



BRS CONVENTIONS COPs HIGHLIGHTS: SATURDAY, 9 MAY 2015

The meetings of the BRS COPs reconvened on Saturday, 9 May 2015. In the morning, plenary heard reports from contact groups. The Basel Convention (BC) met to discuss matters related to the implementation of the convention, including the follow-up to the Indonesian-Swiss Country-Led Initiative (CLI) and Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes. Contact groups on technical assistance and financial resources, and cooperation and coordination met during the morning.

In the afternoon, BC COP12 addressed, *inter alia*, the operations and work programme of the Open-Ended Working Group (OEWG) and scientific matters. Contact groups on BC technical matters and cooperation and coordination met.

BASEL COP12

MATTERS RELATED TO THE IMPLEMENTATION OF THE CONVENTION: Strategic issues: Follow-up to the Indonesian-Swiss CLI: In the morning, the Secretariat introduced the documents (UNEP/CHW.12/3, INF/52 & 55).

On the Ban Amendment, SWITZERLAND expressed confidence that it would enter into force by COP13 and reminded parties that the three pillars of the CLI, the Ban Amendment, ESM guidelines and legal clarity constitute a package. INDONESIA, the EU and CHINA urged countries which have not yet ratified to do so. PARAGUAY underscored the role of regional centres in implementation.

BAN said the Amendment has already changed laws and attitudes globally even without entering into force, but cautioned against undermining it through provisions in TGs.

The COP approved section I (Addressing the entry into force of the Ban Amendment) of the draft decision, pending budgetary approval.

On providing further legal clarity, SWITZERLAND urged focusing only on general definitions in the revised glossary and leaving specific terms to TGs, and suggested that work on the glossary await completion of discussions on the e-waste TGs. CHILE, BRAZIL and JAPAN suggested leaving glossary work for the SIWG after the COP. The EU called for work during the COP, and considering steps to amend BC Annex IV (Disposal Operations). ARGENTINA suggested work amending BC annexes might be more useful than the glossary.

The US characterized the current draft of the glossary as too prescriptive.

The COP agreed to form a legal clarity contact group, co-chaired by Anne Daniel (Canada) and Joost Meijer (Chile), to work on the glossary and the section on providing further legal clarity of the draft decision.

Strategic framework: In the morning, the Secretariat introduced the documents (UNEP/CHW.12/4 and INF/5).

CANADA suggested requesting the Secretariat to communicate timelines for submitting information for the midterm evaluation and to present a progress report to the OEWG. The Secretariat said these requests would be noted in the meeting report and BC COP12 took note of the report.

Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes: In the morning, the Secretariat introduced the document, including the draft roadmap for implementation (UNEP/CHW.12/10).

GRULAC, the EU and JAPAN supported adopting the draft roadmap and mandating the ESM Expert Working Group to develop guidance for prevention and minimization of hazardous and other wastes.

INDIA called for the roadmap to place additional stress on the recovery option. CHINA, *inter alia*, urged parties to explore new approaches to provide technical assistance and suggested increasing the role of regional centres. Highlighting challenges associated with a lack of capacity, NIGERIA called for support for implementation.

KENYA supported adoption of the roadmap, underscoring the need for guidance on making public-private partnerships and community initiatives economically viable and sustainable.

President Jagusiewicz said BC COP12 would consider the decision later in the meeting.

Scientific matters: Amendments of the annexes to the Basel Convention: The Secretariat introduced the document (UNEP/CHW.12/6), noting that OEWG9 had considered draft entry B3025 (composite packaging waste consisting of mainly paper and some plastic, not containing residues and not containing Annex I materials in concentrations sufficient to exhibit Annex III characteristics) and had agreed that no further work would be carried out on the matter, as no consensus had been reached. Delegates agreed to note the status of the work in the meeting report.

Classification and hazard characterization of wastes: The Secretariat introduced the document on the review of cooperation with the World Customs Organization (WCO) and its Harmonized System Committee regarding the classification and hazard characterization of wastes (UNEP/CHW.12/7).

ARGENTINA stressed the importance of the Convention's relationship with the WCO for preventing illegal traffic of hazardous wastes. Delegates agreed to take note of the report.

National reporting: The Secretariat introduced the documents (UNEP/CHW.12/8/Rev.1 and INFs 16, 17 and 48), expressing appreciation for the assistance of Norway in the development of an electronic reporting system.

Germany, the lead country on national reporting in the SIWG, informed delegates of discussions held on this issue that considered the development of a reporting manual and the need



for the Secretariat to clarify whether or not parties' reports are complete at the point of submission.

ARGENTINA called for clarity on what information was necessary for correct reporting. The REPUBLIC OF CONGO requested translation of the questionnaire to all UN languages. CUBA noted technical challenges with the electronic submission form. The EU suggested the consideration of practical guidance on the listing of hazardous waste streams.

ARGENTINA suggested forwarding discussion on issues, such as specificities of mandatory vs. non-mandatory reporting, to the contact group on legal matters. CANADA questioned whether the contact group should only examine the Implementation and Compliance Committee (ICC) criteria, which President Jagusiewicz confirmed.

Legal, compliance and governance matters: Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention: In the morning, the Secretariat introduced the documents (UNEP/CHW.12/9, Add.1-4, INF/18-19 and 30).

Presenting on behalf of the ICC Chair, Marie-Pierre Meganck (France), reported on the ICC's activities, including: progress on national reporting; production of guidance documents; and compliance action plans to comply with national reporting obligations.

Underscoring that responsibility lies with exporters, ARGENTINA suggested amending the guidelines on illegal trafficking.

GUINEA BISSAU called for improvement of inventories and validation in national reports. CHINA, with LIBERIA, underscored the role of regional centres to combat illegal trafficking. TUNISIA cautioned that national legislation is not always up-to-date on hazardous materials.

THAILAND and TOGO noted the benefits of the guidelines for tracking transboundary movement of hazardous wastes.

The EU suggested broadening the Secretariat's trigger for reporting on compliance. SWITZERLAND questioned the need to include a reference to the UNEP Special Programme.

Noting the illegal export of hazardous waste from Canada to the Philippines, BAN called for a civil society trigger and stated that if parties are complacent, the BC will fail the Filipino people. CIEL stated that Canada is "breaching its obligation" to the BC by refusing to take back its illegally-imported waste.

Parties agreed to discuss this agenda item further in the legal matters contact group.

National legislation, notifications, enforcement of the Convention and efforts to combat illegal traffic: The Secretariat introduced the documents (UNEP/CHW.12/11 and INF/51).

The EU suggested that the advice of the Secretariat on enforcement of the BC be based on the knowledge and experience of its existing staff and within available resources, with ARGENTINA suggesting that the Secretariat provide "information" and not "advice."

Underscoring that hazardous waste trafficking is a crime, INTERPOL suggested law enforcement officers be included in the BC delegations.

The COP agreed to revisit this issue on Monday, 11 May.

International cooperation, coordination and partnership: Environmentally-sound dismantling of ships: The Secretariat introduced the document and decision (UNEP/CHW.12/17), noting collaboration with the Marine Environment Division of International Maritime Organization on a project funded by Norway to assist Bangladesh in the safe and environmentally-sound recycling of ships.

The EU and LIBERIA welcomed the draft decision. PAKISTAN noted his country's MOU with the BC and expressed hope that work on dismantling of ships in his region would be scaled up. INDIA drew attention to his country's legislation in the ship breaking sector.

Delegates adopted the draft decision with no amendments, pending budgetary approval.

Operations and work programme of the OEWG for

2016–2017: The Secretariat introduced the documents (UNEP/CHW.12/21 and INF/35). She outlined three options for the operation of the OEWG: Option A, to have full interpretation; Option B, to have plenary with interpretation for two days, and contact groups in English for two days; and Option C, to dissolve the OEWG and create a scientific and technical committee.

ARGENTINA, MEXICO, CUBA, VENEZUELA, RUSSIA, CHINA, BRAZIL, GABON, PAKISTAN and KYRGYZSTAN supported Option A.

JAPAN, the EU, TUNISIA and SWITZERLAND, underscored support for Option B, with TUNISIA calling for ruling out Option C.

BC President Jagusiewicz suggested the budget contact group address the issue, opposed by ARGENTINA, stating that this issue should not be left to a small group working on many issues.

TONGA said there is a difference between "what we wish to have, and what we can have" saying that Option A is preferred, but Option B will suffice. Underscoring flexibility, ARMENIA expressed support for Options A or B.

Delegates agreed to address the issue in the contact group on strategic matters.

CONTACT GROUPS

TECHNICAL ASSISTANCE AND FINANCIAL

RESOURCES: The group considered the draft decision on facilitating financial resources for chemicals and wastes, engaging in discussions on, *inter alia*, proposed text requesting the UNEP Executive Secretary to continue fostering the implementation of the integrated approach to chemicals management. They discussed the three elements of the integrated approach: mainstreaming, industry involvement and dedicated external financing. Some developing countries called for developed countries to encourage multinational corporations to take responsibility for their actions in developing countries.

COOPERATION AND COORDINATION: The cooperation and coordination contact group met throughout the day, focusing on the draft decision on the clearinghouse mechanism in the afternoon. Negotiations centered on, *inter alia*, specifying priority areas for information provision and whether the decision should exclude references to non-party stakeholders.

BC TECHNICAL MATTERS: In the afternoon, the group examined draft decisions on POPs waste and mercury waste TGs. On e-waste, the group cleared most issues with paragraphs on reverse burden of proof and on used equipment not destined for recovery or disposal, with a drafting group asked to suggest compromise text on packaging of used equipment. Discussions turned to an African Group proposal, which states that: parties can disallow imports of used electrical and electronic equipment destined for failure testing, repair or refurbishment when in compliance with international, regional and national legal instruments; and, when a party considers such equipment to be waste, both exporting and importing parties shall comply with BC procedures.

IN THE CORRIDORS

While the atmosphere at the CICG was noticeably quieter on Saturday, dubbed a "compliance-free day," work on other critical issues continued apace. Many delegates seemed tired and issues seemed to attract either little engagement or tense, frustration-laden interventions. In one group where there is a proliferation of bracketed text, the Co-Chair noted his "patience to this point," but urged delegates to work harder to make progress. However, another delegate commented that ballooning bracketed text is "common at this point."

Sunday will be a much-needed day of rest for delegates, and many will enjoy a boat tour of Lac Lemman organized by the Swiss government. The trip may not be all play and no work, though, as the COP Presidents encouraged delegates to use the trip for very informal discussions that could spur substantial progress during the final week of work.