

## **BRS Conventions COPs Highlights: Friday, 10 June 2022**

Most of the day focused on the Stockholm Convention (SC) and the Basel Convention (BC), as one COP President passed the gavel to the other. Contact groups met on BC technical matters, and technical assistance and financial resources, among others.

### **Joint Sessions of the COPs**

#### **Report on Credentials**

The COPs adopted reports on credentials of the respective Bureaus of BC, SC, and RC, as presented by the Secretariat, noting that the meeting may consider on Thursday, 16 June, the possible adoption of updated reports.

#### **Science to Action**

The COPs adopted the joint decision (CHW.15/25, RC/COP.10/21, POPS/COP.10/25) with an amendment previously proposed by the EU on referencing UNEA resolution 5/8 that called for the establishment of a science-policy panel for chemicals and waste.

### **Basel Convention**

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

##### **Scientific and Technical Matters: Technical guidelines:**

**E-waste:** The Secretariat introduced the draft decision and related documents (UNEP/CHW.15/6; INF/65).

The EU indicated that the expert working group has completed its mandated tasks and preferred to disband the expert working group.

BRAZIL, SWITZERLAND, INDIA, NIGERIA, SOUTH AFRICA, PAKISTAN, TRINIDAD AND TOBAGO, EL SALVADOR, ZAMBIA, ALGERIA, IRAN, UGANDA, ARGENTINA, PERU, GUATEMALA, DOMINICAN REPUBLIC, ECUADOR, MEXICO, VENEZUELA, GHANA, INDONESIA, TOGO, VANUATU, and KAZAKHSTAN preferred to extend the mandate of the expert working group, underscoring the need to define the distinction between waste and non-waste to avoid dumping.

BASEL ACTION NETWORK (BAN) supported extending the group's mandate, citing "loopholes," such as defining used equipment as non-waste if the equipment is claimed to be destined for failure analysis, repair, or refurbishment with the intention of reuse.

Parties agreed to consider this issue later in the meeting with related issues under legal clarity.

**Physico-chemical treatment (D9) and biological treatment (D8):** The Secretariat introduced the technical guidelines (CHW.15/6).

The EU did not support including the development of these guidelines in the work programme of the Open-ended Working Group, given its workload, and suggested a discussion at COP16. EL SALVADOR, INDIA, ARGENTINA, and BRAZIL supported this proposal.

The discussion was reflected in the meeting report and discussion was closed.

**Legal, Compliance, and Governance Matters: Committee administering the mechanism for promoting implementation and compliance:** The Secretariat presented the Committee's work and guidance documents (CHW.15/12/Rev.2, Adds.1, 2, CHW.15/32, INF/13-17), as well as reference documents (OEWG.12/INF/24/Rev.2 and OEWG.12/INF/23/Rev.2).

Florisvindo Furtado, Chair of the Implementation and Compliance Committee (ICC), presented the report on national reporting, progress made by ICC in its Programme of Work, and its recommendations.

BC COP President Álvarez-Pérez asked for comments on the draft decision in CHW.15/12/Rev.2, as well as guidance on insurance, bond and guarantee, and guidance on the implementation of paragraph 4 of Article 6 on the transit of transboundary movement.

The EU expressed support for the draft decision but called for discussing three matters in a contact group: the ICC's mandate concerning parties who have not submitted a national report since 2016; the ICC's role in reviewing national legislation, and the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic's (ENFORCE) terms of reference.

Ghana, for the AFRICAN GROUP, supported the proposed guidance documents, underscoring the challenges African countries face when evaluating the validity of bonds and guarantees and when preparing national reports. He requested technical assistance and financial support and called for the COP to adopt much stronger measures to prevent illegal trafficking to developing parties.

SWITZERLAND supported the adoption of both guidance documents and supported the decision "in principle."

BANGLADESH cited a lack of financial resources as a barrier to developing and finalizing national policies. IRAN cited challenges that many developing parties faced when preparing national reports due to the COVID-19 pandemic and underlined the need for ICC to be supportive.

BRAZIL noted the importance of reporting for measuring implementation and of keeping a non-punitive approach to compliance. He called for modernizing the PIC procedure. SC COP President Álvarez-Pérez noted that this issue will be reviewed on Sunday, 12 June.

The US urged parties to consider the negative effects the decision might have on the ICC's non-punitive orientation and other multilateral environmental agreements, where this decision might become a precedent.

Parties agreed to adopt both guidances and to forward the draft decision to the contact group on legal matters.

**Proposal by the Russian Federation to amend paragraph 2 of Article 6:** The Secretariat introduced the documents (UNEP/CHW.15/15, INF/26-27). The RUSSIAN FEDERATION explained that setting a timeframe of 30 days for the importing state to respond to the notifier would improve the economic effectiveness of the prior informed consent (PIC) procedure and reduce environmental risks.

BELARUS, MAURITANIA, SYRIA, and KUWAIT supported the proposal.

Many developing countries asked to extend the proposed timeline, citing the challenges they face due to domestic regulations. THAILAND, DOMINICAN REPUBLIC, ALGERIA, BENIN, and the GAMBIA suggested 60 days; EL SALVADOR and NICARAGUA suggested 80 days; and COTE D'IVOIRE,

MOROCCO, and PANAMA called for up to 90 days. NIGERIA suggested replacing a definite timeline with “timely.”

While acknowledging the need to improve the PIC procedures, the EU, NORWAY, CANADA, SWITZERLAND, NEW ZEALAND, the UK, and JAPAN did not support the proposal or a contact group.

**National legislation, notifications, enforcement of the Convention, and efforts to combat illegal traffic:** The Secretariat introduced the draft decision (CHW.15/14).

The EU noted that the proposed decision should take into account the decision on the ICC to ensure coherence.

TRINIDAD AND TOBAGO cited national challenges with combatting illegal traffic and encouraged parties to submit updated contacts of national authorities to avoid delays in addressing cases of illegal traffic.

NIGERIA, SOMALIA, and REPUBLIC OF THE CONGO cited national challenges with illegal traffic and requested financial support and assistance with national legislation. SOMALIA called for an emergency response to an illegal waste crisis within the country.

UN OFFICE OF DRUGS AND CRIME noted the involvement of organized criminal groups in waste trafficking and weak or non-existent national legislation on the matter. She cited its legislative guide with best practices and model provisions on waste trafficking and mentioned ongoing efforts to strengthen enforcement and technical capacities with regard to wastes trafficked by sea.

Parties agreed to the draft decision, pending confirmation from the budget group, and acknowledged the decision may need adjusting depending on the ICC outcomes.

### Stockholm Convention

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

##### **Measures to Reduce or Eliminate Releases from**

**Unintentional Production:** Parties adopted the decision on guidelines and guidance on best available techniques and best environmental practices (CRP.18), noting it had been cleared by the budget group.

**Technical Assistance:** David Kapindula, Co-Chair of the technical assistance and financial resources contact group, introduced two draft decisions: Technical Assistance Part I (CRP.19) and Technical Assistance Part II (CRP.17), noting that the former is the omnibus decision and the latter is on regional and sub-regional centres.

After a question from IRAN on whether the budget group should clear CRP.19 first, the COP adopted both decisions pending confirmation from the budget group.

**Compliance:** SC COP President Kalnins proposed establishing a contact group on compliance with a mandate to discuss the role of a compliance committee in providing technical assistance, financial resources and technology transfer, and supporting parties facing implementation challenges due to lack of technical assistance, financial resources, and technology transfer. She said that the Co-Chairs would prepare a summary of the group’s discussions and report back to the plenary.

IRAN, for the ASIA-PACIFIC REGION, called for time for the region to coordinate on the mandate. Speaking as an individual party, IRAN also requested clarification on the need for a summary.

Noting it has had many objections to drafts on compliance from previous meetings, INDIA opposed a contact group and called for intersessional work.

SC COP President Kalnins said that consultations had indicated strong support for engaging on this issue during COP10. She clarified that a decision would not be adopted at this meeting and said the summary would help inform discussions at COP11.

INDIA proposed convening the contact group in the second week of COP10 to allow time for consultation.

COLOMBIA, KAZAKHSTAN, KENYA, NIGERIA, SAUDI ARABIA, SWITZERLAND, ANTIGUA AND BARBUDA, the MALDIVES, SERBIA, the UK, the EU, MOROCCO, BURUNDI, CANADA, AUSTRALIA, TANZANIA, TRINIDAD AND TOBAGO, ARGENTINA, NORWAY, LIBERIA, the GAMBIA, ZIMBABWE, INDONESIA, and TOGO supported establishing a contact group.

IRAN said it could go along with the establishment of the group, called for a “softer discussion,” and said the mandate should be specific to this meeting and group. SC COP President Kalnins emphasized that the proposed mandate was clear and narrow.

The contact group will be co-chaired by Glenn Wigley (New Zealand) and Trisha David (Guyana).

**Adoption of the meeting report:** The COP adopted the report (POPS/COP.10 L.2/Add.1) as presented by Rapporteur Seyed Mahdi Parsaei (Iran).

#### **Contact Groups**

**Technical Assistance and Financial Resources:** In the contact group, co-chaired by David Kapindula (Zambia) and Premysl Stepanek (Czech Republic), parties read the draft decision on the financial mechanism.

On the assessment of funding needs regarding polychlorinated biphenyls (PCBs), parties agreed on a revised paragraph, which urges and requests the GEF to explore all feasible options available to provide enhanced support to meet the 2025 and 2028 PCBs goals. Participants debated whether to “urge” or “encourage” countries and others that are in a position to do so, as well as a range of public and private sources, to provide additional support. One country insisted on “encourage,” and underscored the principle of common but differentiated responsibilities. A group preferred ‘urge’ because over USD 2 billion is needed to achieve the PCB goals. Parties agreed to “strongly encourage.”

Participants debated whether, and if so how, to best capture the low level of responses to the needs assessment questionnaire. Some participants also proposed capacity building to increase the number of responses. After informal consultations, an additional option was proposed to “request the Secretariat to support the countries.” Participants will continue on Monday, 13 June, when they will consider the options for this paragraph, as well as two additional proposed paragraphs related to the GEF and its recent replenishment.

**BC Technical Matters:** The contact group, co-chaired by Patrick McKnell (UK) and Magda Gosk (Poland), discussed the general technical guidelines on POPs wastes. On low-POPs content, parties reviewed the proposed limit for dicofol (50 mg/kg), which many parties supported. On PFOA, parties noted the proposed approach for a general limit (50 mg/kg) and another limit for aqueous film forming foams (0.025mg/kg or 1 mg/kg for related compounds). All countries supported intersessional discussions. One group worried about setting a precedent for setting separate limits for various waste streams.

A country proposed limit values for some older POPs without agreed limits. On brominated diphenyl ethers (BDEs), the country proposed removing the option of the highest limit. Observers noted the presence of BDEs in recycled products, including toys, while another suggested lower limits would stifle innovation in the recycling industry. Parties were split, with one calling for a careful approach given the implications for recycling. A developing country group urged stronger limits to ensure that imported or illegally-dumped wastes would be safe. Discussions continued in the evening.

#### **In the Corridors**

Coffees were delivered in threes to the dais of the BC technical matters contact group. Rounding out the first week, many, although tired, were pleased with the progress so far. The SC listed the only chemical on its agenda, although compliance and financial resources are left outstanding. The BC made progress on its huge workload. While quantitatively there might be less to do, especially in terms of the number of technical guidelines, one delegate was quick to point out the complexity of the tasks.

Looking ahead, the SC and BC are far from finished, with the Rotterdam Convention still to come. How to support countries to rid the world of PCBs in just six years loomed large in the first week and will continue to do so in the financial resources discussions. Compliance will be a three-pronged discussion, with each Convention’s mechanism at a different stage in its evolution: the Basel mechanism may need tinkering, while the Stockholm mechanism exists only on (two) papers. The new Rotterdam mechanism lies in between. Many looked forward to the day of rest and the busy, but, as one hoped, “promising” week ahead.