

BRS Conventions COPs Highlights: Friday, 3 May 2019

On the fifth day of the meetings of the Conferences of the Parties (COP) to the Basel, Rotterdam, and Stockholm (BRS) Conventions, delegates addressed joint issues and work under the Basel and Stockholm Conventions. Contact groups met throughout the day to work on issues related to: BC technical matters; BC strategic matters; BC compliance; budget; technical assistance and financial resources; and joint issues.

Basel Convention COP14

Matters Related to the Implementation of the Convention **Strategic Issues: Development of guidelines for**

environmentally sound management: The Secretariat introduced the documents (CHW.14/5, Add.1). Yorg Aerts, Co-Chair of the Expert Working Group (EWG) on Environmentally Sound Management (ESM), reported on intersessional work including, *inter alia*, development of manuals for implementing ESM, guidance documents on waste prevention and minimization and recycling and recovery, and fact sheets on wastes. He noted the EWG had completed its mandate.

CANADA supported development of the ESM guidelines and called for further discussion in a contact group of the notification of transboundary movements. The AFRICAN GROUP also called for a contact group. The EU, SWITZERLAND, and UGANDA said all five documents were suitable for adoption, but were open to discussion in a contact group.

GHANA and EL SALVADOR supported adopting the guidelines. NIGERIA supported adoption and called for provision of technical assistance.

GLOBAL ALLIANCE FOR INCINERATOR ALTERNATIVES (GAIA) called for exclusion of unsafe technologies such as incineration of plastic, explicit prioritizing of waste reduction, and extended producer responsibility schemes that include waste pickers.

Delegates established a contact group on strategic matters, to be co-chaired by Christoffer Vestli (Norway) and Zaigham Abbas (Pakistan).

Addressing the entry into force of the Ban Amendment: The Secretariat introduced the document (CHW.14/4), noting that only two more ratifications are required for entry into force. Several, including the AFRICAN GROUP, COLOMBIA, MALAYSIA and INDONESIA, lauded those countries that have ratified since COP13, and called on others to do so. The EU noted that Croatia is in the process of ratifying the amendment. Delegates will return to this on Saturday.

Scientific and Technical Matters: Technical guidelines: The Secretariat introduced the documents (CHW.14/7 and Add.6) on technical guidelines on **transboundary movements of electrical and electronic waste (e-waste) and used electrical and electronic equipment**, in particular regarding the distinction between waste and non-waste.

Yang Zheng (China), Co-Chair of the EWG on e-waste technical guidelines, reported on intersessional work and issues for further consideration, including: the residual lifetime and age of used equipment; obsolete technologies, including cathode ray tubes; specific exemption for medical devices; and waste exported for failure analysis, repair, and refurbishment activities.

The EU, AUSTRALIA, SWITZERLAND, BRAZIL, INFORMATION TECHNOLOGY INDUSTRY COUNCIL (ITI) and the US supported adoption of the guidelines.

INDIA introduced a conference room paper (CRP) and characterized the definition of equipment exported for repair, refurbishment, or failure analysis as non-waste as a “major flaw” that would leave large quantities of waste outside the scope of the BC. IRAN, PAKISTAN, ALGERIA, SRI LANKA, BAHRAIN, and the DOMINICAN REPUBLIC supported India.

The AFRICAN GROUP welcomed the technical guidelines with reservations and called for distinguishing between waste and non-waste. LIBERIA reported its e-waste inventory shows 80% of imported electronic equipment is obsolete. UGANDA called for deferring adoption to avoid “dumping through the route of reparability.”

BASEL ACTION NETWORK (BAN), with IPEN, highlighted that language related to equipment repair presented a loophole that should be addressed before adoption, with BAN highlighting their guidelines on the transboundary movements of used electronic equipment and e-waste to promote an ethical circular economy under the BC. DITTA supported the BAN guidelines. TOXIC LINK noted that allowing the export of equipment for repair jeopardizes the extended producer responsibility principle.

INDEPENDENT ECOLOGICAL EXPERTISE (IEE) called for including economic measures in the guidelines.

The Secretariat introduced the draft updated **technical guidelines on incineration on land (D10)** (CHW.14/INF/11) and on **specially engineered landfill (D5)** (INF/12) and comments (INF/13).

Alejandra Acosta, SIWG Co-Chair, highlighted the aim of finalizing the guidelines at COP15.

THAILAND suggested that the D10 guidelines should include more information on air pollution control and environmental quality monitoring costs. He said the D15 guidelines should include quality assurance and control during construction. COLOMBIA and CHILE called for distinguishing between hazardous and non-hazardous wastes.

The EU suggested extending the scope of the D10 guidelines to include issues such as additional energy generation methods.

IPEN called for including information on the impacts of incineration, particularly on vulnerable populations, and, with SHENZHEN ZERO WASTE, for collaboration with SC experts and work on unintentional dioxin releases. GAIA said the D10 guidelines were an inventory of all practices, not best practices. IEE called for evidence that recommended technologies will not harm environmental health.

On **waste lead-acid batteries**, the EU questioned whether the technical guidelines should be updated in light of the anticipated workload for the biennium.

ARGENTINA, with the AFRICAN GROUP and IPEN, called for discussion in a contact group. The US highlighted their technical guidelines on this issue and encouraged parties to take them into consideration.

IPEN called for revising the guidelines for safe practice and ESM.

Delegates agreed to discuss these issues in the BC technical matters contact group.

Legal, compliance and governance matters: *Committee Administering the Mechanism for Promoting Implementation and Compliance*: BC COP14 President Matiza called for additional comments on the benchmark report aimed at facilitating reporting, including examples reflecting parties' good practices (CHW.14/13/Add.4). UMICORE urged parties to grant transit approvals. IPEN called on parties to address non-compliance issues through the compliance committee. BAN stressed the need to expand the Secretariat trigger.

ARGENTINA called for further discussion on insurance bonds and guarantees in a contact group. The EU noted their proposal (CRP.13) to amend the benchmark report. SWITZERLAND called for further discussion.

Delegates agreed to establish a contact group, co-chaired by Isabelle Baudin (Switzerland) and Juan Simonelli (Argentina), to address insurance bonds, the amendments to the benchmark report, and the draft decision.

Stockholm Convention COP9

Matters Related to Implementation of the Convention

Measures to reduce or eliminate releases from intentional production and use: *PFOS, its salts and PFOA*: SC COP9 adopted decisions on perfluorooctane sulfonic acid (PFOS), its salts, and perfluorooctane sulfonyl fluoride (PFOA) (CRP.16), and actions related to these chemicals (CRP.9).

Measures to reduce or eliminate releases from unintentional production: SC COP9 adopted a decision on guidelines for BAT/BEP (CRP.18).

Listing of chemicals: *PFOA*: SC COP9 President Khashashneh introduced the draft decision on perfluorooctanoic acid (PFOA), its salts, and PFOA-related compounds (POPS/COP.9/CRP.14). IRAN introduced its request for exemptions (CRP.22) for the manufacture of: polyfluoroethylene propylene (FEP) for production of electrical wire and cables for industrial use; and fluoroelastomers for the production of O-rings and plastic equipment in automotive industry. He requested that these exemptions be included in the draft decision. SWITZERLAND stressed that requesting exemptions at the COP stage of the process should not be encouraged as the POPs Review Committee (POPRC) should be able to adequately review all requests but, in the spirit of compromise, supported revising the draft decision to include Iran's requested exemptions. The EU called for more information on both proposed requests, noting that the POPRC had only assessed the recommendation related to fluoroelastomers, but not the FEP recommendation.

NORWAY expressed concern regarding the "tendency" to request exemptions at COPs, noted that the POPRC had performed a thorough review of applications for which exemptions were necessary, and supported adopting CRP.14 without Iran's suggested exemption. NEW ZEALAND implored parties to provide information at an earlier stage of the POPRC process.

Plenary was briefly suspended to allow for informal consultations. When it resumed, SC COP9 President Khashashneh introduced a revised proposal for a specific exemption for: the manufacture of FEP for production of high-voltage electrical wire and cables for power transmission; and the manufacture of fluoroelastomers for production of O-rings, v-belt, and plastic accessories for car interiors.

SC COP9 adopted the decision (CRP.9) as amended, as well as the decision on actions related to PFOA, its salts, and PFOA-related compounds (CRP.10).

GHANA called multiple and late requests for exemptions an "unhealthy development." IPEN lamented that the process does not provide for a rigorous review of exemptions, which she said is "ironic" given the precautionary principle and scientific

foundations of the SC. ALASKA COMMUNITY ACTION ON TOXICS, for the Native Movement and Indigenous Peoples' Caucus, characterized the decision as a violation of basic human rights.

FLUOROCOUNCIL stressed that PFOA is no longer used to manufacture the products included in the exemptions.

The US thanked parties for "working their magic" to narrow the exemptions and encouraged parties to allow them to expire as soon as possible.

Technical assistance: SC COP9 adopted a decision on SC Regional and Subregional Centres for capacity building and technology transfer (CRP.21)

Adoption of the Report

SC COP9 adopted its report (POPS/COP.9/L.1/Add.1)

Joint Sessions of the COPs

Enhancing Cooperation and Coordination Among the BRS Conventions

International cooperation and coordination: The COPs adopted the decisions (CHW.14/CRP.5; RC/COP.9/CRP.3; POPS/COP.9/CRP.17).

Synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes: The COPs adopted the decisions (CHW.14/CRP.7; RC/COP.9/CRP.5; POPS/COP.9/CRP.20).

From science to action: The COPs adopted the decisions (CHW.14/CRP.6; RC/COP.9/CRP.4; POPS/COP.9/CRP.19) with an amendment proposed by NIGERIA to request the Secretariat to cooperate and coordinate with UNEP in preparation for assessment of options for strengthening the science-policy interface for the sound management of chemicals and wastes.

Adoption of the Report

The COPs adopted the meeting reports (CHW.14/L.1; RC/COP.9/L.1; POPS/COP.9/L.1).

Contact Groups

BC Technical Matters: Participants discussed whether to revise the technical guidelines for the ESM of waste lead-acid batteries. Noting the availability of guidelines that could be used as a basis for updates, delegates agreed to postpone this issue to the OEWG.

BC Compliance: Participants decided to defer a decision on the guidance on insurance, bonds, and guarantees. Some noted several points discussed in a regional workshop were not included in this guidance and called for an update and a decision during BC COP15. Others opposed the postponing of decision on this guidance, noting that it has been roughly negotiated and could be updated after adoption. The group agreed on the proposed changes on the benchmark report, and on changes of language in the proposed draft decision (CHW.14/13).

In the Corridors

On Friday, SC COP9 finished most of its work, but several delegates felt it was with more of a whimper than a bang. Requests for exemptions beyond those recommended by the POPRC worried several that a trend was developing, after a similar pattern occurred at the last COP for two POPs. When COP was suspended until the end of the second week, one delegate noted "we've heard precious little" about either SC compliance or the Russian proposal to amend the Convention.

The BC resumed, tackling equally complex issues. Many developing countries and NGOs highlighted "a loophole" in the e-waste revised technical guidelines, saying that defining used equipment exported for repair or refurbishment as "non-waste" creates a loophole for shipping end-of-life products as though they are repairable. One delegate called on countries of origin "to take responsibility" and another, from a country with one of the world's most infamous e-waste sites, drew the line: "We cannot continue to be a dumping ground for developed countries." The moral appeals continued, drawing attention to an issue increasingly overshadowed by plastics.