

**Summary of the Eleventh Meeting of the Open-Ended Working Group of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal: 3-6 September 2018**

The eleventh meeting of the Open-Ended Working Group of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (OEWG11) convened from 3-6 September 2018 at the International Conference Centre in Geneva, Switzerland. In total, over 400 participants attended the meeting, including delegates representing 134 parties, six Basel Convention Regional Centres (BCRCs), UN agencies, non-governmental organizations (NGOs), and business and industry.

OEWG11 adopted decisions on, *inter alia*:

- practical manuals and guidance on environmentally sound management;
- technical guidelines on the environmentally sound management (ESM) of wastes consisting of, containing or contaminated with persistent organic pollutants (POPs);
- technical guidelines on transboundary movements of electric and electronic wastes (e-waste) and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention;
- technical guidelines on incineration on land and specially engineered landfills;
- types of waste for which practical guidance on the development of national inventories would be useful;
- electronic approaches to notification and movement documents;
- marine plastic litter and microplastics;
- the creation of a new partnership on plastic waste and its possible terms of reference;
- consideration of an amendment of the Convention annexes reclassifying plastic wastes;
- waste containing nanomaterials;
- comments on the development of guidance by the Basel Convention Committee Administering the Mechanism for Promoting Implementation and Compliance;
- the way forward for a review of Convention Annexes I, III and IV and related aspects of Annex IX;
- the Partnership on Household Waste; and
- cooperation with the World Customs Organization on the Harmonized Commodity Description and Coding System.

The OEWG also reviewed its draft biennial work programme for 2020-2021 and approved the report of the meeting.

Delegates left Geneva with a sense of accomplishment and optimism about the prospects for the next meeting of the Conference of the Parties.

**A Brief History of the Basel Convention**

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was adopted in 1989 and entered into force on 5 May 1992. The Convention addresses concerns over the management, disposal, and transboundary movements of hazardous wastes produced worldwide. The guiding principles of the Convention are that: the generation and transboundary movements of hazardous wastes should be reduced to a minimum; and hazardous wastes should be managed in an environmentally sound manner, treated, disposed of as close as possible to the source of generation, and minimized at the source. There are currently 186 parties to the Convention.

At the sixth meeting of the Conference of the Parties to the Basel Convention (COP6) in 2002, parties created the OEWG as a subsidiary body to the Convention. The OEWG assists the COP in developing and continuously reviewing the implementation of the Convention's workplan and specific operational policies and decisions for the implementation of the Convention. The OEWG considers and advises the COP on issues relating to policy, technical, scientific, legal, institutional, administrative, financial, budgetary, and other aspects of the Convention's implementation, including the training and technology transfer needs of regions

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and the functioning of the BCRCs. The OEWG prepares its workplan for the COP's consideration and reports to the COP on the activities carried out between COP meetings.

### Key Turning Points

**COP 1:** The first meeting of the COP to the Basel Convention (COP1) was held from 3-4 December 1992. COP1 adopted a decision requesting industrialized countries to prohibit transboundary movements of hazardous wastes for final disposal to developing countries and noting that transboundary movements of wastes for recovery or recycling should be handled in an environmentally sound manner.

**The Ban Amendment:** In 1995 at COP3, parties amended the Convention to ban the export of hazardous wastes for final disposal and recycling from Annex VII countries (Member States of the European Union (EU), the Organization for Economic Cooperation and Development, and Liechtenstein) to non-Annex VII countries. To date, the Ban Amendment has 95 ratifications and has not yet entered into force.

Regarding the wastes subject to the Ban Amendment, in 1998 COP4 adopted lists of hazardous and non-hazardous wastes as Convention Annexes VIII and IX, respectively.

**Basel Protocol:** COP5, which convened in 1999, adopted the Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal, which currently has 11 of the 20 ratifications required for it to enter into force.

**Establishment of the OEWG:** At COP6, held in 2002, parties established the OEWG and adopted decisions on issues relating to Convention implementation, amendments of the Convention and its annexes, and institutional, financial, and procedural arrangements. COP6 also agreed to promote further cooperation between the Basel Secretariat and other organizations and secretariats involved in chemicals management. The OEWG held its first meeting in 2003.

**OEWG2:** At its second meeting (October 2003, Geneva) the OEWG considered, *inter alia*: the draft instruction manual for the implementation of the Protocol; national definitions of hazardous wastes; and preparation of technical guidelines on POPs wastes, including wastes with low-POPs content. OEWG2 established an intersessional working group on legal aspects of the full and partial dismantling of ships.

**OEWG4:** At its fourth meeting (July 2005, Geneva), the OEWG: encouraged pilot projects and workshops to support the Mobile Phone Partnership initiative launched in 2002; approved an instruction manual on the Basel Protocol; and agreed to establish a relationship with the UN Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals to further work on hazard characteristics.

**OEWG5:** At its fifth meeting (April 2006, Geneva), the OEWG: forwarded to the COP draft technical guidelines for the ESM of wastes containing or contaminated with several POPs as well as amendments to the general technical guidelines on POPs waste; approved a training manual on illegal waste; and clarified the procedure for reviewing and adjusting the lists of wastes contained in Annexes VIII and IX.

**COP8:** At the eighth meeting of the COP (27 November-1 December 2006, Nairobi, Kenya), delegates adopted a declaration on e-waste and more than 30 decisions on, *inter alia*: the

implementation of the Strategic Plan; e-waste and end-of-life equipment; ship dismantling; and guidelines for the ESM of wastes.

**OEWG6:** At its sixth meeting (September 2007, Geneva), the OEWG discussed a review of the BCRCs and established a workplan to guide its consideration of e-waste and interim group arrangements for a Partnership for Action on Computing Equipment (PACE), which was subsequently launched in 2008. The OEWG also approved guidance on the abandonment of ships on land or in ports.

**Extraordinary Meeting:** The first simultaneous extraordinary meeting of the Conferences of the Parties (ExCOPs1) to the Basel Convention, Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and Stockholm Convention on Persistent Organic Pollutants was held 22-24 February 2010 in Bali, Indonesia. The meeting was a result of the work of an *Ad hoc* Joint Working Group on Enhancing Cooperation and Coordination among the Basel, Rotterdam and Stockholm (BRS) Conventions, which was mandated by the Stockholm, Rotterdam and Basel Conventions to prepare joint recommendations on enhanced cooperation and coordination for submission to the COPs of all the three conventions.

**COP10:** At the tenth meeting of the COP (October 2011, Cartagena, Colombia), delegates adopted decisions on the new Strategic Framework and the Indonesian-Swiss country led initiative (CLI) to improve the effectiveness of the Basel Convention. The CLI decision clarifies the interpretation of Article 17(5), and provides that the Ban Amendment will enter into force once 66 of the 87 parties that were parties when it was adopted at COP3, have ratified it. The Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes was also adopted.

**COP11:** The eleventh meeting of the COP, which convened from 28 April - 10 May 2013 in Geneva, Switzerland, was the first to be held in conjunction with the COPs of the Rotterdam and Stockholm Conventions. Negotiations focused on key elements of the synergies process, including: joint activities among the conventions; progress on enhancing cooperation and coordination among the three conventions; and identifying new concrete areas where synergies could be achieved.

**OEWG9:** At its ninth meeting (September 2014, Geneva), the OEWG adopted decisions on, *inter alia*: technical guidelines on e-waste and wastes containing POPs and mercury; a glossary of terms to provide legal clarity; and national reporting.

**COP13:** At the thirteenth meeting of the COP (24 April - 5 May 2017, Geneva), delegates adopted decisions on, *inter alia*: establishment of the Partnership on Household Waste; the final evaluation of the Strategic Framework in 2021; extension of the mandate of the Expert Working Group (EWG) on ESM; adoption of a set of practical manuals on ESM of wastes; adoption of the glossary of terms; creation of an expert working group on Review of Annexes I, III and IV and related aspects of Annex IX; updates of technical guidelines on POPs wastes; authorization of work to finalize the technical guidelines on e-waste; updating technical guidelines on incineration on land and on specially engineered landfills; and a request to the Secretariat to develop an electronic reporting system.

## OEWG11 Report

Co-Chairs Justina Grigaraviciene (Lithuania) and Mohammed Khashashneh (Jordan) opened OEWG11 on Monday morning, 3 September 2018, expressing hope that the OEWG would reach agreements on the items before it so COP14 could take the important decisions needed to make the Convention more effective.

Co-Chair Grigaraviciene introduced the members of the OEWG11 Bureau, including Khashashneh as Co-Chair for legal issues, Grigaraviciene as Co-Chair for technical matters, Christoffer Vestli (Norway) as Vice-Chair for technical matters, Nathaniel Blama (Liberia) as Vice-Chair for legal matters, and Alexander Alberto Moreta De Los Santos (Dominican Republic) as rapporteur.

BRS Executive Secretary Rolph Payet reviewed the full agenda item by item, and thanked Denmark, Germany, Japan, Norway, Sweden, and Switzerland for their support in enabling more developing country representatives to attend. He highlighted the agenda items addressing plastic wastes and the high-level event on marine plastic litter, and outlined steps the BRS Secretariat had taken with the venue to reduce plastic waste generated during the OEWG and other events.

Chile, on behalf of the Latin American and Caribbean Group (GRULAC), urged taking advantage of 2030 Agenda momentum to seek a pollution-free world, and outlined their priority concerns on the agenda, including an evaluation of what the Basel Convention can do to reduce plastic waste and microplastics.

Liberia, on behalf of the African Group, emphasized the importance of work addressing illegal trafficking of waste from the global north to the global south, calling it “toxic colonialism.” Austria, on behalf of the EU, noted the importance of progressing work on improving implementation, amending Annex IX, and addressed marine plastic litter and microplastics. Switzerland highlighted the importance of achieving a common understanding of the plastics proposal relating to Annex IX.

Parties then adopted the agenda (UNEP/CHW/OEWG.11/1/Rev.1 and Add.1) and agreed to the proposed organization of work (UNEP/CHW/OEWG.11/INF/1).

### **Matters Related to the Work Programme of the Open-Ended Working Group for 2018-2019**

**Strategic Issues: Strategic Framework:** On Monday, the Secretariat introduced its note on the evaluation of the Strategic Framework (UNEP/CHW/OEWG.11/2) and the draft compilation of information related to the indicators to be used for the preparation of the final evaluation of the Strategic Framework (UNEP/CHW/OEWG.11/INF/3). Patrick McKell (UK), on behalf of the Chair of the Small Intersessional Working Group (SIWG) on the Strategic Framework, Zaghoul Samhan (Palestine), reported on the SIWG’s activities, noting that the group requested the Secretariat to finalize the papers in time to be considered at COP14.

Canada noted its satisfaction with the compilation. Brazil proposed that work be done on indicators for means of implementation to support institutional strengthening at the national level for implementation of the BRS Conventions, the Minamata Convention on mercury, and the Strategic Approach to International Chemicals Management (SAICM). The EU, Canada, and Colombia expressed support for adopting the draft decision as proposed.

UN Environment briefed participants on SAICM work to support the life-cycle management of chemicals and wastes, highlighting the intersessional process to prepare for SAICM in the post-2020 era, and the third meeting of the SAICM OEWG to be held 2-4 April 2019 in Montevideo, Uruguay.

**Final Decision:** The OEWG adopted the decision (UNEP/CHW/OEWG.11/2) without amendment. The decision requests the Secretariat, in consultation with the SIWG and taking into account the OEWG11 discussions, to finalize the draft compilation by 17 December 2018 for consideration by COP14.

**Development of Guidelines for ESM:** On Monday, the Secretariat introduced a report of the ESM Expert Working Group (EWG) (UNEP/CHW/OEWG.11/INF/8) and notes on: developing ESM guidelines (UNEP/CHW/OEWG.11/3); a draft practical manual for stakeholders to ensure that notifications of transboundary movements meet ESM requirements (UNEP/CHW/OEWG.11/INF/4); draft guidance to assist parties in developing efficient strategies for the recycling and recovery of hazardous and other wastes (UNEP/CHW/OEWG.11/INF/5); draft guidance on how to address ESM in the informal sector (UNEP/CHW/OEWG.11/INF/6); and a revision of the draft practical manuals on extended producer responsibility (EPR) and financing systems for ESM (UNEP/CHW/OEWG.11/INF/7).

Noting that the guidance on EPR and financing systems and on transboundary movement will allow for improved ESM by the parties, the EU expressed hope that the expert working group would finalize the ESM guides. Kenya highlighted the importance of the draft guidance on ESM in the informal sector, noting that this socio-economic group is typically under-funded, under-resourced, and at risk of health issues addressed under other international agreements such as the Stockholm Convention. BCRC-Egypt noted a number of national obstacles that impede the implementation of the manuals and guides, such as financial limitations, and that the Secretariat and expert working group should take this into consideration. Senegal called for developing guidance on ESM of used lead acid batteries.

Further discussion on this agenda item was referred to the Strategic Matters Contact Group, co-chaired by Yorg Aerts (Belgium) and Gabriella Medina (Uruguay). On Tuesday, the contact group focused on the manuals on transboundary movement notifications and on EPR and financing systems for ESM. On the former, participants discussed, *inter alia*: language explaining the manual should not be used “in isolation” for consenting to or rejecting a transboundary movement of hazardous waste; the exporting country’s obligation to confirm the existence of a contract between them and the disposal facility, rather than proving the ESM requirements themselves; and the necessary procedure relating to transit states. Participants agreed that the draft would benefit from a further open round of comments after OEWG11.

Regarding the manual on EPR and financing systems for ESM, several countries supported the draft as is, while others had minor editorial amendments. It was suggested to hold a further open round of comments after OEWG11.

On Wednesday, the contact group further discussed remaining outstanding concerns about the EPR manual, concluding that these could be entrusted to the expert working group to address.

In plenary on Thursday, OEWG11 Co-Chair Khashashneh introduced the draft decision and its four annexes on the draft guidance on developing efficient strategies for achieving recycling and recovery of hazardous and other wastes, the draft

practical manual on transboundary movement notifications, the draft guidance on ESM in the informal sector, and the draft practical manuals on EPR and financing systems for ESM (UNEP/CHW/OEWG.11/CRP.6 and /Add.1-4, respectively), which were adopted without amendment.

**Final Decision:** In its decision (UNEP/CHW/OEWG.11/CRP.6), the OEWG:

- invites parties and others to submit comments on the revised versions of the manuals and guidance to the Secretariat by 31 October 2018;
- requests the expert working group to complete its work on the revised draft practical manuals on EPR and financing systems by 31 October 2018 and to submit them for consideration and possible adoption by COP14; and
- requests the expert working group to revise the manual on transboundary movement notifications, guidance on recycling and recovery strategies, and guidance on ESM in the informal sector by 15 January 2019, taking into account comments from parties and others, and to submit them to COP14 for consideration.

**Scientific and Technical Matters: Technical guidelines for ESM of wastes consisting of, containing or contaminated with POPs:** On Monday, the Secretariat introduced the relevant documents (UNEP/CHW/OEWG.11/4, INF/9-14).

Iran, supported by Cameroon, asked for clarification on the proposals for numerical values for low-POPs content based on EU legislation, suggesting that the values for short-chained chlorinated paraffins (SCCP) and polychlorinated biphenyls (PCBs) are “higher than expected.” The International POPs Elimination Network (IPEN) said wastes containing POPs should not be exported to countries with no technical capacity for their ESM, which is why setting low-POPs content levels is so critical. IPEN called for stricter low-POPs content limits than those proposed for SCCPs, PCBs, polychlorinated dibenzodioxins (PCDDs), hexabromocyclododecane (HBCD) and polybrominated diphenyl ethers (PBDEs) and said it also would recommend certain changes in the text on destruction technologies. BCRC-Egypt said that the SIWG on POPs technical guidelines should help BCRC representatives attend SIWG meetings to speak for parties in their regions who cannot attend.

Delegates agreed to create a Technical Matters Contact Group, co-chaired by Magda Gosk (Poland) and Hassan Azhar (Maldives), and to refer the draft technical guidelines on POPs wastes to the contact group for further discussion. In Tuesday’s contact group discussions, participants expressed general support for the technical guidelines in their current form and finalized the draft decision after amending it to call for a final round of comments before COP14. The contact group also held an initial exchange of views regarding proposed low-POPs content values, but with the understanding that this issue will be discussed in greater detail by the SIWG in October 2018.

In Thursday’s plenary, OEWG11 Co-Chair Khashashneh introduced the draft decision, which was adopted without amendment.

**Final Decision:** In its decision (UNEP/CHW/OEWG.11/CRP.7), the OEWG:

- requests Norway and the Secretariat, as appropriate, to revise, by 31 October 2018, the draft new or updated general and specific technical guidelines, in consultation with the SIWG and taking into account the discussions of OEWG11, for consideration and possible adoption by COP14;

- invites parties and observers to submit comments on the draft technical guidelines to the Secretariat by 15 February 2019; and
- requests the Secretariat to prepare a compilation of the comments received for COP14 consideration.

**Technical Guidelines on transboundary movements of e-waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention:** On Monday, the Secretariat introduced the relevant documents (UNEP/CHW/OEWG.11/4, INF/15-17). Gosk, in her capacity as Co-Chair of the expert working group on revision of the e-waste technical guidelines, outlined the process since COP13 to revise the guidelines, and expressed her hope that the OEWG would endorse the expert working group’s proposed revision and recommend its adoption at COP14.

Thailand stressed the importance of developing functionality test methods and procedures for electrical and electronic equipment that were acceptable to all parties, supported by accreditation of testing laboratories with the appropriate quality management systems. In addition, she said, importing countries should provide details on failure analysis, repair, and refurbishment procedures to ensure that used equipment is disposed of in an environmentally sound manner.

Iran indicated that it could not accept the wording under paragraph 31 (when used equipment should normally not be considered waste) regarding sufficient packaging. He said language in the same paragraph about equipment destined for failure analysis and repair has serious implications for the Ban Amendment and should be changed.

The EU characterized the provisional adoption of the guidelines at COP12 as a significant step forward. He said the period since has been effectively used to determine what revisions are needed and that the EU generally agreed with the proposed draft revision.

India noted that it is in the best interest of the Convention to classify all electrical and electronic equipment as e-waste, given that equipment not declared as e-waste does not fall under the Convention and therefore does not require prior informed consent. Brazil suggested due consideration be given to the objectives of the Basel Convention. Australia supported working for a pragmatic and flexible way forward. The Basel Action Network (BAN) urged states not to adopt the guidelines, saying they have been weakened to a “dangerous” document that directly contradicts the Convention. The Information Technology Industry Council (ITI) and the US supported the current draft as appropriate for ensuring ESM.

Co-Chair Grigaraviciene tasked the Technical Matters Contact Group with incorporating comments into a further revision of the technical guidelines.

On Wednesday, the contact group reviewed documents INF/15-17, and after a short discussion, decided to endorse the expert working group’s suggested amendments, while taking into account the OEWG plenary discussion.

On Thursday in plenary, OEWG11 Co-Chair Khashashneh introduced the resulting draft decision (UNEP/CHW/OEWG.11/CRP.10). While expressing no opposition to the draft decision, Iran asked that the meeting record reflect his request to discuss the guidelines in COP14 before their adoption. The decision was adopted without amendment.

**Final Decision:** In its decision (UNEP/CHW/OEWG.11/CRP.10), the OEWG:

- takes note of the comments provided by parties and others, the responses to the questionnaire based on decision BC-13/5 on technical guidelines on e-waste, and the expert working group suggestions for amendments to the technical guidelines; and
- recommends COP14 consider amending the technical guidelines as suggested by the expert working group and taking into account the OEWG11 discussions.

**Technical guidelines on incineration on land and on specially engineered landfill:** On Monday, the Secretariat introduced this item by discussing the relevant portion of its note on technical guidelines (UNEP/CHW/OEWG.11/4) and noting that Argentina and Canada have led the intersessional work.

The EU supported extending the scope of both guidelines and expressed hope that the revised technical guidelines can be adopted by COP14. China noted that it is important to revise and update these technical guidelines to reflect modern standards and urged countries to nominate additional experts to the group to further assist in the revision of these guidelines. Namibia said that, in reality, the majority of specially engineered landfills in his country are “dump sites” located in the poorest communities.

Namibia, Kenya, Senegal, Nigeria, and Indonesia supported the work to revise these technical guidelines. Nigeria noted the need to also consider the ESM of second-hand incinerators.

Canada introduced a conference room paper (CRP), co-sponsored by Argentina, containing a revised draft decision on the matter (UNEP/CHW/OEWG.11/CRP.1).

The draft decision and technical guidelines on incineration on land and on specially engineered landfill were sent to the Technical Matters Contact Group for further deliberation. The group revised the draft decision on the guidelines on Tuesday using CRP.1 as the basis for discussion.

During plenary on Thursday, OEWG11 Co-Chair Khashashneh introduced the draft decision (UNEP/CHW/OEWG.11/CRP.8), which was adopted without amendment.

After the decision’s adoption, the EU read a statement for the record. The EU said it believes that parties could benefit from the technical guidelines also addressing incineration (recovery operation R1) and permanent underground storage (operation D12) as part of these guidelines. The EU also thought it useful to clarify that all kinds of landfilling of hazardous wastes and other wastes are covered in the D5 guidelines. It recommended that COP14 consider extending the scope of the incineration technical guidelines to also cover R1 and the scope of the landfill technical guidelines to also cover all kinds of landfilling of hazardous wastes and other wastes and permanent underground storage, taking into account the progress on Annex IV achieved in the expert working group on review of Annexes I, III, IV, and related aspects of Annex IX.

**Final Decision:** In its decision (UNEP/CHW/OEWG.11/CRP.8), the OEWG:

- invites parties and others to submit to the Secretariat, by 13 November 2018, comments on the draft updated technical guidelines on specially engineered landfill;
- invites parties and others to submit to the Secretariat, by 27 November 2018, comments on the draft updated technical guidelines on incineration on land;
- invites the co-leads to prepare by 15 February 2019 the draft updated technical guidelines, taking into account the comments of OEWG11 and comments submitted by parties and others

and in consultation with the small intersessional working group, for consideration by COP14;

- agrees on the workplan set out in the annex to the decision; and
- invites parties and others to nominate further experts to participate in the small intersessional working group.

**Consideration of whether to update the technical guidelines on hazardous waste physico-chemical treatment and biological treatment:** On Monday, the Secretariat introduced this item by discussing the relevant portion of its note on technical guidelines (UNEP/CHW/OEWG.11/4).

Argentina said it thought updates of these two guidelines are needed, but there is insufficient time to do so before COP14. The EU suggested that consideration of whether to update these guidelines be postponed until the 2020-2021 biennial OEWG work programme. Yemen said the existing guidelines need to first be translated into all official UN languages before being updated. Kenya suggested inviting comments from parties on focus areas for updating these guidelines.

Co-Chair Grigaraviciene said that the meeting record would reflect general support for considering updates of the guidelines, but to do so in the next biennium.

**National reporting:** On Monday, the Secretariat introduced its notes on national reporting (UNEP/CHW/OEWG.11/5) and on information received on the types of wastes for which practical guidance on the development of inventories would be useful (UNEP/CHW/OEWG.11/INF/20). Thailand supported developing practical guidance for several further types of waste including mercury waste, microplastic waste, and obsolete or used pesticide containers. Co-Chair Grigaraviciene tasked the Technical Matters Contact Group to prepare a further draft for consideration.

During contact group deliberations on Wednesday, suggestions were solicited and then prioritized. In plenary on Thursday, OEWG11 Co-Chair Khashashneh introduced the resulting draft decision, which was adopted without amendment.

**Final Decision:** In its decision (UNEP/CHW/OEWG.11/CRP.12), the OEWG agrees that the following types of waste should be given high priority in preparing practical guidance on the development of inventories:

- plastic waste;
- obsolete pesticides, including pesticide-container waste; and
- waste batteries containing lithium.

The OEWG gives medium priority to the following types of waste:

- waste cartridges and toners; and
- olive oil milling waste.

The decision recommends that COP14 consider requesting the Secretariat to develop, within available resources, practical guidance on the development of inventories for the aforementioned waste streams for consideration by COP15.

**Electronic approaches to the notification and movement documents:** On Monday, the Secretariat introduced notes on electronic approaches to the notification and movement documents (UNEP/CHW/OEWG.11/6) and on information submitted by parties and others on their experiences with such electronic approaches (UNEP/CHW/OEWG.11/INF/21).

The EU, Switzerland, Argentina, Colombia, Ghana, and the US supported the draft decision, and the EU observed that nearly all survey respondents were in favor of electronic approaches. On Monday delegates adopted the draft decision without amendment.

**Final Decision:** In its decision (UNEP/CHW/OEWG.11/6), the OEWG recommends that COP14 request the Secretariat to:

- prepare a report for consideration by OEWG12 on national and international experiences in developing and implementing electronic systems for exchanging information on or controlling the movements of goods and wastes, and lessons learned from such experiences;
- organize consultative workshops in the five UN regions to explore options for a Basel Convention system that would allow for the automation of processes and the electronic exchange of information relating to the notification and movement of hazardous and other wastes, their expected benefits and requirements and possible steps towards their implementation; and
- report to OEWG12 and COP15 on the above activities.

The decision also recommends that COP14 consider inviting parties and others to provide to the Secretariat by 31 January 2020 information on their experiences in developing and implementing such electronic systems and suggestions of experts who could contribute to the consultative workshops.

**Marine Plastic Litter and Microplastics:** On Tuesday, the EU suggested, and delegates agreed, that marine plastic litter and related amendments to the annexes be discussed together. Co-Chair Grigaraviciene introduced the agenda item, drawing attention to UN Environment Assembly (UNEA) resolutions that give marine litter and microplastics the highest priority. She also highlighted that the Basel Convention states that parties shall consider any additional measures needed to fulfill their obligations of protecting human health and environment.

The Secretariat introduced notes on: marine plastic litter and microplastics (UNEP/CHW/OEWG.11/7); possible options available under the Convention to further address marine plastic litter and microplastics (UNEP/CHW/OEWG.11/INF/22); a compilation of information on activities related to marine plastic litter and microplastics undertaken by regional and coordinating centres (UNEP/CHW/OEWG.11/INF/22/Add.1); and on the outcome of the UNEA *Ad hoc* Open-Ended Expert Group on Marine Litter and Microplastics (UNEP/CHW/OEWG.11/INF/23). In addition, the Secretariat introduced notes on Norway's application for the removal of wastes from Annex IX (UNEP/CHW/OEWG.11/14 and INF/36).

Jillian Dempster (New Zealand) and Elizabeth Inés Taylor Jay (Colombia), Co-Chairs of the UNEA *Ad Hoc* Open-ended Expert Group on Marine Litter and Microplastics, briefed delegates on the Expert Group's first meeting held in May 2018. They outlined the Expert Group's priorities, including addressing: barriers to combating marine litter and microplastics; national, regional, and international response options; and the feasibility and effectiveness of the different response options.

Norway outlined its proposal to establish an action-oriented partnership on plastic waste (UNEP/CHW/OEWG.11/CRP.3), and a new proposal to create a category Y48 for solid plastic wastes in Annex II (UNEP/CHW/OEWG.11/CRP.2), recategorizing solid plastic waste as a waste needing special consideration.

Many countries thanked Norway for their work on the proposals to address solid plastic wastes under the Convention and on marine plastic litter and microplastics.

Several African countries remarked on the effectiveness or ineffectiveness of various national actions to combat plastics and plastic wastes over the years. Niger noted that the issue of plastic pollution is not only a coastal one but that it is also prevalent on

land. Noting that "we were better off years ago," Libya lamented the rise of plastic pollution over the past 10-20 years. Senegal highlighted the environmental and health implications of single-use plastic bags.

Stating that "ours is a country with more sea than land," the Maldives emphasized that it is crucial to reduce plastic waste. Thailand noted that imports of plastic waste have risen significantly and are also mixed in with e-waste.

Uruguay noted that the Convention is already dealing with this topic but that political will is required. Japan emphasized the seriousness of marine plastic litter and microplastics and the need to address this issue under the Basel Convention. Switzerland stated that the Basel Convention has the ability to better control the movements of plastic waste, particularly mixed or unclean fractions.

The EU expressed support for further actions under the Convention, including technical and policy guidance and partnership approaches, to ensure consistency of these issues and avoid duplication of work. Ghana noted that the partnership approach is very important. Argentina supported the creation of a new partnership for plastic wastes.

El Salvador, Congo, Kenya, and Palestine expressed support for the Norwegian proposal to reclassify solid plastic wastes in the Convention annexes.

Nigeria noted the need for information exchange and resources. Kenya welcomed the inclusion of plastics by the Global Environment Facility (GEF) in its programming directions and stated that this will go a long way in assisting countries to reduce marine litter. China expressed the need for synergy and avoidance of duplication of effort. Syria noted the need for a strategic plan to tackle these wastes.

The Co-Chairs forwarded the work for a draft decision on marine plastic litter and microplastics to the Technical Matters Contact Group. On Tuesday afternoon, the contact group first considered recommendations for a partnership on plastic wastes for COP14. Delegates considered the inclusion of text from the options note (INF/22). There was agreement that the OEWG should move forward on the basis of Norway's submission (CRP.3), subject to further deliberation.

The contact group then discussed possible amendments to the definition of wastes covered by the Convention, including the possibility of adding waste constituents or characteristics that should be considered hazardous. One observer urged delegates to gather more information on the types of plastic material that cause marine plastic litter, and their impacts, before working specifically on the annexes, while several other participants agreed with proposals to amend annexes.

On technical and policy guidance, many participants supported updating technical guidelines adopted in 2002, but there was disagreement on whether to attempt to monitor their implementation. Participants discussed at length the mandates, tasks, and interactions between the Household Waste Partnership and the proposed partnership on plastic waste.

On Wednesday, the contact group drafted language for two draft decisions based on Tuesday's discussions, one on the amendment proposal and the other on the proposed partnership, and finalized draft terms of reference (ToR) for the partnership.

In Thursday's plenary, Co-Chair Grigaraviciene introduced the draft decisions on: marine plastic litter and microplastics (UNEP/CHW/OEWG.11/CRP.18); the proposal to amend Annex IX (UNEP/CHW/OEWG.11/CRP.16); and the ToR for the

establishment of the partnership on plastic wastes (UNEP/CHW/OEWG.11/CRP.20). The three decisions were adopted without amendment. Norway, Uruguay, and Japan celebrated the decision as “opening up a new chapter” in the Convention. Uruguay underscored as an important first step to eliminating plastics in the environment and protecting human health.

**Final Decisions:** In its decision on **marine plastic litter and microplastics** (UNEP/CHW/OEWG.11/CRP.18), the OEWG sets out draft elements for a decision on marine plastic litter, to be considered at COP14, including, *inter alia*, suggestions to:

- reconfirm that marine plastic litter and microplastics are an issue of serious global concern;
- emphasize that work under the Basel Convention can and will play an important role in addressing this problem;
- encourage governments, industry, and consumers to make efforts to prevent and minimize the generation of plastic waste and improve the ESM of plastic waste, in particular in order to prevent plastics from entering the marine environment from land-based sources;
- note that plastics may contain potentially hazardous substances, including additives such as plasticizers and flame retardants, or may be contaminated by hazardous substances, and as such may pose a risk to human health and marine ecosystems as marine plastic litter and microplastics;
- consider whether any additional constituents or characteristics should be added to Annex I or Annex III, respectively, through the ongoing work by the expert working group on review of annexes;
- decide to update the technical guidelines adopted in 2002 on the sound management of plastic wastes;
- request the Household Waste Partnership to coordinate closely with the new partnership on plastic waste to be established; and
- consider what data should be gathered, and by whom, related to the generation, disposal of, and transboundary movement of plastic wastes in different waste streams; the environmental, economic and social impact of plastic wastes; and national policies and progress towards the ESM of plastic wastes.

The decision invites parties and observers to submit comments on these draft elements by 31 October 2018.

In other matters, the decision:

- recommends to COP14 the establishment of a partnership on plastic waste that also addresses marine plastic litter and microplastics, and invites parties and others to provide comments on the draft terms of reference of the partnership; and
- takes note of decision on amendments to Annex IX and the intention of Norway to submit a proposal to amend Annex II for consideration and possible adoption by COP14.

In its decision on the **proposal to amend Annex IX** (UNEP/CHW/OEWG.11/CRP.16), the OEWG:

- takes note of the proposed amendment to Annex IX by Norway for consideration at COP14;
- recommends that COP14 consider whether to amend entry B3010 on solid plastic waste in Annex IX and, if so, in what form; and
- takes note of the intention of Norway to submit a proposal to amend Annex II, for consideration by COP14.

The decision on the **ToR for the establishment of the partnership on plastic wastes** (UNEP/CHW/OEWG.11/CRP.20) sets out the goal of the partnership to improve and promote the

ESM of plastic wastes and minimize their generation so as to reduce significantly and, in the long-term, eliminate the discharge of plastic and microplastics into the environment and in particular the marine environment. It sets out the scope of the partnership as covering all plastic waste at all stages of the life cycle of plastics.

Some of the agreed objectives include:

- promoting the ESM of plastic waste; and
- promoting better design and innovation to achieve a reduction in the amount of plastic becoming waste, improve in particular reuse, repair, and recyclability, as well as avoid hazardous substances in plastics.

Some of the agreed tasks include to:

- collect information to undertake analysis and disseminate widely the possible solutions to barriers to plastic recycling;
- transfer knowledge, experiences and information;
- undertake pilot projects; and
- monitor transboundary movements of plastic waste.

Other suggested objectives and tasks remain in square brackets indicating disagreement, and will be finalized at COP14.

**Waste Containing Nanomaterials:** On Monday, the Secretariat introduced a note on waste containing nanomaterials (UNEP/CHW/OEWG.11/8) and a report identifying issues related to waste containing nanomaterials that may be relevant to work under the Basel Convention, and setting out options for further work (UNEP/CHW/OEWG.11/INF/24).

Switzerland welcomed the report containing options for future work. The UN Institute for Training and Research (UNITAR) highlighted some of its initiatives to address the issue of nanomaterials and their wastes and expressed its readiness to support stakeholders in the lead-up to COP14.

Thailand expressed concern about the increase of nanomaterials in everyday life and their harmful effect on human health and environment. Iran suggested international collaboration between relevant organizations to further evaluate and understand the risks, toxicity and accumulation of nanomaterials. South Africa highlighted that use of nanomaterials has been allowed to grow without knowing its impact on the environment and at different trophic levels. Noting inclusion of some issues presented in a declaration it prepared three years prior, the Center for International Environmental Law (CIEL) supported the Secretariat’s report and called for more work to be done on existing data gaps.

Nigeria noted the need for a common definition of nanomaterials and wastes containing nanomaterials and for a clear understanding of exposure pathways and limits. Colombia reported that its private sector and academia are demonstrating an increasing interest in this issue. Libya suggested attention might be better spent on other hazardous wastes currently not being adequately addressed.

The issue was sent to the Technical Matters Contact Group for additional discussions on the way forward. During contact group discussions on Wednesday it was decided to draft a decision based on text offered by the EU.

During Thursday’s plenary, Co-Chair Grigaraviciene introduced the draft decision (UNEP/CHW/OEWG.11/CRP.14) and it was adopted with a minor amendment allowing adequate time for the compilation of comments on options for further work.

**Final Decision:** In its decision (UNEP/CHW/OEWG.11/CRP.14), the OEWG:

- welcomes the report on issues related to waste containing nanomaterials and options for further work;

- invites parties and others to submit comments on the report by 31 January 2019; and
- requests the Secretariat compile the comments received, for consideration by COP14.

**Amendments to the annexes to the Basel Convention:** On Tuesday, the Secretariat introduced notes on Norway's application for the removal of wastes from Annex IX to the Basel Convention (UNEP/CHW/OEWG.11/14 and INF/36). For discussion and the decision on this agenda item, please consult the section above on marine plastic litter and microplastics.

**Legal, governance and enforcement matters: Consultation with the Committee for Administering the Mechanism for Promoting Implementation and Compliance (ICC):** On

Monday, the Secretariat introduced notes on: consultation with the Basel Convention's ICC (UNEP/CHW/OEWG.11/9); revised draft guidance to improve the implementation of paragraph 11 of Article 6 of the Convention on insurance, bond, and guarantee (UNEP/CHW/OEWG.11/INF/25); revised draft guidance on improving national reporting (UNEP/CHW/OEWG.11/INF/26); a revised draft guide for the development of national legal frameworks to implement the Basel Convention (UNEP/CHW/OEWG.11/INF/27); draft guidance on the implementation of paragraph 4 of Article 6 of the Convention on transit transboundary movements (UNEP/CHW/OEWG.11/INF/28); and a draft ICC work programme for 2020-2021 (UNEP/CHW/OEWG.11/INF/29).

ICC Co-Chair Juan Simonelli (Argentina) briefed delegates on the materials generated by the ICC, the Committee's work since COP13, and expected work in the next biennium.

Cuba supported the proposals in the documents. Palestine raised the issue of implementing the Basel Convention when a party does not have full sovereignty over its territory. The EU said it had a few comments to improve the text in documents INF/25, 26, and 27 and some preliminary comments on INF/28. The EU pointed out that the shape of the ICC's next biennial work programme will depend on the 13th session of the ICC (7-10 September 2018), and suggested that the ICC should invite comments on the draft programme after that meeting.

Noting support for the draft decision, Co-Chair Khashashneh proposed the creation of a Legal Matters Contact Group to be tasked with considering comments on the guidances and draft work programme. Simonelli and Artak Khachatryan (Armenia) were appointed as Co-Chairs of the contact group.

On Wednesday, the contact group considered and revised the proposed draft decision using an EU proposal as a starting point, and reviewed and provided general feedback on the four draft guidances and the draft ICC work programme.

During Thursday's plenary, Co-Chair Grigaraviciene introduced the draft decision on the ICC, which was adopted without amendment.

**Final Decision:** In its decision (UNEP/CHW/OEWG.11/CRP.15), the OEWG:

- invites the ICC to finalize the guidance contained in documents INF/25-27 by 31 October 2018, taking into account its consultation with OEWG11, for consideration and possible adoption by COP14;
- invites the ICC to consider preparing a revised draft work programme for 2020-2021, taking into account OEWG11 comments and inviting further comments from parties and others, for consideration and adoption by COP14; and

- invites the ICC to consider preparing a revision of the draft guidance on transit transboundary movements taking into account OEWG11 comments and inviting further comments from parties and others, for consideration and adoption by COP14.

**Providing further legal clarity:** On Tuesday, the Secretariat introduced: a note on providing further legal clarity (UNEP/CHW/OEWG.11/10); a note by the Co-Chairs of the expert working group on the review of annexes on the way forward for the review of Annexes I, III, and IV and related aspects of Annex IX (UNEP/CHW/OEWG.11/INF/30); and a compilation of comments received on whether to consider the review of Annexes II, VIII, and IX (UNEP/CHW/OEWG.11/INF/31).

The Co-Chairs of the expert working group on the review of annexes, Julie Croteau (Canada) and Joost Meijer (Chile), briefed delegates on the expert working group's work to date and the proposal by Canada and Chile on the way forward (UNEP/CHW/OEWG.11/CRP.4). Meijer explained that the submission proposes working toward recommendations for revisions to Annex IV, Annex IX (B1110) (electrical and electronic assemblies) and Annex VIII (A1180) (waste electrical and electronic assemblies) for consideration at COP14, and asks COP14 to consider whether to review Annexes II, VIII, and IX.

Iran requested more transparency and consultation regarding proposals on Annex IX (B1110) and Annex VIII (A1180), and opposed any revision of Annex IV. The EU said it supported CRP.4 language on the work of the expert working group, and is open to its provisions on revision of Annex IX (B1110) and Annex VIII (A1180), but cautioned that Annexes VIII and IX should only be reviewed once amendments to Annexes I and III have been finalized. Argentina stressed the importance of ensuring legal clarity and consistency in any annex revisions, suggested that the expert working group should work on inter-related aspects of Annexes I, III, IV, and IX, that Annexes II and VIII need to be revised, and important aspects of Annex IX need review. The US expressed concern about the number and range of revisions under consideration, asking whether some go beyond the scope of the Convention and will have negative impacts on reuse and recycling. She opined that it was premature to consider a full review of Annexes II, VIII, and IX.

Co-Chair Khashashneh observed there was general support for CRP.4 but further work on the text was needed, so he tasked the Legal Matters Contact Group to prepare a draft decision based on plenary deliberations.

On Tuesday and Wednesday, the contact group first reflected on the elements of CRP.4, particularly the mirror entries of Annex IX (B1110) and Annex VIII (A1180). Discussion then broadened to possible further updates of Annexes II, VIII, and IX. The Group agreed to recommend that the COP consider extending the mandate of the expert working group to assess the implications of reviewing Annexes I, III, IV, and related aspects of IX and their impacts on things such as reporting formats.

During Thursday's plenary, Co-Chair Grigaraviciene introduced the draft decision on further legal clarity (UNEP/CHW/OEWG.11/CRP.17), which was adopted without amendment.

**Final Decision:** In its decision (UNEP/CHW/OEWG.11/CRP.17), the OEWG:

- welcomes the expert working group's work on the review of Annexes I, III, and IV and related aspects of Annex IX;

- invites parties and others to submit comments on the possible way forward, by 31 October 2018, for consideration by the expert working group;
- requests the expert working group to continue its work on the review of annexes and to prepare recommendations for revisions to Annex IV and Annex IX (B1110) for consideration by COP14, including a further open round of comments facilitated by the Secretariat;
- recommends that COP14 consider including the review of entry B1110 and mirror entry A1180 in the ToR of the expert working group; and
- suggests that COP14 consider extending the mandate of the expert working group to assess the implications of the review of Annexes I, III, and IV for other annexes of the Convention and for relevant decisions of the COP, *inter alia*, for the notification and movement documents and the reporting format, and to report its findings to OEWG12.

**International cooperation and coordination: Basel Convention Partnership Programme: Partnership on Household Waste:**

On Monday, the Secretariat introduced notes on the Basel Convention Partnership Programme (UNEP/CHW/OEWG.11/11) and on draft modules for the overall guidance document on ESM of household waste (UNEP/CHW/OEWG.11/INF/33). Partnership Co-Chair Gabriella Medina (Uruguay) reported on the group's planned outputs developed thus far, including the draft modules, and the timetable for their development.

Switzerland welcomed the work as a successful tool for cooperation on household wastes by all stakeholders and expressed support going forward. The EU requested the draft decision be amended to include plastic wastes in the work programme of the Partnership on Household Waste. Noting a Norwegian proposal for the creation of a separate partnership on plastic waste (UNEP/CHW/OEWG.11/CRP.3), Canada requested clarification on the EU's proposal. The Secretariat suggested delegates return to this issue during the discussions under the agenda item on marine plastic litter and microplastics.

OEWG11 Co-Chair Khashashneh invited the EU to submit its amendments in writing for further consideration by the parties. The EU did so in document UNEP/CHW/OEWG.11/CRP.19.

During Thursday's plenary, Co-Chair Khashashneh introduced the EU proposal. Several delegates highlighted the importance of avoiding duplication of roles, responsibilities, or work, but disagreed on how to appropriately refer to coordination and collaboration with the proposed Partnership on Plastic Waste, given it is not yet in existence. Delegates adopted the decision after agreeing to delete language that requests the partnership to "put emphasis on its work on plastic waste."

**Final Decision:** In its decision (UNEP/CHW/OEWG.11/CRP.19), as orally amended, the OEWG:

- welcomes the progress made by the partnership working group developing an overall guidance document on ESM of household waste;
- invites parties and observers to provide comments on the draft guidance to the Secretariat by 30 November 2018; and
- requests the partnership working group to revise the draft overall guidance document, taking into account the comments received, for consideration by COP14.

**Possible follow-up to the Partnership for Action on Computing Equipment (PACE):** On Monday, the Secretariat introduced a report on the follow-up to PACE (UNEP/CHW/

OEWG.11/INF/32). BCRC-Argentina described the activities of the various regional centers in relation to a follow-up partnership to PACE. Sudan introduced a CRP (UNEP/CHW/OEWG.11/CRP.5), co-sponsored by Argentina, Norway, Panama, and Switzerland, containing a draft decision on a follow-up partnership to PACE. The CRP was referred to the Strategic Matters Contact Group, which met on Wednesday.

During Thursday's plenary, Co-Chair Khashashneh introduced the draft decision on follow-up to PACE, which was adopted without amendment.

**Final Decision:** In its decision (UNEP/CHW/OEWG.11/CRP.11), the OEWG:

- invites regional and coordinating centers to continue to implement the programme of work included in the concept note on a follow-up partnership to PACE set out in decision BC-13/12;
- welcomes the establishment of an interim group on a follow-up partnership to PACE, in the period between OEWG11 and COP14, led by the BCRCs in South Africa, Argentina, Senegal, and Slovakia;
- invites parties, signatories, and all stakeholders, manufacturers, recyclers, refurbishers, academia, NGOs, and intergovernmental organizations, including the former members of PACE, to engage in the work of the interim group;
- notes that the interim group intends to develop recommendations for COP14 consideration, including a concept note, ToR, and a draft workplan for 2020-2021;
- notes that the interim group intends to: identify, encourage and, if possible, facilitate balanced and diverse participation by private-sector and other stakeholders in the follow-up partnership; and explore mechanisms for providing sustainable and predictable financial support for a follow-up partnership.
- requests the Secretariat to facilitate, subject to the availability of resources, the work of the interim group;
- requests the interim group to report, through the Secretariat, on progress to COP14; and
- requests the BCRCs to report to COP14, through the Secretariat, on progress in implementation of the work programme set out in decision BC-13/12.

**Further developing partnerships:** In plenary on Monday, the Secretariat introduced its note on further developing partnerships under the Basel Convention (UNEP/CHW/OEWG.11/11). Iran proposed that a new partnership on the issue of used lead acid batteries be established in accordance with Convention Articles 10 and 11. The EU expressed interest in how partnerships can be further developed under the Convention. He requested that a report be prepared and sought clarification on the timing of such a report. The Secretariat agreed to hold bilateral talks with the EU on this proposal to amend the draft decision where necessary.

During Thursday's plenary, Co-Chair Khashashneh introduced the draft decision on further developing partnerships, which was adopted without amendment.

**Final Decision:** In its decision (UNEP/CHW/OEWG.11/CRP.13), the OEWG requests the Secretariat to:

- develop by 15 November 2018, a report evaluating past and ongoing partnerships, and setting out recommendations on opportunities to further develop partnerships under the Basel Convention, taking into account the experience of relevant UN bodies, such as the Economic and Social Council, UN Environment, and the Food and Agriculture Organization,

as well as multilateral environment agreements, such as the Stockholm and Rotterdam Conventions; and

- invite parties and observers to provide comments on the aforementioned report by 15 January 2019 for consideration by COP14.

#### **Cooperation with the World Customs Organization**

##### **(WCO) on the Harmonized Commodity Description and Coding System:**

On Monday, the Secretariat introduced notes on cooperation with the WCO on the Harmonized Commodity Description and Coding System (“Harmonized System”) (UNEP/CHW/OEWG.11/12) and on the outcome of the relevant discussions of the Harmonized System Review Subcommittee and of the Harmonized System Committee (UNEP/CHW/OEWG.11/INF/34), noting progress in harmonized e-waste codes and the possibility that additional types of waste be considered by COP14.

The EU supported the draft decision, and Canada suggested adding text that invites parties to prioritize the types of waste that would be useful to include in the Harmonized System. Cameroon, supported by the EU, preferred continuing to amend the Basel Convention annexes before carrying out Canada’s suggestion. Delegates agreed that the Secretariat would facilitate an informal discussion between concerned parties to reach an agreement.

During Thursday’s plenary, Co-Chair Khashashneh introduced the draft decision on cooperation with the WCO (UNEP/CHW/OEWG.11/CRP.9), which was adopted without amendment.

**Final Decision:** In its decision (UNEP/CHW/OEWG.11/CRP.9), the OEWG:

- requests the Secretariat to revise, by 30 September 2018, the list of types of wastes submitted by parties;
- invites parties to inform the Secretariat by 31 October 2018 of the types of waste in the revised list for which it would be useful to request the WCO to introduce codes in the Harmonized System, ranked in order of priority; and
- requests the Secretariat to submit the information to COP14.

**Financial Matters:** On Monday, the Secretariat introduced a note by the Secretariat on a report on financial matters from January 2016 to April 2018 (UNEP/CHW/OEWG.11/INF/35), noting, *inter alia*, a total expenditure of US\$2.3 million for the biennium 2016-2017, and that there are 42 parties in arrears. BRS Executive Secretary Payet thanked countries’ efforts to clear their arrears and expressed hope that this trend will continue.

#### **OEWG Work Programme for 2020-2021**

On Thursday, the Secretariat introduced a note on the work programme for 2020-2021 (UNEP/CHW/OEWG.11/13). The EU introduced document UNEP/CHW/OEWG.11/CRP.21, suggesting amendments to the proposed draft decision. Canada requested clarification on the two textual changes proposed. The EU made an oral amendment to its CRP and the decision was adopted.

**Final Decision:** As amended orally, the OEWG decision (UNEP/CHW/OEWG.11/CRP.21) requests the Secretariat to prepare a revised draft work programme, taking into account the decisions at OEWG11, for consideration and possible adoption by COP14.

#### **Closing Plenary**

On Thursday, Executive Secretary Payet thanked everyone for an encouraging OEWG and noted his high expectations for the upcoming BRS COPs. Co-Chair Khashashneh said the meeting has brought “a new era” for the Convention. GRULAC

emphasized the progress made on, *inter alia*, solid plastic waste, saying they believe the Basel Convention is the appropriate framework for dealing with marine plastic litter and microplastics.

Japan expressed appreciation for participants’ hard work, and Nigeria, on behalf of the African Group, reiterated, *inter alia*, that marine plastic litter and microplastics are a major global issue, and there are major consequences of our inability to manage it appropriately. The EU underscored that the new plastic waste partnership will play a unique role in the international arena on this issue, and Switzerland celebrated the commitment to addressing plastic waste. Namibia announced their ratification of the Ban Amendment on 31 August 2018, noting it “brings us closer to the point we never thought we would get to.”

Co-Chair Grigaraviciene thanked the hard work of the interpreters, and Co-Chair Khashashneh closed the meeting at 1:52 pm.

### **A Brief Analysis of OEWG11**

While recent sessions of the Basel Convention’s Open-ended Working Group (OEWG) have all had packed agendas, this session was busier than usual. Beyond ongoing work on new and updated technical and legal guidelines and additions to the Convention’s “toolkit” on environmentally sound management (ESM) of hazardous and other wastes, OEWG11 was tasked by the Conference of Parties (COP) with, *inter alia*, considering the Basel Convention’s role in combating marine plastic litter and microplastics, determining future work on wastes containing nanomaterials, and reviewing how to modernize the Convention’s annexes.

The challenge of keeping one of the older multilateral environment agreements relevant by addressing emerging challenges and increasing complexity in global waste management and trade, as well as highly sensitized while staying true to the Convention’s core foci of the ESM of wastes and control of their transboundary movements, seemed to inject new energy and purpose into the OEWG’s work. As a result, delegates successfully addressed the long list of agenda items in a cooperative fashion and even finished ahead of schedule.

This brief analysis considers the outcomes of OEWG11, with a focus on how the OEWG addressed the challenges of updating the Convention and its associated tools, taking into account new complexities and realities of waste management and trade, and ensuring that Basel Convention positions itself to adequately address the global environmental issue of plastics pollution.

#### **Amending the Basel Convention**

The idea of reviewing certain Convention annexes grew out of work on the glossary of terms and the difficult issues involved in drafting the technical guidelines on transboundary movements of electrical and electronic equipment to distinguish when a shipment actually consists of used equipment legitimately destined for repair, refurbishment, and reuse, versus when it should be considered waste. However, soliciting views on annex review soon led to recognition of the need to deal with numerous issues in multiple annexes. Some amendment proposals sought to address ambiguities in the existing text. Some were proposed because of changes in the nature of the waste trade and trade in used products over the last 10-20 years. Some proposals sought to recognize recent evolution in treatment, alternative use, and

disposal technologies and practices. A few were offered with an eye toward potential problems that may arise once the Basel Ban Amendment enters into force.

While “small” adjustments in annex entries, such as Norway’s proposal to reclassify plastic waste, have come up from time-to-time, mass review and change have not been undertaken since the 1990s. As one seasoned observer noted, “it’s time to update the annexes to reflect current realities, lessons learned and reduce ambiguities while ensuring the Convention’s ability to adapt to new challenges.”

As the Co-Chairs of the small intersessional working group undertaking this mammoth task explained, their first meeting revealed that the review will be quite complex with many moving parts, with legal and practical impacts not yet fully understood. For example, dozens of proposals for changing Annex IV listings were submitted. In addition, tricky overarching and crosscutting issues in the annex were identified, such as: which disposal operations should be considered environmentally sound, which in turn affects what imports are considered waste; and how to distinguish “waste,” “non-waste” and “direct reuse,” which impacts commonly traded end-of-life (EOL) and near-EOL items such as used tires and electrical and electronic equipment.

OEWG11 successfully agreed on a draft roadmap on how to handle the review. As the Co-Chairs of the small intersessional working group on annexes cautioned, the task will require a major commitment of time, energy, and attention, but everyone agrees that this is a necessary task for the Convention if it is to remain relevant in light of the waste trade challenges of the 21st century.

### *A Global Leader in Addressing the Plastics Challenge?*

Marine plastic litter and microplastics proved to be one of the more energized issues at OEWG11. With increasing awareness that approximately eight million tonnes of plastic enter the world’s oceans each year, marine plastic waste has been gaining attention in the international arena. Plastics have been the topic of three recent UN Environment Assembly (UNEA) resolutions, and led to the establishment of an *Ad Hoc* Open-ended Expert Group on marine litter and microplastics. Both the UNEA Expert Group and Basel COP13 called on OEWG11 to consider action on marine litter and microplastics.

It was against this backdrop that delegates examined relevant options available under the Basel Convention, and it became clear during the week that many parties seemed eager to have the Basel Convention take the global lead on marine plastics. Many parties and observers highlighted the Convention as the most appropriate body in the international environmental landscape to address this high profile issue, with its established frameworks capable of tracking and managing transboundary movements of hazardous and other wastes. Norway, in particular, led the effort by suggesting both the creation of a new partnership on plastic waste and the amendment of Convention annexes to reclassify plastic waste. The proposed partnership received widespread support and is set to be established at COP14 in May 2019, with the ambitious goal of, *inter alia*, minimizing the generation of plastic wastes, and, in the long-term, reduce and eliminate the discharge of plastics into the environment, particularly the marine environment.

In the case of Norway’s proposal to remove solid plastic waste from Annex IX (wastes not considered hazardous waste), there appeared to be broad support. Delegates were more reserved regarding the Norwegian proposal to include a new category

for solid plastic waste in Annex II (wastes requiring special consideration). This may be due to the lack of understanding of the full implications of an Annex II listing for plastic waste and the fact that an Annex II amendment would require following a formal procedure that would delay its adoption until at least COP15.

Critical to this will be the stance eventually taken by the EU and its member states, which while indicating being open to the idea, is still in the process of working out a common position on the proposal.

If countries do accept Norway’s annex proposal, they would, for the first time, acknowledge plastic scrap as waste requiring special consideration. This would not only be because of its possible toxicity, but would also consider plastic’s ability to endure, accumulate, and diffuse throughout the marine environment. Along with the revised technical guidelines on transboundary movements of e-waste and the transition towards electronic notification and reporting systems, it could be another major step to making the Convention more relevant to contemporary global challenges.

The prospect of the Convention taking the global lead on plastics inspired declarations of a “new era” or “new chapter” for the Convention by Norway, Japan, Uruguay, OEWG11 Co-Chair Khashashneh and BRS Executive Secretary Payet during the closing plenary.

### *New Life for an Elder Multilateral Environmental Agreement?*

The Basel Convention, one of the elder multilateral environmental agreements, turns 30 in 2019. While the obligatory public relations celebrations and awareness campaigns will undoubtedly be held throughout that year, the most important birthday gift may be the path forward set by COP14.

OEWG11 has prepared a full plate for COP14, and it is possible that perennially tricky issues such as technical guidelines on POPs and transboundary movements of e-waste could compete for limited time with COP discussions on annex reviews and plastic waste. As always, much depends on what happens in the busy months between OEWG11 and COP14, when much of the work will be done by the working groups and other subsidiary bodies tasked with the Convention’s substantive work.

However, if the level of optimism and excitement displayed during the closing plenary of OEWG11 is maintained, or even heightened, over the next eight months, COP14 has the potential to help the Convention rise in importance as it enters its fourth decade of existence.

## Upcoming Meetings

### **Fourteenth Meeting of the Rotterdam Convention**

**Chemical Review Committee:** CRC14 will review chemicals and pesticide formulations for possible listing under Annex III of the Rotterdam Convention. **dates:** 11-14 September 2018 **location:** Rome, Italy **contact:** BRS Secretariat **phone:** +41-22-917-8271 **fax:** +41-22-917-8098 **email:** brs@brsmeas.org **www:** <http://www.pic.int/>

**Fourteenth Meeting of the Persistent Organic Pollutants Review Committee:** POPRC-14 will review the possible listing of hazardous chemicals under the various annexes of the Stockholm Convention. **dates:** 17-21 September 2018 **location:**

Rome, Italy **contact:** BRS Secretariat **phone:** +41-22-917-8271 **fax:** +41-22-917-8098 **email:** brs@brsmeas.org **www:** <http://pops.int/>

**Basel Convention Small Intersessional Working Group on Technical Guidelines on POPs:** The SIWG is expected to revise the draft technical guidelines on POPs in light of OWEG11 input and to discuss in detail the proposed low-POPs content values. **dates:** 4-5 October 2018 **location:** Geneva, Switzerland **contact:** BRS Secretariat **phone:** +41-22-917-8271 **fax:** +41-22-917-8098 **email:** brs@brsmeas.org **www:** <http://www.basel.int>

**World Recycling Convention 2018:** The event will allow for expansion of knowledge and exchange in best practices with business experts, thought-leaders and policy shapers looking at market trends and key challenges facing the various recycling commodities of our industry. **dates:** 6-7 October 2018 **location:** London, United Kingdom **contact:** Bureau of International Recycling **tel:** +32-2-627-57-70 **fax:** +32-2-627-57-73 **email:** bir@bir.org **www:** <https://birlondon2018.org/>

**World Circular Economy Forum 2018 (WCEF 2018):** The World Circular Economy Forum is the global initiative of Finland and the Finnish Innovation Fund Sitra. The WCEF brings together business leaders, policymakers, and experts to discuss how businesses can seize new opportunities and gain a competitive advantage through circular economy solutions, as well as how the circular economy contributes to achieving the Sustainable Development Goals. WCEF 2018 will consider the economic benefits and social equity of the circular economy, energy, and climate solutions for a circular economy, global value chains and circular trade, as well as shared mobility and circular solutions for reducing marine plastic waste. **dates:** 22-24 October 2018 **location:** Yokohama, Japan **contact:** Sitra **email:** wcef2018@sitra.fi **www:** <https://www.sitra.fi/en/projects/world-circular-economy-forum-2018/#wcef2018>

**Second Meeting of the Conference of the Parties to the Minamata Convention on Mercury:** Among other things, COP2 is expected to adopt revised guidelines on interim storage and consider a report on waste thresholds. **dates:** 19-23 November 2018 **location:** Geneva, Switzerland **contact:** Minamata Convention Secretariat **fax:** +41-22-797-3460 **email:** MEA-MinamataSecretariat@un.org **www:** <http://www.mercuryconvention.org/>

**Circular Economy Forum of the Americas 2018 (CEFA 2018):** CEFA2018 is a two-day high-level event that offers interactive sessions, workshops, and other opportunities to gather insights on what is available in the field of circular economy throughout the Americas. CEFA expected outcomes include: the Declaration of Santiago for regional cooperation on circular economy, a report capturing the principle outcomes and recommendations, and an announcement of new circular economy programmes and initiatives. **dates:** 27-28 November 2018 **location:** Santiago, Chile **contact:** Circular Economy Platform of the Americas (CEP-Americas) **email:** info@cep-americas.com **www:** <https://www.cefa2018.com/>

**Basel Convention Expert Working Group on ESM:** The Expert Working Group is expected to revise the manual on transboundary movement notifications, guidance on recycling and recovery strategies, and guidance on ESM in the informal sector for consideration by COP14. **dates:** 5-8 December 2018 **location:** São Paulo, Brazil **contact:** BRS Secretariat **phone:** +41-22-917-8271 **fax:** +41-22-917-8098 **email:** brs@brsmeas.org **www:** <http://www.basel.int>

**Basel Convention Expert Working Group on the Review of Annexes:** The second meeting of the Basel Convention Expert Working Group on Review of Annexes will prepare recommendations for revisions to Annex IV and Annex IX (B1110) for consideration by COP14. **dates:** 11-14 December 2018 **location:** Buenos Aires, Argentina **contact:** BRS Secretariat **phone:** +41-22-917-8271 **fax:** +41-22-917-8098 **email:** brs@brsmeas.org **www:** <http://www.basel.int>

**Third Meeting of the Open-Ended Working Group (OEWG3) of the Strategic Approach to International Chemicals Management (SAICM):** The OEWG is to consider the results of the first two meetings of the intersessional process addressing the possible post-2020 platform for addressing chemicals and waste, and prepare for the Fifth International Conference on Chemicals Management (ICCM5). **dates:** 2-4 April 2019 **location:** Montevideo, Uruguay **contact:** SAICM Secretariat **phone:** +41-22-917-8273 **fax:** +41-22-797-3460 **email:** saicm.chemicals@unep.org **www:** <http://www.saicm.org>

**Basel Convention COP14, Rotterdam Convention COP9 and Stockholm Convention COP9:** The 14th 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 will convene back-to-back. **dates:** 29 April - 9 May 2019 **location:** Geneva, Switzerland **contact:** BRS Secretariat **phone:** +41-22-917-8271 **fax:** +41-22-917-8098 **email:** brs@brsmeas.org **www:** <http://www.brsmeas.org/>  
For additional meetings, see <http://sdg.iisd.org>

### Glossary

BCRC	Basel Convention Regional Centre
BRS	Basel, Rotterdam and Stockholm Conventions
COP	Conference of the Parties
CRP	Conference room paper
EPR	Extended producer responsibility
ESM	Environmentally-sound management
E-waste	Electrical and electronic waste
EWG	Expert working group
GRULAC	Latin American and Caribbean Group
ICC	Committee for Administering the Mechanism for Promoting Implementation and Compliance
OEWG	Open-Ended Working Group
PACE	Partnership for Action on Computing Equipment
POPs	Persistent organic pollutants
SIWG	Small intersessional working group
ToR	Terms of reference
UNEA	United Nations Environment Assembly