

BRS Conventions COPs Highlights: Monday, 6 June 2022

The COPs of the Basel, Rotterdam, and Stockholm (BRS) Conventions resumed, following the high-level segment (HLS) held on 1 June. The meeting is comprised of the fifteenth meeting of the Basel Convention COP (BC COP15), the tenth meeting of the Rotterdam Convention COP (RC COP10), and the tenth meeting of the Stockholm Convention COP (SC COP10). Meeting jointly in plenary throughout the day, the COPs adopted their respective agendas and began consideration of technical items under the Basel and Stockholm Conventions.

Joint Sessions of the COPs

Opening Ceremony

The BRS COPs re-opened with a cultural performance by Swiss musicians and a video summarizing the key messages from the HLS in which 82 ministers participated.

Simonetta Sommaruga, Federal Councillor, Federal Office for the Environment, Switzerland, highlighted the consensus that emerged in the HLS on the importance of implementing the BRS Conventions in contributing to the post-2020 global biodiversity framework, Paris Agreement, and 2030 Agenda.

Inger Andersen, Executive Director of the UN Environment Programme (UNEP), delivered a video message underscoring that the BRS Conventions are essential to delivering solutions for a healthy planet. Recalling the decisions made at the fifth session of UN Environment Assembly (UNEA) to negotiate a new legally-binding instrument on plastic pollution and establish a science-policy panel on the sound management of chemicals and waste, she indicated UNEP will work closely with the BRS Conventions on these initiatives.

Rolph Payet, Executive Secretary of the BRS Conventions, observed the growing visibility of the Conventions since the last in-person COP in 2019, as evident from the HLS at Stockholm+50. He noted the full agenda and stressed interconnections with other environmental regimes, including climate change, biodiversity, and the upcoming negotiations for plastic pollution. He also encouraged parties to consider gender when nominating officers and to fulfill their financial obligations.

Rémi Nono-Womdim, Executive Secretary of the RC, noted the biodiversity loss and adverse health effects caused by hazardous pesticides. He pointed out that four out of the seven chemicals proposed for listing under the RC are pesticides and severely hazardous pesticide formulations and underscored that the Convention continues to provide to all parties that request

information on safer alternatives, including those proposed for listing. He stressed that strong capacities for chemicals and waste management are prerequisites to the implementation of the RC.

Carlos Manuel Rodríguez, Chairperson and CEO of the Global Environment Facility (GEF) stressed the need to determine the collective financial needs of parties. He urged parties to provide individual financial information to aid joint project development. He lauded the record-breaking replenishment of GEF-8 which for the first time in 20 years increased by 800 million (30%) compared to GEF-7 the amount for chemicals and waste. He noted these funds will enable a focus on mercury, waste reduction, and pesticide use.

Opening of the Meeting: BC COP15 President Osvaldo Álvarez-Pérez (Chile) spoke on behalf of the three COP Presidents, expressing their appreciation for the support received for their work over the past three years. He highlighted the opportunity to meet in person and looked forward to a fruitful meeting. Many groups commended the efforts of the Presidents, Secretariat, regional centres, and working groups during the pandemic.

Ecuador, for the Group of Latin American Countries (GRULAC), stressed that the region requires additional, accessible, and predictable financial resources and greater technical assistance and technology transfer to implement the Conventions. On the SC, he highlighted challenges posed as the number of listed chemicals continues to increase. On the RC, he supported constructive dialogue on the rules of procedures for the compliance committee, which he stressed should not be punitive.

Ghana, on behalf of the AFRICAN GROUP, on the BC, requested the technical guidelines to be “tested” in a regional context. On SC, noting the region’s vulnerability, he stressed that the elimination dates for PCBs can no longer be deferred; that all policies should be informed by empirical data; and called for synergies among international conventions.

Iran, for the ASIA-PACIFIC REGION, welcomed the entry into force of the Ban Amendment, many of the BC technical guidelines, and highlighted that the plastic waste and electronic and electric (e-waste) guidelines require further consideration. He observed the problem of medical waste and called for international cooperation and partnerships to identify solutions. He called on all parties in a position to do so to fulfill their commitments to provide financial and technical support.

The EU expressed concern that the planetary boundary for chemical pollution has been breached. On the BC, she looked forward to engaging on the e-waste proposal from Ghana and Switzerland (CHW.15/CRP.3) and on adopting the technical

guidelines for plastic waste. On the RC, she urged parties to list all chemicals on the agenda and suggested considering reforms to the Convention. On the SC, she called for establishing a compliance mechanism and meeting the PCB targets.

Georgia, for the CENTRAL AND EASTERN EUROPE (CEE) REGION, stressed the need for robust compliance mechanisms and for improved electronic reporting and for financial and technical support for reporting. On the SC, she expressed concern that the PCB targets may not be met and cited financial and technical assistance gaps to eliminate PCB use and waste.

Several groups condemned the Russian Federation's aggression in Ukraine. The RUSSIAN FEDERATION stated it acted in self-defense.

Organizational Matters

Adoption of the Agenda and Organization of Work: The agendas and organization of work for the three COPs were adopted (CHW.15/1, Add.1, Rev.1; RC/COP.10/1, Add.1, Rev.1; POPS/COP.10/1, Add.1, Rev.1).

Election of Officers: The Secretariat introduced the documents (CHW.15/2, INF/3; RC/COP.10/2, INF/3; and POPS/COP.10/2, INF/3). The agenda item was suspended while the regions elect their candidates to be transmitted to the Secretariat by Wednesday, 15 June.

Credentials: The Secretariat introduced the documents (CHW.15/1/Add.1/Rev.1, INF/4/Rev.1; RC/COP.10/1/Add.1/Rev.1, INF/5/Rev.1; and POPS/COP.10/1/Add.1/Rev.1, INF/7/Rev.1). This item will be taken up later in the COPs. BC COP15 President Álvarez-Pérez welcomed Grenada as a new party to all three Conventions.

Basel Convention

Scientific and Technical Matters: Technical guidelines: BC COP15 President Álvarez-Pérez presented the outcomes of the 12th meeting of the Open-ended Working group (OEWG12) (CHW.15/32) that was held on 4-6 April 2022, suggesting they be adopted and used as the basis for delegates' work. A contact group was established for all technical matters under the Basel Convention, to be co-chaired by Patrick McKell (UK) and Magdalena Frydrych (Poland).

Persistent Organic Pollutants (POPs) Wastes: The Secretariat introduced the technical guidelines on POPs wastes (CHW.15/6, Add.1-3). PAKISTAN and INDONESIA voiced support for the updated technical guidelines, on PFOA and PFOS, and on the original twelve POPs.

ZAMBIA, for the AFRICAN REGION, drew attention to the precautionary principle and called for the guidelines to be practical and for resources for capacity building. The EU questioned the timing of OEWG13 and, with BRAZIL, proposed it be held after BC COP16. KENYA underscored the importance of the technical guidelines in updating national waste regulations. AUSTRALIA, supported by NEW ZEALAND, introduced UNEP/CHW.15/CRP.4 on the use of cement kilns for the destruction of PFAS. The INTERNATIONAL POLLUTANTS ELIMINATION NETWORK (IPEN) asked delegates to consider the costs of health damage compared to the costs of treating POPs wastes.

Incineration on Land (D10), and Specially Engineered Landfill (D5): The Secretariat introduced the relevant documents (UNEP/CHW.15/6; Add.4; Add.5; /32; INF/11/Rev.2 and INF/12/Rev.2) Canada presented the intersessional group's work, on

behalf of Canada and Argentina on D5, and Canada and Japan on D10. She noted the updated guidelines were the result of five years of work and underscored that parties heavily use both disposal methods. SIERRA LEONE urged the guidelines to be responsive to the needs of the African region and be translated. The EU, INDIA, PAKISTAN, and NIGERIA supported the guidelines. Noting improvements, particularly on the impacts of incineration, IPEN suggested the guidelines could go further on best practices on dioxins emissions limits. BC COP15 President Álvarez-Pérez referred the guidelines to the technical matters contact group.

Mercury Wastes: The Secretariat introduced the documents (UNEP/CHW.15/6; Add.6; /32; INF/13/Rev.2). JAPAN presented the work of the intersessional group, expanding on the elaboration of the draft guidelines and the linkages with the Minamata Convention. CHINA drew attention to its suggestions as contained in CHW.15/CRP.6. The issues will be further considered by the technical matters contact group.

Plastic Wastes: The Secretariat introduced the documents (UNEP/CHW.15/6 and Add.7). On behalf of the co-lead countries (China, Japan, and the UK) in developing these guidelines, JAPAN introduced the draft updated version of the technical guidelines (CHW.15/CRP.5) which resulted from further revisions after the OEWG-12 in April 2022. The issues will be further considered by the technical matters contact group.

Lead-acid batteries: The Secretariat introduced the proposed action (CHW/16/6) and 32). URUGUAY expressed the willingness to lead the efforts on this issue. Parties agreed to send the draft guidelines for consideration in the technical matters contact group.

Legal, Compliance, and Governance Matters: Providing further legal clarity: The Secretariat introduced the documents (CHW.15/13;15/32; INF18; INF20-25), and the proposal by the EU to amend Annex IV (disposal operations) and certain entries in Annexes II (categories of wastes requiring special consideration) and IX (non-wastes) (13/Add.1), and the proposal by Ghana and Switzerland to amend Annexes II, VIII (wastes) and IX (13/Add.2).

Mari-Liis Ummik (Estonia), Co-Chair of the expert working group on the review of Annexes I, III and IV and related aspects of Annex IX, presented the group's recommendations on the review of the Annexes for possible amendment proposals to Annex IV, and to entries A1180 and B1110 (electrical and electronic assemblies) in Annexes VIII and IX to the Basel Convention, and findings of the expert working group on the implications of the review of Annex IV to the Convention (INF/25/Rev.2).

Stressing that e-waste is a major problem for the environment and human health and only 20% of the global e-waste is properly disposed of, SWITZERLAND introduced its proposal with Ghana, which is to: add a new entry to Annex II for Waste Electrical and Electronic Equipment, its components and constituents not considered as hazardous; re-word entry A1180 in Annex VIII for e-waste categorized as hazardous; and deleting the entries B1110 and B4030 as they would be duplicative to the new Annex II entry. She explained that these entries would make all e-waste that moved transboundary subject to the PIC procedure, and suggested accepting this principle, then concrete wording of the e-waste entries.

The EU supported ambitious action under the Basel Convention on e-waste and characterized the technical guidelines as a historic milestone for the Convention. She underscored the need for clear criteria to support parties and operators to trade e-waste legally and safely, and highlighted that their proposal seeks to promote a common understanding and interpretation of the disposal operations under Annex IV, building on the work of the expert group.

CANADA, supported by JAPAN and ARGENTINA, introduced a new CRP (CRP.7) that encapsulates the expert group's recommendations, which she said should be considered in conjunction with the EU's proposal.

Many supported further addressing e-waste through the Basel Convention, with some preferring the wider scope of the Ghanaian and Swiss proposal and others suggesting that the EU proposal in conjunction with the expert group recommendations could improve legal clarity. Many noted the need for further work.

CHINA, ARGENTINA, and the US noted the expert group identified different options for each disposal method and suggested new entries in Annex IV. CHINA and ARGENTINA called for a clear distinction between waste and non-waste under the Convention. CHINA suggested referring to the BC legal glossary in deliberations. The US opposed the proposal for "preparing for reuse" as a recovery operation because it could lead to the misclassification of exports. She noted that parties could consider how to improve the PIC procedure more generally.

IPEN supported the proposal from Ghana and Switzerland, noting the millions of tons of e-waste exported to low and middle-income countries that represent a health concern for children and workers in open dump sites.

The BASEL ACTION NETWORK urged the COP to take action at this meeting.

A contact group was established, co-chaired by Mari-Liis Ummik (Estonia) and Florisvindo Furtato (Cabo Verde).

Stockholm Convention

Measures to Reduce or Eliminate Releases from Wastes:

The Secretariat introduced the document regarding Measures to Reduce or Eliminate Releases from Wastes (POPS/COP.10/9). The EU supported the draft decision outlined in POPS/COP.10/9.

SIERRA LEONE, NIGERIA, BENIN, MALI, SUDAN, PAKISTAN, and IRAN stressed the need for capacity-building support to identify and dispose of POPs wastes. CAMEROON thanked the GEF, UNEP, and FAO for their technical assistance, and noting cost increases due to COVID19, requested more assistance to meet the obligations.

IPEN welcomed the draft guidelines, noting it is a "first serious effort in 20 years" to provide guidance on contaminated sites, noting that guidelines cover many important issues, including the application of non-combustion techniques and treatment of POPs in soil and groundwater, and PFAS contamination. He urged parties to adopt the guidelines at the next COP in 2023.

BC COP15 President Álvarez-Pérez noted the draft decision would be returned once BC COP adopts its relevant decision on technical guidelines.

Listing of Chemicals in Annexes A, B and/or C: The Secretariat introduced the relevant documents (UNEP/POPS/COP.10/11; INF/4/Rev.2; /12 and INF/27).

PAKISTAN, SWITZERLAND, the EU, CANADA, SIERRA LEONE, NORWAY, NIGERIA, BENIN, JAPAN, ZAMBIA NEW ZEALAND, the MALDIVES, the DEMOCRATIC REPUBLIC OF THE CONGO, SERBIA, VENEZUELA, TUNISIA, the US, IPEN, the UNITED FIREFIGHTERS UNION OF AUSTRALIA, and the INUIT CIRCUMPOLAR COUNCIL supported the recommendations by the POPs Review Committee (POPRC) to list perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds in Annex A to the Convention without exemptions.

SIERRA LEONE noted that listings come with obligations and, with NIGERIA, BENIN, the DEMOCRATIC REPUBLIC OF THE CONGO, VENEZUELA, and TUNISIA, said support should be provided, including for inventories, disposals, and updating national implementation plans. The US suggested adding a definition to the decision. THAILAND supported the listing but called for a specific exemption for firefighting foams, while the RUSSIAN FEDERATION cautioned that scientific information was lacking and encouraged further discussion within a contact group.

SC COP10 President Silvija Kalnins noted considerable support for the listing and a need for further discussion. A contact group was thus established with Maria Delvin (Sweden) and Linroy Christian (Antigua and Barbuda) as Co-Chairs.

The Secretariat introduced the POPRC developments for action by the COP with POPRC interim Chair Peter Dawson (New Zealand) providing insight into the technical work of the Committee including on chemicals currently under the consideration of the POPRC (Dechlorane Plus, methoxychlor, and UV-328) and the indicative list of substances covered by the listing of perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds.

Due to time constraints, SC COP10 President Kalnins stated the discussion would continue on Tuesday, 7 June in the afternoon.

In the Corridors

It was a smooth start to what several thought could be a straightforward meeting. Colleagues greeted one another after a long absence as they returned for the in-person TripleCOP. Since they last met in 2019, a lot has changed in the world, including on the chemicals and waste front. Medical waste is of growing concern, as illustrated by mountains of discarded COVID-19 protective equipment. Plastics climbed up the international agenda, with negotiations underway for a new treaty. A new science-policy interface for chemicals is also forthcoming. Pollution is now recognized alongside climate change and biodiversity loss as an integral part of the triple planetary crisis.

In this whirlwind, many reflected on the central role of the BRS Conventions. Much of the afternoon involved discussions on e-waste, prompted by proposals to leverage the Basel Convention in a similar way as how it was used to address plastics in 2019. While many pointed to the need for urgent action, especially on PCBs, they expected a relatively uneventful meeting. Yet action comes with a price-tag, and whilst some celebrated the GEF replenishment which includes some USD 800 million to address chemicals and wastes, others were quick to point out that 2.4 billion are needed to rid the world of PCBs alone.