



RC COP6 AND BC COP11 HIGHLIGHTS:

TUESDAY, 7 MAY 2013

The Ordinary and Extraordinary Meetings of the COPs to the BC, RC and SC convened for a ninth day on Tuesday, 7 May 2013. Delegates convened throughout the day in plenary to consider issues under Rotterdam Convention COP6, and reconvened in the late afternoon to address outstanding issues under Basel Convention COP11.

Contact groups on Budget and Synergies, Technical Assistance and Financial Resources and Listing of Chemicals, as well as an informal group on the draft Ministerial Declaration, met throughout the day.

ROTTERDAM CONVENTION (RC) COP6

Chaired by RC COP6 President Magdalena Balicka (Poland), RC COP6 held its first session.

ORGANIZATIONAL MATTERS: Election of officers:

The Secretariat introduced the document (UNEP/FAO/RC/COP.6/2). President Balicka proposed, and parties agreed, to postpone its consideration to a later stage of the COP. President Balicka requested that candidates be nominated by noon on Thursday, 9 May.

Organization of work: President Balicka introduced organization of work of RC COP6, as detailed in UNEP/FAO/CHW/RC/POPS/EXCOPS.2/INF/2, and parties agreed.

Credentials: The Secretariat introduced the document (UNEP/FAO/CHW/RC/POPS/EXCOPS.2/INF/15). She reported that of the 140 parties who had registered for the COP, 136 had submitted credentials. President Balicka requested that original credentials be submitted by noon on Thursday, 9 May.

RULES OF PROCEDURE: The Secretariat introduced the document (UNEP/FAO/RC/COP.6/3), noting that when RC COP1 adopted its rules of procedure, it had left part of rule 45 on decision-making in square brackets. President Balicka suggested, and parties agreed, to defer the issue to RC COP7.

PROGRAMME OF WORK AND BUDGET: President Balicka recalled a contact group on the budget was established last week, under SC COP6. She suggested, and parties agreed, to consider the outcome of this group later in the RC COP.

MATTERS RELATED TO THE IMPLEMENTATION OF THE CONVENTION: Consideration of chemicals

for inclusion in Annex III to the Convention: Azinphos-methyl: The Joint Secretariat introduced documents UNEP/FAO/RC/COP.6/7, Add.1 and Add.2, INF/4 and INF/14. CANADA, the EU, VENEZUELA, the PHILIPPINES, IRAN, SWITZERLAND, the RUSSIAN FEDERATION, Kenya, on behalf of the AFRICAN GROUP, MALAYSIA, LEBANON, KUWAIT and PARAGUAY expressed support for including azinphos-methyl in Annex III.

RC COP6 “virtually” adopted the draft decision (UNEP/FAO/RC/COP.6/7).

Pentabromodiphenyl ether (penta-BDE) and penta-BDE commercial mixtures: On penta-BDE and penta-BDE in commercial mixtures, the Joint Secretariat introduced documents UNEP/FAO/RC/COP.6/8, Add.1 and Add.2, and INF/5. JORDAN, SWITZERLAND, the EU, the PHILIPPINES, the RUSSIAN FEDERATION, SUDAN, LEBANON, GUINEA-BISSAU, NICARAGUA, ST. KITTS AND NEVIS and VENEZUELA expressed support for listing penta-BDE and penta-BDE in commercial mixtures.

CANADA, supported by AUSTRALIA, expressed support, noted that listing “mixtures” is new to the RC, and suggested establishing a contact group to work on clearly naming the chemicals and mixtures to be included in Annex III. NORWAY stated their preference to list penta-BDE in commercial mixtures, rather than specifying the congener.

IPEN recalled that the SC granted a recycling exemption resulting in continued exposure and congratulated parties for listing this “living” chemical.

President Balicka suggested, and parties agreed, to establish a contact group on Listing of Chemicals, co-chaired by Hala Al-Easa (Qatar) and Bjorn Hansen (EU). President Balicka noted general agreement to list penta-BDE and penta-BDE in commercial mixtures, and tasked the contact group to provide clarity on how to refer to the chemical.

Octabromodiphenyl ether (octa-BDE) commercial mixtures: The Joint Secretariat introduced the documents on octa-BDE including UNEP/FAO/RC/COP.6/9, Add.1 and Add.2, and INF/6.

The EU, NORWAY, the PHILIPPINES, SWITZERLAND and the RUSSIAN FEDERATION supported listing octa-BDE. MAURITANIA asked about the relevance of including this substance under the RC, and President Balicka noted the importance of having information on the substance.

Guinea, for the AFRICAN GROUP, called for capacity building to “tackle these mixtures.” LEBANON stressed the need for guidelines on octa-BDE. IPEN noted the expertise available to answer questions on listing individual substances as well as on listing mixtures. NORWAY proposed discussing octa-BDE and penta-BDE in the same contact group. JORDAN underscored the importance of Material Safety Data Sheets. The issue was forwarded to the contact group on Listing of Chemicals.

Perfluorooctane sulfonic acid, perfluorooctanesulfonates, perfluorooctanesulfonamides and perfluorooctanesulfonyls (PFOS and its related chemicals): On listing PFOS and its related chemicals in Annex III to the RC, the Secretariat introduced the documents (UNEP/FAO/RC/COP.6/10, Add.1 and Add.2).

AUSTRALIA, NORWAY, the PHILIPPINES, the EU, MALAYSIA, TOGO, LIBYA and JORDAN supported the listing. Noting that PFOS and its related chemicals are used for



many applications in India, INDIA said he could not support listing, but would discuss the matter in a contact group.

IPEN underscored the importance of the Prior Informed Consent (PIC) Procedure, noting that as PFOS and its related chemicals are used extensively, and therefore traded, the PIC Procedure applies.

Delegates agreed to return to the issue later in the COP.

Paraquat: On the inclusion in Annex III of liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat, and its consideration as a severely hazardous pesticide formulation (SHPF), the Secretariat introduced the documents (UNEP/FAO/RC/COP.6/11, Add.1 and Add.2).

Among others, Kenya for the AFRICAN GROUP, BAHRAIN, MALAYSIA, AUSTRALIA, QATAR, VENEZUELA, LAO PDR, the PHILIPPINES, SWITZERLAND, ECUADOR, DOMINICAN REPUBLIC, BELIZE, SRI LANKA, the RUSSIAN FEDERATION, NEW ZEALAND, EL SALVADOR, NORWAY, PESTICIDES ACTION NETWORK and IPEN supported listing paraquat in Annex III of the Convention. GABON called for discussions on listing paraquat at all concentrations and the US suggested that the CRC revise, and the COP consider additional, guidance on paraquat. Many countries praised Burkina Faso for initiating the proposal and their work on documenting its adverse effects on human health and the environment. JAMAICA and the EU noted that listing in Annex III does not denote a ban of the use of a substance.

INDIA, GUATEMALA and HONDURAS opposed the listing, with INDIA and HONDURAS requesting further evaluation. CROPLIFE INTERNATIONAL suggested the COP put aside the listing proposal, and direct the CRC to develop better guidelines and criteria on its listing. IRAN called for a contact group to discuss the challenges posed by listing of paraquat. KUWAIT and LEBANON detailed their countries' bans on paraquat. FAO offered to provide technical support on sustainable and feasible alternatives.

The COP forwarded further work on this issue to the contact group on Listing of Chemicals.

Chrysotile asbestos: The Joint Secretariat introduced UNEP/FAO/RC/COP.6/12 and Add.1. President Balicka recalled that parties agreed at RC COP3 that the procedures set out in Articles 5 and 7 for listing had been followed.

Among others, VENEZUELA, LEBANON, MOLDOVA, URUGUAY, NICARAGUA, SWITZERLAND, OMAN, ISRAEL, BAHRAIN, JORDAN, MAURITIUS, NEW ZEALAND, LIBYA, DOMINICAN REPUBLIC, ARGENTINA, MALAYSIA, NORWAY, MONGOLIA, the US, and INDONESIA expressed support for listing chrysotile asbestos in Annex III. Kenya, on behalf of the AFRICAN GROUP, said that, with the exception of Zimbabwe, the group supports the listing.

The EU outlined that making chrysotile asbestos subject to the PIC Procedure does not constitute a ban on its use. AUSTRALIA stated that, if agreement is not reached at COP6 to list, they were open to working with other parties to explore "all other options" to help the RC meet its objectives. WHO supported the listing and said that controlled use of chrysotile asbestos is not possible, and highlighted that alternatives are available and affordable. WOMEN IN EUROPE FOR A COMMON FUTURE said the listing would promote information sharing across concerned states. CANADA informed the COP they would not oppose listing chrysotile asbestos in Annex III.

Opposing the listing, ZIMBABWE stated it was "scientifically unjust" to list chrysotile asbestos. UKRAINE and KAZAKHSTAN said a convincing scientific basis does not exist to support the listing. VIET NAM asserted there is no link between chrysotile asbestos and asbestosis. KYRGYSTAN said the substance can be used safely.

INDIA did not support listing, citing the utility of the substance, the finding of "no hazard" in domestic studies and the increased trade costs of the PIC Procedure. Noting

past discussions failed to reach consensus, the RUSSIAN FEDERATION suggested removing the issue from further consideration by the COP. The COP forwarded the issue to the contact group on Listing of Chemicals.

BASEL CONVENTION (BC) COP11

BC COP11 reconvened in the afternoon, chaired by BC COP11 President Perrez. SC COP6 President Álvarez announced the establishment of a Friends of the President group, to convene on Wednesday, 8 May, on compliance, with India, Iran, China, Japan, Zambia, Nigeria, Namibia, Egypt, Brazil, Colombia, the EU, Switzerland, Australia and Norway as its members.

MATTERS RELATED TO THE IMPLEMENTATION OF THE CONVENTION: Follow-up to the CLI: On legal clarity, BC COP "virtually" adopted the decision (BC CRP.21), with an amendment that reference to the technical guidelines on e-waste should be referred to as a draft.

On the Ban Amendment and developing ESM guidelines, President Perrez reported that Germany had offered to take the lead on the implementation of the decision and JAPAN stated they would continue their contributions to ESM for hazardous wastes. BC COP "virtually" adopted the decision (BC CRP.23).

Scientific and technical matters: Technical guidelines: BC COP11 "virtually" adopted the decision on technical guidelines for the ESM of wastes consisting of, containing or contaminated with POPs (BC CRP.11). Following clarification that the decision outlines a process to continue work on the guidelines, BC COP11 "virtually" adopted the decision on technical guidelines on e-waste (BC CRP.22). After the virtual adoption, COLOMBIA, supported by SWITZERLAND, CHILE and others, lamented that no consensus had been reached on the guidelines.

Amendments to the annexes to the Basel Convention: BC COP11 "virtually" adopted the decision on amendments to the annexes to the Basel Convention (BC CRP.12).

Operations and work programme of the OEWG for 2014–2015: BC COP "virtually" adopted the decisions on the OEWG (BC CRP.17 and CRP.18/Rev.1).

OTHER MATTERS: Admission of observers: BC COP11 "virtually" adopted the decision on admission of observers (BC CRP.20).

CONTACT GROUPS

BUDGET AND SYNERGIES: The group, co-chaired by Gregor Filyk (Canada) and Karel Blaha (Czech Republic), discussed synergies in the morning, and broke into two parallel groups, on budget and synergies respectively, in the afternoon. In the morning, parties agreed to text regarding transparency and accountability, and discussed "wider" cooperation, or, as one delegate preferred, "deeper" cooperation. Delegates also discussed the preamble to the omnibus decision at length while some parties queried the need for a preamble. The afternoon synergies group discussed the organization of the Joint Secretariat and joint activities. The parallel budget group discussed draft decisions for the programme of work and budget.

IN THE CORRIDORS

An animated atmosphere prevailed as delegates turned to the Rotterdam Convention's substantive issues, and early agreement proved elusive to make PFOS and its related chemicals, paraquat and chrysotile asbestos subject to the PIC Procedure. Several said India's opposition to listing PFOS was surprising, given it is already listed under the SC. Others noted that India produces products containing PFOS that are currently exempted under the SC, so applying the PIC Procedure would be "additional" to SC requirements. On Rotterdam's old antagonist, chrysotile asbestos, participants applauded loudly as Canada announced it would not block listing. Yet one significant step forward was quickly followed by two steps back, as several others affirmed their intention to block, ensuring the stalemate continues over the last form of asbestos to be subject to PIC.