



BRS CONVENTIONS HIGHLIGHTS: FRIDAY, MAY 8

The meetings of the BRS COPs reconvened on Friday, 8 May 2015. In the morning, plenary heard reports on the progress in the contact groups. The Basel Convention (BC) COP met to discuss matters related to the implementation of the convention. The SC met during the afternoon to discuss and adopt decisions. The joint session of the three COPs met to adopt the report. Contact groups met throughout the day on: technical assistance and financial resources; technical matters under the BC; budget; strategic matters under the BC; SC non-compliance; and cooperation and coordination.

BASEL CONVENTION COP12

MATTERS RELATED TO THE IMPLEMENTATION OF THE CONVENTION: Scientific and technical matters:

Technical guidelines (excluding POPs wastes): President Jagusiewicz opened discussions on TGs for the environmentally-sound management (ESM) of mercury wastes. The Secretariat introduced the documents (UNEP/CHW.12/5/Add.8 and INF 8), noting that comments received on the updated guidelines could not be translated in time for COP12.

JAPAN, lead country on the TGs for mercury wastes within the Small Intersessional Working Group (SIWG), expressed hope that the updated TGs would be adopted. SWITZERLAND and the EU expressed support for the TGs in principle, with SWITZERLAND suggesting greater cooperation with the Minamata Convention. The EU highlighted that the guidelines should be updated in the future to include mercury-waste disposal methods currently under development.

President Jagusiewicz proposed, and delegates agreed, to forward further discussion on mercury wastes to the contact group on technical matters.

The Secretariat introduced documents on electronic and electrical waste and used electrical and electronic equipment (e-waste), in particular regarding the distinction between waste and non-waste (UNEP/CHW/12/5, Add.1 and INF/7). Noting that these TGs had been under discussion for 13 years, President Jagusiewicz said the time was ripe to adopt them.

LIBERIA, JAPAN, SWITZERLAND, NEW ZEALAND, CONGO, CHINA, SRI LANKA, HONDURAS, EL SALVADOR and AUSTRALIA called for finalizing the TGs at COP12. Ghana, for the AFRICAN GROUP, welcomed the draft TGs generally, but cautioned against creating “serious loopholes” regarding when used equipment should not be considered waste. CHINA stressed that the guidelines should reduce loopholes in identifying e-wastes. EQUATORIAL GUINEA called for clarification on whether unused articles could be considered waste.

NIGERIA urged adopting TGs that also can be used by “ordinary people” involved in collecting and recycling e-waste.

DOMINICA, BHUTAN and PANAMA called for very simple, clear guidelines, noting that complex guidelines are more difficult to apply.

JAPAN suggested following adoption of the e-waste TGs with related technical assistance. MOROCCO called for technical assistance in addressing e-waste that could encourage investment and generate jobs by developing value chains while protecting the environment. IRAQ called for help to implement the TGs and noted efforts to prohibit secondhand waste.

The DOMINICAN REPUBLIC, GUINEA and INDONESIA underscored the need to take into account national legislation. MALAYSIA underscored the need to balance ESM of waste with sustainable development.

PARAGUAY underscored the need for guidelines to support ESM of e-waste. The EU emphasized the need to have guidelines that are applicable and usable.

PERU said it would submit text clarifying when equipment should be reused and when it should be deemed to be waste. ZAMBIA underscored that the TGs should not leave room for illegal trafficking of e-waste in the guise of trade. JAMAICA called for clarification and classification of what wastes should be considered non-hazardous, noting that capacity for repair is limited in SIDS and some developing countries.

IRAN called for generators of e-waste to take more responsibility for exports. PAKISTAN noted the prior informed consent (PIC) procedure could be helpful.

ANTIGUA AND BARBUDA noted that references to the Minamata Convention could have implications for non-parties.

VENEZUELA highlighted the need to look at causes of e-waste and to develop technologies with longer lifespans. LEBANON underscored its lack of facilities to deal with e-waste resulting from donated equipment in refugee camps.

BAN cautioned against text on repair, noting “reuse can be an excuse for abuse.” IPEN stated that everything can be claimed as repairable, and urged upholding the BC’s provisions regarding the right to refuse the import of waste.

The US called for clear criteria distinguishing waste and non-waste, and suggested that documentation includes destination and intended use.

Delegates agreed to forward e-waste TGs to the contact group on technical matters to discuss remaining issues and revise the guidelines, focusing on exemptions.

Strategic issues: Follow-up to the Indonesian-Swiss Country-Led Initiative to improve the effectiveness of the BC:

President Jagusiewicz introduced the Indonesian-Swiss CLI, suggesting the COP focus first on ESM. SWITZERLAND, supported by INDONESIA, underscored the “time is right” to move from a national to an international focus, and supported establishing a contact group.

The Secretariat introduced the CLI (UNEP/CHW.12/3), the draft work programme of the Expert Working Group on ESM (UNEP/CHW.12/3/Add.1), practical manuals (UNEP/CHW.12/3/

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Add.2) and fact sheets (UNEP/CHW.12/INF/6).

Alberto Capra (Argentina) Co-Chair of the Expert Working Group on ESM, reported on materials produced, and acknowledged support from the private sector, NGOs and the regional centres. Co-Chair Andreas Jaron (Germany) suggested translating materials into official UN and other languages as a task for the regional centres and called for in-kind contributions, including from the private sector, to facilitate this.

The EU, supported by LIBERIA, expressed support for the Expert Working Group, while calling for consistency in terminology.

BAN lauded the emphasis on waste prevention as a priority. Delegates agreed to establish a contact group on the issue.

STOCKHOLM CONVENTION COP7

During the afternoon, SC COP7 met to discuss draft decisions. All decisions made were subject to confirmation of financial accommodation from the budget group.

MATTERS RELATED TO THE IMPLEMENTATION OF THE CONVENTION: Measures to reduce or eliminate releases from intentional production or use: Exemptions: SC COP7 adopted paragraph 26 of UNEP/POPS/COP.7/4/Rev.1, by which the COP agrees, *inter alia*, to amend the review process for entries in the registry to specify that the review process is open-ended.

PCBs: The COP adopted the draft decision (UNEP/POPS/COP.7/CRP.7), pending confirmation of financial accommodation from the budget group.

BDEs and PFOS, its salts and PFOSE: The COP adopted the decision on the evaluation and review of BDEs (UNEP/POPS/COP.7/CRP.8).

The COP considered the draft decision on PFOS, its salts and PFOSE (UNEP/POPS/COP.7/CRP.19). CANADA, supported by NORWAY, suggested text requesting the Secretariat to encourage information exchange. INDIA underscored the need to continue the allowable purposes for fire-fighting foams and insect baits for leaf-cutting ants. The Secretariat drew attention to proposed text in the draft decision that encourages parties to withdraw their registration for acceptable purposes for these two purposes. President Lissinger Peitz suggested, and parties agreed, to reconsider this draft decision later in the meeting.

Measures to reduce or eliminate releases from unintentional production: The SC COP adopted the decision on BEP (UNEP/POPS/COP.7/CRP.14), pending confirmation of financial accommodation from the budget group.

Measures to reduce or eliminate releases from wastes: SC COP7 considered the draft decision (UNEP/POPS/COP.7/15). NORWAY asked whether text which invites experts working under the SC to participate in the work to update the TGs on POPs wastes in the BC was incorporated into the decision. President Lissinger Peitz affirmed that the text would be incorporated and said COP7 would return to this decision at a later time.

Implementation plans: SC COP7 adopted the decision with no amendments (UNEP/POPS/COP.7/CRP.10).

Listing of chemicals in Annex A, B or C to the convention: Polychlorinated naphthalenes: The COP considered listing polychlorinated naphthalenes (PCNs) (UNEP/POPS/COP.7/CRP.9) in Annexes A and C. CUBA, with ARGENTINA, underscored the need for additional financial and technical assistance for new listings. The RUSSIAN FEDERATION said it could not support listing PCNs, citing the importance of some CNs for producing octaCN. Parties agreed to reconsider this later in the meeting.

HCBD: The COP considered CRPs on listing HCBD (UNEP/POPS/COP.7/CRP.17 and 18), which were accepted. NORWAY, supported by SWITZERLAND, reflected “reluctant acceptance” to list HCBD solely in Annex A and forward further consideration on Annex C to COP8.

PCPs: INDIA called for deferring the CRP on the listing of

PCPs, its salts and esters in Annex A with a specific exemption for utility poles and crossarms (UNEP/POPS/COP.7/CRP.11) to COP8, noting the need for “scientific inputs for a fair decision.” President Lissinger Peitz suggested this be reconsidered later at COP7.

Financial resources and mechanisms: SC COP7 adopted the decision on assessment of funding needs (UNEP/POPS/COP.7/CRP.16).

Reporting pursuant to Article 15: SC COP7 adopted the decision (UNEP/POPS/COP.7/CRP.15).

ADOPTION OF THE REPORT: The Secretariat reviewed the first part of the meeting report (UNEP/POPS/COP.7/L.1/Add.1), which delegates adopted with minor amendments.

JOINT SESSION OF THE THREE COPS:

In the afternoon, BC Rapporteur Luca Arnold (Switzerland) and RC Rapporteur Marie-Pierre Meganck (France) presented the draft report of the joint sessions (UNEP/CHW.12/L.1; UNEP/FAO/RC/COP.7/L.1; UNEP/POPS/COP.7/L.1) in French, highlighting that COPs are meeting in a French-speaking city. Delegates adopted the report with minor amendments.

CONTACT GROUPS:

BUDGET: The group met to consider the BC budget decision, discussing, *inter alia*, “policy framing” for the decision and arrears. On arrears, one party, opposed by many, suggested the Secretariat should do more to address this issue. A regional group noted that arrears within the BC are addressed in the Convention’s Financial Rules, with another group cautioning against amending these rules to accommodate a minority.

TECHNICAL MATTERS (BC): The group reviewed TGs for mercury wastes and e-waste. Discussions on e-waste focused on the reverse burden of proof principle. A small drafting group was formed to reformulate the text. Discussions on instances where used equipment is not destined for recovery or disposal focused on whether to directly reference “for the purpose for which it was originally intended” and who can provide test certification for failure analysis.

COMPLIANCE (SC): Initial discussions in the group focused on the mandate. Some delegates called for a focus on unresolved issues from COP6; others emphasized that the entire document is in brackets. The group sought advice from President Lissinger Peitz, after which they agreed to proceed with a broad exchange of views.

TECHNICAL ASSISTANCE AND FINANCIAL RESOURCES: The group met but failed to agree on SC-specific issues related to the fourth review of the financial mechanism, and on the MOU between the COP and the GEF. The group considered a new proposal on consolidated guidance to the GEF, which was presented to replace an earlier proposal on joint guidance to the GEF. A small group met to try and resolve outstanding issues related to regional centres.

IN THE CORRIDORS: The importance of leadership was underscored throughout Friday, as delegates engaged with increasingly tricky issues. In a few cases, delegates seemed to be at an impasse, and exceptional diplomatic skills were required to iron out disagreements and help identify potential routes toward consensus. As contact group discussions began on e-waste, one delegate joked that perhaps the term e-waste should refer to “emotional waste,” as the long-drawn out discussions on this important issue that have so far yielded few results.

As discussions seemed to falter on some issues, several delegates lauded the three COP Presidents for their efforts as they moved from one contact group to another, assisting negotiators in understanding positions, clarifying expectations, and in some cases, diffusing tensions that threatened to derail discussions. It was not only individuals that demonstrated exemplary leadership, however; in plenary, the African Group was applauded for its unique achievement of a coherent, coordinated position on the historically challenging issue of compliance.