

## **BRS Conventions COPs Highlights: Monday, 1 May 2023**

The COPs of the Basel, Rotterdam, and Stockholm (BRS) Conventions began what many expect to be a busy two-week meeting. The three bodies, the Basel Convention COP16 (BC COP16), the Rotterdam Convention COP11 (RC COP11), and the Stockholm Convention COP11 (SC COP11), each have important issues to consider. The meeting started smoothly, with the adoption of the agendas and the launch of BC and SC technical work. The SC agreed to eliminate the production and use of methoxychlor by listing it in Annex A without exemptions.

### **Opening Ceremony**

After an alhorn performance, Katrin Schneeberger, State Secretary, Federal Office for the Environment, Federal Department of the Environment, Transport, Energy and Communications, Switzerland, encouraged delegates to list new chemicals in the RC and SC, adopt the plastic waste guidelines, improve the BC's prior informed consent (PIC), and adopt a proposed amendment to the RC.

Elizabeth Mrema, Deputy Executive Director of the UN Environment Programme (UNEP), underlined the urgency of ensuring the environmentally sound management (ESM) of chemicals and wastes, stressing that "delayed action means delaying justice to ourselves."

Rolph Payet, Executive Secretary of the BRS Conventions, highlighted the considerable work ahead for each of the COPs. He pointed to the upcoming targets under the SC to eliminate polychlorinated biphenyls (PCBs) by 2025 and achieve their ESM by 2028.

Christine Fuell, Executive Secretary *ad interim* of the RC, called for accelerated action on the sound management of chemicals and waste to contribute to achieving the 2030 Agenda for Sustainable Development. Speaking also on behalf of the Director General of the Food and Agriculture Organization (FAO) of the UN, she highlighted ongoing work with UNEP to develop the Action Plan on Highly Hazardous Pesticides.

Reginald Hernaus, BC COP16 President, speaking on behalf of the three COP Presidents, underscored the interconnectedness of the triple planetary crisis of climate change, biodiversity loss, and pollution. He highlighted the need for the BRS Conventions to address issues in an integrated and holistic manner.

**Opening of the Meeting:** The three Presidents opened their respective meetings and welcomed Solomon Islands as a new party to the BC and Italy to the SC.

Algeria, for the AFRICAN REGION, drew attention to illegal dumping of wastes and toxic substances and characterized the

pace of remedial intervention as slow. He stressed that POPs should be eliminated, not recycled. He called for a working group on non-traditional financial resources and highlighted the importance of synergies.

El Salvador, for the GROUP OF LATIN AMERICAN COUNTRIES (GRULAC), cited as regional priorities: creating further synergies to prevent and combat the illegal trafficking of chemicals and wastes, such as with the World Customs Organization; and adopting BC technical guidelines on plastic, e-waste, and batteries.

The EU noted the need to adopt updated BC technical guidelines on plastic wastes. She supported listing the three proposed substances in Annex A of the SC (methoxychlor, an insecticide; Dechlorane Plus, a flame retardant; and UV-328, an ultraviolet filter used in plastics) and the seven proposed substances under the RC.

Saudi Arabia, for the ASIA-PACIFIC REGION, emphasized the importance of sustained financial support to BC and SC regional centres. On the proposed amendment to the RC, he noted that most of the parties in the region preferred reaching consensus.

Armenia, for the EASTERN EUROPEAN STATES, called for establishing a compliance mechanism for the SC. Noting the challenges faced at recent RC COPs to reach a consensus on listing chemicals, he expressed willingness to discuss the proposed amendment.

### **Organizational Matters**

**Agendas:** The COPs adopted their respective agendas (CHW.16/1; FAO/RC/COP.11/1; POPS/COP.11/1).

**Organization of work:** The COPs adopted the scenario note (CHW.16/INF/1; FAO/RC/COP.11/INF/1; POPS/COP.11/INF/1) and tentative schedule (CHW.16/INF/2; FAO/RC/COP.11/INF/4; POPS/COP.11/INF/4).

**Election of Officers:** On officers (CHW.16/2; FAO/RC/COP.11/2; POPS/COP.11/2) and overview table of elections (CHW.16/INF/4; FAO/RC/COP.11/INF/4; POPS/COP.11/INF/4), parties were informed that the deadline to submit nominations to the Bureau is 1 pm on 9 May.

**Credentials:** The Secretariat introduced the status of ratifications (CHW.16/INF/3; FAO/RC/COP.11/INF/3; POPS/COP.11/INF/3). Parties were informed that credentials are to be received by 10 am on 2 May.

### **Basel Convention**

**Scientific and Technical Matters: Technical guidelines:** The Secretariat introduced the technical guidelines (CHW.16/6)

**POPs wastes:** The Secretariat introduced the POPs wastes technical guidelines (CHW.16/6/Add.1,2; INF/7-9).

PAKISTAN, TANZANIA, and LESOTHO called for training and assistance using the guidelines, while INDONESIA drew attention to domestic data needs.

The EU noted outstanding issues, particularly low-POP content values.

GHANA, on behalf of the AFRICAN REGION, called for the guidelines to be practical and address an inadequate capacity to detect POPs and develop inventories. ARGENTINA noted a growing number of chemicals connected to plastics and difficulties in identifying them and defining their concentrations. CHILE underscored difficulties in defining low-POP content values per substance to ensure the sustainable management of wastes, while IRAN and the MALDIVES stressed financial and technical challenges.

BRAZIL said defined levels should be implementable by developing countries according to their capacities, with ECUADOR noting few countries had those capacities. NEW ZEALAND supported further work on the matter, with SWITZERLAND declaring it was time to agree on low-POP content values. CHINA noted low-POP content values should balance environmental protection and authorities' capacity to manage, and, with NIGERIA, SAUDI ARABIA, and the RUSSIAN FEDERATION, stressed the importance of science.

ZAMBIA asked for concrete steps, such as protecting vulnerable populations, while VENEZUELA called for controls to limit damage to humans and the environment. KENYA suggested that the guidelines address trade issues.

The INTERNATIONAL POLLUTANTS ELIMINATION NETWORK (IPEN) stressed that "we're losing control over the most toxic chemicals" listed by the SC because weak low-POP content levels facilitate the recycling of "vast amounts" of POPs and the free movement of wastes containing POPs. He also called for additional information on destruction technologies in the drafts.

INDEPENDENT ECOLOGICAL EXPERTISE stressed the importance of identifying chemicals in plastic wastes to their ESM. He cited pesticide packaging as an example of plastic contaminated with POPs.

The COP established a contact group on BC Technical Matters, co-chaired by Patrick McKell (UK) and Magda Gosk (Poland).

**E-waste:** The Secretariat introduced the e-waste technical guidelines (CHW.16/6/INF/10). The EU said the technical guidelines were "ripe for adoption" at this COP, with SWITZERLAND highlighting the importance of adopting them before the e-waste amendment enters into force in 2025.

INDIA noted the inclusion of the e-waste amendment and underlined the need to avoid dumping in the distinction between waste and used equipment. MALAYSIA called for defining non-hazardous e-waste to avoid misinterpretation by governments or industry. IRAN said scrap should not be included because it is recyclable.

Citing ongoing challenges with e-waste sent under the guise of repair, an observer from the US noted the guidelines provide flexibility by balancing the facilitation of implementation and identifying common criteria to determine what is waste.

BAN said the guidelines have a "gaping hole" allowing e-waste to be exported by those claiming repair. He cited that the Y49 entry in Annex II is called "non-hazardous" waste in the

guidelines when the Annex does not determine whether wastes are hazardous, only that they are of special concern.

The BC Technical Matters contact group will revise the guidelines and prepare a draft decision.

**Plastic wastes:** The Secretariat introduced the plastic waste technical guidelines (CHW.16/6/Add.3; INF/11 and 11/Rev.1).

Japan, supported by the UK, encouraged cooperative and collaborative discussions to ensure the adoption of the guidelines at this COP. CHINA urged for parties to work together to ensure that the technical guidelines play an important role in plastic pollution.

KENYA welcomed the proposal to extend the work of the small intersessional working group (SIWG) and called for the Secretariat to fast-track work on the guidelines. El Salvador, for GRULAC, called for the SIWG to consider points raised at this COP.

SWITZERLAND, NORWAY, BRAZIL, PANAMA, NIGERIA, and ETHIOPIA welcomed the adoption of the technical guidelines. The EU said the update on guidelines should be prioritized and INDIA and IRAN welcomed further discussion on the matter.

SOUTH AFRICA cautioned against the inclusion of chemical recycling in the guidelines.

ARGENTINA urged for a clear definition of plastics and discouraged the creation of new concepts and terms in the guidelines.

An observer from the US noted that the guidelines had several issues to be resolved. BAN and IPEN expressed concerns about including chemical recycling in the guidelines, noting that there is insufficient evidence that it meets minimum sound management standards.

BC COP Hernaus concluded the session by referring the matter to the BC Technical Matters contact group to consider the technical guidelines on plastic waste, based on a revised document version as a starting point.

**Lead-acid and other waste batteries:** This matter was referred to the BC Technical Matters contact group to revise the guidelines (INF/12 and 13), draft decision (CHW.16/6) and related documents (CHW.16/20/Add.1)

**Legal, Compliance, and Governance Matters: Providing further legal clarity:** The Secretariat introduced the draft (CHW.16/14). Legal matters contact group Co-Chair Perine Nkosi Kasonde (Zambia) presented the outcomes of the group's work (CHW.16/20/Add.1). She noted different views held on the proposed revisions to Annexes I (categories of wastes to be controlled), III (hazardous characteristics), and IV (disposal operations), including divergent views on definitions in Annex IV, such as for the term "recycling" which varies when translated.

Underscoring that the Annexes were written some 30 years ago, SWITZERLAND, with CHILE, stressed the need to amend them to keep them relevant but cautioned, with SOUTH AFRICA, that the tabled proposals required more work.

On Annex IV, CANADA noted that it touches on the heart of the Convention and called for parties to discuss and engage with the expert group's recommendations. MALAYSIA expressed concerns about the addition of R20 (preparing for reuse), which he suggested could undermine the objectives of a circular economy. AUSTRALIA said the EU proposal requires further work. CHINA,

ARGENTINA, NEW ZEALAND, BRAZIL, and the US called for clarity in the definitions and terminology.

A contact group on BC Legal Matters was established, co-chaired by Katrin Kaare (Estonia) and Florisvindo Furtado (Cabo Verde).

### **Stockholm Convention**

#### **Listing of Chemicals in Annexes A, B, and/or C: Dechlorane**

**Plus:** The Secretariat introduced the Persistent Organic Pollutants Review Committee (POPRC) recommendation (POPS/COP.11/13) and comments received (INF/24). The MALDIVES, ZAMBIA, NORWAY, MEXICO, CHILE, and COLOMBIA supported the listing in Annex A.

GHANA, PAKISTAN, TANZANIA, JAPAN, AUSTRALIA, EU, the UK, NIGERIA, SERBIA, SWITZERLAND, and NEW ZEALAND supported the listing with specific exemptions while BRAZIL urged for wider debate on the time frames for specific exemptions.

NORWAY, SOUTH AFRICA, CHINA, and CANADA supported the listing with further discussions while the EU offered to submit a recommendation on the interpretation of replacement parts.

THAILAND and the RUSSIAN FEDERATION had no objection to listing Dechlorane Plus while IRAN requested maximum specific exemptions to be discussed.

An observer from the US opposed the listing of Dechlorane Plus to Annex A, noting that it should not have been moved to the listing process to begin with.

The INTERNATIONAL INDIAN TREATY COUNCIL (IITC) highlighted the value of swift action by countries, while IPEN supported the listing without exemptions.

A contact group on SC listing was established, co-chaired by Rikke Holmberg (Denmark) and Patience Nambalirwa Nsereko (Uganda).

**UV-328:** The Secretariat introduced the POPRC's recommendation (POPS/COP.11/14) and comments (INF/24). SWITZERLAND, PAKISTAN, the UK, VIET NAM, the EU, the MALDIVES, ARGENTINA, BELIZE, JAPAN, NEW ZEALAND, GHANA, AUSTRALIA, BOLIVIA, CHINA, SERBIA, TUNISIA, CHILE, CAMEROON, ETHIOPIA, INDONESIA, and PANAMA supported listing UV-328 with specific exemptions, as recommended by the POPRC.

The EU underlined that "replacement parts" should have a restricted definition that specifies continued use only for parts that initially used UV-328 and would not be allowed for parts placed on the market after the expiry of the specific exemption.

The RUSSIAN FEDERATION said it did not object to listing but stated that further information is needed to assess adverse effects.

IRAN called for a specific exemption for use in car paints to support listing. THAILAND said there is a need for additional specific exemptions. NORWAY suggested that the specific exemptions could be narrowed further.

An observer from the US encouraged specific exemptions to be narrow, well-defined, and based on evidence of the need for continued use.

IPEN underlined that UV-328 is prevalent in recycled products and leaches from plastics throughout its lifecycle, endangering

human health and the environment. Several countries already have restrictions in place.

INTERNATIONAL COUNCIL OF CHEMICAL ASSOCIATIONS (ICCA) recalled that a key criterion of a POP is adverse effects as a result of long-range environmental transport (LRET).

ICCT said there are several LRET mechanisms for UV-328 and reported evidence of UV-328 in Arctic seawater and seabirds. She called for only recommending safe alternatives.

**Methoxychlor:** The Secretariat introduced the POPRC's recommendation (POPS/COP.11/12) and comments received (INF/24).

The UK, INDONESIA, PAKISTAN, JAPAN, BANGLADESH, the RUSSIAN FEDERATION, SWITZERLAND, BRAZIL, the MALDIVES, SERBIA, CHILE, AUSTRALIA, UGANDA, the EU, BELIZE, THAILAND, NORWAY, ZAMBIA, NEW ZEALAND, SEYCHELLES, IRAN, NIGERIA, GUYANA, CAMEROON, the US and IPEN supported the listing to Annex A without exemptions. The EU further supported the proposal by the Secretariat to add CAS numbers, while NIGERIA called for concerted efforts to prevent the illegal transboundary movement into developing countries.

The COP adopted the draft decision to list methoxychlor to Annex A of the Convention with no exemptions and with the CAS numbers as proposed by the Secretariat.

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

The Secretariat introduced the document, which includes a draft decision (POPS/COP.11/9). The EU supported the decision.

Ghana, for the AFRICAN REGION, called for demonstration projects and capacity building, with ZAMBIA specifying capacity building on the updated toolkit to develop complete source inventories. TANZANIA, HONDURAS, and SOUTH AFRICA stressed the need for technical and financial support.

The SC COP will return to this issue after the BC COP has finalized its work on the POPs waste technical guidelines.

### **In the Corridors**

Less than a year after the last COPs, one delegate remarked that it's a "minor miracle" that the subsidiary bodies, expert working groups, and others completed their work and provided documents and decisions in time for this meeting. The plenary room was also notably fuller, with seats at a premium, perhaps a sign that the profile of these Conventions has grown in this short time. In the past year, the UN Environment Assembly launched negotiations for a plastics treaty and a science-policy panel for pollution. Forever chemicals became an everyday moniker, increasingly in newspaper headlines.

Much of the day was devoted to waste issues. Wastes contaminated with, or containing, three groups of forever chemicals are under consideration by the BC. They have the tricky task of considering vast and varied waste streams to avoid re-releasing POPs into the environment.

The repeated pleas for "short and sweet" interventions underscored that all Conventions have important agendas. The SC and RC must discuss new chemicals recommended for listing. The RC may be amended. The SC has an effectiveness evaluation to contend with. Ending on time may need further miraculous efforts.

Across the globe, thousands rallied for environmental action  
Where does global governance stand?



# The State of Global Environmental Governance 2022

A new report from Earth Negotiations Bulletin gives an insider analysis on the global agenda

