



BRS COPS HIGHLIGHTS:

MONDAY, 11 MAY 2015

The meetings of the BRS COPs reconvened on Monday, 11 May 2015. In the morning, plenary heard reports from contact groups on: legal matters under the Basel Convention (BC); BC technical matters; technical assistance and financial resources; and cooperation and coordination. BC COP12 met to discuss matters related to the implementation of the convention.

The contact group on BC technical matters met throughout the day. In the morning, the budget group met. Groups on cooperation and coordination, and technical assistance and financial resources met during lunch. In the afternoon, contact groups on BC legal matters and budget met. The contact groups on SC compliance, BC strategic matters, and coordination and cooperation met in the evening.

BC COP 12

MATTERS RELATED TO IMPLEMENTATION OF THE CONVENTION: Strategic issues: Follow-up to the Indonesian-Swiss CLI: BC COP12 considered the draft decision (UNEP/CHW.12/CRP.16), which, *inter alia*, extends the mandate of the ESM Working Group to include developing guidelines related to the roadmap on the implementation of the Cartagena Declaration and requesting that the Secretariat undertake an inventory to categorize existing BC documents related to ESM. BC COP12 adopted the decision, pending budgetary approval.

Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes: BC COP12 considered the roadmap (UNEP/CHW.12/CRP.17). Noting that there is not yet a lead country for this work, the EU suggested that the decision invite parties to serve as the lead country. With that amendment, BC COP12 adopted the decision, pending budgetary approval.

Legal, compliance and governance matters: National legislation, notifications, enforcement of the Convention and efforts to combat illegal traffic: The EU supported ARGENTINA in a call for the Secretariat to provide parties, upon request, with information on matters pertaining to the implementation and enforcement of the BC, including on the development and updating of national legislation or other measures, such as measures to protect themselves from unwanted wastes imports, and assistance in the identification of cases of illegal traffic. Delegates also agreed that information on illegal

traffic should be considered by the RC and the SC.

The decision (UNEP/CHW.12/11) was adopted with these amendments, pending confirmation from the budget group.

International cooperation, coordination and partnerships:

BC Partnership Programme: The Secretariat introduced documents on the Partnership for Action on Computing Equipment (PACE) (UNEP/CHW.12/15, and INFs/26-27). PACE Co-Chairs Marco Buletti (Switzerland) and Oladele Osibanjo (Basel Convention Coordinating Centre for the African Region in Nigeria) reported on the PACE Working Group's progress, noting the proposal to extend the mandate of the Partnership to address outstanding issues through the establishment of a PACE *ad hoc* follow-up group.

The EU proposed textual amendments to the draft decision, and expressed preference for the Working Group and not a new *ad hoc* follow-up group, to continue the Partnership's work.

LIBERIA, CHINA and MEXICO supported the draft decision and the creation of the *ad hoc* follow-up group. SERBIA proposed that further work be carried out by a "PACE phase 2" group.

Responding to a query by CANADA over the rationale for the *ad hoc* follow-up group, Buletti said that the naming of the group is not as important as the extension of the mandate of PACE.

ARGENTINA and BRAZIL called for further clarification on the EU's proposed changes.

The EU presented a proposal (UNEP/CHW.12/CRP.20) reflecting their suggested changes, including that the Working Group be asked to continue the work remaining in the 2014-2015 work programme.

The EU asked that the references to the e-waste TGs be placed in brackets until the TGs are agreed to by the COP. Upon request for clarification from ARGENTINA on the process to adopt a decision with brackets, President Jagusiewicz explained that this decision would be taken later in the meeting after the decision on the e-waste TGs.

The Secretariat then introduced the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE) (UNEP/CHW.12/16, INF/28). ENFORCE Chair Leila Devia (BC Regional Centre in Argentina) reported on its activities and described the use of regional webinars, training tools, best practice exchanges, and a website being developed on illegal waste trafficking.

Referring to their Green Customs Initiative, INTERPOL called



for funding support, underscoring that Interpol has the mandate to address illegal trade of hazardous wastes, but lacks funding.

Delegates adopted the draft decision (UNEP/CHW.12/16) without amendment, pending budgetary approval.

BC COP12 then considered a proposal by Mauritius and Uruguay on creating innovative solutions through the BC for the ESM of household waste (UNEP/CHW.12/CRP.8). MAURITIUS explained that the proposal has a focus on circular-economy principles, and suggested establishing an informal group to develop a draft work programme for the next OEWG. URUGUAY called for a focus on prevention and suggested working with local governments, the private sector and civil society, including NGOs and informal waste pickers.

Many countries expressed support. GRULAC and others noted public health concerns associated with the release of dioxins and furans. EGYPT described a fluorescent lamp recycling programme with partners from the Republic of Korea and called for training courses for civil society to address the health effects of hazardous wastes, such as batteries.

IPEN cautioned against promoting waste-to-energy, noting the release of toxins, such as dioxins, furans, acid gases, and nanoparticles into the air in the form of fly ash.

BC President Jagusiewicz suggested the issue be discussed on Tuesday, 12 May, and asked the Secretariat to revise the CRP, taking in account the minor textual suggestions made during the discussion.

Cooperation with the International Maritime Organization (IMO): The Secretariat introduced the report on cooperation between the BC and IMO (UNEP/CHW.12/18) and an assessment on the BC TGs and International Convention for the Protection of Pollution from Ships (MARPOL) (UNEP/CHW.12/INF/29). The EU noted the potential for duplication of work between the guidance to be developed on the sea-land interface and the IMO's manual on port-reception facilities, with CANADA suggesting text to clarify that existing work will be taken into account. The Secretariat clarified that the guidance is meant to complement the IMO's work by addressing issues that are less developed in the IMO's manual, such as downstream waste management. The DOMINICAN REPUBLIC and ARGENTINA outlined domestic challenges and experiences handling waste from ships. President Jagusiewicz said that BC COP12 will return to this issue later in the week.

OTHER MATTERS: BC COP12 discussed official communications and the Basel Waste Solutions Circle. On official communications, BC COP12 took note of the need for parties to nominate national focal points and national competent authorities and to update their information on a timely basis. On the Basel Waste Solutions Circle, President Jagusiewicz noted the need for awareness raising and outreach activities to be conducted in a coordinated way among all three conventions to reflect the breadth of the chemicals and wastes agenda. BC COP12 took note that the Basel Waste Solutions Circle has been discontinued.

CONTACT GROUPS

BC TECHNICAL MATTERS: The group worked throughout Monday on the TGs on e-waste. Work started with further adjustments to incorporate the African Group proposal under the general considerations section, with a protracted discussion of what sort of notifications should be made to the Secretariat when importing or exporting parties do not wish to allow movements

of used equipment or when parties consider it to be hazardous waste. Participants also discussed: minimum provisions of contracts for used equipment destined for failure analysis, repair or refurbishment; due diligence vs. audits; whether or not to explicitly address cathode ray tubes (CRTs); whether or not to require indication of the residual life of products; whether or not shipment of residual wastes from repair/refurbishment operations should only go to Annex VII countries; and minimum contents of documentation accompanying the transport of used equipment.

TECHNICAL ASSISTANCE AND FINANCIAL RESOURCES: The group met briefly to undertake a first reading of an EU proposal on the SC regional and subregional centres and the BC regional and coordinating centres. Delegates discussed the need for cooperation between these centres, but were divided on, *inter alia*: whether the draft should address duplication of efforts; possibly streamlining the centres operations; and the role of industry in financially supporting regional centres.

BUDGET: The Budget Group met in the morning and discussed, *inter alia*, the BC decision on the CLI, including the membership of the Expert Group on ESM with an additional budget of US\$10,000 for five additional members to work on issues related to the Cartagena Declaration; and the decisions on the TGs on POPs and mercury waste streams. They also discussed a proposal to establish a joint general trust fund for the three conventions to increase efficiency, and potentially promote savings.

COOPERATION AND COORDINATION: This group met during lunch and in the evening, focusing on, *inter alia*, the Terms of Reference for the review of the synergies arrangements, as well as the omnibus decision.

BC LEGAL MATTERS: In the afternoon, the contact group discussed, *inter alia*, issues of compliance and reporting, the work programme, compliance criteria used by the SIWG, illegal trafficking, and several draft documents pertaining to the ICC. On the illegal traffic take-back provision, different interpretations were expressed, with one developing country, supported by others, calling for language on "obligation" rather than "request," underscoring that responsibility should lay with the exporting country to take back their waste.

IN THE CORRIDORS

On Monday, plenary met only in the morning in order to create additional time for contact groups to meet throughout the day. On the e-waste guidelines, one veteran observer said that the group seemed to be taking "one step forward and two steps back," as issues that many delegates considered to be agreed were reopened and new ones introduced. A "chicken or egg" scenario unfolded as the budget group debated when it should review the COPs' decisions, and delegates in plenary debated whether they could make decisions without the go-ahead of the budget group.

One delegate worried that some outstanding issues, such as the listing of chemicals under the Stockholm Convention, could "be lost in the shuffle." She hoped that informal consultations were ongoing, but worried that some parties' unexpected objections to listing may prove too difficult to resolve. With less than a week remaining, several delegates speculated about the possibility of late nights ahead. Not all were gloomy about this possibility, however: one delegate declared "hopefully we'll have sleepless nights" if that allows delegates to achieve progress.