



RC COP6 HIGHLIGHTS: WEDNESDAY, 8 MAY 2013

The Ordinary and Extraordinary Meetings of the COPs to the BC, RC and SC convened for a tenth day on Wednesday, 8 May 2013. Delegates convened throughout the day in plenary to consider issues under Rotterdam Convention COP6.

Contact groups on Budget and Synergies, Technical Assistance and Financial Resources and Listing of Chemicals, as well as an informal group on the draft Ministerial Declaration, and a Friends of the President on Compliance, met throughout the day.

ROTTERDAM CONVENTION (RC) COP6

The plenary session was chaired by RC COP6 President Magdalena Balicka (Poland). During the morning plenary, the Joint Secretariat gave a short briefing on the ministerial high-level segment. China questioned the exclusion of heads of delegations, which do not have ministerial-level representation, from participating in the ministerial-level round table meetings. Executive Secretary Jim Willis answered that it is difficult to change the arrangements at such a late stage, and committed to reporting the key messages from the round tables to plenary.

MATTERS RELATED TO THE IMPLEMENTATION OF THE CONVENTION: Status of implementation: The Secretariat introduced the document containing information on the implementation of the RC (UNEP/FAO/RC/COP.6/4). The EU, supported by BELIZE, proposed an amendment to the decision to reference Article 12, and to “request exporting and importing countries to fully implement Article 12 of the Convention by sending export notifications and for acknowledging their receipt.” With this amendment, RC COP6 “virtually” adopted UNEP/FAO/RC/COP.6/4.

On proposals to increase the number, and guidance to assist parties in the preparation, of notifications of final regulatory action, the Joint Secretariat introduced UNEP/FAO/RC/COP.6/16. The EU and SWITZERLAND expressed support.

The RC COP “virtually” adopted UNEP/FAO/RC/COP.6/16 without amendment.

On exchanging information on exports and export notifications, the Joint Secretariat introduced UNEP/FAO/RC/COP.6/5. The EU suggested calling upon parties to gather information and completing the questionnaires. CHINA suggested, and the EU agreed to, further editorial changes to the EU’s suggested text.

With those amendments, the RC COP “virtually” adopted UNEP/FAO/RC/COP.6/5.

Chemical Review Committee (CRC): The Secretariat introduced the documents (UNEP/FAO/RC/COP.6/6, EXCOPS.2/INF/17).

CRC Chair Hala Al-Easa (Qatar) reported the major results of the CRC eighth meeting, including, *inter alia*: deciding to recommend to the COP six chemicals be listed in Annex III to the RC, and finalization of the text of related draft decision guidance documents; deciding to strengthen cooperation and coordination between the CRC and the POPRC such as holding back-to-back meetings of the two committees; and nominating 14 experts as CRC members.

President Balicka then invited parties to consider the draft decision on the CRC proposed by the Secretariat in document UNEP/FAO/RC/COP.6/6.

NORWAY proposed a paragraph related to back-to-back meetings of the CRC and the POPRC, and the Secretariat proposed revised text on election of the new CRC Chair. With these amendments, RC COP6 “virtually” adopted the decision.

CROPLIFE INTERNATIONAL called on the COP to revise the rule that mandates the CRC to only consider issues put forward by observers if they are taken up by parties, because he said this would allow the CRC to consider even more substantive issues. Delegates took note of this.

Consideration of chemicals for inclusion in Annex III to the Convention: President Balicka introduced this draft decision on commercial octa-BDE mixtures (UNEP/FAO/RC/COP.6/CRP.4), noting the addition of a table containing the specific octa-BDE commercial mixtures for listing. Delegates “virtually” adopted RC CRP.4.

President Balicka introduced the draft decision on penta-BDE and its commercial mixtures (UNEP/FAO/RC/COP.6/CRP.5), noting the additional table defining the specific mixtures to be listed under Annex III. Delegates “virtually” adopted RC CRP.5, without amendment.

Financial resources: On Wednesday afternoon, delegates “virtually” adopted the draft decision on sustainable financial mechanisms (RC CRP.1) without amendment.

Technical assistance: Delegates “virtually” adopted the draft decision on technical assistance (RC CRP.2) without amendment.

Trade: The Joint Secretariat introduced the document (UNEP/FAO/RC/COP.6/17), on cooperation with the World Trade Organization (WTO), explaining the proposed action, *inter alia*, requests the Secretariat to continue monitoring the work of the WTO’s Committee on Trade and Environment (CTE) and CTE Special Session (CTESS) and to follow-up on its application for observer status.

The EU supported the proposed request. PAKISTAN supported cooperation with the WTO, and recommended additional projects, workshops and technical assistance activities to, among other things, enhance information on labeling and regional efforts on trade and the environment.



President Balicka proposed, and RC COP6 agreed, to take note of the request to the Secretariat in the report of the meeting.

OTHER MATTERS

Admission of observers: The Joint Secretariat introduced the documents (UNEP/FAO/RC/COP.6/CRP.3 and INF/13/Rev.1), explaining the draft decision in RC CRP.3: aimed to align practices with the SC and BC; had been revised by an informal group chaired by Sara Broomhall (Australia); was “virtually” adopted by BC COP11; and would also be considered by SC COP6.

RC COP6 “virtually” adopted the decision in RC CRP.3.

Official communications: The Joint Secretariat introduced the document (UNEP/FAO/RC/COP.6/18), noting the form for notifying the Secretariat of contact points and designated national authorities (DNAs) had been harmonized with forms for the SC and BC, and adopted without amendment by SC COP6 and BC COP11.

The EU supported the revised harmonized form, noting the importance of updated contact details to ensure parties receive information on hazardous chemicals and pesticides.

CANADA, supported by BURKINA FASO, proposed an amendment to the nomination form to specify under the RC whether the DNAs are for “pesticides” or “industrial chemicals.” Several views were expressed on the terms used in these categories. GUINEA preferred “agricultural chemicals” to “pesticides,” but MAURITANIA opposed this change. CHINA stated the Convention classification does not specify “industrial” chemicals, and, supported by SENEGAL and SUDAN, requested the second box be listed simply as “chemicals.” JAMAICA proposed “pesticides” and “chemicals other than pesticides,” and BELIZE suggested “other chemicals.” The PHILIPPINES, opposed by NICARAGUA, suggested deleting both boxes. CHINA supported deleting the boxes and including a bracket noting “if more than one DNA please specify the mandate under the scope of the RC.” Delegates eventually agreed to reflect the content of the boxes in a footnote.

Delegates then “virtually” adopted the decision on official communications contained in UNEP/FAO/RC/COP.6/18.

MOU between UNEP, FAO and the RC COP: The Secretariat introduced the draft MoU between UNEP, FAO and the RC COP (UNEP/FAO/RC/COP.6/INF/10). President Balicka noted that this issue was under consideration in the contact group on Synergies, and delegates agreed to revisit this matter later in the meeting.

Report on the Ministerial Declaration: INDONESIA reported that the group had finalized its work, and the Ministerial Declaration would be presented by the Minister from Zambia during the high-level segment. She noted that India had expressed reservations on the Declaration.

CONTACT GROUPS

BUDGET AND SYNERGIES: The contact group, co-chaired by Gregor Filyk (Canada) and Karel Blaha (Czech Republic), discussed synergies in the morning, budget in the afternoon and returned to a joint budget and synergies group in the evening.

On synergies, the group agreed to much of the decision text, including the organization of the Secretariat and review of synergies arrangements, before turning to recommendations in the draft omnibus decision. Parties discussed a recommendation on future simultaneous meetings. Some developing country delegates questioned how similar the cross-cutting issues between the conventions really are, while others supported ongoing joint decision-making. A small drafting group was tasked with re-wording several recommendations. On budget, the group continued work on the revised budget table. Delegates

continued their work into the evening, with the goal of having the omnibus decision ready for the ExCOPs meeting on Thursday, 9 May.

TECHNICAL ASSISTANCE AND FINANCIAL RESOURCES: This contact group, co-chaired by Mohammed Khashashneh (Jordan) and Reginald Hernaus (the Netherlands), convened throughout the day to consider a Co-Chairs’ proposal, and revised versions thereof, on text for the draft omnibus decision related to the outcome of the UNEP Executive Director’s consultative process on financing options for chemicals and wastes.

Some text in the compromise document was provisionally agreed, including to welcome UNEP Governing Council decision 27/12, section VIII on the consultative process, and to welcome an integrated approach to address the financing of the sound management of chemicals and wastes.

Expressing divergent views, the contact group considered a number of additional paragraphs, including on: further strengthening dedicated financing; mobilizing financial resources through an integrated approach to strengthen implementation at the regional level; national-level institutional strengthening; and the GEF.

LISTING OF CHEMICALS: Co-Chair Bjorn Hansen (EU) reported to plenary on Wednesday afternoon. He said that parties opposed to listing either paraquat or chrysotile asbestos had concerns on the science, alternatives and implications for trade. He noted that there was agreement in the contact group that the concerns “were not part of the Convention’s normal working practices,” but said that this did not deter those opposed to listing. On paraquat, he informed parties that a small drafting group was working on a draft decision to reflect the lack of consensus for listing it at RC COP6, and indicating that this issue should be reconsidered at RC COP7.

On chrysotile asbestos, he reported that there was no consensus, and requested further guidance from President Balicka on how to move forward. President Balicka informed parties that the RC Bureau would consider the issue and report back to plenary on Thursday, 9 May.

IN THE CORRIDORS

“To list, or not to list?” This has been the key question facing parties to the Rotterdam Convention over the two days of its COP, and by Wednesday afternoon, there were no easy answers. While azinphos-methyl met with quick agreement Tuesday, the other five chemicals were referred to the Listing of Chemicals Contact Group, which began its work that evening.

On Wednesday afternoon, several participants from the contact group expressed their “profound frustration.” The picture was not entirely bleak, as parties agreed to make PFOS and its related chemicals, commercial octa-BDE and commercial penta-BDE subject to the PIC Procedure. Yet delegates were unable to find common ground on paraquat or chrysotile asbestos. “Of course,” said many, of the inability to list chrysotile. They explained that given its vociferous opponents, the outcome was no surprise. But, as one delegate said “it feels like a step even further back.” Emotions were more inflamed over paraquat, with many expressing surprise and disappointment. With only one party strongly opposing listing, a few, in private, said they thought paraquat had “become victim by association” with chrysotile being discussed in the same contact group. One opined that chrysotile ought to have been “ring-fenced,” suggesting that had it been discussed in a separate forum, the outcome for paraquat may have been different.