

## Summary of the Meetings of the Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions: 29 April – 10 May 2019

The 2019 joint Conferences of the Parties (COP) to the Basel, Rotterdam and Stockholm Conventions achieved several notable outcomes, including:

- the establishment of a compliance mechanism under the Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade
- the listing of dicofol and perfluorooctanoic acid (PFOA), its salts, and PFOA-related compounds under the Stockholm Convention on Persistent Organic Pollutants; and
- the adoption of an amendment to address certain plastic wastes under the Basel Convention (BC) on the Control of Transboundary Movement of Hazardous Wastes and their Disposal.

This last decision was welcomed with raucous cheers, as delegates celebrated the global agreement to take action on this pressing and complicated issue. Parties to the BC also adopted technical guidelines on environmentally sound management of electrical and electronic wastes (e-wastes). These guidelines can now be implemented, enabling countries to tackle this growing problem. Key aspects of the e-waste issue remain, however, and an Expert Working Group will continue working to answer questions about the export of wastes for refurbishment—an issue that many characterize as a loophole that allows end-of-life products to be exported under the guise of “repairability.”

The Stockholm Convention COP also yielded significant developments, with decisions to end some of the exemptions for the continued production and use of certain industrial chemicals. These decisions were welcomed by many, who saw these as evidence that this “living” Convention is capable of effectively addressing substances that are economically important but pose significant risks to human health and the environment.

One of the most significant outcomes of the Rotterdam Convention COP9 was the decision to adopt a compliance mechanism. This challenging issue had been on the agenda of the Convention for 15 years, and while parties had come close to consensus at the last two meetings of the COP, they were unable to overcome the concerns of a small minority. When it became clear at this meeting that consensus would once again be blocked by a single party, delegates took the unprecedented step of voting to establish a new annex that would delineate procedures and mechanisms to facilitate parties’ implementation of their obligations. This new mechanism will assist parties to identify

and address gaps in complying with the Convention, with the aim of ensuring that governments have the information they need about hazardous chemicals to assess the risks and take informed decisions when importing chemicals.

Over 1700 delegates gathered in Geneva, Switzerland from 29 April-10 May 2019 for the fourteenth meeting of the COP to the Basel Convention, the ninth meeting of the COP to the Rotterdam Convention, and the ninth meeting of the COP to the Stockholm Convention on Persistent Organic Pollutants (POPs). Negotiations in Geneva focused on Convention-specific issues as well as issues of joint concern to at least two of the three Conventions, including cooperation and coordination among the Conventions to address issues such as waste containing POPs.

### A Brief History of the Chemicals and Wastes Conventions

#### Basel Convention

The Basel Convention (BC), which was adopted in 1989 and entered into force on 5 May 1992, was created to address concerns over the management, disposal, and transboundary movement of the estimated 400 million tonnes of hazardous wastes that are produced worldwide each year. The guiding principles of the Convention are that transboundary movements of hazardous wastes should be: reduced to a minimum; minimized at the source; managed in an environmentally sound manner; and treated and disposed of as close as possible to their source

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of generation. In September 1995, at BC COP3, parties adopted the Ban Amendment, which bans the shipment of hazardous wastes for final disposal and recycling from Annex VII countries (European Union (EU), Organization for Economic Cooperation and Development (OECD) and Liechtenstein) to non-Annex VII countries. The Ban Amendment will enter into force once it is ratified by three-fourths (66) of the 87 parties that were parties to the Convention when the amendment was adopted at COP3.

There are currently 187 parties to the Convention and 95 ratifications of the Ban Amendment.

**Recent Highlights:** At COP12 (4-15 May 2015, Geneva), delegates adopted 25 decisions, including approving new technical guidelines on POPs wastes and updated technical guidelines on mercury wastes, and, on an interim basis, technical guidelines on e-waste.

At COP13 (24 April – 5 May 2017, Geneva), delegates adopted guidance to assist parties in developing strategies for implementation of the Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and other Wastes. COP13 also adopted further technical guidelines on POPs wastes, mercury wastes, and e-wastes, established a new partnership on household waste under the Basel Convention, and agreed to include marine litter in the programme of work of the Basel Convention's Open-ended Working Group.

### Rotterdam Convention

The Rotterdam Convention (RC), which was adopted in September 1998 and entered into force on 24 February 2004, creates legally-binding obligations for the implementation of the Prior Informed Consent (PIC) procedure. The objectives of the Convention are to promote shared responsibility and cooperative efforts among parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm, and to contribute to the environmentally sound use of those hazardous chemicals by: facilitating information exchange about their characteristics; providing for a national decision-making process on their import and export; and disseminating these decisions to parties. There are currently 161 parties to the Convention and a total of 50 chemicals listed in Annex III, including 34 pesticides, 15 industrial chemicals, and one chemical in both the pesticide and the industrial chemical categories.

**Recent Highlights:** Long-standing issues that have eluded consensus include establishment of a compliance mechanism and listing of several chemicals recommended by the Chemical Review Committee (CRC) for inclusion in Annex III, including carbosulfan, fenthion, and paraquat dichloride formulations, as well as chrysotile asbestos. The COP has agreed that each of these chemicals meets all criteria for listing but has not yet reached consensus to include them in Annex III. At COP7 (4-15 May 2015, Geneva), delegates agreed to establish an intersessional working group to: review cases in which the COP was unable to reach consensus on the listing of a chemical by identifying the reasons for and against listing and, based on that and other information, to develop options for improving the effectiveness of the process; and to develop proposals for enabling information flows to support the PIC procedure for those chemicals.

Following the working group's report to COP8, delegates agreed to request the Secretariat to develop an online survey to gather information on priority actions to enhance the effectiveness of the Rotterdam Convention, and to establish a working group to develop a set of recommendations to enhance the effectiveness of the Convention and to report to COP9.

### Stockholm Convention

The Stockholm Convention (SC), which was adopted in May 2001 and entered into force on 17 May 2004, calls for international action on three categories of POPs: pesticides, industrial chemicals, and unintentionally produced POPs. The SC requires parties to prevent the development of new POPs and promote best available techniques (BAT) and best environmental practices (BEP) for replacing existing POPs. The Convention, which initially addressed 12 substances (informally known as “the dirty dozen”), was designed to facilitate the review and addition of new chemicals through a three-stage scientific review process prior to consideration for listing by the COP. Since 2009, the COP has added 16 new POPs, including both pesticides and industrial chemicals, to the annexes of the Stockholm Convention. There are currently 182 parties to the Convention.

**Recent Highlights:** At its 2017 meeting the COP agreed to list short-chain chlorinated paraffins in Annex A (elimination) of the Convention. Due in part to its widespread use in a range of applications, this industrial chemical was under review by the POPs Review Committee (POPRC) for ten years before it was recommended for listing, and the COP agreed to allow several specific exemptions for continued production and use. Ongoing issues include work to: reduce stockpiles of polychlorinated biphenyls (PCBs); review the continued need for dichlorodiphenyltrichloroethane (DDT) for disease-vector control; and achieve consensus to establish a compliance mechanism.

### Synergies

Simultaneous extraordinary meetings of the Basel, Rotterdam and Stockholm (BRS) COPs (ExCOPs) have been held twice. The first, held 22-24 February 2010 in Bali, Indonesia, resulted from the work of the *Ad Hoc* Joint Working Group on Enhancing Cooperation and Coordination among the BRS Conventions, which was mandated to prepare joint recommendations on enhanced cooperation and coordination for submission to the three COPs. Delegates adopted an omnibus synergies decision on joint services, joint activities, synchronization of the budget cycles, joint audits, joint managerial functions, and review arrangements. In the decision on review arrangements, the ExCOPs, *inter alia*, decided to review in 2013 how the synergies arrangements had contributed to achieving a set of objectives, such as strengthening the implementation of the three Conventions and maximizing the effective and efficient use of resources at all levels.

The second simultaneous ExCOPs meeting was held in conjunction with the back-to-back meetings of the COPs from 28 April-10 May 2013 in Geneva, Switzerland. Delegates adopted an omnibus decision on enhancing cooperation and coordination among the BRS Conventions. The ExCOPs, *inter alia*, decided to undertake a review of the synergies process and the organization of the Secretariats, and to continue to present joint activities as an integral part of the proposed programmes of work and budgets of the three Conventions. On enhanced cooperation and coordination among the technical bodies of the BRS Conventions, the ExCOPs, *inter alia*, requested alignment of the working arrangements of the Rotterdam Convention CRC with those of the Stockholm Convention POPRC to support effective participation of experts and observers, and encouraged the POPRC to involve experts from the Basel Convention when discussing waste issues. On wider cooperation, the ExCOPs requested the Secretariat to enhance cooperation with the Strategic Approach to International Chemicals Management (SAICM) and expressed interest in coordinating with the Minamata Convention on Mercury. On



facilitating financial resources for chemicals wastes, the ExCOPs welcomed an integrated approach that includes mainstreaming, industry involvement and dedicated external finance.

## Report of the Meetings

### Joint Sessions of the Three COPs

Marc Chardonens, Director, Federal Office for the Environment, Switzerland, opened the BRS COPs on Monday, 29 April 2019, and called on delegates to: adopt a compliance mechanism under the RC; address electrical and electronic waste (e-waste) and marine plastic waste; and ratify the Ban Amendment to the BC.

Via video message, Joyce Msuya, Acting Executive Director, UN Environment Programme (UNEP), called on delegates to ramp up their efforts to address the full life cycle of chemicals and waste.

Rolph Payet, Executive Secretary, BRS Conventions, called on donors to support the elimination of PCBs in equipment by 2025 and liquid containing PCBs by 2028, and urged delegates to deliver action on e-waste and marine plastics. Hans Dreyer, Executive Secretary of the RC, Food and Agriculture Organization of the UN (FAO), stressed the importance of addressing hazardous pesticides in order to meet the Sustainable Development Goals, and drew attention to the forthcoming UN International Year of Plant Health.

Mohammed Khashashneh (Jordan), SC COP 9 President, welcomed delegates on behalf of Osvaldo Álvarez-Pérez (Chile), RC COP9 President, and Abraham Zivayi Matiza (Zimbabwe), BC COP14 President. Khashashneh previewed the work ahead and synergies among the Conventions, stressing the need for additional efforts to safeguard human health and the environment. Each of the COP Presidents then opened his respective meetings

### Organizational Matters

**Adoption of the agenda and organization of work:** On Monday, 29 April, BC COP14 President Matiza, RC COP9 President Álvarez-Pérez, and SC COP9 President Khashashneh introduced their respective agendas (UNEP/CHW.14/1; UNEP/FAO/RC/COP.9/1, Add. 1; UNEP/POPS/COP.9/1, Add.1). All three agendas were adopted without amendment.

**Election of officers:** On 29 April, the Secretariat introduced the documents (UNEP/CHW.14/2, 13, INF/3; UNEP/FAO/RC/COP.9/2, INF/3; and UNEP/POPS/COP.9/2, INF/3), noting that the next BC COP President would be from the Latin American and Caribbean Group (GRULAC), the RC COP President from the African Group, and the SC COP President from Central and Eastern Europe (CEE) countries. The agenda item was suspended and taken up by each COP later in the meeting. On Friday, 10 May, the Secretariat introduced the documents on the election of officers (UNEP/CHW.14/CRP.41/Rev.1; UNEP/FAO/RC/COP.9/CRP.13/Rev.1; UNEP/POPS/COP.9/CRP.28/Rev.1).

**BC Election of Officers:** Delegates elected to the COP15 Bureau: Osvaldo Álvarez-Pérez (Chile) as President; Joseph Cantamanto Edmund (Ghana) as Rapporteur; Mohamed Karim Ouamane (Algeria); Ali Al-Dobhani (Yemen); Zaigham Abbas (Pakistan); Irma Gurguliani (Georgia); Mari-Liis Ummik (Estonia); Valentina Sierra (Uruguay); Claire Gouvray (France); and Glenn Wigley (New Zealand).

For the Open-ended Working Group (OEWG) Bureau: Gillian Guthrie (Jamaica) and Stina Andersson (Sweden) as Co-Chairs; and Yaser Abu Shanab (State of Palestine); Kristine Vardanashvili (Georgia); and Hloblise Sikhosana (eSwatini).

For the Implementation and Compliance Committee: Paul-Babidou Zarabingui (Central African Republic); Florisvindo Rodrigues Furtado (Cabo Verde); Jimena Nieto (Colombia); Odessa Duncan (Guyana); Mark Govoni (Switzerland); Nicole Mohammed (UK); Flavius Mihai Ardelean Motoc (Romania); Gordana Vesligaj (Croatia); Mohamed Aman (Bahrain); and Hamed Alinejad (Iran).

For the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE): Mazhar Hayat (Pakistan); Florin-Constantin Homorean (Romania); Pulchérie Simeon (Benin); Leila Devia (Argentina); and Katie Olley (UK).

**RC Election of Officers:** For the Bureau: Serge Molly (Gabon) as President; Jeanelle Kelly (Saint Kitts and Nevis) as Rapporteur; Mohammed Khashashneh (Jordan); Agnieszka Jankowska (Poland); and Alison Kennedy (Canada).

**RC Election of Experts:** For the members of the CRC, the COP appointed Dinesh Runiwal (India) to replace Manoj Kumar Gangeya and Simon Hoy (UK) to replace Johanna Pelthola-Thies, until 30 April 2020. The COP also appointed Martin Lacroix (Canada) to replace Jeffery Goodman, Gloria Judith Venegas Calderon (Ecuador) to replace Cristina Salgado, Kristīne Kazerovska (Latvia) to replace Līga Rubene, Muhammad Shakeel Malik (Pakistan) to replace Iftikhar-ul-Hassan Shah Gilani, and Agnieszka Jankowska (Poland) to replace Dorota Wiederna as members of the Committee until 30 April 2022 (UNEP/FAO/RC/COP.9/CRP.11).

The 14 designated with terms of office from 1 May 2020 to 30 April 2024 are: Aïta Sarr Seck (Senegal); Clarence Matewe (Zimbabwe); Youssef Zidi (Tunisia); Daniel William Ndiyo (Tanzania); Yenny Meliana (Indonesia); Hassan Azhar (Maldives); Jayakody A. Sumith (Sri Lanka); Dinesh Runiwal (India); Anahit Aleksandryan (Armenia); Eliana Rosa Munarri (Argentina); Jonah Ormod (Antigua and Barbuda); Juergen Helbig (Austria); Mara Cubara (Belgium); and Sarah Maillefer (Switzerland).

The COP elected Noloziuko Gwayi (South Africa) as the Chair of the CRC.

**SC Election of Officers:** For the Bureau: Silvija Nora Kalnins (Latvia) as President; Sheikh Ahmed Tunis (Sierra Leone); Noloziuko Gwayi (South Africa); Seyed Mahdi Parsaee (Iran); Yousif Muayad Yousif (Iraq); Alexander Romanov (Russian Federation); Natalia Pacheco (Bolivia); Nohelia Vargas Idiaquez (Nicaragua); Maria Delvin (Sweden); and Felix Wertli (Switzerland).

**SC Election of Experts:** The members of POPs Review Committee (POPRC) with terms commencing on 5 May 2020 are: Jean Paul Otamonga (Democratic Republic of the Congo); Mehari Wondmagegn Taye (Ethiopia); Veiko Uahengo (Namibia); Elham Refaat Abdel Aziz Sayed Ahmed (Egypt); Jianxin Hu (China); Kazuhide Kimbara (Japan); Chalongkwan Tangbanluekal (Thailand); Hyo-Bang Moon (Republic of Korea); Magdalena Frydrych (Poland); Agustin Harte (Argentina); Mario Rodas (Ecuador); Caren Rauert (Germany); Valentina Bertato (Belgium); and Christina Tølfesen (Norway).

**Report on credentials:** On Monday, 29 April, the Secretariat introduced the documents (UNEP/CHW.14/1/Add.1, INF/4; UNEP/FAO/RC/COP.9/1/Add.1, INF/5; UNEP/POPS/COP.9/1/Add.1, INF/5). BC COP14 President Matiza welcomed new parties Vanuatu (BC, RC), State of Palestine (RC, SC), and Turkey (RC).

On Thursday, 9 May, the Secretariat presented, and delegates adopted, the report on credentials for each of the BRS Conventions. China proposed making the credentials available

online and asked whether parties to the RC without credentials were entitled to vote. This issue was discussed further under RC compliance.

### **Matters Related to Implementation of the Conventions**

**Technical assistance:** This issue was introduced in plenary on Monday, 29 April, and addressed in a contact group on technical assistance and financial resources co-chaired by Reginald Hernaus (Netherlands) and David Kapindula (Zambia).

The Secretariat introduced the documents (UNEP/CHW.14/16 and 17; UNEP/FAO/RC/COP.9/15; UNEP/POPS/COP.9/16, 17) and reported on its technical assistance activities (UNEP/CHW.14/INF/25/Rev.1; UNEP/FAO/RC/COP.9/INF/24/Rev.1; and UNEP/POPS/COP.9/INF/25/Rev.1). BC COP14 President Matiza identified the main issues as:

- the technical assistance plan for delivery of assistance under the Conventions (UNEP/CHW.14/INF/27; UNEP/FAO/RC/COP.9/INF/26; UNEP/POPS/COP.9/INF/26);
- the implementation of the BC emergency trust fund (UNEP/CHW.14/INF/56); and
- the BC and SC regional centres (UNEP/CHW.14/INF/28/Rev.1, INF/29, Add.1; UNEP/POPS/COP.9/INF/27/Rev.1, INF/28, Add.1).

The COPs took note of the information provided on the implementation of the emergency fund.

Georgia, for CEE, noted the value of the procedure for requesting technical assistance. China and Iraq noted, respectively, the efforts of FAO regional offices, as well as UNEP and the UN Development Programme (UNDP) for technical assistance. South Africa underscored the importance of ensuring that technical assistance is sufficient to facilitate compliance. The EU said that technical assistance activities should follow the mandates established in COP decisions. On regional centres, many developing countries underscored their value, citing examples of support such as staff training, strengthening legal frameworks, and eliminating PCB stockpiles. Many developing countries also called for further strengthening of the regional centres, with South Africa urging provision of sufficient financial resources, and Iran underscoring the need for strengthening cooperation and coordination among regional centres.

On the monitoring and evaluation strategy, the EU noted there was no mandate for its development, while Thailand supported it. The International POPs Elimination Network (IPEN) called for technical assistance to support non-combustion technologies to eliminate stockpiles of POPs and suggested that regional centres would benefit from involving civil society organizations in their projects. Parties established a contact group, co-chaired by Reginald Hernaus (Netherlands) and David Kapindula (Zambia) to discuss technical assistance and regional centres.

Delegates adopted a draft decision on Friday, 10 April.

**Final Decision:** In the joint decision (UNEP/CHW.14/CRP.24, UNEP/FAO/RC/COP.9/CRP.7, UNEP/POPS/COP.9/CRP.24), the COPs, *inter alia*:

- invite developing country parties and parties with economies in transition to submit to the Secretariat information on their needs for technical assistance and technology transfer;
- invite developed country parties and others with the capacity to do so to submit to the Secretariat information on the technical assistance and technology that they have available to be transferred to developing country parties and parties with economies in transition;

- encourage parties, UNEP, FAO, the Global Environment Facility (GEF) and the Special Programme to support institutional strengthening at the national level for implementation of the BRS Conventions, the Minamata Convention on Mercury, and SAICM (Special Programme), and to continue to support the technical assistance plan for the implementation of the BRS Conventions for the period 2018-2021;
- request the Secretariat to: develop an online survey to collect the information from parties and make the information available on the Conventions' websites; and prepare a report on the assessment of the information on the needs of developing-country parties and parties with economies in transition for technical assistance and technology transfer, based on the information submitted by parties; and
- emphasize the key role of the BC and SC regional centres, as well as the regional, subregional and country offices in delivering technical assistance upon request, particularly at the regional level, for the BRS Conventions and facilitating technology transfer to eligible parties.

**Financial resources:** This issue was opened in the joint sessions on 29 and 30 April, and addressed in a contact group on technical assistance and financial resources co-chaired by Reginald Hernaus and David Kapindula for the duration of the meeting.

The Secretariat introduced the document on the integrated approach to financing sound management of chemicals and wastes (CHW.14/INF/34, FAO/RC/COP.9/INF/27, POPS/COP.9/INF/33). UNEP reported on the status and implementation of the Special Programme (CHW.14/INF/35, FAO/RC/COP.9/INF/28, POPS/COP.9/INF/34). GRULAC highlighted the importance of strengthening the role of the private sector in the integrated approach, and underscored the importance of additional finances to ensure implementation. Several countries, including the Gambia, Bolivia, Togo, South Africa, Nigeria, Papua New Guinea, and Iraq, outlined national actions to implement the Special Programme and integrated approach. Colombia called for revising the terms and conditions for accessing financing. Iran and Kazakhstan urged non-discriminatory disbursement of funds. The State of Palestine suggested review of the application submission procedures. Palau called for strengthening international cooperation to facilitate greater access to funding. The Center for International Environmental Law (CIEL) recognized the value of the Special Programme, but emphasized that full and adequate management mechanisms require industry involvement. Delegates took note of the information provided.

### **Enhancing Cooperation and Coordination among the BRS Conventions**

**International cooperation and coordination:** On Tuesday, 30 April, the Secretariat introduced the document on international cooperation and coordination, report on related activities, report of the UNEP Executive Director, documents related to cooperation with the Minamata Convention, and an update on the SAICM intersessional process (UNEP/CHW.14/20, INF/36-38, 48, 51, 54; UNEP/FAO/RC/COP.9/16, INF/29-31, 40, 16, 44; UNEP/POPS/COP.9/23, INF/38-40, 49, 57, 59).

In plenary, Argentina supported the BRS Secretariat becoming a participating observer in the SAICM process, and Switzerland supported a similar status for the Secretariat in the Inter-Organization Programme for the Sound Management of

Chemicals (IOMC). The African Group identified a discrepancy between the World Health Organization (WHO) and the SC guidance regarding safe use of DDT.

Rossana Silva Repetto, Executive Secretary of the Minamata Convention, recalled the Minamata COP2 decision on development of a proposal for a stable framework for sharing resources between the Minamata Convention and BRS Secretariats. UNEP clarified that this TripleCOP does not need to take a decision on this issue, and noted 9 of 25 resolutions adopted by the last session of the UN Environment Assembly (UNEA) related to chemicals.

Outlining the linkages between several human rights conventions and the BRS Conventions, the Special Rapporteur on Hazardous Substances and Wastes called on parties to protect human rights.

The US urged parties to provide guidance to the Secretariat on international cooperation, including on marine plastic litter.

This issue was then taken up in a contact group, co-chaired by Kay Williams (UK) and Angela Patricia Rivera Galvis (Colombia).

Delegates adopted the decisions on Friday, 3 May.

**Final Decision:** In their decisions (UNEP/CHW.14/CRP.5; UNEP/FAO/RC/COP.9/CRP.3; UNEP/POPS/COP.9/CRP.17), the COPs, *inter alia*, request the Executive Secretary to cooperate with the UNEP Executive Director in fostering the implementation of UNEA resolutions related to the sound management of chemicals and waste and of the plan “Towards a Pollution-Free Planet” in areas relevant to the BRS Conventions. The COPs also request the Secretariat to:

- continue to make available to the UNEP information relevant to the follow-up and review of the 2030 Agenda for Sustainable Development submitted to it by parties;
- continue to cooperate with the UNEP, the Statistics Division of the Department of Economic and Social Affairs and other relevant organizations in the development of methodologies for indicators relevant to the BRS Conventions;
- continue, subject to the availability of resources, to assist parties, upon request, in their efforts to integrate relevant elements of the Conventions into their national plans and strategies for sustainable development and, as appropriate, legislation;
- continue to work closely with other international organizations on activities related to marine plastic litter and microplastics;
- continue to participate as an observer, upon invitation, at relevant meetings of the IOMC, pending the outcome of the IOMC’s consideration of the BRS Conventions becoming members of the Programme;
- continue to enhance cooperation and coordination with the Minamata Convention Secretariat in programmatic areas such as mercury wastes and their environmentally sound management (ESM), capacity building and the provision of technical assistance, including through regional centres and in other relevant areas of mutual interest to the Conventions;
- continue to enhance cooperation and coordination with the SAICM Secretariat in areas of relevance to the BRS Conventions; and
- report on the implementation of the present decision to the COP at its next meeting.

**Clearing house mechanism for information exchange:**

The Secretariat introduced the documents (UNEP/CHW.14/21, INF/39; UNEP/FAO/RC/COP.9/17, INF/32; UNEP/POPS/COP.9/24, INF/41). Parties adopted this decision without further discussion.

**Final Decision:** In their decisions (UNEP/CHW.14/21; UNEP/FAO/RC/COP.9/17; UNEP/POPS/COP.9/24), the COPs, request the Secretariat, subject to the availability of resources, to

- continue the work to implement the strategy of the joint clearing house mechanism in a gradual and cost-effective manner; and
- implement the activities of the clearing house mechanism workplan for the biennium 2020-2021, while prioritizing recurring activities, in particular with respect to the maintenance of existing systems.

The decisions also request the Secretariat to:

- ensure that activities undertaken in the development of the clearing house mechanism are cost-effective, proportionate and balanced, and in line with the capacity and resources of the Secretariat;
- participate in meetings by electronic means where possible and to use translations that are already available in the six official languages of the UN;
- utilize the clearing house mechanism to gather information about regional and national initiatives related to waste management, including those on marine plastic waste, taking into account and in cooperation with other initiatives;
- continue to enhance cooperation and coordination activities with existing partners in the area of information exchange, to explore possible cooperative activities with new partners, as appropriate, and to ensure complementarity and avoid duplication with existing and future activities, tools, and mechanisms;
- expand its collaboration with the Minamata Convention Secretariat to exchange information and share experiences and best practices regarding the use of existing clearing house mechanism systems; and
- request the Secretariat to keep the strategy under regular review in order to take into account lessons learned and relevant developments with regard to matters such as the multi-sectoral and multi-stakeholder discussions on the sound management of chemicals and waste beyond 2020.

**Mainstreaming gender:** The Secretariat introduced the documents (UNEP/CHW.14/22, INF/55; UNEP/FAO/RC/COP.9/18, INF/45; UNEP/POPS/COP.9/25, INF/58). Several parties expressed support for the updated BRS Gender Action Plan, with many outlining national actions to mainstream gender for the sound management of chemicals and wastes. The EU requested the Secretariat to continue to update subsequent COPs on implementation of the Plan. The African Group and Iraq called for technical assistance to support gender mainstreaming.

Pesticide Action Network (PAN) noted that women are more biologically sensitive to pesticides and called for more work on this issue. Independent Ecological Expertise called for a risk evaluation of products to which predominantly women are exposed. IPEN stressed the importance of correcting the “power imbalance” in chemicals and wastes decision-making processes.

Delegates agreed to note this information in the report.

**Synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes:** The Secretariat introduced the documents (UNEP/CHW.14/23, INF/42; UNEP/FAO/RC/COP.9/19, INF/33; UNEP/POPS/COP.9/26, INF/42). Pakistan, supported by the State of Palestine and Libya, highlighted the problem of illegal exports of plastic scrap and garbage from developed to developing countries and called for “strict action” on illegal dumping. The African Group highlighted



the importance of the regional centres in fighting illegal traffic and trade. Nigeria called for the Secretariat to organize sub-regional capacity-building activities.

The Russian Federation called for strengthening cooperation among the BRS Conventions and the Montreal Protocol. The EU said work on this issue should build on previous decisions and be cost effective. The US cautioned that a joint glossary of terms might conflate the legal autonomy of the Conventions. IPEN called for development of a glossary of terms and a form to report on illegal trade. PAN urged inclusion of civil society organizations in monitoring.

This issue was forwarded to the joint issues contact group where delegates discussed ways to make reporting illegal traffic and trade voluntary to avoid creating new reporting burdens and to create an explanatory note to accompany the reporting form. On a potential glossary of terms shared by the three Conventions, some developed countries noted that there are very few terms that related to illegal traffic and trade in the RC and SC, and that the BC has already done work on defining these terms.

In plenary on Friday, 3 May, the COPs adopted the decisions.

**Final Decision:** In their decisions (UNEP/CHW.14/CRP.7; UNEP/FAO/RC/COP.9/CRP.5; UNEP/POPS/COP.9/CRP.20), the COPs, *inter alia*, request the Secretariat to:

- develop, taking into account lessons learned from experience with the BC a draft form and explanatory document to enable parties to the RC and SC to voluntarily provide information about cases of trade occurring in contravention of the Conventions, for comments by parties and subsequent consideration by the RC and SC COPs at their next meetings;
- prepare recommendations concerning opportunities for strengthened cooperation for consideration by the COPs to the BRS Conventions at their next meetings;
- continue to provide advice and, subject to the availability of resources, undertake technical assistance activities to strengthen the capacity of parties to prevent and combat illegal traffic and trade in the chemicals and wastes covered by the BRS Conventions; and
- report on the implementation of the present decision to the BRS Conventions at their next meetings.

**From science to action:** The Secretariat introduced the documents (UNEP/CHW.14/24, INF/40; UNEP/FAO/RC/COP.9/20, INF/35; UNEP/POPS/COP.9/27, INF/44). The African Group and others welcomed the revised roadmap for enhanced science-based action in implementation. Uruguay called for improved participation of scientific and academic communities.

Nigeria called for financial resources to implement the roadmap. The EU proposed textual changes, including to postpone the date for parties to report on implementation to 2023.

This issue was forwarded to the joint issues contact group.

On Friday, 3 May, the COPs adopted the decisions with an amendment proposed by Nigeria to request the Secretariat to cooperate and coordinate with UNEP in preparation for assessment of options for strengthening the science-policy interface for the sound management of chemicals and wastes.

**Final Decisions:** In their decisions (UNEP/CHW.14/CRP.6; UNEP/FAO/RC/COP.9/CRP.4; UNEP/POPS/COP.9/CRP.19), the COPs request the Secretariat to:

- subject to the availability of resources, undertake capacity-building and training activities to support parties in taking science-based action in the implementation of the Conventions;
- continue to cooperate and coordinate with UNEP and, as appropriate, other relevant organizations, scientific bodies and stakeholders towards strengthening the science-policy interface

and to report to the BRS COPs at their meetings to be held in 2021 on the implementation of the present decision; and

- cooperate, as appropriate, with the UNEP Executive Director in the preparation of options for strengthening the science-policy interface for the sound management of chemicals and wastes as requested in UNEP Resolution 4/9.

### **Programme of Work and Budget**

This issue was addressed in plenary on Tuesday, 30 April, and then in a contact group on programme of work and budget, co-chaired by Linroy Christian (Antigua and Barbuda) and Premysl Stepanek (Czech Republic). The Secretariat introduced the documents (UNEP/CHW.14/25, INF/43/Rev.1, INF/44; UNEP/FAO/RC/COP.9/21, INF/36/Rev; UNEP/POPS/COP.9/28) and presented information on: the zero nominal growth budget scenario and the Executive Secretaries' scenario; arrears; financial reports; and financial support from partner organizations such as FAO.

The EU called for additional information on the two scenarios. Supporting the zero nominal growth scenario, the Russian Federation called for clarification on the increase of staff costs. Norway expressed concern about outstanding arrears. Brazil and Argentina noted their complicated financial situations, with Brazil supporting the zero nominal growth scenario and Argentina calling on the Secretariat to present additional scenarios in the future. The African Group supported the Executive Secretaries' scenario.

Delegates agreed to establish a contact group on the programme of work and budget.

The COPs adopted the programme of work and budgets for each of the three Conventions on Friday, 10 May. The budgets are summarized under each of the Conventions below.

### **Memoranda of Understanding**

On Tuesday, 30 April, the Secretariat introduced the documents on Memoranda of Understanding (MoUs) between UNEP and the BC and SC COPs, and among FAO, UNEP, and the RC COP (UNEP/CHW.14/26/Rev.1, INF/49; UNEP/FAO/RC/COP.9/22/Rev.1, INF/42; UNEP/POPS/COP.9/29/Rev.1, INF/54-55).

Delegates adopted the three MoUs without amendment.

On Friday, 10 May, the Presidents of the BRS COPs signed the MoUs with Joyce Msuya, Acting Executive Director, UNEP. In an address to delegates, Msuya underscored the achievements of the BRS Conventions, but, stressing that "complacency is the beginning of stagnation," she called for: precautionary action; speeding up the rate at which new chemicals are listed; working with the private sector; accounting for the impacts on future generations; and dealing with hazardous wastes as a way to combat climate change.

The decisions related to the MoUs are summarized under each Convention.

### **Venue and Date of the Next Meeting of the COPs**

This item was introduced in the joint sessions of the BRS COPs on Wednesday, 1 May. The Secretariat introduced the documents (UNEP/CHW.14/INF/57; UNEP/FAO/RC/COP.9/INF/46; UNEP/POPS/COP.9/INF/60) and highlighted an offer from Kenya to host the 2021 COPs, pending successful conclusion of a host country agreement. Kenya, supported by the EU, Tanzania, Uganda, and Nigeria, outlined its offer, highlighting the country's experience with hosting COPs of other multilateral environmental agreements and meetings of UNEA. Delegates requested the Secretariat to prepare a draft decision.

On Thursday, 9 May, delegates agreed to hold the next meetings of the BRS COPs in Nairobi, Kenya, from 17-28 May 2021, with joint sessions covering matters of relevance to at least two of the three Conventions and separate sessions of each of the COPs. They also decided that these meetings will include a high-level segment.

### Other Matters

These issues were addressed in joint plenary on Wednesday, 1 May.

**Admission of Observers:** The Secretariat introduced the documents (UNEP/CHW.14/INF/58; UNEP/FAO/RC/COP.9/INF/47; UNEP/POPS/COP.9/INF/50). Delegates agreed to take note of the observer requests.

**Preventing harassment:** Parties took note of the guidelines preventing and addressing all forms of harassment at BRS meetings (UNEP/CHW.14/INF/47; UNEP/FAO/RC/COP.9/INF/48; UNEP/POPS/COP.9/INF/51).

**Partnerships:** The Secretariat introduced the BC Partnership Programme (UNEP/CHW.14/18). BC COP14 President Matiza explained this item would be discussed jointly to ensure a consistent approach toward partnerships.

Uruguay welcomed the establishment of partnerships with a pre-established framework, specific terms of reference (ToRs), and a work programme that allows progress to be measured. Iran, Nigeria, and India called for a partnership on lead-acid batteries. Argentina and the Gambia cited the benefits of partnerships for addressing illegal traffic. Argentina and China highlighted the role of the regional centres.

Noting that only the BC has partnerships, Switzerland said that the SC and RC could start partnerships under their respective Conventions and, with the EU, queried the need for joint discussions.

Parties forwarded discussions to the joint issues contact group. The issue is summarized under the BC section of this report.

### Adoption of the Report

On Friday, 3 May, delegates adopted the report of the joint sessions (UNEP/CHW.14/L.1; UNEP/FAO/RC/COP.9/L.1; UNEP/POPS/COP.9/L.1).

### Stockholm Convention COP9

COP9 of the Stockholm Convention opened on Monday, 29 April, and conducted most of its work from Tuesday, 30 April, through Friday, 3 May.

### Rules of Procedure for the COP

The Secretariat introduced the document (UNEP/POPS/COP.9/3), noting that paragraph 1 of Rule 45 on voting procedures remains in brackets. Delegates agreed to defer this issue to COP10.

### Matters Related to the Implementation of the Stockholm Convention

**Measures to reduce or eliminate releases from intentional production and use: Exemptions:** This item was first taken up in plenary on Wednesday, 1 May. The Secretariat introduced the report on specific exemptions, acceptable purposes, and other exemptions (UNEP/POPS/COP.9/4), noting that delegates may wish to include language in the draft decision indicating that, due to the listing of dicofol, production and use of DDT as a closed-system site-limited intermediate in the production of dicofol will not be extended.

The EU supported the draft decision. Several delegates recognized the efforts of the POPRC. Mexico expressed concern about the limited number of notifications. Nigeria shared information on locally available non-POP alternatives and called for more technical and financial support.

IPEN emphasized that exemptions should be for specific products and said each listing should require labelling new products that contain POPs. The US called for information on exemption registration and expiration dates to be included on the Secretariat website.

On Thursday, 2 May, the decision was adopted.

**Final Decision:** In its decision (UNEP/POPS/COP.9/CRP.11), the COP decides, *inter alia*, that no new registrations may be made with respect to:

- lindane for use as a human-health pharmaceutical for the control of head lice and scabies as a second-line treatment; and
- PFOS, its salts, and PFOSF for photo masks in the semiconductor and liquid crystal display industries, metal plating, electric and electronic parts for some color printers and copy machines, insecticides for the control of red imported fire ants and termites, and chemically driven oil production.

The COP also decides, pursuant to note (iii) of Annex B, that any notifications for the production and use of dicofol as a closed-system site-limited intermediate will not be available after 15 December 2020.

**DDT:** On Wednesday, 1 May, the Secretariat introduced the documents (UNEP/POPS/COP.9/5 and INF/6). UNEP reported on the implementation of the DDT Alternatives Roadmap and the Global Alliance for the Development and Deployment of Products, Methods and Strategies as Alternatives to DDT for Disease Vector Control (INF/8). WHO highlighted information on the use of DDT and alternatives in disease vector control (INF/7).

Guinea, Senegal, Rwanda, and Honduras highlighted bans of DDT in their countries. Namibia noted difficulties related to DDT elimination. Uganda announced its intention to revert to DDT to address vectors resistant to alternatives. Côte d'Ivoire noted the importance of the precautionary principle and emphasized the need to find a viable alternative.

The African Group and others called on UNEP and WHO to provide clear guidance on the safety of DDT for indoor residual spraying for disease vector control. Bangladesh urged the DDT expert group to establish a timeline for the global phase-out of DDT.

The EU encouraged parties on the DDT register to respond to the questionnaire in order to receive technical or other assistance.

PAN urged greater attention to: illegal agricultural use of DDT; funding for non-chemical management approaches to vector control; and, with IPEN, called for improved reporting. The draft decision was adopted with minor oral amendments.

**Final Decision:** In its decision (UNEP/POPS/COP.9/5), the COP, *inter alia*:

- concludes that countries that rely on indoor residual spraying for disease vector control may need DDT for that purpose in specific settings where locally safe, effective, and affordable alternatives are still lacking for a sustainable transition away from DDT;
- decides to evaluate at COP10 the continued need for DDT for disease vector control on the basis of the available scientific, technical, environmental, and economic information, including that provided by the DDT expert group, with the objective of accelerating the identification and development of locally appropriate, cost-effective, and safe alternatives; and

- requests the Secretariat to continue to support the process of the evaluation of the continued need, and to assist parties to report on DDT and to promote locally safe, effective, and affordable alternatives for a sustainable transition away from DDT.

**Polychlorinated Biphenyls (PCBs):** The Secretariat introduced the recommendations on the elimination of PCBs (UNEP/POPS/COP.9/6, Add.1, INF/11) and presented the report on progress toward elimination of PCBs (INF/10), emphasizing that reported data are incomplete and incomparable.

Many reported on their national efforts and underscored their concern that the phase-out and elimination targets of 2025 and 2030, respectively, will likely not be met. The EU, supported by Switzerland, Norway, and Canada, proposed revisions to the draft decision, including requesting the Secretariat to report on progress and develop guidance on a standardized approach to developing PCB inventories with support of the small intersessional working group (SIWG). Canada suggested urging parties to provide information on progress in their fifth national reports.

Jamaica called for the Secretariat, with the SIWG and PCB Elimination Network, to develop a global strategy for the elimination of PCBs.

UNEP said the financial basis for work on PCB elimination is weak and enhanced collaboration is needed to meet the targets. IPEN called for prioritizing guidance on, and funding and transfer of, non-combustion technologies. Describing contaminated sites as burdens her community did not create, Alaska Community Action on Toxics urged elimination of PCBs.

Delegates adopted the decision as amended.

**Final Decision:** In its decision (UNEP/POPS/COP.9/6), the COP, *inter alia*:

- decides to undertake at COP11 a review of progress towards the elimination of PCBs;
- decides to re-establish a SIWG to prepare a report on progress towards the elimination of PCBs for consideration by COP11; and
- requests the Secretariat, with the support of the SIWG, to develop guidance on a standardized approach to developing PCB inventories and analysis for the identification and quantification of PCBs.

**Perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF):** This item (UNEP/POPS/COP.9/7, INF/12-13) was first taken up in plenary on Tuesday, 30 April.

In plenary, the EU, the African Group, Thailand, Brazil, Mexico, Norway, Egypt, Switzerland, and New Zealand supported the POPRC's recommendation to revise the PFOS entry in Annex B to remove many of the acceptable purposes and specific exemptions for production and use, leaving insect baits with sulfluramid for control of leaf-cutting ants as the only acceptable purpose and firefighting foams for Class B fires and metal plating in closed loop systems as specific exemptions. PAN reported that sulfluramid has been sold for non-agricultural uses and said alternatives are available for controlling leaf-cutting ants.

Canada supported removing all acceptable purposes and specific exemptions. China called for firefighting foams to be an acceptable purpose rather than a time-limited specific exemption.

The EU, supported by Switzerland, suggested adding to the decision an encouragement to not replace firefighting foams containing PFOS with foams containing short-chain per- and polyfluoroalkyl substances (PFAS).

IPEN supported the recommendation and underscored that many exemptions lead to ongoing exposure, contamination,

liability, and substantial work to address decisions "made in haste."

This item was forwarded to the SC listing contact group for further discussion.

In the contact group, participants discussed firefighting foams extensively, particularly with a view to align the decision to the decision regarding PFOA.

On Friday, 3 May, parties adopted the decision and actions related to these chemicals.

**Final Decisions:** In its decision related to PFOS, its salts, and PFOSF (UNEP/POPS/COP.9/CRP.16), the COP, *inter alia*, decides to amend part I of Annex B to the Convention by replacing the current listing of PFOS (CAS No. 1763-23-1), its salts, and PFOSF (CAS No. 307-35-7) with the new listing that specifies only one acceptable purpose, insect baits with sulfluramid (CAS No. 4151-50-2) as an active ingredient for control of leaf-cutting ants for agricultural use only, and with two specific exemptions for metal plating in closed-loop systems and firefighting foams for liquid fuel vapor suppression and liquid fuel fires (Class B fires) in installed systems, including both mobile and fixed systems.

The COP agrees to insert a new paragraph in part III of Annex B that specifies that each party that registers for a specific exemption for firefighting foams shall:

- ensure that firefighting foam that contains or may contain PFOS, its salts, and PFOSF shall not be exported or imported except for the purpose of environmentally sound disposal;
- not use firefighting foam that contains or may contain PFOS, its salts, and PFOSF for training;
- not use firefighting foam that contains or may contain PFOS, its salts, and PFOSF for testing unless all releases are contained;
- by the end of 2022, if it has the capacity to do so, restrict uses of firefighting foam that contains or may contain PFOS, its salts, and PFOSF to sites where all releases can be contained; and
- make determined efforts designed to lead to the ESM of firefighting foam stockpiles and wastes that contain or may contain PFOS, its salts, and PFOSF, as soon as possible.

In its decision on actions related to these chemicals (UNEP/POPS/COP.9/CRP.9), the COP decides to undertake, at COP11, the evaluation of the continued need for PFOS, its salts, and PFOSF for the various specific exemptions and acceptable purposes. It also requests the Secretariat to:

- continue to support the evaluation process and to support parties in collecting the information required for the process;
- further promote the exchange of information, including information provided by parties and others, on alternatives to PFOS, its salts, and PFOSF and their related chemicals; and
- provide support to parties, in particular developing country parties and parties with economies in transition, subject to the availability of resources, to build their capacity to identify and collect information on PFOS, its salts, and PFOSF, to adopt and strengthen legislation and regulations concerning the management of those chemicals throughout their life cycles, and to introduce safer, effective, and affordable alternatives to those chemicals.

**Evaluation of the continued need for the procedure under paragraph 2 (b) of Article 3:** The Secretariat introduced the document (UNEP/POPS/COP.9/8) on the review of the effectiveness of the procedure under paragraph 2(b) of Article 3 of the Convention, which provides the measures that parties shall take to ensure that a chemical listed in Annex A or B is exported



only for the purpose of environmentally sound disposal, to a party that is permitted to use that chemical, or to a state not party to the SC, which has provided an annual certification to the exporting party.

The EU supported the proposed decision. Noting the low number of reports and the need for capacity building, the US called for this issue to be considered at COP11.

The decision was adopted without amendment.

**Final Decision:** In the decision (UNEP/POPS/COP.9/8), the COP, *inter alia*:

- takes note of the report set out in the note by the Secretariat on the review of the effectiveness of the procedure under paragraph 2 (b) of Article 3, and of the conclusions contained therein;
- concludes that there is a need to enhance the effectiveness of the procedure through the increased provision of information related to the procedure and on the status of those parties that have consented to be bound by the Convention and by the amendments to its annexes;
- recalls that parties wishing to export chemicals listed in Annex A or B to the Convention to a state not party to the Convention must transmit to the Secretariat the certification from the importing state, using the revised certification template adopted for that purpose;
- requests the Secretariat to undertake awareness-raising activities, subject to the availability of resources, concerning the procedure and the revised certification format for export to a state not party to the Convention;
- decides to review the effectiveness of the procedure set out in paragraph 2(b) of Article 3 at COP11; and
- requests the Secretariat to prepare, subject to the availability of resources, a report on the effectiveness of the procedure set out in paragraph 2(b) of Article 3, based on party reports submitted, certifications from exporting parties and other relevant information, for consideration by COP11.

**Measures to reduce or eliminate releases from**

**unintentional production:** This item was first taken up in plenary on Thursday, 2 May. The Secretariat introduced the Toolkit for Identification and Quantification of Releases of Dioxins, Furans and other unintentional POPs, and guidelines and guidance on best available techniques and best environmental practices (BAT/BEP) (UNEP/POPS/COP.9/9, INF14-15).

The African Group supported the recommendations of the experts on the Toolkit and BAT/BEP guidance. Ghana encouraged the working group to add experts to the roster. Argentina called for consistency with the BC technical guidelines. IPEN encouraged parties to share information on POPs contaminated sites. Toxic Links urged the Secretariat to step up its efforts in capacity building, facilitating access to BAT, and providing financial assistance to deal with unintentionally produced POPs.

The COP adopted the decision on Friday, 3 May.

**Final Decision:** In its decision (UNEP/POPS/COP.9/CRP.18), the COP, *inter alia*:

- adopts the workplan for the review and updating of the guidelines and guidance on BAT/BEP set out in the annex to the decision;
- requests the experts on the BAT/BEP Toolkit to continue the work on the ongoing review and updating of the Toolkit and on the guidelines;
- requests the Secretariat, subject to the availability of resources, to continue to support the experts on the BAT/BEP Toolkit, and to continue to implement awareness-raising and technical assistance activities to promote it;

- encourages parties to develop source inventories and release estimates for dioxins and furans and update them every five years in order to evaluate the efficacy of the measures taken towards the minimization or ultimate elimination of releases, and to report the estimated releases; and
- encourages parties and others to use the BAT/BEP guidelines and guidance when applying measures to minimize and ultimately eliminate releases of the chemicals listed in Annex A or B and/or C to the Convention, to provide feedback on their usefulness and to contribute to their finalization.

**Measures to reduce or eliminate releases from wastes:**

On Wednesday, 1 May, the Secretariat introduced the document (UNEP/POPS/COP.9/10). The EU proposed amendments to the draft.

On Friday, 3 May, delegates adopted the decision, noting that it will be updated to reflect the POPs newly listed at this COP.

**Final Decision:** In its decision (UNEP/POPS/COP.9/CRP.15), the COP, *inter alia*, requests the Secretariat to undertake capacity-building and training activities to support parties in meeting their obligations under Article 6.1 (stockpiles), and invites the appropriate bodies of the BC, with regard to the chemicals newly listed in the Stockholm Convention, to:

- establish for those chemicals the levels of destruction and irreversible transformation necessary to ensure that the characteristics of POPs are not exhibited;
- determine what they consider to be the methods that constitute environmentally sound disposal;
- work to establish, as appropriate, the concentration levels in order to define for those chemicals the low POP content;
- further update, if necessary, the general technical guidelines on the ESM of wastes consisting of, containing, or contaminated with POPs; and
- update or develop new specific technical guidelines under the BC.

The COP also invites the appropriate bodies of the BC, with regard to the amendments of Annex B to the SC regarding PFOS, its salts, and PFOSE, to further update, if necessary, the general technical guidelines on the ESM of wastes consisting of, containing or contaminated with POPs, and to update the technical guidelines on PFOS, its salts, and PFOSE under the BC.

**Implementation plans:** This issue was discussed on Thursday, 2 May, in plenary. The Secretariat introduced the documents (UNEP/POPS/COP.9/11, INF/17-21, INF/19/Add.1), noting that less than half of parties submitted updated national implementation plans (NIPs) that include POPs listed after 2004.

Many developing countries underscored the need for technical assistance and financial resources for updating NIPs to include new POPs and to address the priorities identified in those plans.

The EU supported the draft decision on the NIP guidance document, noting proposed amendments contained in UNEP/POPS/COP.9/CRP.2, which requests the collection of qualitative as well as quantitative data in the electronic template. GRULAC and Canada supported the conference room paper (CRP). GRULAC proposed removing the consultation role of the POPRC and the experts on the BAT/BEP electronic template, and to provide an opportunity for parties to comment on the template and consider it at COP10. Canada suggested revising the decision to urge, rather than encourage, parties to submit updated NIPs.

IPEN called for multi-stakeholder involvement in NIP design and implementation and for the guidance to include instructions on developing inventories for PCBs and POPs listed at COP9. Based on their experience supporting parties, the SC Regional

Centre in Uruguay underlined the importance of the guidance tools proposed. Delegates adopted the decision with the proposed amendments.

**Final Decision:** In the decision (UNEP/POPS/COP.9/11), the COP requests the Secretariat to, *inter alia*:

- continue, in consultation with the POPRC and the BAT/BEP experts, to further revise the guidance on developing and updating NIPs for the SC and the preliminary draft guidance prepared by the Secretariat;
- undertake capacity-building activities to support parties in developing and updating their NIPs;
- continue to support the development of an electronic template for the reporting of quantitative information contained in NIPs in a manner harmonized with the reporting under Article 15 of the Convention; and
- develop a template for the reporting of qualitative information contained in the NIPs that would be useful in order to evaluate the effectiveness of the Convention for consideration by COP10.

**Listing of chemicals in Annex A, B or C to the Convention:**

This item, including the three sub-items on dicofol, PFOA, its salts, and related chemicals, and the proposal by the Russian Federation to amend the Convention, was first taken up in plenary on Monday, 29 April. These issues were subsequently addressed in a contact group on the listing of chemicals, co-chaired by Maria Delvin (Sweden) and Agus Haryono (Indonesia). The SC COP listed two new chemicals in the Convention: dicofol and PFOA, its salts, and related chemicals.

**POPRC:** The Secretariat introduced the documents (UNEP/POPS/COP.9/12, INF/3) and reported on its efforts related to effective participation in the work of the Committee.

Parties adopted the decision on POPRC membership with the option for the POPRC to identify an interim Chair to be elected at COP10, and on the understanding that the names of the elected experts will be included in the annex once they are identified.

**Final Decision:** In the decision (UNEP/POPS/COP.9/12), the COP, *inter alia*:

- appoints 14 designated experts to serve as members of the Committee with terms of office from 5 May 2020 to 4 May 2024;
- requests the Committee to identify an interim Chair to preside over POPRC16; and
- decides to consider the election of the Chair of the Committee at COP10.

**Dicofol:** The Secretariat introduced the draft decision and comments received on the POPRC recommendation to list dicofol in Annex A (UNEP/POPS/COP.9/13, INF/23). Many supported listing dicofol in Annex A without exemptions. India announced that it will stop the production of dicofol in the next few months.

**Final Decision:** In its decision (UNEP/POPS/COP.9/13), the COP decides to amend part I of Annex A to the SC to list dicofol without specific exemptions.

**PFOA:** In plenary, the Secretariat introduced the POPRC's recommendation and comments received from parties and stakeholders (UNEP/POPS/COP.9/14, INF/23).

GRULAC, the EU, the African Group, Thailand, Switzerland, New Zealand, Australia, Norway, China, Canada, Brazil, and the US supported Annex A listing with specific exemptions, while Alaska Community Action on Toxics, and the United Firefighters Union of Australia called for listing without exemptions.

The Russian Federation supported listing and noted the need for further scientific research on the harmful qualities of PFOA. GRULAC, Ghana, Liberia, Egypt, and Palau expressed concern

over uncertainty related to PFOA in firefighting foams. Japan and China called for further discussions to identify specific PFOA-related compounds.

IPEN underlined that there was a moral and socio-economic imperative to listing PFOA in Annex A without exemptions, given the long-term harm and clean-up costs.

Inuit Circumpolar Council underscored the impact of perfluorinated chemicals in the Arctic, including in biota that many Inuit rely on for traditional foods, and urged listing of PFOA in Annex A without exemptions.

The issue was forwarded to the contact group on listing of chemicals for further discussion and preparation of a draft decision.

On Friday, 3 May, SC COP9 President Khashashneh introduced the draft decision on PFOA, its salts, and PFOA-related compounds (POPS/COP.9/CRP.14). Iran introduced a request for exemptions (UNEP/POPS/COP.9/CRP.22) for the manufacture of: polyfluoroethylene propylene (FEP) for production of electrical wire and cables for industrial use; and fluoroelastomers for the production of O-rings and plastic equipment in the automotive industry. He requested that these exemptions be included in the draft decision.

The EU called for more information on both proposed requests, noting that the POPRC had assessed the recommendation related to fluoroelastomers, but not the FEP recommendation. Norway supported adopting the decision without Iran's suggested exemption. Switzerland stressed that requesting exemptions at the COP stage of the process should not be encouraged as the POPRC should be able to adequately review all requests, but, in the spirit of compromise, supported revising the draft decision to include Iran's requested exemptions.

Several parties underscored the need to respect POPRC's recommendations. Norway and Ghana expressed concern regarding the "tendency" to request exemptions at COPs, and noted that the POPRC had performed a thorough review of applications for which exemptions were necessary. New Zealand implored parties to provide information at an earlier stage of the POPRC process.

Plenary was briefly suspended to allow for informal consultations. When it resumed, President Khashashneh introduced a revised proposal for a specific exemption for: the manufacture of FEP for production of high-voltage electrical wire and cables for power transmission; and the manufacture of fluoroelastomers for production of O-rings, v-belt, and plastic accessories for car interiors.

COP9 adopted the decision (UNEP/POPS/COP.9/CRP.14) as amended, as well as the decision on actions related to PFOA, its salts, and PFOA-related compounds (UNEP/POPS/COP.9/CRP.10).

IPEN lamented that the process does not provide for a rigorous review of exemptions, which she said is "ironic" given the precautionary principle and scientific foundations of the SC. Alaska Community Action on Toxics, for the Native Movement and Indigenous Peoples' Caucus, characterized the decision as a violation of basic human rights.

FluoroCouncil stressed that PFOA is no longer used to manufacture the products included in the exemptions. The US thanked parties for "working their magic" to narrow the exemptions and encouraged parties to allow them to expire as soon as possible.

**Final Decision:** In its decision (UNEP/POPS/COP.9/CRP.14), the COP, *inter alia*, decides: to list PFOA, its salts, and PFOA-related compounds in Annex A with specific exemptions for:

- photolithography or etch processes in semiconductor manufacturing;
- photographic coatings applied to films; textiles for oil- and water-repellency for the protection of workers from dangerous liquids that comprise risks to their health and safety;
- invasive and implantable medical devices;
- firefighting foam for liquid fuel vapor suppression and liquid fuel fires (Class B fires) in installed systems, including both mobile and fixed systems;
- use of perfluorooctyl iodide for the production of perfluorooctyl bromide for the purpose of producing pharmaceutical products;
- manufacture of PTFE and PVDF for the production of high-performance, corrosion-resistant gas filter membranes, water filter membranes and membranes for medical textiles, industrial waste heat exchanger equipment, industrial sealants capable of preventing leakage of volatile organic compounds and PM2.5 particulates;
- manufacture of FEP for the production of high-voltage electrical wire and cables for power transmission; and
- manufacture of fluoroelastomers for the production of O-rings, v-belt, and plastic accessories for car interiors.

On firefighting foams, the COP decides that each party that has registered for a specific exemption for the use of PFOA, its salts and PFOA-related compounds for firefighting foam shall:

- ensure that firefighting foam that contains or may contain PFOA, its salts, and PFOA-related compounds shall not be exported or imported except for the purpose of environmentally sound disposal;
- not use firefighting foam that contains or may contain PFOA, its salts and PFOA-related compounds for training;
- not use firefighting foam that contains or may contain PFOA, its salts, and PFOA-related compounds for testing unless all releases are contained;
- by the end of 2022, if it has the capacity to do so, but no later than 2025, restrict uses of firefighting foam that contains or may contain PFOA, its salts, and PFOA-related compounds to sites where all releases can be contained; and
- make determined efforts designed to lead to the ESM of firefighting foam stockpiles and wastes that contain or may contain PFOA, its salts, and PFOA-related compounds.

On the use of perfluorooctyl iodide for the production of perfluorooctyl bromide for the purpose of producing pharmaceutical products, the COP agrees to review at COP13 and at every second ordinary meeting thereafter the continued need for this specific exemption, which shall in any case expire at the latest in 2036.

In its decision on actions related to PFOA (UNEP/POPS/COP.9/CRP.10), the COP, *inter alia*:

- invites each party in the register of specific exemptions for the production and use of PFOA, its salts and PFOA-related compounds for the use of perfluorooctyl iodide for the production of perfluorooctyl bromide for the purpose of producing pharmaceutical products listed in Annex A to report to the Secretariat, by 1 December 2025, justifying its need for the registration of that exemption;
- encourages parties and others to use alternatives, where available, feasible and efficient, while considering that fluorine-based fire-fighting foams could have negative environmental, human health and socio-economic impacts due to their persistency and mobility; and
- requests the Secretariat to compile, in consultation with POPRC, the information regarding the identification of

substances covered by the listing of PFOA, its salts and PFOA-related compounds, and to establish an indicative list of PFOA, its salts and PFOA-related compounds, make it available on the Convention's website, and update it periodically.

**Amendment proposed by the Russian Federation:** On Wednesday, 1 May, the Secretariat introduced the proposal by the Russian Federation (UNEP/POPS/COP.9/15) and related comments (INF/24).

The Russian Federation outlined two proposals: to amend Article 8 of and Annex D to the SC to "improve the mechanism of listing chemicals;" and to request the POPRC to develop a draft guideline document on ways to improve the listing of chemicals in the Convention, which would reflect the normative conditions for the application of the precautionary approach. He suggested that this guideline should specify the basis on which persistence can be evaluated in the case of lack of scientifically sound information regarding the half-life.

Norway, Switzerland, New Zealand, Pakistan, Canada, Japan, El Salvador, Argentina, the Dominican Republic, Peru, the African Group, Trinidad and Tobago, Ecuador, Costa Rica, Chile, the Bahamas, and the EU said they did not support the proposals. Many said that the proposals should not be discussed further.

Iran supported the proposal related to the precautionary approach, suggesting that further clarity could support implementation of the Convention.

The US emphasized that the science-based approach of the SC may be credited for much of its success. IPEN said the proposal would seriously undermine the precautionary approach and delay listing of new chemicals. CIEL said there is no reason to "fix a system that is not broken," and noted the Convention already provides for the POPRC to consider all relevant data for persistence.

The International Council of Chemicals Association said the COP should develop the guideline, particularly on socio-economic factors, given the Convention's "new phase" of considering chemicals that are widely used.

Parties agreed to suspend this discussion.

**Technical assistance:** The discussions under this agenda item are summarized under the joint sessions of the BRS COPs (see page 4).

**Regional Centres:** Delegates adopted the draft decision on SC regional and subregional centres (SCRCs) for capacity building and the transfer of technology on Saturday, 4 May.

**Final Decision:** In the decision (UNEP/POPS/COP.9/CRP.21), the COP, *inter alia*:

- welcomes the extensive work that the SCRCs have already done on the impact of plastic waste, including marine plastic litter, microplastics and measures for prevention and ESM, and invites them to continue their activities;
- endorses for another period of four years the SC regional and subregional centres for capacity-building and the transfer of technology listed in the annex to the present decision, and also endorses the Novosibirsk Institute of Organic Chemistry located in Novosibirsk, Russian Federation, as a SCRC for capacity building and the transfer of technology for a period of four years; and
- invites parties, observers and financial institutions in a position to do so to provide financial support to enable SCRCs to implement their workplans with the aim of supporting parties in their efforts to meet their obligations under the Convention.

The COP requests the Secretariat to undertake the following activities to facilitate the work of the regional centres, subject to the availability of resources:



- organize annual meetings of the coordinators of the regional centres under the SC and the directors of the regional centres under the BC with a view to enhancing the performance of the regional centres and fostering cooperation and collaboration among them and attend meetings of the regional centre steering committees;
- facilitate the implementation of regional, subregional and national projects based on the business plans or workplans of regional centres through the Small Grants Programme of the conventions; and
- foster the activities of the regional centres to increase their visibility.

**Financial resources and mechanisms:** The Secretariat introduced the documents on financial resources and mechanisms (UNEP/POPS/COP.9/18, INF/30-34, 52, 56; UNEP/CHW.14/INF/34, 35; UNEP/FAO/RC/COP.9/INF/27, 28) in the joint sessions on Tuesday, 30 April.

On the SC financial mechanism, the GEF reported on its activities from 2016-2018 totaling USD 139.81 million and leveraging USD 1.43 billion in co-financing. She reported that the GEF7 period notionally allocates 15% of resources for chemicals and wastes.

The EU, with several others, welcomed the draft ToRs for the review of the financial mechanism. Thailand reported on national implementation measures supported by the GEF. Egypt expressed concern over the GEF's 1:11 co-financing ratio. The African Group and China called for adequate, predictable, and sustainable funding for SC implementation. Thailand, the African Group, the State of Palestine, Bangladesh, and others called for further financial assistance to address newly listed POPs. Iran, the State of Palestine, the Russian Federation, and Syria underlined that the GEF should not politicize access to financial resources for implementing multilateral environmental agreements. The US stressed that the GEF guidance should not divert SC funding to marine litter. IPEN highlighted a UNEP evaluation of the approach to financing chemicals and waste that recommended, *inter alia*, allocating development finance to address chemicals and waste and instituting cost recovery measures from POPs producers.

Discussions resumed in the contact group on technical assistance and financial resources.

In plenary on Friday, 10 April, President Khashashneh invited delegates to consider adopting the draft decision. Iran said he did not oppose adoption, but stressed that phasing out POPs requires funding and lamented that the GEF was being used as an instrument for the political goals of one country. Delegates then adopted the draft decision.

**Final Decision:** In the decision on the SC financial mechanism (UNEP/POPS/COP.9/CRP.26), the COP, *inter alia*:

- reiterates its request to the GEF to ensure that its policies and procedures related to the consideration and review of funding proposals be duly followed in an efficient and transparent manner;
- adopts the ToRs for the fifth review of the financial mechanism;
- invites developed country parties to use online questionnaires and other formats to provide the Secretariat with information on ways in which they can provide support, including new and additional financial resources, for the implementation of the SC;
- invites other parties to use online questionnaires and other formats to provide the Secretariat with information on ways in which they can provide support, including financial resources,

in accordance with their capabilities, for the implementation of the SC; and

- invites other sources, including relevant funding institutions, such as development banks, and the private sector, to use online questionnaires and other formats to provide the Secretariat with information on ways in which they can contribute to the implementation of the SC.

**Reporting pursuant to Article 15:** The Secretariat introduced the documents (UNEP/POPS/COP.9/19, INF/22, 29, 53) in plenary on Thursday, 2 May.

The EU highlighted its proposed amendments (UNEP/POPS/COP.9/CRP.6), which would include a deadline for improvement of the electronic reporting system by the end of 2021 at the latest and provide for updating of the user manual to reflect the changes made in the electronic reporting system. Some delegates shared information on their latest submissions and others noted difficulties in obtaining data. Ghana said the electronic reporting system is convenient and Chile urged parties to continue to use it despite difficulties. IPEN called for more space for narrative reporting so countries can insert background information.

The African Group, with Egypt, the Democratic Republic of the Congo, Côte d'Ivoire and Mali, reiterated the need for financial and technical support.

Parties adopted the draft decision contained in UNEP/POPS/COP.9/19 with the amendments proposed by the EU in CRP.6, noting that paragraph 6(a) of the decision, on updates to the electronic reporting system, would be amended to account for any decision to list new chemicals in the annexes to the SC.

**Final Decision:** In its decision (UNEP/POPS/COP.9/19), the COP, *inter alia*, decides that, in accordance with Article 15, each party shall submit its fifth national report to the Secretariat by 31 August 2022 for consideration by COP11; and requests the Secretariat, subject to the availability of resources, to:

- update the electronic reporting system to include the chemicals listed in Annex A to the Convention at COP9, for consideration by COP10;
- further improve the electronic reporting system in time for it to be used for the submission of the fifth reports, taking into account experiences and feedback provided by parties, the results of the survey on the difficulties faced by parties in fulfilling their reporting obligations, the revised framework and indicators for the effectiveness evaluation, as well as the results of other evaluations under the Convention, that is, the evaluations of PCBs and PFOS, its salts and PFOSF;
- provide feedback to parties regarding the submission of their national reports, with a view to improving the quality and completeness of the reported data and information; and
- continue to undertake capacity-building and training activities to support parties, in particular developing-country parties and parties with economies in transition, in cooperation with the SCRCs or other partners.

**Effectiveness evaluation:** The Secretariat introduced the documents (UNEP/POPS/COP.9/20; Add.1; UNEP/POPS/COP.9/21, INF/35-37) on the effectiveness evaluation of the SC pursuant to Article 16 and the global monitoring plan on Thursday, 2 May.

China, Pakistan, Iran, and Syria called for technical assistance and financial resources for countries to fulfill their role in the global monitoring plan. The African Group noted the importance of funding for the regional organization groups and the global coordination group to continue to implement the global monitoring plan, stating the activities should not be subject to the availability of funding. The US suggested using indicators

to measure whether the assistance has helped parties fulfill their obligations in the effectiveness evaluation framework.

Palau underscored the importance of the marine waters matrix for the Pacific region. IPEN called for establishing marine water monitoring standards for coastal areas and the open ocean, noting the link between PFOS and toxic additives to plastics that are likely to leach into the sea.

Alaska Community Action on Toxics, for IPEN, Inuit Circumpolar Conference, the Native Movement, and Indigenous Peoples' Caucus, urged that the global monitoring plan be implemented so the burden of proof is not put on the most vulnerable peoples.

The COP adopted a decision on the effectiveness evaluation framework and the global monitoring plan for effectiveness evaluation.

**Final Decisions:** In its decision (UNEP/POPS/COP.9/20), the COP adopts the revised framework for effectiveness evaluation and requests the Secretariat to prepare a preliminary report to facilitate the evaluation of the Convention, using the information obtained from existing arrangements under the Convention, along with any other relevant information, and to make it available to the effectiveness evaluation committee by 31 January 2022.

In its decision (UNEP/POPS/COP.9/21), the COP, *inter alia*, requests the regional organization groups and the global coordination group to:

- continue to implement the global monitoring plan according to their terms of reference and mandate, taking into account their regional strategies and subject to the availability of resources, and
- present to COP10 the third regional monitoring reports and the updated guidance on the global monitoring plan for POPs.

It further requests the Secretariat, subject to the availability of resources, to continue to:

- support the work of the regional organization groups and the global coordination group in the implementation of the third phase of the global monitoring plan; and
- support training and capacity-building activities to assist parties, in particular developing country parties and parties with economies in transition, in implementing the global monitoring plan for subsequent effectiveness evaluations and to work with partners and other relevant organizations to undertake implementation activities.

**Compliance:** Delegates initially addressed this issue in the joint sessions on Tuesday, 30 April.

The Secretariat introduced the document (POPS/COP.9/22). Thailand, Brazil, Canada, Iran, Colombia, and China called for a compliance mechanism to be facilitative and non-punitive. Nigeria urged provision of technical assistance and financial resources, and India said capacity building and compliance go hand-in-hand. Norway said compliance supports transparency and Ghana noted it helps implementation. Switzerland said previous discussions should not be reopened.

On Friday, 10 May, President Khashashneh reintroduced the document containing the procedures and mechanisms on compliance with the SC and proposed to complete consideration of this item by using the standard text in the proposed action, suggesting that the COP decides to consider further at COP10, for adoption, the procedures and institutional mechanisms on compliance required under Article 17 of the SC, based on the draft texts set out in the annex of the decision 7/26."

China proposed adding the word "possible" in front of adoption and, with Iran, suggested stating agreeing "by consensus." The Legal Advisor clarified that adding that the

decision should be adopted "by consensus" would not change the essence but noted that the COP would need to agree to add this reference. The Gambia agreed, stressing it was always the aim of the COP to agree by consensus. President Khashashneh proposed, and delegates agreed, to note this discussion in the meeting report.

Delegates also agreed to China's amendment and adopted the draft decision.

**Final Decision:** In its decision (UNEP/POPS/COP.9/22), the COP decides to consider further at COP10 for possible adoption the procedures and institutional mechanisms on compliance required under Article 17 of the SC, based on the draft texts set out in the annex of the decision 7/26.

### **Programme of Work and Budget**

This issue was addressed by the joint sessions. On Friday, 10 May, delegates adopted the SC programme of work and budget for 2020-2021.

**Final Decision:** In the decision (UNEP/POPS/COP.9/CRP.27), the COP, *inter alia*:

- approves the programme budget for the SC for the biennium 2020-2021 of USD 11,729,385;
- authorizes the SC Executive Secretary to make commitments in an amount up to the approved operational budget, drawing upon available cash resources;
- decides to maintain the working capital reserve at the level of 15% of the annual average of the biennial operational budgets for the biennium 2020-2021; and
- welcomes the continued annual contribution of CHF 2 million by Switzerland to the Secretariat to offset planned expenditures and notes that CHF 1 million will be allocated annually as a contribution to the SC General Trust Fund and will include Switzerland's assessed contribution and that CHF 1 million will be allocated annually to the Special Trust Fund for the SC.

### **Memorandum of Understanding between UNEP and the Stockholm Convention COP**

This issue was introduced in the Joint Sessions on Tuesday, 30 April.

**Final Decision:** In the decision on the MoU between UNEP and the SC COP (UNEP/POPS/COP.9/29/Rev.1), the COP, *inter alia*, adopts the MoU between the Executive Director of UNEP and the SC COP.

### **Adoption of the Report**

On Friday, 3 May, delegates adopted the meeting report (UNEP/POPS/COP.9/L.1/Add.1).

### **Basel Convention COP14**

COP14 of the Basel Convention opened on Monday, 29 April, and conducted most of its work from 3-7 May.

### **Matters Related to the Implementation of the Basel Convention**

**Strategic issues: Strategic framework:** On Saturday, 4 May, in plenary, the Secretariat introduced the documents (UNEP/CHW.14/3; INF/5). Patrick McKell (United Kingdom), Co-Chair of the SIWG, reported that the group had identified a range of additional sources of information for each objective, and emphasized the need for a "meaningful number" of parties to contribute to the evaluation.

The EU proposed a minor editorial change and, with the African Group, South Africa, and Canada, supported the draft

decision. Delegates agreed to adopt the decision pending budgetary approval.

**Final Decision:** In the decision (UNEP/CHW.14/3), the COP, *inter alia*, requests the Secretariat to:

- prepare a draft report on the final evaluation of the strategic framework for consideration by the OEWG12 and to submit a final version of the report referred to in subparagraph 4(a) to COP15; and
- support the SIWG in its work, and to report on the implementation of the present decision to the OEWG12 and COP15.

**Addressing the entry into force of the Ban Amendment:** On Friday, 3 May, the Secretariat introduced the document (UNEP/CHW.14/4).

Several, including the African Group, Colombia, Malaysia, and Indonesia, lauded those countries that have ratified since COP13, and called on others to do so. The EU noted that Croatia is in the process of ratifying the amendment.

On Monday, 6 May, COP14 President Matiza invited further statements on this issue. Noting that only two additional instruments of ratification are needed for the entry into force of the Ban Amendment, Indonesia encouraged parties to continue working toward this goal. Delegates adopted the draft decision.

**Final Decision:** In the decision (UNEP/CHW.14/4), the COP, *inter alia*:

- calls on parties to ratify the Ban Amendment;
- invites them to continue to encourage and assist other parties to ratify it; and
- requests the Secretariat to continue to assist those having ratification difficulties.

**Development of guidelines for environmentally sound management:** On Friday, 3 May, the Secretariat introduced the documents (UNEP/CHW.14/5, Add.1). Yorg Aerts, Co-Chair of the Expert Working Group (EWG) on ESM, reported on intersessional work including, *inter alia*, development of manuals for implementing ESM, guidance documents on waste prevention and minimization and recycling and recovery, and fact sheets on wastes. He noted the EWG had completed its mandate.

Canada supported development of the ESM guidelines and called for further discussion in a contact group of the notification of transboundary movements. The African Group also called for a contact group. The EU, Switzerland, and Uganda said all five documents were suitable for adoption, but were open to discussion in a contact group. Ghana, El Salvador, and Nigeria supported adopting the guidelines, and Nigeria called for provision of technical assistance.

Global Alliance for Incinerator Alternatives (GAIA) called for exclusion of unsafe technologies such as incineration of plastic, explicit prioritizing of waste reduction, and extended producer responsibility schemes that include waste pickers.

Delegates established a contact group on strategic matters, co-chaired by Christoffer Vestli (Norway) and Zaigham Abbas (Pakistan).

On Monday, 6 May, the Secretariat introduced the draft decision (UNEP/CHW.14/CRP.22). The EU suggested adding text requesting the Secretariat to complete the work to update the toolkit for consideration at OEWG12 and COP15. Delegates adopted the decision as amended.

**Final Decision:** In the decision (UNEP/CHW.14/CRP.22), the COP, *inter alia*:

- adopts practical manuals on extended producer responsibility and financing systems for ESM, the guidance to assist parties in developing efficient strategies for achieving the recycling

and recovery of hazardous and other wastes and the guidance on how to address ESM in the informal sector;

- requests the Secretariat to integrate the practical manuals into the ESM toolkit;
- encourages parties and others to disseminate and use the ESM toolkit; and
- requests the Secretariat to undertake activities to promote and disseminate the toolkit in the context of its work programme for the biennium 2020-2021.

**Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes:** On Monday, 6 May, the Secretariat introduced the document (UNEP/CHW.14/6). Colombia described national actions to implement the sound management of hazardous waste, defining regulatory instruments such as comprehensive management plans and guidance documents; the management of waste streams; and awareness raising and educational material. Lamenting the low levels of implementation of the Cartagena Declaration, she urged countries to share their national experiences.

The EU stressed the importance of sharing good practice on waste prevention and minimization and, supported by the African Group, Ghana, and Mexico, suggested the Secretariat make such information available on the BRS website. Nigeria said the reasons for such low response rates should be clarified to enable assistance to facilitate compliance. Mexico emphasized that such an exercise would make the most of regional centre experiences.

President Matiza proposed, and delegates agreed, to take note of this discussion.

**Scientific and technical matters: Technical guidelines:** This item was addressed in the joint session of the COPs on Tuesday, 30 April, and during BC COP14 on 3, 4, 6 and 7 May. Delegates established a contact group on technical matters under the BC, co-chaired by Nanette Laure (the Seychelles) and Magda Gosk (Poland).

**Wastes consisting of, containing, or contaminated with POPs:** On Tuesday, 30 April, the Secretariat introduced the document (UNEP/CHW.14/7/Add.1) on technical guidelines on the ESM of wastes consisting of, containing, or contaminated with POPs.

Pakistan called for updating the guidance on remediating POPs-contaminated sites. Belarus supported the draft decision. Brazil said it supported several of the technical guidelines. The Russian Federation called for clarification of the scientific methods used to determine the low-content value for POPs wastes.

The EU supported adoption of the new and revised technical guidelines on POPs wastes, and noted its plan to review certain low-POP content values taking into account new information. Thailand said it had no objection to the low-POP content values. The African Group requested technical support and opposed recycling of POPs, noting this would increase the exposure of vulnerable populations. IPEN underscored that “weak” low-POP content values in the general technical guidelines lead to the free movement of POPs and re-release through incineration.

Delegates adopted the general technical guidelines on the ESM of wastes consisting of, containing, or contaminated with POPs (UNEP/CHW.14/CRP.9/Rev.1/Add.1), including: short-chain chlorinated paraffins (UNEP/CHW.14/CRP.9/Rev.1/Add.2); hexabromodiphenyl ether and heptabromodiphenyl ether, or tetrabromodiphenyl ether and pentabromodiphenyl ether or decabromodiphenyl ether (UNEP/CHW.14/CRP.9/Rev.1/Add.3); unintentionally produced polychlorinated dibenzop-dioxins, polychlorinated dibenzofurans, hexachlorobenzene, polychlorinated biphenyls, pentachlorobenzene, polychlorinated



naphthalenes or hexachlorobutadiene (UNEP/CHW/CRP.9/Rev.1/Add.4); and hexachlorobutadiene (UNEP/CHW.14/CRP.9/Rev.1/Add.5).

**Final Decision:** In the decision (UNEP/CHW.14/CRP.9/Rev.1), the COP, *inter alia*:

- adopts updated general technical guidelines on the ESM of wastes consisting of, containing or contaminated with POPs; with hexabromodiphenyl ether and heptabromodiphenyl ether, or tetrabromodiphenyl ether and pentabromodiphenyl ether or decabromodiphenyl ether; with unintentionally produced polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans, hexachlorobenzene, polychlorinated biphenyls, pentachlorobenzene, polychlorinated naphthalenes or hexachlorobutadiene; with hexachlorobutadiene; and with short-chain chlorinated paraffins;
- requests the Secretariat to disseminate the technical guidelines to parties and others in the six official languages of the UN;
- decides to extend the mandate of the SIWG;
- recognizes that provisional low POP content values have been established at previous meetings of the COP and that knowledge limitations have posed challenges to the setting of such values;
- decides to continue working towards a review of provisional low POP content values in the technical guidelines;
- decides that the updating of the general technical guidelines should be included in the work programme of the OEWG for the period 2020-2021;
- invites parties and relevant organizations to indicate to the Secretariat by 31 August 2019 their willingness to take the lead in updating the following technical guidelines; and
- requests the Secretariat to continue to provide, subject to the availability of resources, training to developing-country parties and other parties in need of assistance in using the adopted technical guidelines, and to report on the implementation of the present decision to OEWG12 and COP15.

**E-waste:** On Friday, 3 May the Secretariat introduced the documents (UNEP/CHW.14/7, Add.6) on technical guidelines on transboundary movements of electrical and electronic waste (e-waste) and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste.

Yang Zheng (China), Co-Chair of the EWG on e-waste technical guidelines, reported on intersessional work and issues for further consideration, including:

- the residual lifetime and age of used equipment;
- obsolete technologies, including cathode ray tubes;
- specific exemption for medical devices; and
- waste exported for failure analysis, repair, and refurbishment activities.

The EU, Australia, Switzerland, Brazil, Information Technology Industry Council, and the US supported adoption of the guidelines. India introduced a CRP (UNEP/CHW.14/CRP.8) and characterized the definition of equipment exported for repair, refurbishment, or failure analysis as non-waste as a “major flaw” that would leave large quantities of waste outside the scope of the BC. Iran, Pakistan, Algeria, Sri Lanka, Bahrain, and the Dominican Republic supported India.

The African Group welcomed the technical guidelines with reservations and called for distinguishing between waste and non-waste. Liberia reported its e-waste inventory shows 80% of imported electronic equipment is obsolete. Uganda called for deferring adoption to avoid “dumping through the route of repairability.”

Basel Action Network (BAN), with IPEN, highlighted that language related to equipment repair presented a loophole that should be addressed before adoption, with BAN highlighting their guidelines on the transboundary movements of used electronic equipment and e-waste to promote an ethical circular economy under the BC. Global Diagnostic Imaging, Healthcare IT and Radiation Therapy Trade Association (DITTA) supported the BAN guidelines. Toxic Link noted that allowing the export of equipment for repair jeopardizes the extended producer responsibility principle. Independent Ecological Expertise called for including economic measures in the guidelines.

President Matiza presented the draft decision on technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment (UNEP/CHW.14/CRP.31).

India voiced reservations, drawing attention to national legislation against e-waste dumping and cautioning about diluting existing safeguards on the transboundary movement of e-waste.

President Matiza postponed the adoption of the decision.

On Friday, 10 May, President Matiza noted that there was not full support for adopting the CRP, and that the Secretariat had undertaken consultations with the parties concerned. He reported the results of the consultations, including that the concerned parties had requested further work on the guidelines, and requested the COP to adopt, on an interim basis, the revised technical guidelines, which further extend the mandate of the EWG on e-waste. He presented a document, projected on screen, proposing the same language.

Delegates agreed to adopt the technical guidelines on e-waste, on an interim basis.

**Final Decision:** In the decision (UNEP/CHW.14/CRP.31), the COP, *inter alia*:

- acknowledges the outcome of the work of the EWG in particular regarding the distinction between waste and non-waste under the BC;
- invites parties and others to use and test the technical guidelines adopted on an interim basis by decision BC-12/5, to submit, not later than two months before COP15, through the Secretariat, comments on their experience in so doing;
- requests the Secretariat to make such comments available to COP15;
- takes note of the discussions at COP14 regarding the technical guidelines in particular regarding the distinction between waste and non-waste under the BC;
- requests the Secretariat to continue to provide, subject to the availability of resources, training to developing-country parties and other parties in need of assistance; and to report on the implementation of the present decision to OEWG12 and COP15.

**Incineration on land and specially engineered landfill:**

On Friday, 3 May the Secretariat introduced the draft updated technical guidelines on incineration on land (D10) (UNEP/CHW.14/INF/11) and on specially engineered landfill (D5) (INF/12) and comments (INF/13). Alejandra Acosta, SIWG Co-Chair, highlighted the aim of finalizing the guidelines at COP15.

Thailand suggested that the D10 guidelines should include more information on air pollution control and environmental quality monitoring costs. He said the D5 guidelines should include quality assurance and control during construction. Colombia and Chile called for distinguishing between hazardous and non-hazardous wastes. The EU suggested extending the scope of the D10 guidelines to include issues such as additional energy

generation methods. IPEN called for including information on the impacts of incineration, particularly on vulnerable populations, and, with Shenzhen Zero Waste, for collaboration with SC experts and work on unintentional dioxin releases. GAIA said the D10 guidelines were an inventory of all practices, not best practices. Independent Ecological Expertise called for evidence that recommended technologies will not harm environmental health.

Delegates adopted the technical guidelines on incineration on land (D10) and on specially engineered landfill (D5).

**Final Decision:** In the decision (UNEP/CHW.14/CRP.27), the COP, *inter alia*:

- takes note of the draft updated technical guidelines on incineration on land (D10) and the draft updated technical guidelines on specially engineered landfill (D5); and of the comments received pursuant to paragraphs 4 and 5 of decision OEWG-11/5;
- agrees that the scope of the technical guidelines on incineration on land (D10) should be extended to also address incineration as covered by the operation “use as a fuel (other than in direct incineration) or other means to generate energy” (R1);
- acknowledges that the extension of the scope represents an increase in workload and that the co-leads therefore need to reconsider whether they are in a position to finalize the work;
- invites parties to consider serving as co-lead countries in the updating of the technical guidelines on incineration on land (D10) with an extended scope to inform the Secretariat of their willingness to do so by 30 June 2019;
- decides to extend the mandate of the SIWG, working in particular by electronic means;
- invites parties and others to nominate additional experts to participate in the SIWG and to inform the Secretariat of their nominations by 30 August 2019; and to submit by 18 October 2019 comments on the draft updated technical guidelines;
- invites Argentina and Canada, as co-lead countries, to prepare the draft updated technical guidelines on specially engineered landfill (D5) for consideration by OEWG12; and
- requests the Secretariat to report on the implementation of the present decision to the OEWG12 and to the COP15.

**Waste lead-acid batteries:** On Friday, 3 May the Secretariat introduced the documents (UNEP/CHW.14/7) on waste lead-acid batteries.

The EU questioned whether the technical guidelines should be updated in light of the anticipated workload for the biennium. Argentina, with the African Group and IPEN, called for discussion in a contact group. The US highlighted their technical guidelines on this issue and encouraged parties to take them into consideration. IPEN called for revising the guidelines for safe practice and ESM.

Delegates agreed to discuss these issues in the BC technical matters contact group.

On Monday, 6 May, President Matiza introduced the draft decision on technical guidelines on ESM of waste lead-acid batteries. Delegates adopted the decision.

**Final Decision:** In the decision (UNEP/CHW.14/CRP.20), the COP, *inter alia*:

- decides to include in the work programme of the OEWG for the biennium 2020-2021 the consideration of whether the technical guidelines for the ESM of waste lead-acid batteries referred to in decision VI/22 should be updated; and
- requests the Secretariat to report on the implementation of the present decision to OEWG12 and to COP15.

**Mercury waste:** The Secretariat introduced the document (UNEP/CHW.14/7) on technical guidelines on the ESM of wastes consisting of elemental mercury and wastes containing or contaminated with mercury compounds.

The EU supported the draft decision. Pakistan shared examples of mercury-contaminated sites and, with Kazakhstan, suggested a specific provision be included on remediation. Japan noted the importance of intersessional work. Syria gave examples of national initiatives adopted to address mercury wastes.

The Minamata Convention drew attention to its work on contaminated sites. IPEN supported aligning the BC and Minamata Convention guidelines, taking into account BAT/BEP. Delegates agreed to forward discussions to the contact group on BC Technical Matters.

President Matiza then introduced the draft decision on technical guidelines on the ESM of wastes consisting of, containing, or contaminated with mercury or mercury compounds, which was adopted without amendment.

**Final Decision:** In the decision (UNEP/CHW.14/CRP.21), the COP, *inter alia*:

- decides that the technical guidelines on the ESM of wastes consisting of, containing, or contaminated with mercury or mercury compounds should be updated; and to establish a SIWG, operating by electronic means, to assist in the updating;
- invites parties to consider serving as lead countries in the updating of the technical guidelines to inform the Secretariat of their willingness and to nominate experts to participate in the SIWG by 31 August 2019;
- requests the lead country or countries or, if there is no lead country, the Secretariat, subject to the availability of resources and in consultation with the SIWG, to prepare a draft of the updated technical guidelines for consideration by OEWG12;
- calls upon the members of the SIWG to cooperate with the group of technical experts on mercury waste thresholds; and
- requests the Secretariat to report on the implementation of the present decision to OEWG12 and COP15.

**Classification and hazard characterization of wastes:** On Saturday, 4 May, the Secretariat introduced the document on cooperation with the World Customs Organization (WCO) on the Harmonized Commodity Description and Coding System (UNEP/CHW.14/8) and report on the status of work (UNEP/CHW.14/INF/14).

GRULAC, the EU, and New Zealand encouraged continued cooperation with the WCO. The EU expressed openness to discussing types of wastes to be included in the draft decision, citing waste end-of-life vehicles and pneumatic tires as high priorities. Kazakhstan said it would submit a proposal on types of wastes to which individual customs codes should be assigned. Trinidad and Tobago looked forward to inclusion of other significant waste streams.

Delegates agreed to forward discussions to the Contact Group on BC Technical Matters. On Tuesday, 7 May, delegates adopted the decision.

**Final Decision:** In the decision (UNEP/CHW.14/CRP.28), the COP, *inter alia*, requests the Secretariat to submit to the WCO a proposal for amending the Harmonized System to allow the identification of the following types of wastes:

- B1110 and A1180 – electrical and electronic assemblies;
- A1160 – waste lead-acid batteries, whole or crushed;
- A3210; B3010; Y48 – plastic waste;
- A1010, A1020, A1030, A1040 – metal wastes/compounds;

- A3020 – waste mineral oils unfit for their originally intended use, together with A3180 – wastes, substances and articles containing, consisting of or contaminated with PCB, polychlorinated terphenyls (PCT), polychlorinated naphthalene (PCN), or polybrominated biphenyl (PBB) or any other polybrominated analogues of these compounds;
- A4030 – wastes from production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides;
- B1250 – waste end-of-life motor vehicles, containing neither liquids nor other hazardous components; and
- B3140 – waste pneumatic tires

**National reporting:** On Saturday, 4 May, the Secretariat introduced the documents (UNEP/CHW.14/9; INF/15).

The EU expressed concern that only about half of parties reported for 2015 and 2016. South Africa and Chad called for technical assistance to support electronic reporting. Delegates requested the Secretariat to prepare a revised draft decision.

Delegates adopted the draft decision without amendment.

**Final Decision:** In the decision (UNEP/CHW.14/CRP.23/Rev.1), the COP, *inter alia*:

- welcomes the updated electronic reporting system of the BC and encourages parties to use it to transmit their national reports;
- adopts the revisions to the format for national reporting and agrees that the revised format should be used by parties for reporting for the year 2018 and onwards;
- requests the Secretariat to develop draft practical guidance on the development of inventories for consideration by OEWG12 and COP15 for the following waste streams: plastic wastes; obsolete pesticides, including pesticide-container waste; waste batteries containing lithium; waste cartridges and toners; and olive oil milling waste; and
- requests the Secretariat to continue to undertake pilot projects to test the draft practical guidance for the development of inventories of used lead-acid batteries, waste electrical and electronic equipment and waste oils, and to prepare revised practical guidance for consideration by COP15.

**Electronic approaches to the notification and movement documents:** On Saturday, 4 May, the Secretariat introduced the documents (UNEP/CHW.14/10 and OEWG.11/6).

The EU supported the draft decision but with amendments including deadlines for parties to submit information related to implementation of electronic systems, and re-ordering of the text to clarify the sequence and timing of activities. Venezuela, with the African Group, called for the system to be available in the six UN languages.

Delegates adopted the decision.

**Final Decision:** In the decision (UNEP/CHW.14/10), the COP, *inter alia*, requests the Secretariat:

- to prepare a report on experiences at the national and international levels in developing and implementing electronic systems for exchanging information on or controlling the movements of goods and wastes, and lessons learned from such experiences, for consideration by OEWG12; and
- to organize consultative workshops involving experts from parties and observers to explore options for a BC system that would allow for the automation of processes and the electronic exchange of information relating to the notification and movement of hazardous and other wastes, their expected benefits and requirements, and possible steps towards their implementation.

**Marine plastic litter and microplastics:** On Saturday, 4 May, the Secretariat introduced the documents (UNEP/CHW.14/11; UNEP/CHW.14/27; INF/16-18, 53), noting a proposal to establish a partnership on plastic wastes.

Norway introduced a proposal to amend BC Annexes II, VIII, and IX, saying it seeks to strike a balance between management of plastic waste and trade and would include measures for: clean, sorted plastic waste; and—subject to the PIC procedures—hazardous plastic waste, and non-hazardous, unsorted, mixed, and other plastic waste. Many parties and observers supported the establishment of a plastic wastes partnership, as well as Norway's proposal.

New Zealand and China called for discussions in the contact group. The EU, supported by Switzerland, the State of Palestine, and El Salvador, suggested amendments to the Norwegian proposal to clarify the scope.

Argentina, with Brazil, supported amending Annexes VIII (hazardous waste) and IX (non-hazardous waste), but not Annex II (waste requiring special consideration), citing the need to consider the full impact of amending the annexes and to avoid creating barriers to recycling. Brazil said parties should consider intersessional work and deferral of this decision to COP15.

The African Group, with Iran and Thailand, called for adding plastic pollution on land to the scope of discussion. Kazakhstan and Kyrgyzstan suggested adding water courses and waterways. Kyrgyzstan suggested adding glaciers. India called for technical guidelines on plastic waste. The Gambia, Nigeria, and Rwanda underlined the need for alternatives to plastic.

UNEP reported that the UNEA's fourth meeting had extended the mandate of the *Ad Hoc* Open-Ended Expert Group on Marine Litter and Microplastics.

BAN presented a petition signed by 700,000 people calling to end “the practice of using developing countries as dumping grounds for plastic waste.” Toxics Link urged the use of the PIC procedure to enable countries to refuse plastic imports. Observing that marine litter is also a toxic hazard that can increase POPs pollution, IPEN asked all parties to require extended producer responsibility. CIEL called Norway's proposal a “well balanced” response. The Bureau of International Recycling called for producers and designers to stop placing non-recyclable or difficult-to-recycle plastics on the market.

The US supported a partnership on plastic waste, revising guidelines on ESM of plastic wastes, and establishing an intersessional working group on marine plastic litter, but expressed concern that amending the annexes could negatively impact the recycling of plastic waste. The American Chemistry Council expressed concern that reclassification of wastes could increase burdens on states. The Institute of Scrap Recycling Industries said that the PIC procedure could create an administrative burden. The World Plastics Council stated that viable recycling is necessary to prevent marine litter and expressed concern about amending the annexes. Information Technology Industry Council supported further work to study “unintended effects.”

Delegates established a contact group on plastics co-chaired by Vivienne Ahern (Ireland) and Manoj Kumar Gangeya (India) with a mandate to:

- discuss the amendments to Annexes II, VIII, and IX as proposed by Norway and to take into account the EU's and Argentina's proposals with the aim of preparing a draft decision;
- discuss further actions to address plastic waste; and
- revise the draft ToRs and workplan for the partnership.



The group met throughout the week, concluding its work on the afternoon of Friday, 10 May.

In plenary on 10 May, the Secretariat introduced the draft decision on amendments to Annexes II, VIII and IX to the BC (UNEP/CHW.14/CRP.40). Delegates then adopted the decision. On the reference to the ToRs for the Partnership on Plastic Waste, the Secretariat said the text is set out in UNEP/CHW.14/CRP.35, Annex I, and will be issued as UNEP/CHW.14/INF.16/Rev.1. The Secretariat also introduced the draft decision on further actions to address plastic waste (UNEP/CHW.14/CRP.38), which was adopted.

Norway lauded the COP for amending the annexes to the Convention, setting out a comprehensive list of actions for further work, and establishing a Partnership on Plastic Waste. As a co-sponsor of the amendment text, Japan welcomed the update of the technical guidelines on plastic waste and announced his country's contribution of USD 200,000 for the revision of these guidelines.

China appreciated the work to reach consensus on this issue, called on the international community to promote effective measures to address the sources of plastic as well as ESM of plastic waste, and reduce transboundary transfer of this waste to protect the planet.

Canada noted that combating marine pollution is a priority and lauded the work of the COP for its "historic" work on amending the annexes to include plastic waste. Pakistan congratulated the COP for successfully amending the annexes to strengthen the control of plastic waste, particularly for developing countries.

The African Group appreciated the work of the contact group on this issue and stressed that a strong signal has been sent to the international community that it is possible to achieve the better management of plastic waste. India congratulated the contact group for its work on this issue and underlined that this is the starting point and called for even further action in the management of plastic waste. The EU welcomed the decisions on plastic waste, noting that "the work starts now" on the management of this issue globally.

Calling the decision a "triumph of the Basel Convention," the Dominican Republic, with Peru and Palau, expressed deep appreciation to Norway for their successful efforts to amend the annexes. Togo thanked Norway, Japan, and Switzerland for their work on this issue. Palau called for technical assistance and financial resources to address plastic waste.

The US looked forward to working with parties to implement the Partnership on Plastic Waste. PAN underlined that the adoption of the decision is one of the top-two successes of the BC, alongside the Ban Amendment. GAIA welcomed the decisions, hoped that they would begin to address the global injustices in the global waste streams, and underscored that incineration is not the solution to this crisis.

**Final Decisions:** In the decision on the amendments to Annexes II, VIII and IX to the BC (UNEP/CHW.14/CRP.40), the COP, *inter alia*: decides to amend Annex II to the BC by adding the following entry: plastic wastes, including mixtures of such wastes (Y 48), except for plastic waste which is hazardous waste, and plastic waste almost exclusively consisting of:

- one non-halogenated polymer;
- one cured resin or condensation product;
- specific fluorinated polymer wastes; and
- mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling of each

material and in an environmentally sound manner, and almost free from contamination and other types of wastes.

The COP also decides to amend Annex VIII to the BC by inserting a new entry, as follows: plastic waste, including mixtures of such wastes, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (A3210).

The COP further decides to amend Annex IX to the Convention by replacing the entry B3010: solid plastic waste, with a new entry B3011, as follows: plastic waste (contained in an extensive list identical to the Y 48 entry), provided it is destined for recycling in an environmentally sound manner and almost free from contamination and other types of wastes.

In the decision on further action to address plastic waste (UNEP/CHW.14/CRP.38), the COP, *inter alia*:

- commits itself to working to support efforts to achieve the prevention, the minimization and the ESM of plastic waste, as well as the effective control of its transboundary movement;
- stresses the importance of cooperation and coordination with other international organizations and activities through existing mechanisms, and in particular the multi-stakeholder platform within UNEP, established by UNEA-4, while avoiding duplication;
- calls upon parties and others to: make further efforts at the domestic level to prevent and minimize the generation of plastic waste; promote the environmentally sound and efficient management of plastic waste; and ensure that transboundary movements of plastic waste are undertaken in accordance with the provisions of the Convention, as well as with related national laws and relevant regional agreements;
- decides to update the Technical Guidelines for the Identification and ESM of Plastic Waste and for their Disposal; and
- decides to establish a working group of the BC Partnership on Plastic Waste.

**Waste containing nanomaterials:** This issue was addressed in plenary on Saturday, 4 May, and in a contact group on BC Technical Matters. The Secretariat introduced the documents (UNEP/CHW.14/12; INF/19; OEWG.11/INF/24). The African Group called for WHO to collaborate with the Secretariat. Viet Nam lauded the UN Institute for Training and Research (UNITAR) for raising awareness of potential risks of nanomaterials. Iran called for more engagement with stakeholders. South Africa emphasized the need for synergies with other environmental agreements.

Switzerland suggested the BC is the appropriate forum for this discussion.

UNITAR, for WHO and the International Labour Organization (ILO), cited the WHO guidelines on protecting workers from potential risks of manufactured nanomaterials as useful for further work under the BC. PAN, for IPEN, called for information to assess the "supposed benefits and possible risks."

American Chemistry Council called approaches that would "lump together" nanomaterials impracticable given the diversity of nanomaterials.

CIEL said the data gaps result from a "severe" lack of transparency and supported further work under the BC. The issue was then taken up by the contact group.

On Tuesday, 7 May, delegates adopted the draft decision.

**Final Decision:** In the decision, the COP (UNEP/CHW.14/CRP.29), *inter alia*:

- encourages parties and others to undertake further research and develop other measures to generate the information needed to better understand the potential risks posed by waste containing nanomaterials;
- invites parties and others to make available to the Secretariat information related to activities aimed at addressing issues related to waste containing nanomaterials, including case studies and best practices relating to the management of waste containing nanomaterials; and
- encourages parties to develop strategies for the ESM of waste containing nanomaterials.

**Legal, compliance and governance matters: Committee Administering the Mechanism for Promoting Implementation and Compliance:**

On Tuesday, 30 April, the Secretariat introduced the documents (UNEP/CHW.14/13, Add/1-4, INF/20-22, 26, 52). Juan Simonelli, Chair of the Implementation and Compliance Committee (ICC), reported on the Committee's work.

Several parties welcomed the efforts and achievements of the ICC. Belarus appreciated the efforts to simplify national reporting. The Gambia called for more information on challenges shared during the reporting period.

On Friday, 3 May, COP14 President Matiza called for comments on the benchmark report aimed at facilitating reporting, including examples reflecting parties' good practices (UNEP/CHW.14/13/Add.4). Umicore urged parties to grant transit approvals. IPEN called on parties to address non-compliance issues through the compliance committee. BAN stressed the need to expand the Secretariat trigger.

Argentina called for further discussion on insurance bonds and guarantees in a contact group. The EU noted their proposal (UNEP/CHW.14/CRP.13) to amend the benchmark report. Switzerland called for further discussion.

Delegates agreed to establish a contact group, co-chaired by Isabelle Baudin (Switzerland) and Juan Simonelli (Argentina), to address insurance bonds, the amendments to the benchmark report, and the draft decision.

On Tuesday, 7 May, delegates adopted the decision.

**Final Decision:** In the decision (UNEP/CHW.14/CRP.17), the COP, *inter alia*:

- encourages parties with concerns to cooperate with the Committee;
- sets interim targets for national reports, to measure progress in overall implementation and compliance with paragraph 3 of Article 13 of the Convention;
- adopts the benchmark report (UNEP/CHW.14/13/Add.4/Rev.1) and the revised guidance on improving national reporting (UNEP/CHW.14/13/Add.1);
- adopts provisions under national reporting for additional steps to improve timeliness and completeness of national reporting;
- adopts the guide for the development of national legal frameworks to implement the BC and encourages entities undertaking activities to assist parties to review or develop legislation implementing the Convention;
- on insurance, bonds and guarantee, requests the Committee to invite comments to review and update the guidance for consultation at the OEWG12;
- approves the work programme of the Committee for the biennium 2020-2021 and requests the Committee to, *inter alia*, establish priorities, work methods and schedules for activities in the work programme, consult with parties, and report to COP15; and
- elects two members from African States, Asia-Pacific States, CEE States; Latin American and Caribbean States, and Western

European and other States to serve on the Committee until the close of COP16.

**Providing further legal clarity:** On Saturday, 4 May, the Secretariat introduced the documents on providing further legal clarity (UNEP/CHW.14/14, INF/23, INF/24/Rev.1). Joost Meijer (Chile), Co-Chair of the EWG of the Review of the Annexes, reported progress on the review of Annexes I, III, and IV and related aspects of Annex IX to the BC. Delegates agreed to mandate this to the BC Compliance contact group.

The contact group convened on Monday afternoon, 6 May, to discuss the draft decision on providing further legal clarity (CRP.19) and the way forward to the next two meetings of the COPs. Participants discussed issues related to, *inter alia*:

- revisions to Annex IV;
- the extension of the mandate of the expert working group (EWG) to review the implications of the review of Annexes I, III and IV for other annexes of the Convention and to report this to OEWG12; and
- the request to the Secretariat to prepare an analysis of these implications.

Delegates also discussed the draft decision text (UNEP/CHW.14/13) with some suggesting adding a new subparagraph to amend the terms of reference of the mechanism for promoting implementation and compliance with the BC.

Delegates adopted the decision on Tuesday, 7 May.

**Final Decision:** In its decision (UNEP/CHW.14/CRP.30), the COP, *inter alia*:

- invites parties to submit further views on the recommendations for revisions to Annex IV;
- extends the mandate of the working group;
- requests the EWG to continue its work on legal clarity;
- requests the Secretariat to prepare an analysis of the possible consequential implications of the review of Annexes I, III and IV for other annexes of the Convention and for relevant decisions of the COP;
- requests the EWG to report its findings;
- requests the regional groups to nominate experts to join the expert working group; and
- requests the Secretariat to report on the implementation of the present decision to OEWG12 and COP15.

**National legislation, notifications, enforcement of the Convention and efforts to combat illegal traffic:** On Monday, 6 May, the Secretariat introduced the documents (UNEP/CHW.14/13, Add.2, UNEP/CHW.14/15). The EU highlighted their proposed amendments (UNEP/CHW.14/CRP.11), specifically on the implementation of Article 6(4) on transit notifications.

South Africa, Lesotho, the Central African Republic, and Côte d'Ivoire supported the Secretariat's work on enforcement and implementation measures. Syria, Lesotho, Pakistan, the Central African Republic, the Maldives, and Nepal called for building the capacity of customs officials to better enforce illegal traffic legislation. Côte d'Ivoire requested the Secretariat to share success stories on the website to assist other countries to make progress on this issue. The BC Regional Centre in the Russian Federation offered to share experiences related to identifying hazardous wastes in transit.

The State of Palestine, supported by Syria, Yemen, Libya, Iraq, Gabon, Benin, Burkina Faso, Liberia, Algeria, and Chad, stressed that, since many developing countries do not have the capacity to address these wastes, written notifications and responses should be mandatory. The Secretariat noted that, under Article 4(6) on

export of hazardous wastes, states have 60 days to respond to notifications, but can also decide not to grant consent for waste in transit.

The EU suggested establishing a contact group to continue discussions. The African Group called for a Friends of the President Group to address this issue. President Matiza proposed, and delegates agreed, to task the EU, the State of Palestine, and the African Group to work with the Secretariat to revise the draft decision in UNEP/CHW.14/15.

On Tuesday, 7 May, delegates adopted the decision.

**Final Decision:** In its decision (UNEP/CHW.14/CRP.34), the COP, *inter alia*:

- invites enforcement organizations and networks to continue to engage in preventing and combating illegal traffic in hazardous wastes and other wastes;
- urges parties to fulfill their obligations under paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention including by updating and developing stringent legislation;
- encourages parties to provide the Secretariat with the texts of national legislation and other measures to implement and enforce the Convention;
- invites parties to share information, through the Secretariat, on best practices and to report confirmed cases of illegal traffic;
- invites parties to provide the Secretariat with information on national definitions of hazardous wastes required under Article 3 and paragraph 2(b) of Article 13 of the Convention;
- requests the Secretariat to maintain a collection of best practices for preventing and punishing illegal traffic, forms for reporting confirmed cases of illegal traffic, and information on national definitions of hazardous wastes;
- make information on national definitions of hazardous wastes available in the six official languages of the UN;
- provide parties with advice on matters pertaining to the implementation and enforcement of the Convention;
- continue to cooperate with enforcement organizations and networks;
- build on and further develop tools and organize enforcement training activities; and
- report on the implementation of the present decision to the COP15.

**Technical assistance:** This item was opened on Monday, 29 April in the joint sessions of the COPs (see page X).

**Basel Convention regional and coordinating centres:** On Monday, 6 May, President Matiza introduced the draft decision on BC regional and coordinating centres (UNEP/CHW.14/CRP.14).

El Salvador thanked Panama for hosting the regional centre and supported the implementation of further activities. The decision was adopted.

**Final Decision:** In its decision (UNEP/CHW.14/CRP.14), the COP, *inter alia*:

- requests the BC regional and coordinating centres to submit to the Secretariat for consideration by COP15 of business plans and activity reports;
- requests the Secretariat to prepare a report on the activities of the BC regional and coordinating centres for consideration by COP15, an evaluation of the BC regional and coordinating centres for COP16, and undertake activities to facilitate the work of the regional centres;
- invites the governments of the Russian Federation and Slovakia and authorizes the Secretariat to take the steps necessary to effect the signing to formalize the establishment of BC regional centres for the CEE region in the Russian Federation and Slovakia;

- decides to select Panama to host the BC regional centre to be established for the Central America and Mexico subregion, and authorizes the Secretariat to effect the signing of a framework agreement with the Government of Panama on the establishment of the BC regional centre;
- decides to evaluate the performance and sustainability of the BC regional and coordinating centres at COP16 and every four years thereafter; and
- invites the provision of financial support to enable BC regional and coordinating centres.

**Basel Convention Partnership Programme:** This item includes specific actions on a Partnership for Action on Computing Equipment (PACE); an environmental network for optimizing regulatory compliance on illegal traffic (ENFORCE); a guidance document on ESM of household waste and related Partnership on Household Waste.

**PACE:** On Saturday, 4 May, the Secretariat introduced the documents (UNEP/CHW.14/18; INF.30-32). Leila Devia (Argentina), Co-Chair of PACE, drew attention to a concept note for a follow-up partnership (Annex V, UNEP/CHW.14/INF/30).

El Salvador presented a CRP on PACE (UNEP/CHW.14/CRP.16). The African Group, GRULAC, Switzerland, and Jordan supported the proposal. The BC Regional Centre for South Africa called for the proposed follow-up to offer opportunities for ESM of e-waste. The issue was referred to the contact group on BC Strategic Matters for further discussion.

On Tuesday, 7 May, delegates adopted the decision.

**Final Decision:** In its decision (UNEP/CHW.14/CRP.26), the COP, *inter alia*:

- agrees with the ToRs and the programme of work of the Partnership;
- emphasizes that the Partnership does not have the authority to create additional rights or responsibilities for, or abrogate existing rights or responsibilities of, BC parties;
- takes note of the PACE funding proposals;
- decides to establish a PACE working group under the OEWG, and invites participation in it;
- invites parties and others to submit comments on the ToRs and the programme of work;
- requests the PACE working group to prepare a revised ToR and programme of work for consideration by OEWG12 and for adoption on behalf of COP14;
- requests the PACE working group to undertake the activities in the programme of work;
- requests the Secretariat to facilitate the work of and provide expertise to the Partnership, including to enhance the ESM of electronic and electrical waste at the national level;
- encourages participation in the Partnership and financial contributions; and
- requests the OEWG to report to COP15.

**ENFORCE:** On Saturday, 4 May, the Secretariat introduced the document (UNEP/CHW.14/INF/31) on the environmental network for optimizing regulatory compliance on illegal traffic (ENFORCE). Irma Gurguliani (Georgia), Chair of ENFORCE, noted members had agreed to revise the roadmap to make it more specific and action-oriented.

President Matiza noted that the ICC will review the ToRs for ENFORCE. The African Group requested that the Secretariat draft practical guidance on waste flows. Argentina highlighted the value of training workshops for border officials.

BC COP14 adopted the part of the draft decision related to ENFORCE.



**Final Decision:** In the relevant parts of the decision (UNEP/CHW.14/18) on the BC Partnership Programme, the COP, *inter alia*:

- invites the International Criminal Police Organization (INTERPOL), the WCO, and the UN Office on Drugs and Crime to consider joining the Network as members, and invites other entities with a specific mandate to deliver implementation and enforcement capacity-building activities that could assist BC parties in preventing and combating illegal traffic of hazardous wastes and other wastes;
- elects the representatives of five BC parties as members of the Network and four representatives of the BC regional and coordination centers until COP15; and
- requests the Secretariat to facilitate and provide expertise to the Network and to report COP15.

**Guidance document on the ESM of household waste and Household Waste Partnership:** On Saturday, 4 May, the Secretariat introduced the revised draft guidance document on the ESM of household waste (UNEP/CHW.14/INF/32) and the Household Waste Partnership in the relevant parts of the decision (UNEP/CHW.14/18) on the BC Partnership Programme. Gabriela Medina, Co-Chair of the Working Group on the Household Waste Partnership, noted the linkages to marine plastic litter and microplastics. The EU recommended amending the decision to acknowledge progress made rather than welcoming the work done, and to request that the group further consider existing BC guidance, particularly on ESM. Delegates adopted the decision as amended by the EU.

On the Household Waste Partnership, on Tuesday, 7 May, the EU highlighted proposed amendments (UNEP/CHW.14/CRP.33) to the Partnership on Household Waste. President Matiza noted that the decision (UNEP/CHW.14/18, part III) had already been adopted. Clarifying they were seeking to correct errors, the EU introduced its proposed amendments to the workplan for the biennium 2020-2021. The Gambia noted that these were substantial, not editorial, amendments. Syria requested clarification on whether parties would need to vote on the amended document. Following informal discussions among concerned parties, the EU reported the group had agreed to adopt CRP.33. China stressed that this should not set a precedent. Delegates adopted the amended decision, the annex of which contains the Household Waste Partnership workplan for the biennium 2020-2021.

**Final Decision:** In its decision (UNEP/CHW.14/CRP.33), the COP, *inter alia*:

- takes note of the guidance document on the ESM of household waste and requests the working group prepare a complete draft of the overall guidance document to account for COP14 discussions, for consideration by OEWG12;
- requests the working group to implement the workplan set out in the annex to this decision, and to coordinate with the new partnership on plastic waste; and
- requests the Secretariat to make comments available online, facilitate and provide expertise to the working group, and report on implementation to OEWG12 and COP15.

**Financial resources:** This item was addressed in the joint sessions of the COPs (see page 4).

**Work programme of the Open-Ended Working Group for the period 2020-2021:** On Monday, 6 May, the Secretariat introduced the document (UNEP/CHW.14/19), suggesting the draft work programme be revised to account for decisions adopted during BC COP14.

The African Group highlighted the need to consider regional activities, especially regarding e-waste, as well as emerging issues including plastic wastes, marine plastic litter and, with the Russian Federation, waste containing nanomaterials.

The EU emphasized that decisions taken during this COP need to be reflected in the future work of the OEWG. Delegates requested the Secretariat to prepare a revised draft work programme for consideration later in the meeting.

On Friday, 10 May, in the afternoon plenary, President Matiza noted that, further to Monday's request, the Secretariat had prepared a revised OEWG work programme. The Secretariat introduced the draft decision on the work programme of the OEWG for the biennium 2020-2021 (UNEP/CHW.14/CRP.36), drawing attention to brackets that could be removed following the adoption of the decision, and explaining that the COP usually entrusts the Secretariat to accurately reflect the decisions in the work programme. The decision was adopted, to be amended as necessary, pending the outcomes of the BC Plastics contact group.

**Final Decision:** In its decision (UNEP/CHW.14/CRP.36), the COP adopts the work programme of the OEWG for the biennium 2020-2021, as set out in the annex to the decision.

### **Programme of Work and Budget**

This item was also addressed in the joint sessions of the COPs (see page 6). On Friday, 10 May, delegates adopted the BC programme of work and budget.

**Final Decision:** In the decision (UNEP/CHW.14/CRP.37), the COP, *inter alia*:

- approves the programme budget for the SC for the biennium 2020-2021 of USD 9,688,154;
- authorizes the BC Executive Secretary to make commitments in an amount up to the approved operational budget, drawing upon available cash resources;
- decides to maintain the working capital reserve at the level of 15% of the annual average of the biennial operational budgets for the biennium 2020-2021; and
- recalls that contributions to the BC General Trust Fund are expected by 1 January of the year for which those contributions have been budgeted, urges parties to pay their contributions promptly, encourages parties in a position to do so to pay their contributions by 16 October 2019 for the calendar year 2020 and by 16 October 2020 for the calendar year 2021, and requests the Secretariat to notify parties of the amounts of their contributions as early as possible in the year preceding the year in which they are due.

### **Memorandum of Understanding between UNEP and the Basel Convention COP**

This issue was introduced in the Joint Sessions on Tuesday, 30 April.

**Final Decision:** In the decision on the MoU between UNEP and the BC (UNEP/CHW.14/26/Rev.1), the COP, *inter alia*, adopts the MoU between the Executive Director of UNEP and the BC COP.

### **Adoption of the Report**

On Tuesday, 7 May, delegates adopted the meeting report (UNEP/CHW.14/L.1/Add.1) with minor amendments.

## Rotterdam Convention COP9

COP9 of the Rotterdam Convention opened on Monday, 29 April, and conducted most of its work from 7-10 May.

### Rules of Procedure for the COP

On Thursday, 9 May, the Secretariat introduced the document (UNEP/FAO/RC/COP.9/3), which invites the COP to consider bracketed text stating that when attempts to achieve consensus are exhausted, a two-thirds majority vote can be used to reach a decision. RC COP9 President Álvarez-Pérez proposed, and delegates agreed, that the COP defer consideration of the text to its next meeting. He noted that, until otherwise decided, substantive matters will continue to be decided by consensus.

### Matters Related to the Implementation of the Convention

**Status of implementation:** On Thursday, 9 May, the Secretariat introduced the documents, including the draft decision (UNEP/FAO/RC/COP.9/4; INF/6-8).

Encouraging all parties to submit notifications of final regulatory action, the EU called for the development of additional webinars and online tools for capacity building. He supported adoption of the draft decision but highlighted his proposals for amendments set out in UNEP/FAO/RC/COP.9/CRP.9, which addresses the definition of the term “pesticides,” the use of Harmonized System codes when exporting chemicals, and assistance provided by the Secretariat to parties.

The African Group, with Nigeria, supported the draft decision set out in UNEP/FAO/RC/COP.9/4 and called for regional training and capacity-building workshops to increase the number of notifications.

Switzerland encouraged parties to include exposure data in their notifications. The Russian Federation called for all reference materials to be translated into the six UN languages. Zambia highlighted the benefits of the financial and technical support it had received to undertake a gap analysis designed to support implementation of the RC. The US agreed with Switzerland that the information documents demonstrate that the available technical assistance and evaluation tools are making a difference.

Noting general support for the proposed action, President Álvarez-Pérez suggested adopting the draft decision with the amendments proposed by the EU and China. He noted that China’s suggested changes to CRP.9 included: moving a paragraph on submitting periodic questionnaires, so as to “encourage” rather than “urge” parties to submit; adding the phrase “to be used for occupational purpose” in relation to chemicals in safety data sheets, which aligns the text with the provisions of the Convention; and adding text pertaining to shipping documents, in particular “if a code has been assigned.” Guinea queried who would assign such a code.

Kenya suggested making explicit the trigger and format for submission of information. The Secretariat clarified that the invitation to parties to provide information would have a flexible format to capture a maximum amount of information.

Delegates adopted the decision with the oral amendments proposed by China.

**Final Decision:** In the decision (UNEP/FAO/RC/COP.9/CRP.9), the COP, *inter alia*:

- encourages parties to adopt and communicate the national definition for the term “pesticide” to the Secretariat; to ensure the submission of notifications of final regulatory action, proposals for listing severely hazardous pesticide formulations and import responses for listed chemicals; to use the final regulatory action evaluation toolkit and other relevant tools for

national risk evaluation and decision-making; and to provide the Secretariat with information that may assist other parties to prepare and notify final regulatory actions;

- urges parties to implement Article 11 of the Convention, which is an important contribution to the fight against illegal trade in chemicals subject to the Convention, to ensure a safety data sheet that follows an internationally recognized format is sent to each importer of both chemicals listed in Annex III and chemicals banned or severely restricted in the exporting country’s territory in one or more of the official languages of the importing party;
- decides to adjust the composition of the PIC regions to add the State of Palestine to the Near East PIC region and South Sudan to the Africa PIC region;
- invites parties, non-parties, industry, civil society, and other stakeholders to provide to the Secretariat data on the international trade in chemicals listed or recommended for listing in Annex III; and
- requests the Secretariat to provide assistance to parties, subject to the availability of resources, to facilitate the implementation of the RC and to collect and make available to parties and other stakeholders information on the definition of the term “pesticides.”

**Listing of chemicals in Annex III to the Convention:** On Tuesday, 7 May, the Secretariat introduced UNEP/FAO/RC/COP.9/5/Rev.1. Nolozi Gwayi (South Africa), Chair of the CRC, presented the Committee’s recommendations to list in Annex III the severely hazardous pesticide formulations (SHPFs) fenthion and paraquat, as well as the chemicals acetochlor, hexabromocyclododecane (HBCD), phorate, carbosulfan, and chrysotile asbestos.

Many delegates expressed appreciation for the work of the CRC, noting that listing under the RC does not constitute a ban. Norway, New Zealand, Peru, Switzerland, the EU, Jordan, Thailand, Burkina Faso, Saint Kitts and Nevis, the Maldives, Botswana, Chad, the Republic of Congo, South Africa, the Democratic Republic of the Congo, the Gambia, Australia, Uruguay, and Malaysia supported the inclusion of all seven nominations. Guyana supported listing acetochlor, HBCD, and phorate. Sri Lanka supported listing the SHPFs nominated by the CRC.

New Zealand noted broad support at past COPs for listing the “old chemicals,” including carbosulfan, chrysotile asbestos, fenthion, and liquid formulations containing paraquat dichloride. President Álvarez-Pérez clarified that each chemical would be considered separately.

Colombia called for countries to appoint members to the CRC that can fulfil the entire mandate. The African Group expressed concern about the reduced length of CRC meetings, emphasizing the need for experts to have enough time for deliberations. Norway supported the translation of the Handbook of Working Procedures and Policy Guidance for the CRC and the Pocket Guide for Effective Participation in the CRC.

**Effectiveness of the CRC:** On Wednesday, 8 May, President Álvarez-Pérez invited comments from observers on the work of the CRC.

The US expressed appreciation for the work of the CRC, underscored the importance of effective participation, and highlighted proposals to enhance chairing and capacity building. Noting high turnover, PAN called for the appointment of experts who can complete their terms. CropLife International called for provision of translation services in CRC plenary, as is done in the POPRC.

IPEN emphasized that PIC allows governments to accept or refuse chemicals of concern and, with the Centre Africain pour la Santé, supported the CRC's listing recommendations. Rotterdam Chrysotile Alliance (ROCA) expressed anger at those parties blocking the listing of chemicals.

This issue was further discussed in the contact group on RC Effectiveness, which prepared a draft decision on the operation of the CRC. On Friday, 10 May, delegates adopted the decision.

**Final Decision:** In the decision (UNEP/FAO/RC/COP.9/CRP.11), the COP requests the Secretariat, *inter alia*, to:

- establish and implement training activities within the framework of the technical assistance plan, subject to the availability of resources, for new and existing members and to report on their results to COP10;
- report to COP10 on progress with respect to the recommendations for improving participation, openness, and transparency in the CRC; and
- translate, subject to the availability of resources, the Pocket Guide for Effective Participation in the CRC and the Handbook of Working Procedures and Policy Guidance for the CRC.

**HBCD:** The Secretariat introduced the documents (UNEP/FAO/RC/COP.9/7, Add.1, INF/9/Rev.1, INF/12, INF/13) on Wednesday, 8 May.

The African Group, the EU, Pakistan, India, Nigeria, the Russian Federation, Malaysia, Nepal, Ethiopia, and Syria supported listing HBCD in Annex III. Delegates adopted the decision.

**Final Decision:** In the decision (RC/COP.9/7), the COP, *inter alia*:

- amends Annex III to the RC to list HBCD in the category of industrial chemical, which shall enter into force for all parties on 16 September 2019; and
- approves the decision guidance document on HBCD.

**Phorate:** The Secretariat introduced the documents (UNEP/FAO/RC/COP.9/8; Add.1; INF/9/Rev.1; INF/14; INF/15) on Wednesday, 8 May.

The African Group, the EU, India, Australia, Nepal, Serbia, the Russian Federation, Malaysia, the State of Palestine, Nigeria, Brazil, Zimbabwe, and Nicaragua supported the inclusion of phorate in Annex III. Delegates adopted the decision.

**Final Decision:** In the decision (RC/COP.9/8), the COP, *inter alia*:

- amends Annex III to the RC to list phorate in the category of pesticide, which shall enter into force for all parties on 16 September 2019, and
- approves the decision guidance document on phorate.

**Acetochlor:** The Secretariat introduced the documents (UNEP/FAO/RC/COP.9/6, Add.1, INF/9/Rev.1, INF/10, INF/11) on Wednesday, 8 May.

The EU, Pakistan, Togo, India, Nigeria, Nicaragua, Mauritania, El Salvador, Malaysia, the Russian Federation, the Democratic Republic of the Congo, Syria, Norway, Switzerland, Cambodia, Nepal, Serbia, Bolivia, Botswana, Zimbabwe, and PAN supported the inclusion of acetochlor in Annex III. The African Group asked delegates to consider all possible implications of listing acetochlor, noting that some countries in the region had raised concerns.

Stating that the CRC did not employ a rigorous procedure for review, CropLife International noted that although the EU notification met the Annex II requirements, the notification from the Sahelian countries did not because it was, *inter alia*, based on the research project of a Master's student rather than reliable

exposure data. Norway dissented, explaining that the Sahelian countries had effectively used the bridging criteria to demonstrate a high risk for groundwater contamination.

Argentina, with Chile, opposed the listing, saying the Annex II criteria had not been met, and proposed further discussion, taking into consideration more recent studies.

President Álvarez-Pérez suspended the discussion and requested parties to consult informally with the aim of seeking consensus.

On Friday, 10 May, President Álvarez-Pérez noted that informal consultations with concerned parties had not been successful and asked if the COP could agree that all the listing requirements had been met. Opposing the listing, Argentina said that not all requirements had been met, with Chile stating that the requirements had only been met in part. The EU, Mauritania, Guinea Bissau, Benin, and the Gambia said that the listing criteria had been met. Switzerland, supported by Norway, South Africa, Chad, El Salvador, and Mali, recommended aligning the decision text with the text from previous decisions on substances that have not been listed, postponing further consideration to COP10. Argentina called for more in-depth studies to be undertaken.

Delegates agreed that the listing criteria had been met, but could not reach consensus to list acetochlor in Annex III, and postponed this issue to COP10.

**Carbosulfan:** The Secretariat introduced the documents (UNEP/FAO/RC/COP.9/9; UNEP/FAO/RC/COP.9/9/Add.1) on Wednesday, 8 May, noting that COP8 agreed that the listing criteria had been met but did not reach consensus to include the chemical in Annex III.

Kenya questioned the validity of one of the notifications and, with India and Brazil, cited use of carbosulfan in agricultural pest control and opposed listing. CropLife International said that when used according to the label, carbosulfan is a safe pesticide and questioned whether the notification met Annex II criteria.

The Philippines withdrew the reservations it had stated at COP8 and said it was ready to support listing. The EU, Nicaragua, Sri Lanka, Chile, Nigeria, Iraq, Mauritania, Sudan, Norway, Lebanon, Peru, Argentina, Saint Kitts and Nevis, Malaysia, the Democratic Republic of the Congo, and Gabon also supported listing. Several stressed that listing does not equate to banning the substance.

President Álvarez-Pérez suspended the discussion and requested parties to consult informally with the aim of seeking consensus. On Friday, 10 May, President Álvarez-Pérez proposed, and delegates agreed, to forward this issue to COP10 for further consideration.

**Paraquat:** The Secretariat introduced the documents (UNEP/FAO/RC/COP.9/12; Add.1) on Wednesday, 8 May, noting that the listing of this SHPF has been on the agenda since COP6.

Opposing listing, Guatemala stressed the need to better evaluate notifications. Highlighting a national scientific assessment of paraquat, Indonesia reported that correct use of the pesticide is not harmful to human health and the environment.

The African Group, Mauritania, Nicaragua, the Democratic Republic of the Congo, the EU, the Russian Federation, Burkina Faso, Peru, Saint Kitts and Nevis, Norway, Cambodia, Switzerland, Malaysia, Tanzania, Ecuador, Nigeria, Côte d'Ivoire, Uruguay, Malawi, Bolivia, El Salvador, PAN and IPEN supported listing.

Noting that only two parties opposed listing, President Álvarez-Pérez suspended discussions to allow for informal consultations.



On Friday, 10 May, President Álvarez-Pérez informed plenary that informal consultations had not been successful, as some parties still had reservations. Chile opposed listing. Indonesia shared his country's experience, noting the concerns of farmers on the increase of farming costs if paraquat is listed, but announcing the country's intention to create a roadmap to assist farmers to access alternatives, which could possibly allow the country to support listing at COP10.

Guatemala and Mauritania expressed support for listing.

President Álvarez-Pérez proposed, and delegates agreed, to forward this issue to COP10, noting agreement that the listing criteria had been met.

**Fenthion:** The Secretariat introduced the documents (UNEP/FAO/RC/COP.9/11; /Add.1) on Wednesday, 8 May, noting that COP8 decided that fenthion meets the criteria for listing.

Citing crop security issues, Sudan, Kenya, Ethiopia, and Uganda opposed listing, and, with others, called for effective, practical alternatives to be defined. Mauritania, Gabon, and Nigeria noted similar problems with crop security but supported listing.

Chad, the Russian Federation, Peru, PAN, the EU, Malaysia, Chile, Bolivia, Saint Kitts and Nevis, India, and Nicaragua supported listing. The EU emphasized that the purpose of PIC is information exchange. Norway and others underscored that listing does not constitute a ban.

President Álvarez-Pérez called for informal consultations with the four countries that opposed listing.

On Friday, 10 May, President Álvarez-Pérez proposed, and delegates agreed, to forward this issue to COP10. Speaking for Ethiopia, Sudan and Uganda, Kenya welcomed the efforts of FAO in the control of the *quelea quelea* birds but underlined that there are no alternatives to the control of the millions of these migratory birds, which are a threat to food security in Eastern Africa, and called for speedy research into effective alternatives. Mauritania, supported by Chad and Senegal, stated that the aerial spray of fenthion has killed non-target organisms, such as lizards, snakes, and insects, and has had negative impacts on proximate human populations.

**Chrysotile Asbestos:** The Secretariat introduced the documents (UNEP/FAO/RC/COP.9/10; Add.1) on Wednesday, 8 May, noting that this issue has been on the agenda since COP3.

Australia, Colombia, Norway, Canada, Peru, Georgia, Uruguay, Gabon, Nigeria, Bahrain, the EU, Japan, Iraq, Togo, Chile, Malaysia, New Zealand, Moldova, Switzerland, Vanuatu, the Republic of Congo, Senegal, the Maldives, Kuwait, Benin, Saudi Arabia, and Cameroon supported listing of chrysotile asbestos in Annex III.

Citing lack of new evidence of effects on human health and the environment, the Russian Federation, Kazakhstan, Syria, Zimbabwe, Kyrgyzstan, Pakistan, India, and the International Alliance of Trade Union Organizations "Chrysotile" opposed listing. Venezuela, Cuba, and Iran called for further discussions to understand the rationale of those opposed to listing.

Stressing overwhelming and conclusive scientific evidence, WHO underlined that all forms of asbestos cause cancer in humans. ILO underscored that the ILO Asbestos Convention should not be used to justify continued use of asbestos. Solidar Suisse urged immediate action to list chrysotile asbestos, emphasizing that millions of people die every year due to exposure. Noting that evidence linking chrysotile to disease is overwhelming, National Toxics Network called for chrysotile asbestos to be listed in Annex III.

The Fiber Cement Product Manufacturer's Association of India opposed listing, saying national governmental studies had shown no negative health impacts. Workers of Kazakhstan called for a distinction to be made between chrysotile and other forms of asbestos, noting that workers using cement with chrysotile asbestos were "all in good health."

Delegates deferred further consideration to COP10. President Álvarez-Pérez noted that the comments would be included in the meeting report.

**Enhancing the effectiveness of the Convention:** On Tuesday 7 May, the Secretariat introduced the documents, including proposals to amend Article 16 to include technical and financial assistance through the GEF Trust Fund, and Article 22 to delete references to requirements for consensus on amendments to Annex III (UNEP/FAO/RC/COP.9/13; Add.1; INF/17-23).

Intersessional Working Group Co-Chair Silvija Nora Kalnins (Latvia) reported on the group's activities, noting that priority actions related to, *inter alia*: the process of listing chemicals; information exchange (clearing house mechanism); capacity building and technical assistance (development of guidance and awareness); and other processes.

The EU opposed both amendments, saying the amendment to Article 22 would create a confusing situation in which Annex III would only apply to some parties. Acknowledging that three of its delegations held different views, the Asia-Pacific Region objected to the proposed amendments, noting implications for other articles.

Thailand welcomed discussion of the proposed amendments. Syria supported amending Article 16 and opposed amending Article 22. Indonesia said GEF funding should be made available to developing countries. The African Group called for the FAO to assist countries through its regional offices. Nigeria emphasized that support for parties should not be limited to voluntary contributions. GRULAC stressed that assistance is vital for implementation.

The Russian Federation, Brazil, Argentina, Cuba, El Salvador, New Zealand, Zimbabwe, Iraq, Guatemala, South Africa, the Maldives, the US, and the International Alliance of Trade Union Organizations "Chrysotile" supported maintaining decision-making by consensus. Norway sympathized with the intent behind the proposed Article 22 amendment but said they had concerns about challenging legal and other implications. Switzerland underscored that the RC is not being implemented if parties are unable to list substances that meet the criteria.

Describing the listing procedure as "just plain broken," PAN supported the proposal to replace consensus-based decision-making with voting. IPEN, supported by the Association of Environmental Education for Future Generations (Tunisia), favored both proposed amendments, noting that voting would be a last resort.

On Friday morning, 10 May, President Álvarez-Pérez introduced the draft decision on enhancing the effectiveness of the Convention (UNEP/FAO/RC/COP.9/CRP.12), noting it was entirely in brackets. Parties agreed to remove the brackets and adopt the decision pending confirmation from the budget group on the budgetary implications of the decision.

In the afternoon plenary, President Álvarez-Pérez introduced the African Group's proposals to amend Articles 16 and 22 of the RC (UNEP/FAO/RC/COP.9/13/Add.1). The Russian Federation, noting a lack of support for the amendments, particularly as Article 22 establishes the basic principles of the Convention, proposed the COP conclude discussions on the issue without forwarding them to the next COP. The African Group explained

the rationale behind the proposal, noting the amendments to Article 22 aimed to promote the listing of chemicals to facilitate informed decision making, reiterating that listing does not equate to banning. He also underscored that reaching consensus was always the most desirable outcome. Pakistan, Kazakhstan, and Oman supported the Russian Federation. On Article 16, the African Group stressed the paramount importance of a financial mechanism for the RC, noting the COP should not relent in its efforts in making it a reality.

President Álvarez-Pérez took note of the lack of support for the proposed amendments. With no agreement reached, the proposal was withdrawn.

**Final Decision:** In the decision (UNEP/FAO/RC/COP.9/CRP.12), the COP, *inter alia*, invites parties to further analyze and develop proposals to enhance the effectiveness of the RC, in particular to improve the listing process, and requests the Secretariat:

- subject to the availability of resources, to implement proposals on new and innovative ways of improving information exchange under the RC;
- to develop a dissemination strategy for obtaining and using information for consideration by the COP10;
- to continue sharing collected information on the measurable impacts of listing and not listing chemicals in Annex III, including at the regional preparatory meetings; and
- to identify, in consultation with the WCO, chemicals listed under the Convention that are not assigned exclusive Harmonized System customs codes, and to report to the COP10 for further action, as necessary.

**Compliance:** The Secretariat introduced the documents (UNEP/FAO/RC/COP.9/14/Rev.1, Add.1/Rev.1) in the joint session of the COPs on Tuesday, 30 April, and compliance was subsequently discussed by RC COP9 from 7-9 May.

Thailand, Brazil, Canada, Iran, Colombia, and China called for a compliance mechanism to be facilitative and non-punitive. Norway said compliance supports transparency and Ghana noted it helps implementation. Nigeria urged provision of technical assistance and financial resources, and India said capacity building and compliance go “hand-in-hand.”

On Tuesday, 7 May, President Álvarez-Pérez proposed establishing a Friends of the President group to consider the text in Annex I of UNEP/FAO/RC/COP.9/14/Rev.1, and in the absence of consensus, to consider Annex II, which contains the “package deal” discussed at COP7. Many delegates supported this proposal and stressed the importance of agreement on a compliance mechanism.

Iran opposed the President’s proposal, underscoring “shortcomings” of the COP7 text including references to “punitive measures” such as letters of concern, and said that making compliance a public case could damage a country’s reputation. He favored using COP8 discussions as a starting point and supported decision-making by consensus. Cuba opposed the text in Annex I, while Costa Rica, the EU, Nigeria, and Colombia expressed support, saying the text should not be reopened. Colombia stressed the text provides for capacity building and, with Argentina, underscored that the mechanism is not punitive.

The Russian Federation, Kazakhstan, and the US noted that consensus needs to be ensured, with Brazil stressing that a COP decision should involve every party. The African Group underscored challenges such as weak borders, as well as a lack of resources and knowledge to enable effective implementation. The Gambia, Senegal, Sudan, Liberia, the Democratic Republic of the Congo, Botswana, and Benin called for financial and technical

assistance for implementation. Iraq emphasized that not all parties have the same technical capacity, human resources, or political stability, and called for further discussion.

Underscoring that the PIC procedure does not ban chemicals from international trade or production, IPEN called for adoption of a compliance mechanism and support for capacity building. PAN said a compliance mechanism that assists parties with implementation is long overdue.

Noting requests from the EU and China to enlarge the Friends of the President group, President Álvarez-Pérez confirmed that the group would include one delegate each from Namibia, South Africa, Zambia, Tanzania, Iran, India, Japan, China, the Russian Federation, Latvia, Armenia, Romania, Colombia, Argentina, Trinidad and Tobago, Ecuador, Canada, Switzerland, the EU, and the UK. Iran requested inclusion of two delegates from each party in the group. President Álvarez-Pérez agreed to this request, but said only one delegate would be allowed to speak, noting the importance of avoiding disruption to negotiations. Delegates agreed to establish the Friends of the President group, to be chaired by Glenn Wigley (New Zealand).

On Wednesday, 8 May, highlighting the Friends of the President group’s work of the previous day, President Álvarez-Pérez asked if there were any objections to the adoption of Annex I, which contains the text negotiated at COP7 (UNEP/FAO/RC/COP.9/14/Rev.1). Iran opposed adoption.

President Álvarez-Pérez then asked whether there were objections to adopting Annex II, which contains the “package deal” discussed at COP7. Iran, supported by Syria, opposed. President Álvarez-Pérez subsequently invited delegates to discuss the proposal to create a new annex establishing procedures and mechanisms on compliance (UNEP/FAO/RC/COP.9/14/ Add.1/ Rev.1). Emphasizing that consensus should not be a tool for blocking progress, Switzerland explained the proposed Annex VII would allow parties who do not agree to a compliance mechanism to opt out.

Costa Rica, Canada, the EU, the African Group, Colombia, Norway, Uruguay, Namibia, Mali, South Africa, Zambia, New Zealand, Liberia, Japan, Ghana, Benin, El Salvador, Nigeria, Kenya, Malaysia, the Maldives, Thailand, the Dominican Republic, Nepal, Senegal, Botswana, Chile, Côte d’Ivoire, Honduras, Sudan, Vanuatu, Papua New Guinea, IPEN and PAN supported the creation of Annex VII. Many called for a decision, noting that the proposed mechanism is not punitive and provides technical assistance.

Iran, supported by the Russian Federation, opposed the proposal. China cautioned that adopting Annex VII would modify the Convention and could undermine its integrity. Iraq called for more time to seek a consensus-based solution.

Underscoring that all efforts to achieve consensus had been exhausted, Switzerland called for a vote. President Álvarez-Pérez said a vote would be held on Thursday, following adoption of the report on credentials. Several called for the vote to take place immediately. The BRS Legal Officer clarified that the vote could be held earlier if a majority of parties were not content with the President’s decision.

After a brief break, delegates voted to adopt the new annex, with 120 supporting and 6 opposing the proposal.

Brazil, supported by the Russian Federation, lamented that the vote happened prior to adoption of the report on credentials and, with China and Trinidad and Tobago, said this should not set a precedent for decision-making. Venezuela, Pakistan, Cuba, Qatar, and the Russian Federation lamented that delegations were

not given time to consult with their capitals. Argentina expressed concern that only some parties would comply. Iran emphasized that the reaction to the vote was indicative of future problems.

On Thursday, 9 May, President Álvarez-Pérez noted that, during discussions pertaining to the report on credentials, one party had raised a question related to the vote to establish a new annex to the Convention that would delineate procedures and a mechanism for compliance. The BRS Legal Officer clarified that the rules of procedure allow provisional participation of all parties in decision making, pending a decision by the COP to accept their credentials. She said the report of credentials would be made publicly available.

Asking how the Secretariat counted the votes, China, with the Russian Federation, reiterated concern about Wednesday's vote setting "a dangerous precedent." Brazil underscored the importance of ensuring the integrity of the voting process. Pakistan asked what the consequences would be if parties without credentials had voted. Emphasizing lack of clarity about who voted, Bolivia said there is no precedent for voting without credentials.

Explaining that decision-making cannot be retroactive, President Álvarez-Pérez reminded delegates that his decision to hold the vote after the report of credentials was overruled by a majority of delegates who preferred to hold the vote immediately.

Iran expressed concern that some observers might have voted. The Gambia emphasized that the numbers of votes in favor of creating the annex was "huge" and said that exclusion of parties without credentials would not have changed the results.

Underscoring that the correct procedure was followed, Switzerland called for the next Bureau to review and strengthen the process of presenting credentials. Guinea stressed that parties' main aim should be implementation of the Convention.

President Álvarez-Pérez explained that the vote had taken place in accordance with the rules of procedure and as requested by parties. He encouraged those who were "uncomfortable" with the procedures to propose changes for future consideration.

**Final Decision:** In the decision (UNEP/FAO/RC/COP.9/14/Add.1/Rev.1), the COP adopts a new Annex VII to the RC entitled "Procedures and mechanisms on compliance with the Rotterdam Convention," as set out in Annex I to the decision.

**Technical assistance:** This item was addressed in the joint sessions of the COPs (see page 4).

**Financial resources:** This item was addressed in the joint sessions of the COPs (see page 4).

### **Programme of Work and Budget**

This item was addressed in the joint sessions of the COPs (see page 6). On Friday, 10 May, delegates adopted the RC programme of work and budget.

**Final Decision:** In the decision (UNEP/FAO/RC/COP.9/CRP.10), the COP, *inter alia*:

- approves the programme budget for the Rotterdam Convention for the biennium 2020-2021 of USD 8,315,672;
- decides to maintain the working capital reserve at the level of 15% of the annual average of the biennial operational budgets for the biennium 2020-2021;
- invites the governing bodies of UNEP and FAO to continue their financial and other support for the operation of the Convention and its Secretariat in the biennium 2020-2021; and
- welcomes the continued annual contribution by Italy and Switzerland, the host countries of the Secretariat, of EUR 600,000 each to the Secretariat to offset planned expenditures.

### **Memorandum of Understanding between FAO, UNEP, and the Rotterdam Convention COP**

This issue was introduced in the Joint Sessions on Tuesday, 30 April. On Friday, 10 May, the Acting Executive Secretary of UNEP, Joyce Msuya, and the BRS presidents signed the MoU which will be taken to FAO by Hans Dreyer, Executive Secretary (FAO) of the RC.

**Final Decision:** In the decision on the MoU between UNEP, FAO, and the RC (RC/COP.9/22/Rev.1), the COP, *inter alia*, adopts the MoU between the Executive Director of UNEP, the Director-General of the FAO, and the RC COP.

### **Adoption of the Report**

On Friday, 10 May, delegates adopted the meeting report (UNEP/FAO/RC/COP.9/L.1/Add.1), with a few amendments related to procedures undertaken to establish the RC compliance mechanism.

### **Closure of the Meetings**

On Friday evening, 10 May, the contact group on budget worked late into the evening to finalize the details of programme of work and budget. As participants awaited the final documents on that agenda item, President Alvarez-Perez invited regions to give their closing statements.

Describing the meeting outcomes as "bittersweet," the EU expressed concern that "last-minute" proposals for exemptions circumvented the scientific process that underpins listing of chemicals under the Stockholm Convention. He also lauded successes including, *inter alia*, listing of two chemicals and reducing the derogations of another under the Stockholm Convention, adopting a facilitative compliance mechanism under the Rotterdam Convention, and inclusion of certain plastic wastes under the Basel Convention.

GRULAC welcomed the decision to establish the BCRC for Mexico and Central America in Panama, recognized the importance of the gender action plan, and highlighted the need to protect workers and the most vulnerable members of society from exposure to dangerous wastes. He underscored the importance of financing, capacity building, technical assistance and technology transfer to strengthen implementation, and suggested that future meetings make good use of resources without cutting essential services such as interpretation.

Emphasizing that her region is diverse and so are the feelings of her countries, CEE lauded the constructive dialogues of these meetings and said the decisions adopted will create solid ground for more effective work under the Conventions, enabling them to deliver on their objectives.

The Asia-Pacific region highlighted the importance of strengthening international cooperation as a complement to national implementation, as well as removal of barriers to technology transfer, technical assistance, and financial support. Noting that not all decisions were equally welcomed by all participants, and underscoring that consensus-based decision-making is a "precious heritage" that must be preserved, he called on participants to "put divergent views on silent mode" and remain optimistic that they can close gaps and move closer to common objectives.

The African Group highlighted risks inherent to budgetary reductions and, underscoring that countries in his region are generally most affected by hazardous substances, encouraged countries to account for the "real limits" of least developed countries in implementation of the Conventions. He appreciated



the work done particularly on ESM of hazardous wastes, and thanked all delegates for working cooperatively to resolve difficult issues.

With the budget decision still outstanding, BRS Executive Secretary Rolph Payet offered closing remarks. Highlighting the “significant progress” achieved on e-waste and plastics, he characterized the end of the meetings as the start of another journey, and called on all stakeholders to work together to find solutions to difficult challenges ahead.

Noting that 28 decisions were adopted under the Stockholm Convention, SC COP9 President Khashashneh said key outcomes included listing of two new chemicals in Annex A, reducing the number of acceptable purpose and specific exemptions for PFOS, its salts, and PFOSF, and adopting guidelines on BAT/BEP. He also expressed confidence that parties’ experience with compliance under both the BC and RC will contribute to conversations about establishing a compliance mechanism under the SC.

Lauding the “sheer determination” of delegates to come to common understanding, BC COP14 President Matiza called for parties to maintain this spirit of oneness and work toward implementation with the same zeal displayed during the negotiations.

Following adoption of the decision on programme of work and budget, RC COP9 President Álvarez-Pérez thanked participants for their contributions and gavelled the meeting to a close at 10:13 pm.

### **A Brief Analysis of the Meetings**

The 2019 Basel, Rotterdam, and Stockholm Conventions Conferences of the Parties (COPs) showcased the politics of the possible for conventions in the implementation stage. The administrative synergies implemented six years ago worked seamlessly, enabling delegates to the three Conventions to attend a well-managed joint meeting of the COPs. The Conventions themselves, each working on their separate mandates, walked very different paths.

As the Basel Convention sought to demonstrate its relevance to emerging issues of global concern, the Stockholm Convention continued to list chemicals, including chemicals still in use. The Rotterdam Convention struggled to fulfil its mandate, however, closing yet another COP with a growing number of unlisted chemicals on its agenda. This TripleCOP, more starkly than those before it, showed how even highly-intertwined Conventions can have varying challenges as they work to implement their core mandates. This brief analysis considers how the three Conventions advanced their mandates in areas of traditional and emerging concern for the sound management of chemicals and wastes, and how each ended the meeting on a different trajectory.

#### ***The Basel Convention – Bounding Ahead***

At this meeting of the TripleCOPs, the biggest highlights were those achieved under the Basel Convention (BC), which managed to expand its areas of work to include topical issues. There was a great buzz of energy and enthusiasm going into COP13, with media outlets having picked up on the fact that the UN was moving to address an issue that has increasingly been in the public eye: marine plastics. At the May 2017 BRS COPs, delegates agreed on new areas of work including addressing marine plastic litter and microplastics. The Basel Convention is the “right place to address marine plastics,” stressed a number of countries coming into the 2019 TripleCOPs, “because its very mandate is to prevent and minimize hazardous waste generation.”

In the two years since this issue first appeared on the agenda, Norway, supported by a broad range of countries from both sides of the developing-developed divide, worked on a proposal to amend the annexes to the BC to include marine plastic as a separate waste stream. Norway’s amendment proposal was a package deal to include plastic waste in Annex II (waste requiring special treatment), Annex VIII (hazardous waste), and Annex IX (non-hazardous waste).

One of the key concerns in initial discussions was that including marine plastics was only “treating the symptom, and not the cause,” with several developing countries, particularly from Africa, calling to address all plastic waste, and especially land-based sources that will “eventually end up in the ocean.” Delegates quickly agreed to drop the “marine” and address plastics more generally, which further expands the work of the Convention, and opens up new vistas for cooperation with other entities. Another concern was how to include plastic waste without creating a barrier for the recycling industry—both a labor concern and an environmental one. In the end, delegates agreed to list plastic pollution in all three annexes, detailing the specific types of plastic the Convention will not address, including certain mixtures of plastic waste destined for recycling, a welcome compromise for those parties concerned about trade in plastic waste for recycling.

In an increasingly crowded governance landscape, it is most impressive that the Basel Convention is the first to move from talk to action in implementing change on plastics. But addressing plastic pollution as a waste stream problem still leaves issues of production and use wide open. One delegate, celebrating the adoption of the inclusion of plastic waste under the BC, was jubilant but cautious, sharing that “more work still needs to be done outside the BC to really address this issue.” The newly established Partnership on Plastic Waste will perhaps spur collaborative work on plastics to address this issue more holistically.

Alongside these discussions, delegates also addressed waste from nanomaterials, another emerging issue that could have wide ranging implications for a number of sectors. Nanomaterials are used in a variety of products like sunscreen, antibacterial textiles, glass coating, lithium ion batteries, and tennis rackets. Both the BC and the Strategic Approach to International Chemicals Management (SAICM) identified nanomaterials and the waste they generate as an issue of great concern from as early as 2012, but progress on actions to address them has been slow due, in large part, to scientific uncertainty and the complexity of dealing with a large number of waste streams. At BC COP14, many agreed that the BC is the appropriate forum to address nanomaterials wastes, but also recognized the inadequacy of the knowledge about the issue. As a first but important step to addressing nanomaterials, they agreed to take active measures to gather the necessary information to manage the trade or movement in these wastes.

The Basel Convention also adopted several technical guidelines that will assist parties to implement the Convention. Notably, the COP adopted, on an interim basis, the e-waste technical guidelines, which have been “in the works” for some years now. This was a compromise reached in order to allow time for the guidelines to be amended to ensure no loopholes remain.

In their current form, the guidelines do not address what some called a “major gap” related to the export/import of waste for repair and/or refurbishment. The longstanding complaint from some developing countries is that it is easy for entities in developed countries to designate end-of-life products as

repairable and ship them to developing countries “where they immediately become waste.” Many hoped that extending the mandate of the Expert Working Group on e-waste to further work on the guidelines will produce “sharper, tighter” guidelines that comprehensively address this loophole. Almost overshadowed by the “new, shiny discussions on plastic waste,” the importance of these guidelines was not lost on many developing countries, and will have wide reaching effects for the production, consumption, and disposal of electrical and electronic products, with limits set on the transboundary movements of these wastes.

### ***The Stockholm Convention – Holding Steady***

Stockholm Convention COP9 was both remarkable and worrying at the same time. Against the backdrop of the second Global Chemicals Outlook, which highlights that countries are not on track to meet the 2025 and 2028 deadlines for the elimination of PCBs, the COP agreed to list two chemicals: dicofol, for which most significant production is expected to stop by August 2019; and perfluorooctanoic acid (PFOA), its salts, and PFOA-related compounds, which is a “live” chemical still in use in the production of non-stick cookware, firefighting foams, semi-conductors, carpets, and some textiles. While the COP managed to easily list dicofol with no exemptions, the listing of PFOA was riddled with requests for exemptions for uses that had been considered and rejected by the Persistent Organic Pollutant Review Committee (POPRC) because effective and cost-efficient alternatives were available. Both in plenary and contact group discussions, delegates heard from a small group of firefighters who stressed that alternatives are available for PFOA in firefighting foams, and outlined the health risks associated with exposure to PFOA. “Many of our colleagues have survived the risks of fighting fires only to succumb to cancer as a result of exposure to PFOA,” said one. The COP heeded this warning by setting 2025 as a deadline to restrict the use of PFOA-containing firefighting foams, and parties limited the types of uses and conditions of use for firefighting foams containing PFOA. However, exemptions were still granted for a long list of uses, which were raised at the COP, and not during the POPRC review process, such as for invasive and implantable medical devices; the production of high-voltage electrical wire and cables for power transmission; and the production of O-rings, v-belt, and plastic accessories for car interiors.

This raised the second worry: that the scientific backbone of the Convention—the POPRC—is being eroded. As more requests for exemptions were raised by parties in the contact group, members of the POPRC struggled to push back. “We have reviewed the science and made provisions for exemptions where alternatives do not yet exist,” noted one, “but each year, the list for exemptions called for at the COP grows.” Perhaps more worrying, noted some, is that this is not just a threat to the recommendations of the POPRC, but a threat to human health and the environment, as the Stockholm Convention’s mandate is to eliminate or restrict the production and use of POPs, “highly dangerous, long lasting chemicals.” Responding to this concern, one delegate shared that it may not be as bad as it seems as specific exemptions have a five-year expiry date, although parties can apply to extend them for a further five years. “In the meantime, the rest of us can carry on with implementation,” she said, which will further limit both production and use.

Others were concerned that this trend “is not the precedent we should be setting” and that exemptions, no matter how short, enable these extremely persistent chemicals to continue to be

released into the environment when the aim of the Convention is to phase them out.

### ***The Rotterdam Convention – Struggling to Keep Pace***

Looking at the slim agenda of the Rotterdam Convention, one would not have been faulted for assuming the discussions would be easy. However, with long-standing issues still up for discussion, delegates faced an uphill challenge. Coming into COP9, the “hottest” topic on the agenda was the Swiss proposal to include a new annex to the Convention establishing a compliance mechanism. The need for this mechanism has been stressed over the years, with many countries underlining the importance of being able to better monitor the trade in hazardous chemicals and pesticides. Over the years, the number of parties blocking consensus on this issue has been dwindling. At COP8 in 2017, frustrations mounted, as it emerged that only a handful of countries stood in the way of a compliance mechanism.

Parties used the intersessional period to “regroup,” with many co-sponsoring the Swiss proposal to use the Convention’s annexes to set up a compliance mechanism, based on text that had been widely agreed at COP7 in 2015, which set out the framework for a facilitative, responsive mechanism. Through a vote of an overwhelming majority, delegates agreed to include the annex establishing the mechanism. However, the fact that the text on the mechanism is in an annex allows parties to invoke Article 22(3)(b) of the Convention in order to opt out of the annex, and thus opt out of compliance obligations. This provision states that “Any Party that is unable to accept an additional annex shall so notify the Depositary, in writing, within one year from the date of communication of the adoption of the additional annex by the Depositary.” Some, commenting on their non-participation in the vote, noted that this aspect set up a “two-track” system under the Convention, which could “make compliance more difficult to monitor.”

With the institutional arrangements dramatically agreed, delegates embarked on the arduous listing journey. In a short session in plenary, they quickly listed phorate and hexabromocyclododecane (HBCD). But their applause was short lived as they were hamstrung in the listing of five other substances, populating what is now a growing list of substances that the Chemical Review Committee (CRC) recommends as needing to be subject to the prior informed consent (PIC) procedure. Four of these are so called legacy substances (carbosulfan, acetochlor, paraquat and chrysotile asbestos), which delegates have been unable to garner consensus to list for a number of years. Added to this list at this meeting was acetochlor, which a few countries and observers believed had not been subject to the most rigorous review process, despite the review and recommendation of the CRC.

Complicating matters further was parties’ interpretation of listing under the Rotterdam Convention. Time and again, the CRC has reminded delegates that listing does not constitute a ban. Interpreting listing under this Convention as a ban poses a threat to producer countries and industries, whose production values could decrease as a result of a ban. Listing under the Convention subjects the substance to the PIC procedure to promote information exchange between countries engaged in its trade. Nevertheless, the COP had no choice but to postpone listing the five chemicals to its next meeting.

Exasperated by the inability to subject these chemicals to the PIC procedure, one delegate noted that the Rotterdam Convention seems to be “running fast in the wrong direction.” For many developing countries, this Convention is the only way to track

hazardous chemicals entering their borders and increasing threats to human health and the environment. As one delegate shared his experiences in assessing the threats these chemicals pose to human health and the environment, an observer noted that perhaps the work for the intersessional period would be to find ways to communicating these threats to a wider audience. “Chrysotile asbestos does not need to be on a list for us to know it may be harmful, and take the necessary steps to protect our populations,” opined one delegate. Whatever the case, another delegate was hopeful in his call to “put divergent views on silent mode and remain optimistic that we can close the gaps and move closer to common objectives.”

### *The BRS COPs – Next Steps*

“Each of the three Conventions walked along its own path at this meeting. In preparation for the next meetings, the scientific and technical bodies will have a commensurate amount of work. The BC’s OEWG will need to develop the technical guidelines on plastic and attempt to resolve long-standing impasses in the e-waste guidelines, in addition to considering how to best address nanomaterials.

The POPRC and CRC will need to conduct rigorous assessments on new chemicals to be listed. How many chemicals they will have on their respective agendas is, so far, unclear. For implementation of all the Conventions, parties will require technical and financial assistance, an issue discussed throughout the two weeks and provided for in the budgets of all three Conventions.

Regardless of their directions, the Conventions are all in new territory now and will need to uncover innovative solutions to meet the challenges ahead. The Basel Convention will have to continue to flex its institutions to address emerging issues, the Stockholm Convention will seek to shore up its scientific foundations, and the Rotterdam Convention will try to find a way to show itself to be relevant despite its challenges. In the closing plenary, BRS Executive Secretary Rolph Payet encapsulated the overall mood when he said: “Today is the beginning – this is the start of another journey, another step, another stage, and another approach to the opportunities we have before us. We need to work together and find solutions to some of the world’s most difficult challenges.”

### **Upcoming Meetings**

**Helsinki Chemicals Forum 2019:** The Forum will address issues related to promoting chemicals safety and management globally, including in five panel discussions on risk management options, measuring performance of chemical management systems, grouping of chemicals, plastics, and chemicals data. **dates:** 23-24 May 2019 **location:** Helsinki, Finland **contact:** HCF Secretariat **phone:** +35-840-450-3250 **email:** helsinkict@messukeskus.com **www:** <https://helsinkichemicalsforum.messukeskus.com/>

**56th Meeting of the GEF Council:** The Council, which meets twice annually, develops, adopts and evaluates the operational policies and programs for GEF-financed activities. It also reviews and approves the work program (projects submitted for approval), making decisions by consensus. **date:** 10-13 June 2019 **location:** Washington D.C., US **contact:** GEF Secretariat **phone:** +1-202-473-0508 **fax:** +1-202-522-3240 **email:** Secretariat@thegef.org **www:** <https://www.thegef.org/events/56th-gef-council-meeting>

**41st Meeting of the Open-Ended Working Group of the Parties to the Montreal Protocol:** This meeting will consider issues related to the implementation of the Montreal Protocol in preparation for the 31st Meeting of the Parties (MOP31). **dates:** 1-5 July 2019 **location:** Bangkok, Thailand **contact:** Ozone Secretariat **phone:** +254-20-762-3851 **fax:** +254-20-762-0335 **email:** mea-ozoneinfo@un.org **www:** <http://conf.montreal-protocol.org/>

**39th International Symposium on Halogenated Persistent Organic Pollutants (Dioxin Conference 2019):** The conference aims to address various issues related to POPs by sharing the latest knowledge and information among internationally-renowned experts. **dates:** 25-30 August 2019 **location:** Kyoto, Japan **contact:** Congress Secretariat **phone:** +81-66-229-2561 **fax:** +81-66-229-2555 **email:** dioxin2019@congre.co.jp **www:** <http://www.dioxin2019.org/>

**14th International Conference on Mercury as a Global Pollutant (ICMGP14):** ICMGP14 will assess the completeness of our knowledge on mercury and implementation of solutions to reduce the emissions and exposure to this pollutant. **date:** 8-13 September 2019 **location:** Krakow, Poland **contact:** Conference Secretariat **phone:** +48-12-651-9015 **email:** mercury2019@targi.krakow.pl **www:** <https://www.mercury2019krakow.com/gb/>

**SETAC Latin America 13th Biennial Meeting:** The meeting aims to promote interaction among Latin American professionals engaged in environmental science with colleagues from other parts of the world. The meeting also seeks to foster the education and participation of students and facilitate scientific exchanges among the academic, business and government sectors. **dates:** 15-18 September 2019 **location:** Cartagena, Colombia **contact:** Programme Committee **phone:** +1-850-469-1500 **fax:** +1-888-296-4136 **email:** setac@setac.org **www:** <https://sla2019.setac.org/>

**Third Meeting of the SAICM Intersessional Process (IP3):** IP3 is expected to continue the discussions on a possible post-2020 platform for chemicals and waste. **dates:** 30 September - 3 October 2019 **location:** Bangkok, Thailand **contact:** SAICM Secretariat **phone:** +41-22-917-8273 **fax:** +41-22-797-3460 **email:** saicm.chemicals@un.org **www:** <http://www.saicm.org/>

**15th Meeting of the Persistent Organic Pollutants Review Committee (POPRC15):** The POPRC will review the possible listing of hazardous chemicals under the various annexes of the Stockholm Convention. **dates:** 30 September - 4 October 2019 **location:** Rome, Italy **contact:** BRS Secretariat **phone:** +41-22-917-8271 **fax:** +41-22-917-8098 **email:** brs@brsmeas.org **www:** [www.pops.int](http://www.pops.int)

**Intergovernmental Forum (IGF) on Mining, Minerals, Metals and Sustainable Development - 15th Annual General Meeting (AGM):** The 15th AGM of the IGF will convene in October. The IGF emerged from the 2002 World Summit on Sustainable Development in Johannesburg, South Africa. **dates:** 7-11 October 2019 **location:** Geneva, Switzerland **contact:** Secretariat **email:** Secretariat@IGFMining.org **www:** <https://www.igfmining.org/>

**15th Meeting of the Chemical Review Committee (CRC15):** CRC15 is set to address PFOA, its salts and related compounds, and other notifications submitted during the intersessional period. **dates:** 7-11 October 2019 **location:** Rome, Italy **contact:** BRS Secretariat **phone:** +41-22-917-8218 **fax:** +41-22-917-8098 **email:** brs@brsmeas.org **www:** [www.pic.int](http://www.pic.int)

**31st Meeting of the Parties to the Montreal Protocol (MOP31):** MOP31 will consider issues, including HFC management, implementation, and other matters. **dates:**



4-8 November 2019 **location:** Rome, Italy **contact:** Ozone Secretariat **phone:** +254-20-762-3851 **fax:** +254-20-762-0335 **email:** mea-ozoneinfo@un.org **www:** <http://conf.montreal-protocol.org/>

**3rd Meeting of the Conference of the Parties (COP3) to the Minamata Convention on Mercury:** COP3 to the Minamata Convention is expected to discuss, *inter alia*, waste thresholds, releases, interim storage, contaminated sites, open burning of waste, review of Annexes A and B, and harmonized customs codes. **dates:** 25-29 November 2019 **location:** Geneva, Switzerland **contact:** Secretariat of the Minamata Convention on Mercury **fax:** +41-22-797-3460 **email:** MEA-MinamataSecretariat@un.org **www:** <http://www.mercuryconvention.org/>

**57th Meeting of the Global Environment Facility (GEF) Council:** The 57th meeting of the GEF Council will take place in December. The Council meets twice annually to develop, adopt and evaluate the operational policies and programs for GEF-financed activities. It also reviews and approves the work program (projects submitted for approval), making decisions by consensus. **dates:** 9-12 December 2019 **location:** Washington D.C., US **contact:** GEF Secretariat **phone:** +1-202-473-0508 **fax:** +1-202-522-3240 **email:** Secretariat@thegef.org **www:** <https://www.thegef.org/council-meetings>

**4th Meeting of the SAICM Intersessional Process (IP4):** IP4 is expected to continue the discussions on a possible post-2020 platform for chemicals and waste and will convene ahead of the fifth session of the International Conference on Chemicals Management (ICCM5). **dates:** 1-4 March 2020 [tentative] **location:** Bucharest, Romania **contact:** SAICM Secretariat **phone:** +41-22-917-8273 **fax:** +41-22-797-3460 **email:** saicm.chemicals@un.org **www:** <http://www.saicm.org/>

**42nd Meeting of the Open-Ended Working Group (OEWG42) of the Parties to the Montreal Protocol:** OEWG42 is tentatively scheduled to convene in 2020. **dates:** 13-17 July 2020 **location:** Montreal, Canada **contact:** Ozone Secretariat **phone:** +254-20-762-3851 **fax:** +254-20-762-0335 **email:** mea-ozoneinfo@un.org **www:** <https://ozone.unep.org>

**Fifth Meeting of the International Conference on Chemicals Management (ICCM5):** The ICCM undertakes periodic reviews of the SAICM, which is a policy framework to promote chemical safety around the world. **dates:** 5-9 October 2020 **location:** Bonn, Germany **contact:** SAICM Secretariat **phone:** +41-22-917-8273 **fax:** +41-22-797-3460 **email:** saicm.chemicals@un.org **www:** <http://www.saicm.org/>

**Joint 12th Conference of the Parties to the Vienna Convention (COP12) and 32nd Meeting of the Parties to the Montreal Protocol (MOP32):** COP12 and MOP32 are tentatively scheduled to take place in 2020. **dates:** 23-27 November 2020 (tentative) **location:** TBA **contact:** Ozone Secretariat **phone:** +254-20-762-3851 **fax:** +254-20-762-0335 **email:** mea-ozoneinfo@un.org **www:** <https://ozone.unep.org>

**Meetings of the Conferences of the Parties (COPs) to the Basel, Rotterdam and Stockholm (BRS) Conventions:** The fifteenth meeting of the COP to the Basel Convention, the tenth meeting of the COP to the Rotterdam Convention, and the tenth meeting of the COP to the Stockholm Convention will be held back to back. **dates:** 17-28 May 2021 **location:** Nairobi, Kenya **contact:** BRS Secretariat **phone:** +41-22-917-8271 **fax:** +41-22-917-8098 **email:** brs@brsmeas.org **www:** [www.brsmeas.org](http://www.brsmeas.org)

For additional meetings, see <http://sdg.iisd.org>

## Glossary

BAN	Basel Action Network
BAT	Best available techniques
BC	Basel Convention
BEP	Best environmental practices
BRS	Basel, Rotterdam and Stockholm Conventions
CEE	Central and Eastern Europe
CIEL	Centre for International Environmental Law
COP	Conference of the Parties
CRC	Chemical Review Committee
CRP	Conference room paper
DDT	Dichlorodiphenyltrichloroethane
ENFORCE	Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic
ESM	Environmentally-sound management
E-waste	Electrical and electronic waste
EWG	Expert Working Group
FAO	Food and Agriculture Organization of the UN
GAIA	Global Alliance for Incinerator Alternatives
GEF	Global Environment Facility
GRULAC	Latin American and Caribbean Group
HBCD	Hexabromocyclododecane
ICC	Implementation and Compliance Committee
ILO	International Labour Organization
IPEN	International POPs Elimination Network
MoU	Memorandum of Understanding
NIPs	National Implementation Plans
OEWG	Open-ended Working Group
PAN	Pesticide Action Network
PCBs	Polychlorinated biphenyls
PFOA	Perfluorooctanoic acid
PFOS	Perfluorooctane sulfonic acid
PFOSF	Perfluorooctane sulfonyl fluoride
PIC	Prior informed consent
POPRC	POPs Review Committee
POPs	Persistent Organic Pollutants
RC	Rotterdam Convention
SAICM	Strategic Approach to International Chemicals Management
SC	Stockholm Convention
SCRC	Stockholm Convention Regional Centre
SHPF	Severely hazardous pesticide formulation
SIWG	Small Intersessional Working Group
ToRs	Terms of reference
UNEA	United Nations Environment Assembly
UNEP	United Nations Environment Programme
WCO	World Customs Organization
WHO	World Health Organization