

BRS Conventions COPs Highlights: Saturday, 4 May 2019

On the sixth day of the 2019 meetings of the Conferences of the Parties (COP) to the Basel, Rotterdam, and Stockholm (BRS) Conventions, delegates focused on scientific and technical matters related to Basel Convention (BC) COP14. Work on marine plastic litter and microplastics dominated discussions in plenary and a contact group.

Basel Convention COP14

Matters Related to the Implementation of the Convention

Strategic issues: Strategic framework: The Secretariat introduced the documents (CHW.14/3; INF/5). Patrick McKell (United Kingdom), Co-Chair of the Small Intersessional Working Group (SIWG), reported that the group had identified a range of additional sources of information for each objective, and emphasized the need for a “meaningful number” of parties to contribute to the evaluation.

The EU proposed a minor editorial change and, with the AFRICAN GROUP, SOUTH AFRICA and CANADA, supported the draft decision. Delegates agreed to adopt the decision pending budgetary approval.

Scientific and technical matters: Technical guidelines: The Secretariat introduced the document (CHW.14/7) on technical guidelines on the environmentally sound management (ESM) of wastes consisting of elemental mercury and wastes containing or contaminated with mercury compounds.

The EU supported the draft decision. PAKISTAN shared examples of mercury-contaminated sites and, with KAZAKHSTAN, suggested a specific provision be included on remediation. JAPAN noted the importance of intersessional work. SYRIA gave examples of national initiatives adopted to address mercury wastes.

The MINAMATA CONVENTION drew attention to its work on contaminated sites. IPEN supported aligning the BC and Minamata Convention guidelines, taking into account best available techniques (BAT) and best environmental practices (BEP).

Delegates agreed to forward discussions to the contact group on BC Technical Matters.

Classification and hazard characterization of wastes: The Secretariat introduced the document on Cooperation with the World Customs Organization (WCO) on the Harmonized Commodity Description and Coding System (CHW.14/8) and report on the status of work (INF/14).

GRULAC, the EU, and NEW ZEALAND encouraged continued cooperation with the WCO. The EU expressed openness to discussing types of wastes to be included in the draft decision, citing waste end-of-life vehicles and pneumatic tires as high priorities. KAZAKHSTAN said it would submit a proposal

on types of wastes to which individual customs codes should be assigned. TRINIDAD AND TOBAGO looked forward to inclusion of other significant waste streams.

Delegates agreed to forward discussions to the contact group on BC Technical Matters.

National reporting: The Secretariat introduced the documents (CHW.14/9; INF/15).

The EU expressed concern that only about half of parties reported for 2015 and 2016. SOUTH AFRICA and CHAD called for technical assistance to support electronic reporting. Delegates requested the Secretariat to prepare a revised draft decision.

Electronic approaches to the notification and movement documents: The Secretariat introduced the documents (CHW.14/10 and OEWG.11/6).

The EU supported the draft decision but with amendments including deadlines for parties to submit information related to implementation of electronic systems, and re-ordering of the text to clarify the sequence and timing of activities. VENEZUELA, with the AFRICAN GROUP, called for the system to be available in the six UN languages.

The plenary adopted the decision.

Marine plastic litter and microplastics: The Secretariat introduced the documents (CHW.14/11; CHW.14/27; CHW.14/INF/16-18 and 53), noting a proposal to establish a partnership on plastic wastes.

NORWAY introduced a proposal to amend Annexes II, VIII, and IX to the BC, saying it seeks to strike a balance between management of plastic waste and trade and would include measures for: clean, sorted plastic waste; and – subject to the prior informed consent (PIC) procedures – hazardous plastic waste, and non-hazardous, unsorted, mixed, and other plastic waste. Many parties and observers supported the establishment of a plastic wastes partnership, as well as Norway’s proposal.

NEW ZEALAND and CHINA called for discussions in the contact group.

The EU, supported by SWITZERLAND, PALESTINE, and EL SALVADOR, suggested amendments to the Norwegian proposal (CRP.3) to clarify the scope.

ARGENTINA, with BRAZIL, supported amending Annexes VIII and IX, but not Annex II, citing the need to consider the full impact and to avoid creating barriers to recycling. BRAZIL said parties should consider intersessional work and deferral of this decision to COP15.

The AFRICAN GROUP, with IRAN and THAILAND, called for adding plastic pollution on land to the scope of discussion. KAZAKHSTAN and KYRGYZSTAN suggested adding water courses and waterways. KYRGYZSTAN suggested adding glaciers.

Several developing countries identified specific needs for technical assistance and financial resources, such as improving facilities, training customs officials, and identifying the nature of the plastics.

INDIA called for technical guidelines on plastic waste. The GAMBIA, NIGERIA, and RWANDA underlined the need for alternatives to plastic.

The US supported a partnership on plastic waste, revising guidelines on ESM of plastic wastes, and establishing an intersessional working group on marine plastic litter, but expressed concern that the Norwegian proposal could negatively impact the recycling of plastic waste.

UNEP reported that the UN Environment Assembly's fourth meeting had extended the work of the *Ad Hoc* Open-Ended Expert Group on Marine Litter and Microplastics.

BC Regional Centre in Russia called for the COP to mandate regional centres to assess plastic waste from nanotechnologies.

BASEL ACTION NETWORK presented a petition signed by 700,000 people calling to end "the practice of using developing countries as dumping grounds for plastic waste." TOXICS LINK urged use of the PIC procedure to enable countries to refuse plastic imports. Observing that marine litter is also a toxic hazard that can increase POPs pollution, IPEN asked all parties to require extended producer responsibility. CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW (CIEL) called Norway's proposal a "well balanced" response.

BUREAU OF INTERNATIONAL RECYCLING called for producers and designers to stop placing non-recyclable or difficult-to-recycle plastics on the market.

The AMERICAN CHEMISTRY COUNCIL expressed concern that reclassification of wastes could increase burdens on states. INSTITUTE OF SCRAP RECYCLING INDUSTRIES said that the PIC procedure could create an administrative burden. WORLD PLASTICS COUNCIL stated that viable recycling is necessary to prevent marine litter and expressed concern about amending the annexes. INFORMATION TECHNOLOGY INDUSTRY supported further work to study "unintended effects."

Delegates established a contact group on plastics, co-chaired by Vivienne Ahern (Ireland) and Manoj Kumar Gangeya (India), with a mandate to: discuss the amendments to Annexes II, VIII, and IX as proposed by Norway and to take into account the CRPs proposed by the EU and Argentina with the aim of preparing a draft decision; and further actions to address plastic waste; and to revise the draft terms of reference and workplan for the partnership.

Waste containing nanomaterials: The Secretariat introduced the documents (CHW.14/12; INF/19; OEWG.11/INF/24). The AFRICAN GROUP called for the WHO to collaborate with the Secretariat. VIET NAM lauded UNITAR for raising awareness of potential risks of nanomaterials. IRAN called for more engagement with stakeholders. SOUTH AFRICA emphasized the need for synergies with other environmental agreements.

The EU said it was interested to see how work on this issue will progress. SWITZERLAND suggested the BC is the appropriate forum for this discussion.

UNITAR, for WHO and ILO, cited the WHO guidelines on protecting workers from potential risks of manufactured nanomaterials as useful for further work under the BC.

PAN, for IPEN, called for information to assess the "supposed benefits and possible risks."

AMERICAN CHEMISTRY COUNCIL called approaches that would "lump together" nanomaterials unpracticable given the diversity of nanomaterials.

CIEL said the data gaps result from a "severe" lack of transparency and supported further work under the BC.

Parties agreed to add this issue to the BC Technical Matters group.

Legal, compliance and governance matters: Committee Administering the Mechanism for Promoting Implementation and Compliance: The Secretariat introduced the documents on providing further legal clarity (CHW.14/14, INF/23, INF/24/Rev.1). Joost Meijer (Chile), Co-Chair of the EWG of the Review

of the Annexes, reported progress on the review of Annexes I, III, and IV and related aspects of Annex IX to the BC. Delegates agreed to mandate this to the BC Compliance contact group.

Basel Convention Partnership Programme: The Secretariat introduced the documents (CHW.14/18; INF.30-32). Leila Devia (Argentina), Co-Chair of the **Partnership for Action on Computing Equipment (PACE)** drew attention to a concept note for a follow-up partnership (Annex V, CHW.14/INF/30).

EL SALVADOR presented its CRP on PACE (CRP.16). The AFRICAN GROUP, GRULAC, SWITZERLAND, and JORDAN supported the proposal. The BC REGIONAL CENTRE FOR SOUTH AFRICA called for the proposed follow-up to offer opportunities for ESM of e-waste.

The Secretariat introduced the document (CHW.14/INF/31) on the **environmental network for optimizing regulatory compliance on illegal traffic (ENFORCE)**. Irma Gurguliani (Georgia), Chair of ENFORCE, noted members had agreed to revise the roadmap to make it more specific and action-oriented.

BC COP14 President Zivayi Matiza noted that the Implementation and Compliance Committee will review the terms of reference for ENFORCE.

The AFRICAN GROUP requested that the Secretariat draft practical guidance on waste flows. ARGENTINA highlighted the value of training workshops for border officials.

BC COP14 adopted the part of the draft decision related to ENFORCE.

The Secretariat introduced the revised draft guidance document on the **ESM of household waste** (INF/32). Gabriella Medina, Co-Chair of the Working Group on the Household Waste Partnership, noted the linkages to marine plastic litter and microplastics.

The EU recommended amending the decision to acknowledge progress made rather than welcoming the work done, and to request that the group further consider existing BC guidance, particularly on ESM.

Delegates adopted the decision as amended by the EU.

Contact Groups

BC Technical Matters: Participants agreed on language for the draft decision on the technical guidelines on the ESM of mercury wastes. Delegates then exchanged views on the e-waste technical guidelines, focusing on where used equipment would normally not be considered waste.

BC Plastics: The EU and Argentina introduced their proposals to amend Annexes II, VII, and IX. The EU suggested including mixed plastic waste in the Annexes and specifying June 2020 as the date of entry into force. Argentina suggested strengthening the control of mixed recyclable waste under Annexes VII and IX, but not listing plastic waste in Annex II. Participants agreed to consider plastic waste regardless of source or location. Delegates then discussed distinguishing between hazardous and non-hazardous and contaminated and non-contaminated plastic waste, and defining new plastic waste streams, including mixtures of wastes.

In the Corridors

When delegates tackled the highly-anticipated issue of marine plastic litter on Saturday morning, green microphone lights blinked around the room as over 80 delegations spoke about issues ranging from POPs emissions to potentially stunting the creation of "green jobs." Plenary discussions highlighted the potential breadth of this issue, and in the contact group, delegates worked to reconcile three different proposals to amend the Annexes to include some plastic wastes. They encapsulated this challenge using the example of the PET bottle. The cap, the bottle, and the label of these bottles constitute mixed waste and are treated differently in different countries. "We have to know what implementation will look like in practice," observed one delegate, looking ruefully at their bottled soft drink. Others focused on the big picture, emphasizing that discussions on marine plastics are occurring under several different forums and cautioning the BC COP that "it needs to be careful" not to duplicate work elsewhere.