

## BRS Conventions COPs Highlights: Tuesday, 7 May 2019

On Tuesday, delegates to the 2019 meetings of the Conferences of the Parties (COP) to the Basel, Rotterdam, and Stockholm (BRS) Conventions focused on issues related to either the Rotterdam Convention (RC) or the Basel Convention (BC). Contact groups met throughout the day, including on BC plastics, budget, and RC effectiveness. A Friends of the President group met to work on RC compliance.

### Rotterdam Convention COP9

#### Matters Related to Implementation of the Convention

**Listing of chemicals:** The Secretariat introduced RC/COP.9/5/Rev.1. Nolozi Gwayi (South Africa), Chair of the Chemical Review Committee (CRC), presented the Committee's recommendations to list in Annex III the severely hazardous pesticide formulations (SHPFs) fenthion and paraquat, as well as the chemicals acetochlor, hexabromocyclododecane (HBCD), phorate, carbosulfan, and chrysotile asbestos.

Many delegates expressed appreciation for the work of the CRC, noting that listing under the RC does not constitute a ban. NORWAY, NEW ZEALAND, PERU, SWITZERLAND, the EU, JORDAN, THAILAND, BURKINA FASO, SAINT KITTS AND NEVIS, the MALDIVES, BOTSWANA, CHAD, the REPUBLIC OF CONGO, SOUTH AFRICA, the DEMOCRATIC REPUBLIC OF THE CONGO, the GAMBIA, AUSTRALIA, URUGUAY, and MALAYSIA supported the inclusion of all seven nominations. GUYANA supported listing acetochlor, HBCD, and phorate. SRI LANKA supported listing the SHPFs nominated by the CRC.

NEW ZEALAND noted broad support at past COPs for listing the "old chemicals," including carbosulfan, chrysotile asbestos, fenthion, and liquid formulations containing paraquat dichloride. RC COP9 President Álvarez-Pérez clarified that each chemical would be considered separately.

COLOMBIA called for countries to appoint members that can fulfil the entire mandate. The AFRICAN GROUP expressed concern about the reduced length of CRC meetings, emphasizing the need for experts to have enough time for deliberations. NORWAY supported the translation of the Handbook of Working Procedures and Policy Guidance for the CRC and the Pocket Guide for Effective Participation in the CRC. Discussions will continue Wednesday.

**Enhancing the effectiveness of the Convention:** The Secretariat introduced the documents, including proposals to amend Article 16 to include technical and financial assistance through the GEF Trust Fund, and Article 22 to delete references to requirements for consensus on amendments to Annex III (RC/COP.9/13; Add.1; INF/17-23). Intersessional Working Group Co-Chair Silvija Nora Kalnins (Latvia) reported on the group's activities, noting that priority actions related to, *inter alia*: the

process of listing chemicals; information exchange (clearinghouse mechanism); capacity building and technical assistance (development of guidance and awareness); and other processes.

The EU opposed both amendments, saying the amendment to Article 22 would create a confusing situation in which Annex III would only apply to some parties. Acknowledging that three of its delegations held different views, the ASIA-PACIFIC REGION objected to the proposed amendments, noting implications for other articles.

THAILAND welcomed discussion of the proposed amendments. SYRIA supported amending Article 16 and opposed amending Article 22.

INDONESIA said GEF funding should be made available to developing countries. The AFRICAN GROUP called for the Food and Agriculture Organization of the UN (FAO) to assist countries through its regional offices. NIGERIA emphasized that support for parties should not be limited to voluntary contributions. GRULAC stressed that assistance is vital for implementation.

The RUSSIAN FEDERATION, BRAZIL, ARGENTINA, CUBA, EL SALVADOR, NEW ZEALAND, ZIMBABWE, IRAQ, GUATEMALA, SOUTH AFRICA, the MALDIVES, the US, and the INTERNATIONAL ALLIANCE OF TRADE UNION ORGANIZATIONS "CHRYSTOLE" supported maintaining decision-making by consensus.

NORWAY sympathized with the intent behind the proposed Article 22 amendment but said they had concerns about challenging legal and other implications. SWITZERLAND underscored that the RC is not being implemented if parties are unable to list substances that meet the criteria.

Describing the listing procedure as "just plain broken," PAN supported the proposal to replace consensus-based decision-making with voting. IPEN, supported by the ASSOCIATION OF ENVIRONMENTAL EDUCATION FOR FUTURE GENERATIONS (TUNISIA), favored both proposed amendments, noting that voting would be a last resort.

**Compliance:** Noting that many had called for further discussion when this agenda item was introduced on 30 April, President Álvarez-Pérez proposed establishing a Friends of the President group to consider the text in Annex I of RC/COP.9/14/Rev.1, and in the absence of consensus, to consider Annex II, which contains the "package deal" discussed at COP7.

Many delegates supported the establishment of a Friends of the President group and stressed the importance of agreeing on a compliance mechanism.

IRAN opposed the President's proposal, underscoring "shortcomings" of the COP7 text including references to "punitive measures" such as letters of concern, and said that making compliance a public case could damage a country's reputation. He favored using COP8 discussions as a starting point and supported decision-making via consensus. CUBA opposed the text in Annex I, while COSTA RICA, the EU, NIGERIA, and COLOMBIA expressed support, saying the text should not be reopened.

COLOMBIA stressed the text provides for capacity building and, with ARGENTINA, underscored that the mechanism is not punitive.

The RUSSIAN FEDERATION, KAZAKHSTAN, and the US noted that consensus needs to be ensured, with BRAZIL stressing that a COP decision should involve every party.

The AFRICAN GROUP underscored challenges such as weak borders, as well as a lack of resources and knowledge to enable effective implementation. The GAMBIA, SENEGAL, SUDAN, LIBERIA, the DEMOCRATIC REPUBLIC OF THE CONGO, BOTSWANA, and BENIN called for financial and technical assistance for implementation. IRAQ emphasized that not all parties have the same technical capacity, human resources or political stability, and called for further discussion.

Underscoring that the prior informed consent (PIC) procedure does not ban chemicals from international trade or production, IPEN called for adoption of a compliance mechanism and support for capacity building. PAN said a compliance mechanism that assists parties with implementation is long overdue.

Noting requests from the EU and China to enlarge the Friends of the President group, President Álvarez-Pérez confirmed that the group would include one delegate each from Namibia, South Africa, Zambia, Tanzania, Iran, India, Japan, China, the Russian Federation, Latvia, Armenia, Romania, Colombia, Argentina, Trinidad and Tobago, Ecuador, Canada, Switzerland, the EU, and the UK. IRAN requested inclusion of two delegates from each party in the group. President Álvarez-Pérez agreed to this request, but said only one delegate would be allowed to speak, noting the importance of avoiding disruption to negotiations. Delegates agreed to establish the Friends of the President group, to be chaired by Glenn Wigley (New Zealand).

## Basel Convention COP14

### *Matters Related to Implementation of the Convention*

#### **Scientific and technical matters: Technical guidelines:**

Delegates adopted the general technical guidelines on the environmentally sound management of wastes (ESM) consisting of, containing, or contaminated with **persistent organic pollutants (POPs)** (CRP.9/Rev.1/Add.1), including: short-chain chlorinated paraffins (CRP.9/Rev.1/Add.2); hexabromodiphenyl ether and heptabromodiphenyl ether, or tetrabromodiphenyl ether and pentabromodiphenyl ether or decabromodiphenyl ether (CRP.9/Rev.1/Add.3); unintentionally produced polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans, hexachlorobenzene, polychlorinated biphenyls, pentachlorobenzene, polychlorinated naphthalenes or hexachlorobutadiene (CRP.9/Rev.1/Add.4); and hexachlorobutadiene (CRP.9/Rev.1/Add.5).

Delegates adopted the technical guidelines on **incineration on land (D10)** and on **specially engineered landfill (D5)** (CRP.27).

BC COP14 President Matiza presented the draft decision on technical guidelines on **transboundary movements of electrical and electronic waste and used electrical and electronic equipment (e-waste)** (CRP.31).

INDIA voiced reservations, drawing attention to national legislation against e-waste dumping and cautioning about diluting existing safeguards on the transboundary movement of e-waste.

President Matiza postponed the adoption of the decision.

#### **Classification and hazard characterization of wastes:**

Delegates adopted the draft decision on cooperation with the World Customs Organization (WCO) on the Harmonized Commodity Description and Coding System (HS) (CRP.28), with the understanding that the proposal for the HS listing of plastic waste would be confirmed based on the work of the BC plastics contact group.

**National reporting:** Delegates adopted the decision (CRP.23/Rev.1).

**Waste containing nanomaterials:** Delegates adopted the decision (CRP.29).

**Legal, compliance and governance matters: Committee Administering the Mechanism for Promoting Implementation and Compliance:** Delegates adopted the decision (CRP.17).

**Providing further legal clarity:** Delegates adopted the decision (CRP.30).

**National legislation, notifications, enforcement of the Convention and efforts to combat illegal traffic:** Delegates adopted the decision (CRP.34).

**Basel Convention Partnership Programme:** Delegates adopted the decision (CRP.26) on the follow-up partnership to the **Partnership for Action on Computing Equipment (PACE)**.

The EU highlighted proposed amendments (CRP.33) to the **Partnership on Household Waste**. President Matiza noted that the decision (CHW.14/18, part III) had already been adopted. Clarifying they were seeking to correct errors, the EU introduced its proposed amendments to the workplan for the biennium 2020-2021. The GAMBIA noted that these were substantial, not editorial, amendments. SYRIA requested clarification on whether parties would need to vote on the amended document. Following informal discussions among concerned parties, the EU reported the group had agreed to adopt CRP.33. CHINA stressed that this should not set a precedent. Delegates adopted the amended decision.

### *Adoption of the Report*

Delegates adopted the meeting report (CHW.14/L.1/Add.1) with minor amendments.

### *Contact Groups*

**BC Plastics:** In the morning, the group discussed, *inter alia*, the proposed draft terms of reference for the BC Partnership on Plastic Wastes (CRP.25) submitted by Norway, Pakistan, and Switzerland. There was general support for the Partnership engaging in information collection and analysis of the environmental, economic and social impacts of relevant policies and strategies related to plastic waste management. Some suggested the Partnership also collect information on both environmentally sound and “unsound” strategies to uncover gaps in plastic waste management. They debated whether the Partnership should focus on specific policies and strategies at the global, regional or national levels. Some observers called on parties to consider having the Partnership analyze the impacts of plastic on human health, climate change, and biodiversity loss. The Secretariat was requested to prepare a new text, based on discussions, for consideration by the group in the evening.

**RC Effectiveness:** The contact group began its work by examining a table of actions and proposals discussed by the intersessional working group meeting on enhancing RC effectiveness held in Riga, Latvia, in June 2018, and requested by COP8. They considered work that has already been done by the Secretariat or the COP and discussed which issues could be taken up by other groups at COP9.

**Budget:** During plenary, Co-Chair Linroy Christian (Antigua and Barbuda) requested, and delegates agreed, to limit participation in this group to parties and non-party states, excluding all other observers for the rest of the meeting.

### *In the Corridors*

Late on Tuesday, delegates delved into the listing of chemicals under the Rotterdam Convention. The CRC received overwhelming support from numerous delegates, with Switzerland pointing out the inconvenient truth that there are now more “old chemicals” nominated for listing (four) than new (three). Although listing does not constitute a ban on production or trade, one delegate shared that, for his country, it does – whenever a substance is listed in Annex III, it will subsequently be banned domestically. This set many industry observers on edge, reinforcing their worries that listings have negative impacts on producers. Another seemed concerned that the listing discussions were occurring in parallel to the contact group on the effectiveness of the Convention, wondering “which is the horse and which is the cart.”