

BRS Conventions COPs Highlights: Wednesday, 3 May 2023

The TripleCOP engaged each of its treaties. The Stockholm Convention (SC) considered efforts toward its polychlorinated biphenyl (PCB) targets and various other implementation issues. The Basel Convention (BC) took up plastic wastes and legal matters in contact groups. The Rotterdam Convention (RC) started discussion on a proposed amendment to the treaty, to add a new Annex VIII. Additional contract groups met on budget, SC listing, technical and financial assistance, and SC compliance.

Joint Sessions of the COPs

Financial Resources: The Secretariat introduced the SC financial mechanism (POPS/COP.11/17) and related documents (INF/30-34) and the document on the Special Programme (SP) to support institutional strengthening at the national level (CHW.16/INF/35; RC/COP.11/INF/18; POPS/COP.11/INF/35). Countries first discussed the SC financial mechanism, then turned to financial resources under the BRS Conventions.

SC Financial Mechanism: The GLOBAL ENVIRONMENT FACILITY (GEF) reported on the GEF-7 replenishment period, noting that 23 countries benefitted from at least one project to support SC implementation, amounting to USD 81.2 million, which co-leveraged USD 244.8 million. She said that the chemicals and waste focal area is the GEF's third largest.

The EU stressed the importance of all three elements of the integrated approach, acknowledging the significant needs identified for eliminating PCB.

IRAN cited political barriers to accessing funding.

Many developing countries stressed the need for further financial resources to be commensurate with the needs and challenges countries face, particularly concerning PCB. VENEZUELA called for a specific fund for managing chemicals and wastes. TANZANIA called for fast-tracking the approval processes for projects.

An observer from the US welcomed the historic GEF-8 replenishment and the substantial increase in the chemicals and waste focal area.

The COP agreed to task guidance to the financial mechanism and related issues to the contact group on technical assistance and financial resources.

BRS Financial Resources: UNEP reported on the SP and its "complementary role" in supporting the implementation of the BRS Conventions. She drew attention to eligibility criteria for the 7th round, including that priority given to those with the least capacity. She encouraged countries to apply and to attend the "drop-in clinics" held during the meeting.

Malawi, for the AFRICAN REGION, cited significant challenges related to the amounts allocated and that the SP has been unable to provide adequate support for several African countries despite the sound project proposals submitted. GHANA introduced the African Region's CRP, calling for an intersessional group to develop a resource mobilization strategy from non-state actors.

Several developing countries relayed their experiences with SP projects. ANTIGUA AND BARBUDA called for greater clarity on the eligibility criteria, citing the imposition of restrictions on its, and others, ability to access funds.

The COP agreed to refer the African Region's CRP (CRP.3/2) and related issues to the contact group on technical assistance and financial resources.

Stockholm Convention

Measures to reduce or eliminate releases from intentional production and use: PCB: The Secretariat introduced the document and draft decision (POPS/COP.11/6, INF/11-14).

Many illustrated national efforts to meet the 2025 target by which parties must eliminate the use of PCB in equipment and the 2028 goal to ensure the environmentally sound waste management of liquids containing PCB and equipment contaminated with PCB.

They welcomed the support from the GEF project but noted that more funding and technical assistance was necessary. Several drew attention to the challenges they face, including data gaps in inventories, the problem of eliminating equipment that contains PCB but is still in use, and identifying PCB in wastes and oils. Some, like the MALDIVES, noted they were on track to meet the targets, while others, like the DEMOCRATIC REPUBLIC OF THE CONGO, drew attention to the large quantities of PCB they still had to deal with.

CHINA and the EU suggested some minor amendments, for instance, moving the deadline for comments from August to 31 October 2023 and specifying that the efforts of the PCB Elimination Network assist parties "in their work to meet the 2025 and 2028 goals." The RUSSIAN FEDERATION provided input on the guidance document that will be included in the meeting report.

The draft decision was adopted with edits from CHINA and the EU, pending confirmation by the budget group.

Measures to reduce or eliminate releases from unintentional production: The Secretariat introduced the guidance on BAT/BEP (POPS/COP.11/8) and related documents (INF/16, 17/Rev.1, 19).

The EU supported the decision and encouraged countries to use the guidance and Toolkit. CHINA observed inconsistencies between the decision and Article 5, and suggested changes related

to source inventories and reviewing strategies as included in Article 5.a(iii).

The decision was adopted as amended, pending confirmation by the budget group.

Implementation plans: The Secretariat introduced the document and draft decision on National Implementation Plans (NIPs) (POPS/COP.11/10) and related documents, including NIP guidances (INF/20-23; 28, 29). She noted that fewer updated NIPs are submitted with each subsequent amendment to the Convention.

The EU cited a need for the guidances to differentiate between mandatory and complementary information. With NORWAY, she suggested longer timelines for countries to submit comments to learn from countries' experiences.

Several developing countries relayed their efforts to update their NIPs, with some citing support from GEF and UNEP, and others calling for additional support. ETHIOPIA called for the COP to adopt guidances at the next COP.

UNEP announced its new electronic toolkit to facilitate the transmission and use of data in NIPs and national reports, in line with the recommendations from the Effectiveness Evaluation Committee.

An observer from the US expressed concern about the resources devoted to updating NIP guidances, saying that the Secretariat should only undertake this work when mandated by parties.

The COP adopted the decision, with the longer timelines for submission of comments, pending confirmation from the budget group.

Reporting pursuant to Article 15: The Secretariat introduced the document and draft decision (POPS/COP.11/18).

CHINA called for changing the submission date for the sixth national reports from 28 February 2026 to 31 August 2026. With BANGLADESH, MALI, and INDONESIA, he cited the considerable data to collect from various sectors. There were calls for technical assistance to facilitate data collection.

The EU suggested removing "complete" before national report, saying requiring completeness could negatively affect the reporting rate because of the challenges involved.

The COP adopted the decision with the suggested amendments from China and the EU, pending confirmation from the budget group.

Rotterdam Convention

Enhancing the effectiveness of the Convention: The Secretariat introduced the documents (RC/COP.11/13, INF/13, and Add.1). He also introduced a proposal to amend Articles 7, 10, 11, and 22 and to add a new Annex VIII to the Convention (13/Add.1), with an explanatory note (INF/14) and comments (INF/15).

Parties considered the revised proposal as submitted by Australia, Burkina Faso, Colombia, Costa Rica, Georgia, Ghana, Maldives, Nigeria, Norway, Peru, South Africa, Switzerland, Togo, and the UK.

SWITZERLAND introduced the proposal on behalf of the co-sponsors outlining the main changes, which include:

- if a chemical is listed in the new proposed Annex VIII and is subsequently listed in Annex III, the listing in Annex III shall prevail;

- that explicit consent to an import provided by the designated authority of an importing country directly to the exporting party is sufficient for an export to be allowed;
- when deciding whether to list a chemical in Annex VIII, parties may also approve the decision guidance document;
- Annex VIII decisions are taken through consensus, however, if it cannot be achieved, a 3/4 majority vote will apply.

The EU, Pacific parties to the Rotterdam Convention, and many others supported the proposal. Malawi, for the AFRICAN REGION, said that although it generally supported the proposal, its member countries were not unanimous.

Many countries welcomed the proposal to address the impasse in the Convention, citing the growing number of chemicals recommended for listing by the Chemical Review Committee and not listed by the COP.

BRAZIL, supported by ARGENTINA, CUBA, VENEZUELA, IRAN, PAKISTAN, and ETHIOPIA, among others, proposed the establishment of an intersessional working group to address the undesirable indirect economic and trade effects arising from the inclusion of new substances in Annex III or other Annexes. Brazil's proposal also tasks the intersessional working group to develop an action plan to be submitted to RC COP12. Several of these countries highlighted the need for consensus and expressed concern about the potential confusion that two lists could cause.

An observer from the US suggested that the RC is effective, given the 56 substances listed and expressed concern over a "patchwork" of systems. She underlined that third-party organizations improperly use an RC listing as a ban and expressed concern that a new Annex could be an additional opportunity to prohibit the use of RC-listed chemicals.

SPECIAL RAPPORTEUR ON TOXICS AND HUMAN RIGHTS supported a new Annex to allow more countries to make informed decisions, citing the human rights to science and a clean, healthy, and sustainable environment.

The INTERNATIONAL LABOUR ORGANIZATION cited the disproportionate exposure of workers, and the rights of workers to know and access relevant information. SOLIDAR SWISS, on behalf of other unions, strongly supported a new Annex, lamenting that the consensus has evolved into a veto that denies parties' right to know.

IPEN and IEE supported the Annex, with the former stressing that RC listings do not ban substances, but help countries make informed decisions and lamented that a few countries are undermining the RC's purpose. CENTER FOR PUBLIC HEALTH AND ENVIRONMENTAL DEVELOPMENT supported a new Annex, noting that some countries export to Nepal without adhering to the PIC process.

GREMIAGRO said a new Annex would circumvent the consensus requirement, making a more complex situation for exporters and importers. INTERNATIONAL TRADE UNIONS, CHRYSOTILE opposed a new Annex, suggesting it could destroy international chemicals management. INDIAN CHEMICAL COUNCIL suggested that the new Annex would restrict global trade in some chemicals and violate WTO rules.

A contact group on the effectiveness of the RC was established, and RC COP President Ana Berejiani (Georgia) suggested that Angela Rivera (Colombia) and Glen Wigley (New Zealand) co-chair the group.

ARGENTINA, BRAZIL, ECUADOR, and IRAN expressed concern about appointing Co-Chairs at this stage, with

ARGENTINA and BRAZIL relaying their understanding that a contact group would not meet until Sunday. IRAN, PAKISTAN, and ECUADOR queried the appropriateness of both Co-Chairs being proponents of the proposal.

RC COP President Berejiani suggested, and parties agreed, that the contact group is established and consultations on the Co-Chairs will continue for 24 hours.

Contact Groups

BC Legal Matters: Co-Chairs Katrin Kaare (Estonia) and Florisvindo Furtado (Cabo Verde) facilitated discussions on the EU and Swiss proposal to add a new operation to Annex IV (disposal operations) for preparation for reuse, such as cleaning, testing, repair, or refurbishment. One proponent displayed a graphic to clarify that a product, once discarded or disposed of, would be exported as waste, but after preparation for re-use, it would not be waste. Discussions centred on national definitions of waste and implications for importing countries.

On definitions, several countries queried the use of “discard” in the proposal, noting that the BC uses the term disposal. Some queried if adding preparation for reuse helps determine what is waste. Many related different national systems which potentially complicate efforts to implement the BC with this addition, with one stating that “products,” not wastes, would undergo preparation for reuse in her country’s legal system.

On implications for importing countries, several developing countries worried that goods could be exported for repair or refurbishment but may not be usable afterwards or for long. This would result in a waste problem for their countries.

Suggestions for future exchanges included: the implications for countries that use the BC definition of waste in their national legislation; what kinds of hazardous and non-hazardous wastes are exported for reuse; and potential environmental gains.

BC Technical Matters: The contact group, co-chaired by Patrick McKell (the UK) and Magda Gosk (Poland) started working through the plastics waste technical guidelines. In the afternoon, discussions focused on the introduction, with some debate about if some statements, such as on the adverse effects of some additives, should be in the introduction or supporting text. Another example of this discussion is whether or how to reflect that there are standards for determining the biodegradability of plastics. One country objected to this reference, saying it could favor biodegradable plastics over other plastics. Another country noted that these standards do not apply in all contexts, such as cold weather. Throughout, notes were made where small groups of countries would work toward solutions.

SC Listing: The contact group, co-chaired by Rikke Holmberg (Denmark) and Patience Nambalirwa Nsereko (Uganda), focused on Dechlorane Plus before turning to UV-328.

On Dechlorane Plus, delegates resumed discussions after a country withdrew its request for an exemption for long-lived home appliances. Another country was asked to clarify its proposal for an exemption for the “manufacture of paints and resins for motor vehicles” with delegates noting the matter had not been raised to the POPRC and the reference eventually was removed. Delegates extensively discussed issues related to replacement parts, generally, and specifically related to the exemption for medical parts.

Delegates grappled with options to address labelling. They debated who should label and how, with importing and exporting countries having divergent views and concerns and industry providing the aerospace’s perspective.

On UV-328, reflecting discussions about Dechlorane Plus, delegates agreed to mirror the wording “originally used” concerning replacement parts and work further on labelling issues. They then sought clarity in defining the exemptions for UV-328 pertaining to “coatings” and to “motor vehicles” to make them as specific as possible while ensuring understanding by parties. They also discussed the duration of exemptions. Bilateral discussions will convene on replacement parts and labelling. The contact group will resume on Thursday.

Technical Assistance and Financial Resources: Co-Chairs David Kapindula (Zambia) and Toks Akinseye (the UK) facilitated the contact group discussions in the morning and afternoon. Parties discussed the draft decision on BC regional and coordinating centres (UNEP/CHW.16/18). Views diverged on how to address the synergies in the activities implemented by the regional centers for the BC and SC and how these may be addressed in the text.

A group of developed countries requested clarity on the interlinkages between the SC and BC mandates for the regional centers, thus narrowing the scope of work, while other developing countries sought a broader reference to the synergies between the mandates of the Conventions, with some also noting linkages with Minamata Convention and SAICM. The “natural progression” of regional centres’ ability to deliver on activities that address mandates of the relevant chemicals and waste Conventions was noted by some developing countries.

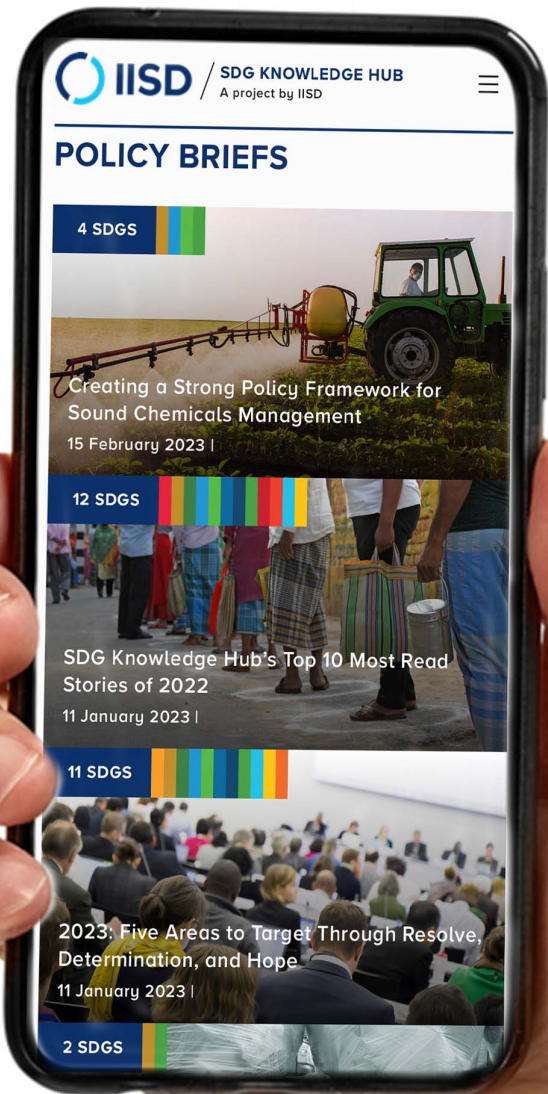
In an attempt to address the diverging views, one group of countries explored the possibility of an omnibus decision. After reviewing text on synergies under the Stockholm Convention, some parties proposed one decision that addresses both the BCRs and SCRCs. The Chair sought legal advice from the Secretariat before proceeding with discussions in the evening.

In the Corridors

The PCB Fair had a carnival-like atmosphere, with roulette wheels, videos, chicken costumes, and hazmat suits to raise awareness of the risks posed by PCBs. Elsewhere in the venue, games were set aside to ensure the BRS Conventions rise to chemicals and waste challenges, from plastic waste to PCB stockpiles.

In this broader and continuous effort, “the rubber hit the road,” as one delegate put it, in the RC amendment discussions. The proponents of a new Annex to list chemicals currently stuck in limbo, between a CRC recommendation to list and the COP’s refusal to do so, are confident that “everyone understands where we’re coming from.” After “10 years of trying to make the Convention work,” the proposal garnered a long list of co-sponsors and supporters. But a counterproposal for further intersessional work on the trade implications of any RC Annex listing attracted some support. The proposal is divisive, and even identifying Co-Chairs has proved difficult. Some countries set aside the usual pairing of Co-Chairs from developed and developing countries, instead worrying that the Co-Chairs were in support of either proposal.

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