1-4, FAO/RC/COP.9/14/Rev.1, and Add.1/Rev.1, and POPS/COP.9/22). RC COP President Álvarez-Pérez invited delegates to begin an initial exchange of views on the compliance mechanism.

SWITZERLAND introduced the proposal to add a new Annex VII to the RC on procedures and mechanisms on compliance, which he said contains the same text negotiated at COP7 and is supported by 45 parties.

Many delegates expressed support for the proposal. CUBA and CHINA opposed inclusion of a new Annex on compliance.

BRAZIL expressed concern that the proposal could create two different systems within the Convention.

The AFRICAN GROUP noted it was not "entirely comfortable with the action proposed" and, with SRI LANKA, INDIA, and MALAYSIA, called for technical and financial assistance for developing countries to support implementation.

The RUSSIAN FEDERATION, URUGUAY and ARGENTINA called for detailed discussion. COLOMBIA, supported by CHILE, called for discussion in a Friends of the President group.

IRAN, supported by SYRIA, called for formal discussions and preferred these not be based on the COP7 text.

The US encouraged adoption of a compliance mechanism via consensus rather than by creating an Annex. The DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA said more practical measures should be built into the compliance mechanism.

SC Compliance: The Secretariat introduced the document (POPS/COP.9/22).

THAILAND, BRAZIL, CANADA, IRAN, COLOMBIA, and CHINA called for a compliance mechanism to be facilitative and non-punitive. NIGERIA urged provision of technical assistance and financial resources, and INDIA said capacity building and compliance go hand-in-hand. NORWAY said compliance supports transparency and GHANA noted it helps implementation.

SWITZERLAND said previous discussions should not be reopened.

BC Technical Guidelines/SC Measures to Reduce or Eliminate Releases from Wastes: The Secretariat introduced the document on technical guidelines on POPs wastes (CHW.14/7/ Add.1).

PAKISTAN called for updating the guidance on remediating POPs-contaminated sites.

BELARUS supported the draft decision. BRAZIL said it supported several of the technical guidelines.

The RUSSIAN FEDERATION called for clarification of the scientific methods used to determine the low-content value for POPs wastes.

The EU supported adoption of the new and revised technical guidelines on POPs wastes, and noted its plan to review certain low-POP content values taking into account new information. THAILAND said it had no objection to the low-POP content values.

The AFRICAN GROUP requested technical support and opposed recycling of POPs, noting this would increase the exposure of vulnerable populations.

IPEN underscored that "weak" low-POP content values in the general technical guidelines leads to the free movement of POPs and re-release through incineration.

Delegates established a contact group on technical matters under the BC, to be co-chaired by Nanette Laure (the Seychelles) and Magda Gosk (Poland).

Enhancing Cooperation and Coordination among the BRS Conventions

International Cooperation and Coordination: The Secretariat introduced the documents (CHW.14/20, INF/36-38, 48, 51, 54; RC/COP.9/16, INF/29-31, 40, 16, 44; POPS/COP.9/23, INF/38-40, 49, 57, 59).

ARGENTINA supported the BRS Secretariat becoming a participating observer in the SAICM process, and SWITZERLAND supported a similar status for the Secretariat in the Inter-Organization Programme for the Sound Management of Chemicals (IOMC). The AFRICAN GROUP identified a discrepancy between the WHO and the SC guidance regarding safe use of DDT.

Rossana Silva Repetto, Executive Secretary of the MINAMATA CONVENTION, recalled the Minamata COP2 decision on development of a proposal for a stable framework for sharing resources between the Minamata Convention and BRS Secretariats. UNEP clarified that this TripleCOP does not need to take a decision on this issue, and noted 9 of 25 resolutions adopted by the last UN Environment Assembly related to chemicals.

Outlining the linkages between several human rights conventions and the BRS Conventions, the SPECIAL RAPPORTEUR ON HAZARDOUS SUBSTANCES AND WASTES called on parties to protect human rights.

The US urged parties to provide guidance to the Secretariat on international cooperation, including on marine plastic litter.

A contact group on joint issues, to be co-chaired by Kay Williams (UK) and Angela Patricia Rivera Galvis (Colombia), was established.

Clearinghouse mechanism for information exchange: The Secretariat introduced the documents (CHW.14/21, INF/39; RC/COP.9/17, INF/32; POPS/COP.9/24, INF/41) and parties adopted the decision.

Programme of Work and Budget

The Secretariat introduced the documents (CHW.14/25, INF/43/Rev.1, INF/44; RC/COP.9/21, INF/36/Rev; and POPS/COP.9/28) and presented information on: the zero nominal growth and the Executive Secretaries' budget scenarios; arrears; financial reports; and financial support from partner organizations such as FAO.

The EU called for additional information on the two scenarios. Supporting the zero nominal growth scenario, the RUSSIAN FEDERATION called for clarification on the increase of staff costs. NORWAY expressed concern about outstanding arrears. BRAZIL and ARGENTINA noted their complicated financial situations, with BRAZIL supporting the zero nominal growth scenario and ARGENTINA calling on the Secretariat to present additional scenarios in the future. The AFRICAN GROUP supported the Executive Secretaries' scenario.

Delegates agreed to establish a contact group on the programme of work and budget.

Memoranda of Understanding

The Secretariat introduced the documents on MoUs between UNEP and the BC and SC COPs and among FAO, UNEP, and the RC COP (CHW.14/26/Rev.1 and INF/49; FAO/RC/COP.9/22/Rev.1 and INF/42; POPS/COP.9/29/Rev.1 and INF/54-55).

Delegates adopted the three MoUs without amendment.

Stockholm Convention COP9

Matters Related to the Implementation of the Stockholm Convention

Measures to Reduce or Eliminate Releases from Intentional Production and Use: PFOS, its salts, and PFOSE: The Secretariat introduced the documents (POPS/COP.9/7, INF/12, 13).

The EU, the AFRICAN GROUP, THAILAND, BRAZIL, MEXICO, NORWAY, EGYPT, SWITZERLAND, and NEW ZEALAND supported the POPRC's recommendation to revise the PFOS entry in Annex B to remove many of the acceptable purposes and specific exemptions for production and use, leaving

insect baits with sulfluramid for control of leaf-cutting ants as the only acceptable purpose and firefighting foams for Class B fires and metal plating in closed loop systems as specific exemptions.

CANADA supported removing all acceptable purposes and specific exemptions. CHINA called for firefighting foams to be an acceptable purpose rather than a time-limited specific exemption.

The EU, supported by SWITZERLAND, suggested adding to the decision an encouragement to not replace firefighting foams containing PFOS with foams containing short-chain per- and polyfluoroalkyl substances (PFAS).

IPEN supported the recommendation and underscored that lengthy and many exemptions lead to ongoing exposure, contamination, liability, and work to address decisions "made in haste."

PAN reported that sulfluramid has been sold for non-agricultural uses and said alternatives are available for controlling leaf-cutting ants.

Contact Groups

Listing of Chemicals under the SC: The contact group discussed the draft decision on PFOA. Options for the date for establishing containment measures for firefighting foams included 2022, 2025, and 2030. Developing countries supported later dates, citing the need to develop inventories and measures in facilities such as airports. A small group was established to develop text.

One developing country proposed a new exemption for use in "the manufacture of fluoropolymers and the carpet industry," and another specified the fluoropolymers polytetrafluoroethylene (PTFE) and polyvinylidene fluoride (PVDF). Many opposed, citing available alternatives for these uses.

On defining PFOA-related compounds, several countries called for a non-exhaustive list, noting the potential for newly developed PFOA-related chemicals that would not be regulated by the Convention if they were not on the list. One developing country said a clear list would help implementing agencies identify the sectors to be regulated.

Budget and Programme of Work: Co-chaired by Linroy Christian (Antigua and Barbuda) and Premysl Stepanek (Czech Republic), the group began its work, requesting clarification on, among other issues, the cost of: the meetings of an RC compliance committee, if agreed; hosting the three COPs outside Switzerland; and documentation. Participants were split between the two funding scenarios, with one noting the Executive Secretaries' budget scenario would enable the group to "err on the side of caution," but the majority preferring the zero nominal growth scenario as the basis for discussions.

Technical Assistance and Financial Resources: The group initiated discussions on draft decisions related to technical assistance, regional centres, and the SC financial mechanism. In general statements, some expressed concern about a plan to monitor and evaluate technical assistance. On regional centres, some noted the need to consider arrangements for retaining staff.

On the draft decision on the SC financial mechanism, some countries noted that there may be a need to review the conduct of needs assessments. Many raised concerns related to language on marine plastic litter and microplastics, with some stating that it may need to be revised.

In the Corridors

At the close of the second day, many delegates commented on the scale of work that will be necessary to overcome familiar challenges. Debates over which text to use for the Rotterdam compliance discussions picked up where COP8 had left off; meanwhile, the technical assistance and financial resources contact group struggled with the "chicken and egg" situation regional centres face: to receive funds for projects, they need available staff, but to retain staff, they require funds, which only come from approved projects.

Some participants also flagged challenges arising from the involvement of a growing array of international organizations in chemicals and wastes management, which one developing country delegate feared could "divert valuable resources" from on-the-ground implementation.