



## BRS CONVENTIONS COPs HIGHLIGHTS: TUESDAY, 12 MAY 2015

The meetings of the BRS COPs continued on Tuesday, 12 May 2015. In the morning, plenary heard reports from the contact groups. The Rotterdam Convention (RC) COP then met to discuss matters including rules of procedure, non-compliance, and consideration of chemicals for inclusion in Annex III. In the afternoon, the Basel Convention (BC) COP reconvened, addressed matters related to the implementation of the convention and adopted the meeting report. Contact groups met throughout the day on: BC technical matters, BC legal matters, BC strategic matters, technical assistance and financial resources, budget, RC non-compliance and RC listing of chemicals.

### ROTTERDAM CONVENTION COP7

**RULES OF PROCEDURE FOR THE COP:** The Secretariat introduced its note (UNEP/FAO/RC/COP.7/3), recalling that a decision on lifting the brackets in rule 45 to allow majority voting when efforts to achieve consensus fail had been considered at every COP. President Khashashneh suggested that COP7 leave the brackets in place and instead use the time for discussion of substantive matters.

COLOMBIA, saying the option of last resort to voting is necessary to prevent a single party from blocking listing, supported lifting the brackets, as did the EU, SWITZERLAND and NAMIBIA. ARGENTINA, CUBA, the RUSSIAN FEDERATION and KYRGYZSTAN supported maintaining consensus. Noting disagreement about removing the brackets, President Khashashneh closed the agenda item.

**MATTERS RELATED TO IMPLEMENTATION OF THE CONVENTION: Consideration of chemicals for inclusion in Annex III to the Convention: Trichlorfon:** The Secretariat introduced the documents for trichlorfon (UNEP/FAO/RC/COP.7/9, 9/Add.1, and INF10-11). The EU, COOK ISLANDS, YEMEN, the AFRICAN GROUP, SWITZERLAND, MEXICO, URUGUAY, JORDAN, BRAZIL, GEORGIA, COLOMBIA, THAILAND and NIGER said the listing criteria had been met and procedures followed correctly, but INDIA disagreed. President Khashashneh suspended discussions on trichlorfon.

**Methamidophos:** In the morning, the Secretariat introduced the documents (UNEP/FAO/RC/COP.7/7, Add.1, and INF/6-7), noting the Chemical Review Committee's (CRC) recommendation that methamidophos be listed in Annex III.

Many countries said the criteria for review had been met and supported inclusion of the chemical in Annex III. VENEZUELA, supported by AUSTRALIA, expressed concern about the effectiveness of the RC and called for awareness-raising about the convention's objectives.

PAN urged delegates to support the listing of methamidophos, while highlighting that there are ecosystem-based approaches to pest management.

MEXICO called for time for consultations, noting that they are not opposed to the listing of methamidophos, but are not in a position to make a final decision. Noting general support for the listing of methamidophos, President Khashashneh suggested returning to this issue later in the meeting.

**Fenthion:** The Secretariat introduced the listing of fenthion in Annex III of the RC as a severely hazardous pesticide formulation (SHPF), including the rationale and decisions adopted by the CRC (UNEP/FAO/RC/COP.7/8, Add.1, and INF/8-9).

CHAD, the EU, THAILAND, MEXICO and many others supported listing fenthion in Annex III. NIGER underscored that this listing would provide better controls for imports. NIGERIA and MAURITANIA supported the listing, calling for technical and financial assistance, as well as research on alternatives. URUGUAY underscored the importance of ensuring not just food security, but safe food sources.

SUDAN strongly opposed listing fenthion in Annex III, underscoring that there are no available alternatives to protect certain crops from migratory birds.

CROPLIFE INTERNATIONAL questioned the causal link between use of fenthion and specific cases in which farmers had died, as documented in the proposal, and called for additional studies.

IPEN supported the listing, stating that stronger PIC procedures can reduce health and environmental risks.

President Khashashneh noted general agreement on the listing of fenthion in Annex III. SUDAN reiterated its objection. RC President Khashashneh suspended the discussion.

**Paraquat:** The Secretariat introduced the documents (UNEP/FAO/RC/COP.7/10 and Add.1) on the inclusion in Annex III of liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, and its consideration as a SHPF. President Khashashneh reminded delegates that COP6 had determined that paraquat met the listing criteria, so only the decision to list remained.

The AFRICAN GROUP, the EU, PANAMA, NORWAY, INDONESIA, JAMAICA, SWITZERLAND, SERBIA, the COOK ISLANDS, URUGUAY, BRAZIL, UKRAINE and



MALAYSIA supported listing, while GUATEMALA opposed. When INDIA questioned whether paraquat met the listing criteria, President Khashashneh asked the Secretariat to read the portion of COP decision 6/8, which states that the requirements for listing have been met.

Emphasizing that workers often do not have a choice regarding what pesticides they apply, the INTERNATIONAL UNION OF FOOD WORKERS urged parties to list the paraquat formulation under Annex III to protect the health and safety of farm workers.

A contact group, co-chaired by David Kapindula (Zambia) and Björn Hansen (EU), was established to discuss trichlorfon, fenthion and paraquat. The group was tasked by President Khashashneh to verify whether listing requirements were satisfied for the first two, and to discuss listing for all three.

**RC non-compliance:** Co-Chair Gillian Guthrie (Jamaica) reported on the work of the group, noting limited progress on the trigger mechanism and an impasse on committee voting. She reported that a “Friends of the Chair” group led by Zambia had met Monday 11 May and another would meet again before the contact group reconvened.

### BASEL CONVENTION

The BC COP reconvened in plenary on Tuesday afternoon.

**MATTERS RELATED TO IMPLEMENTATION OF THE CONVENTION: Scientific and technical matters:** *Technical guidelines:* Magda Gosk, Co-Chair, Contact Group on Technical Matters, introduced the draft decision on TGs for POPs wastes and the general TGs and six specific TGs on PFOS, unintentionally produced POPs, PCBs, PBDEs, HBCD and pesticides POPs (UNEP/CHW.12/CRP.18, and Adds 1-7). COP12 adopted the decision and the guidelines, pending budgetary approval.

Delegates then adopted the draft decision and TGs on the ESM of wastes consisting of, containing or contaminated with mercury or mercury compounds (UNEP/CHW.12/CRP.19, and Add.1), pending budgetary approval.

**Legal, compliance and governance matters: Committee for administering the mechanism for promoting implementation and compliance of the Basel Convention:** Anne Daniel, Co-Chair, Legal Matters Contact Group, explained that the draft decision would: adopt the methodological guide for the development of inventories, the revised guide to the control system and the updated manual for BC implementation; expand the Secretariat trigger on a temporary basis; withdraw the Model National Legislation; and approve the Committee’s 2016-2017 work programme. Daniel also introduced the proposed changes in the national reporting questionnaire. Pending budgetary approval, COP12 adopted the decision on the Committee and its addenda on the implementation manual and guide to the control system (UNEP/CHW.12/CRP.27/Add.1, Add.2), as well as the methodological guide (UNEP/CHW.12/9/Add.1), and the reporting questionnaire (UNEP/CHW.12/CRP.25).

**International cooperation, coordination and partnerships: Basel Convention Partnership Programme:** Delegates adopted the draft decision on creating innovative solutions through the BC for the ESM of household waste (UNEP/CHW.12/CRP.22) pending budgetary approval.

**Cooperation with the IMO:** Delegates adopted the decision on cooperation between the BC and the IMO (UNEP/CHW.12/CRP.21), pending budgetary approval.

**ADOPTION OF THE REPORT:** Luca Arnold, BC Rapporteur, introduced the meeting report (UNEP/CHW.12/L.1/Add.1) and delegates adopted it with minor amendments.

### CONTACT GROUPS

#### TECHNICAL ASSISTANCE AND FINANCIAL

**RESOURCES:** In the morning, Co-Chair Filyk updated the group on progress towards a Co-Chairs’ text on regional centres. The group then considered a draft proposal on joint financing, discussing the function of an integrated approach to financing the sound management of chemicals and waste. It also considered a draft decision on the implementation of decision V/32 on the enlargement of the scope of the Trust Fund to assist developing countries and others in need of technical assistance in the implementation of the BC.

**BC TECHNICAL MATTERS:** This group met in the morning and discussed the glossary of the e-waste TGs before considering a way forward. The group agreed to adopt the TGs, with the provision that a review mechanism will be established to update the guidelines. Delegates discussed a draft decision which, *inter alia*, adopts the e-waste TGs and agrees to address issues in the OEWG 2016-2017 workplan such as: residual lifetime and age of used equipment; management of hazardous wastes from failure analysis; repair and refurbishment operations in developing countries; obsolete technologies, including cathode ray tubes; and experiences of developing countries in using the TGs. In the evening, the group attempted to resolve as many outstanding issues in the TG text as possible and agreed to move unresolved issues to an annex to the TGs.

**LISTING OF CHEMICALS UNDER THE RC:** This group met in the afternoon. Throughout, several parties stressed that listing under the RC does not constitute a ban, but rather provides information to countries that may wish to use the chemical. On trichlorfon, many participants supported listing and one disagreed, questioning the procedural validity of notifications of final regulatory action. On fenthion, one party characterized the pesticide incident report as “very weak.” Some developing country parties welcomed the information associated with listing, saying that their countries will continue using fenthion at 600g active ingredient/L. On paraquat, many supported listing and three developing countries opposed. Several developing countries said that they use paraquat and supported listing. The Co-Chairs said they will meet with the RC President and requested those opposed to listing to register their concerns with the Secretariat.

**RC NON-COMPLIANCE:** In the afternoon, the contact group on RC non-compliance discussed the compliance committee’s decision-making procedures and the third trigger. They deliberated on, *inter alia*: the level of discretion of the committee; its reporting obligations; concerns on resource sufficiency, technical and financial assistance; decision-making rules; a “tiered approach” to implementation; and when and how the review process should be conducted.

### IN THE CORRIDORS

The CICG was a hive of activity on Tuesday, with participants darting in and out of plenary and contact groups as they tried to keep up with discussions on multiple agenda items. As a participant from a small delegation lamented, even though the meetings are well organized, “it’s impossible to follow everything going on and to plan in advance what we will attend.” Indeed, delegates were confused not only about which issues are being addressed in each contact group, but also about broader issues, such as the different objectives of the conventions and the implications of taking action under each. In particular, many delegates referred to the listing of chemicals under the RC as a “ban,” much to the chagrin of other delegates, who emphasized the need to carefully differentiate between the implications of listing chemicals under the Rotterdam and Stockholm Conventions. One veteran observer joked, “I wish I had a franc for every time I’ve heard ‘this isn’t Stockholm.’”