

BRS Conventions COPs Highlights: Monday, 6 May 2019

Delegates to the 2019 meetings of the Conferences of the Parties (COP) to the Basel, Rotterdam, and Stockholm (BRS) Conventions convened for the second week on Monday, focusing on work related to the implementation of the Basel Convention (BC). Contact groups met throughout the day and into the evening to discuss strategic matters, technical matters, plastics, compliance and legal issues, and budget.

Basel Convention COP14

Matters Related to the Implementation of the Convention

Strategic issues: Addressing the entry into force of the Ban Amendment: COP14 President Matiza invited further statements on this issue (CHW.14/4). Noting that only two additional instruments of ratification are needed for the entry into force of the Ban Amendment, INDONESIA encouraged parties to continue working toward this goal. Delegates adopted the draft decision.

Development of guidelines for environmentally sound management: The Secretariat introduced the draft decision (CRP.22). The EU suggested adding text requesting the Secretariat to complete the work to update the toolkit for consideration at the twelfth meeting of the Open-ended Working Group (OEWG12) and COP15. Delegates adopted the decision as amended.

Cartagena Declaration on the Prevention, Minimization, and Recovery of Hazardous Wastes and Other Wastes: The Secretariat introduced the document (CHW.14/6). COLOMBIA described national actions to implement the sound management of hazardous waste, defining regulatory instruments such as comprehensive management plans and guidance documents; the management of waste streams; and awareness raising and educational material. Lamenting the low levels of implementation of the Cartagena Declaration, she urged countries to share their national experiences.

The EU stressed the importance of sharing good practice on waste prevention and minimization and, supported by the AFRICAN GROUP, GHANA, and MEXICO, suggested the Secretariat make such information available on the BRS website. NIGERIA said the reasons for such low response rates should be clarified to enable assistance to facilitate compliance. MEXICO emphasized that such an exercise would make the most of regional centre experiences.

President Matiza proposed, and delegates agreed, to take note of this discussion.

Scientific and technical matters: National reporting: The Secretariat introduced the draft decision (CRP.23). The plenary postponed the adoption of the decision to allow the Secretariat to include the language proposed by CANADA and to reflect the EU proposal contained in CRP.12.

Technical guidelines: President Matiza introduced the draft decision on technical guidelines on **environmentally sound management (ESM) of waste lead-acid batteries** (CRP.20). Delegates adopted the decision pending budgetary confirmation.

President Matiza then introduced the draft decision on technical guidelines on the **ESM of wastes consisting of, containing or contaminated with mercury or mercury compounds** (CRP.21). With no objections from the floor, the decision was adopted pending budgetary confirmation.

Legal, compliance, and governance matters: National legislation, notification, enforcement of the Convention and efforts to combat illegal traffic: The Secretariat introduced the documents (CHW.14/13, Add.2, CHW.14/15). The EU highlighted their proposed amendments (CRP.11), specifically on the implementation of Article 6(4) on transit notifications.

SOUTH AFRICA, LESOTHO, the CENTRAL AFRICAN REPUBLIC, and CÔTE D'IVOIRE supported the Secretariat's work on enforcement and implementation measures. SYRIA, LESOTHO, PAKISTAN, the CENTRAL AFRICAN REPUBLIC, the MALDIVES, and NEPAL called for building the capacity of customs officials to better enforce illegal traffic legislation. CÔTE D'IVOIRE requested the Secretariat to share success stories on the website to assist other countries to make progress on this issue. The BC REGIONAL CENTRE in the RUSSIAN FEDERATION offered to share experiences related to identifying hazardous wastes in transit.

PALESTINE, supported by SYRIA, YEMEN, LIBYA, IRAQ, GABON, BENIN, BURKINA FASO, LIBERIA, ALGERIA, and CHAD stressed that, because many developing countries do not have the capacity to address these wastes, written notifications and responses should be mandatory. The Secretariat noted that, under Article 4(6) on export of hazardous wastes, states have 60 days to respond to notifications, but can also decide not to grant consent for waste in transit.

The EU suggested establishing a contact group to continue discussions. The AFRICAN GROUP called for a Friends of the President Group to address this issue. President Matiza proposed, and delegates agreed, to task the EU, Palestine and the African Group to work with the Secretariat to revise the draft decision in CHW.14/15.

Technical assistance: President Matiza introduced the draft decision on BC regional and coordinating centres (CRP.14).

EL SALVADOR thanked Panama for hosting the regional centre and supported the implementation of further activities. The decision was adopted pending budgetary confirmation.

Work programme of the OEWG for the period 2020-2021:

The Secretariat introduced the document (CHW.14/19), suggesting the draft work programme be revised to account for decisions adopted during BC COP14.

The AFRICAN GROUP highlighted the need to consider regional activities, especially regarding e-waste, as well as emerging issues including plastic wastes, marine plastic litter and, with the RUSSIAN FEDERATION, waste containing nanomaterials.

The EU emphasized that decisions taken during this COP need to be reflected in the future work of the OEWG. Delegates requested the Secretariat to prepare a revised draft work programme for consideration later in the meeting.

Contact Groups

BC Plastics: Participants considered, among other issues, proposed language to amend Annexes II, VIII, and IX, calling for clarification on the meaning of “mixed waste.” Several underlined that some mixed wastes cannot be recycled, and emphasized deleting reference to “waste mixed with each other” to ensure clarity. Others preferred clearly defining mixed waste which is destined for recycling, noting that all this waste must be recyclable, regardless of grade or color.

Some observers underscored the need for technical guidelines before amending the Annexes. Others stressed the importance of ESM of plastic waste. One reminded participants that waste under Annex IX falls outside the BC, and stressed that plastic waste should be subject to the prior informed consent (PIC) procedure. Another called for exporting countries to engage in the sorting of contaminated waste, noting that many developing countries to which this waste is destined do not have the capacity to deal with some of the contaminants.

They also discussed a list of contaminated plastic waste that is unfit for recycling. Talks continued in the evening.

BC Compliance and Legal: The contact group convened in the afternoon to discuss the draft decision on providing further legal clarity (CRP.19) and the way forward to the next two meetings of the COPs. Participants discussed issues related to, *inter alia*: revisions to Annex IV; the extension of the mandate of the expert working group (EWG) to review the implications of the review of Annexes I, III and IV for other Annexes of the Convention and to report this to OEWG12; as well as the request to the Secretariat to prepare an analysis of these implications. Delegates also discussed the draft decision text (CHW.14/13) with some suggesting adding a new subparagraph to amend the terms of reference of the mechanism for promoting implementation and compliance with the BC.

BC Strategic Matters: Contact group Co-Chair Christoffer Vestli (Norway) informed participants that informal consultations had led to text proposals for the follow-up to the Partnership for Action on Computing Equipment (PACE) (CRP.16).

The EU introduced the new version of the CRP, explaining the language aims to make the Partnership more focused within the next few months by improving its work programme, noting that the final terms of reference had to be considered by June for the Partnership launch. One asked for clarification on the “dissemination of activities,” with another explaining that this

pertained to activities such as workshops and pilot projects that needed to be disseminated more broadly, such as within scholar groups.

Noting broad support for the new text, Contact Group Co-Chair Vestli suggested accepting the text as a whole rather than reviewing it paragraph by paragraph. Delegates agreed and the Secretariat clarified that the revised CRP would be made available for plenary on Tuesday.

Co-Chair Vestli congratulated the group for completing its mandate, thanked participants and closed the group.

BC Technical Matters: Participants considered, among other issues, a draft decision on cooperation with the World Customs Organization (WCO) on the Harmonized Commodity Description and Coding System (HS). Many participants called for including plastic waste in the HS, depending on the outcome of discussions in the plastics contact group. Considering the types of wastes to be proposed to the WCO for inclusion in the HS, some called to prioritize the list of wastes contained in CHW.14/INF/14, which includes, *inter alia*, waste: related to electrical or electronic assemblies; metals or compounds; lead-acid batteries; mineral oils; pneumatic tyres; packages and containers; end-of-life motor vehicles; and consisting of, or contaminated with, polychlorinated biphenyl (PCB), polycyclohexylenedimethylene terephthalate (PCT), polychlorinated naphthalenes (PCN), or polybrominated biphenyls (PBB) or any other polybrominated analogues. Participants agreed to separate the list to be submitted to the WCO into high and medium priorities. One participant proposed to include waste “of an explosive nature” on the high priority list. Others opposed, noting the need to ensure the HS does not contain this listing, and some suggesting this be placed in the medium priority list.

On nanomaterials, participants discussed the options for next steps to take work forward, including encouraging parties and others to undertake further research related to potential risks and to make information available for OEWG12. Other suggestions included encouraging parties to develop strategies for ESM of waste containing nanomaterials, which one country noted should be informed by risk analyses.

In the Corridors

As the contact group on BC Plastics shifted into top gear on Monday, some observers worried that they may be left out of discussions due to the time constraints imposed on the group. “There are many different issues under consideration and the parties are trying to deal with them all at once,” sighed one, noting that a stepwise approach to addressing plastic waste might yield better results. Many others were concerned that the language in the proposed amendments will be “extremely confusing to those on the ground, actually working on implementation.” “This wording will make it even more challenging to know what can be exported for recycling,” lamented one participant, “and uncertainty will increase delays in dealing with the waste, which does not serve anyone in the long run.”

Another delegate commented on how “smoothly” the deliberations at the TripleCOPs have gone so far under both the Stockholm and Basel COPs. For instance, the strategic matters contact group concluded its work for the afternoon in just one hour. Another lauded delegates for working so diligently to reach common ground on technical and definitional challenges. She was optimistic that this “constructive approach will carry over to work on Rotterdam,” scheduled to resume on Tuesday, and which some believe will have more sticking points than the SC and BC COPs.