

Outcome of the 16th COP of the Basel Convention, 11th COP of the Rotterdam Convention and 11th COP of the Stockholm Convention held in Geneva from 1-12 May 2023

Plus de 1500 délégués se sont réunis pour négocier sur des questions spécifiques à chaque convention ainsi que sur des questions d'intérêt commun à au moins deux des trois conventions comme la question des déchets contaminés par des POPs ou le budget des conventions.

Meeting documents are available on the BRS website : [Meetings documents \(brsmeas.org\)](https://brsmeas.org/Meetings%20documents)

Main elements on cross-cutting (CC) issues

- **International Cooperation and Coordination :**
 - with MC : the Parties adopted a decision reaffirming the importance of continued cooperation on programmatic synergies and the use of the task force between the two secretariats and the United Nations Environmental Programme Chemicals and Health Branch, and the possibility for the secretariat of the Minamata Convention to purchase services from the secretariat of the Basel, Rotterdam and Stockholm conventions on a cost recovery basis
 - with other organisations : the Parties adopted a decision on numerous actions allowing for further cooperation and coordination. The decision in particular requests the ES to participate in the SPP OEWG created pursuant to UNEA resolution 5/8 (science-policy panel) and INC created pursuant to UNEA resolution 5/14 (plastics). It also recalls the role of the BRS conventions in the follow-up of the implementation of the 2030 Agenda as well as its potential role and synergies with the on-going negotiations of the post-2020 global biodiversity framework and climate-related actions.
- **Clearing house mechanism for information exchange:** the Parties adopted a decision allowing the Secretariat to pursue its work to implement the strategy of the joint clearing-house mechanism in a gradual and cost-effective manner and in accordance with the work plan for the biennium 2022-2023 approved in June 2022.
- **Synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes :** the Parties adopted a decision allowing to collect information about “confirmed cases by parties concerned by the illegal trade” rather than a wider reference to collect information about cases.
- **From science to action :** the Parties adopted a decision requesting the Secretariat to continue to undertaking capacity-building and training activities to support Parties in taking science-based action in the implementation of the BRS conventions. It also requests the Secretariat to continue to cooperate and coordinate with the UNEP, scientific bodies and stakeholders towards strengthening the science-policy interface

and to involve in the consultations on the future Science Policy Panel, as agreed at UNEA 5.2

- **Mainstreaming gender** : the Parties took note of the updated Gender action plan that takes into account the progress achieved through implementation and proposes new activities to be undertaken subject to the availability of resources, together with indicators for monitoring their progress. The decision adopted also requests the Secretariat to report on the implementation of the Plan to the COPs at their next meetings.
- **Memorandums of Understanding between UNEP and the BRS COPs** (and FAO in the case of RC) : The Executive Director (ED) of UNEP initiated a **review of the memorandum of understanding** for the purpose of correcting the error in the previous MoU with regards to the central administrative services provided in support of the Convention against the 33 per cent share of the programme support costs income attributable to all the trust funds of the Convention. Parties agreed to review the MoU's provided that UNEP does cover the costs for the United Nations Office at Geneva (UNOG) services provided to the Secretariat during the biennium 2022–2023 (298K). Those costs are to be covered by UNEP complying with the previous MoU
- **The next triple COPs will be held from 28 April to 9 May 2025 in Geneva, with preparatory meetings on 27 April 2025 and a one day HLS.**
- **Programme of Work and Budget:** The COPs adopted a joint budget of 31,322,779 USD for the three conventions. This represents an increase of 4,12% over the previous biennium. The budget includes 36 programme of work activities (POW) and a staff budget. Examples are conferences and meetings, scientific and technical activities, training and capacity development, partnerships, publications, etc. The programme activity factsheets provide further details on the proposed budget of the individual activities, including description of each activity and their annual resource requirements from core and voluntary funds. The increase in staff costs includes the normal annual growth rate of 3 per cent for staff remuneration, for both duty stations (Geneva and Rome), which covers an annual step increase, inflation and exchange rate fluctuations. The staff cost further increased to implement a UNEP-decision to increase the after-service health insurance (ASHI) collection from 6 to 9 % to reduce the UNEP ASHI liability.

Main elements on Technical assistance (TA) and Financial Resources (FR)

- **Amendments financial rules:** In its review of UNEP operations for the year ended 31 December 2020, the United Nations Board of Auditors recommended that the Secretariat of the Basel, Rotterdam and Stockholm conventions review the financial rules. To ensure consistency in the terms used, and to comply with the recommendations of the Board of Auditors, the COPs adopted the amended text for the financial rules 2 and 6. It is now clear that the “financial period” is one year and that the “programme of work and budget period” is two years, and that the financial statements are produced annually.
- **Financial mechanism of the SC (GEF)** : the COP adopted the draft decision set out in document UNEP/POPS/COP.11/17

- **Amendment of Article 16 to the RC** on technical assistance is proposed since COP 8 by Botswana, Cameroon, Eswatini, Ghana, Kenya, Lesotho, Malawi, Mozambique, Namibia, Nigeria, South Africa, the United Republic of Tanzania, Zambia and Zimbabwe to deal with financial assistance too. The explanatory note from the Parties proposing the amendment is available in document UNEP/FAO/RC/COP.8/INF/40, and a compilation of comments received from Parties is available in document UNEP/FAO/RC/COP.8/INF/41. The proposal was discussed by COP 8, 9 and 10 without reaching any agreement. COP 10 agreed to defer further consideration of the proposal to COP 11. COP 11 agreed to defer further consideration of the proposal to COP 11.

Main elements about the 11th COP of the SC on POP

- Outcome on the **listing** of new POP candidates:
 - **Methoxychlor**, a hazardous pesticide nominated by the EUMS, was listed in Annex A of the Stockholm Convention (SC) without any exemption and therefore identified as POP the first day of the meeting. Production and use of this active substance is now prohibited for all the Parties to the convention.
 - The listing of **Dechlorane Plus (DP)** and **UV-328** in annex A were also broadly supported by Parties but further discussions on the specific exemptions recommended by the POPRC (i.e. production and use mainly in spare parts) were needed. A CG, co-chaired by DK and Uganda, was therefore established by the COP President on 01/05. Thanks to China and to the entry into force of a DP and UV-328 production ban as from January 2024, the specific exemption for their production was deleted. China was identified as the only country producing both chemicals. On Tuesday 04/05, we also got rid of all new broad exemptions proposed by few Parties i.e. Electrical and electronic equipment containing DP (CAN) and paints, sealant, petroleum chemicals and plastics containing UV-328 (Thailand). To accommodate BR concerns, the end date of 2044 was removed from the specific exemption regarding the use of DP in replacement parts for, and repair of, medical devices in which DP was originally used. Nevertheless, the EUMS did obtain a review of this exemption by the COP no later than 2041. In addition, the EUMS did succeed to limit both exemptions only for the replacement parts for articles where DP and UV-328 were originally used in the manufacture of those articles. The labelling requirement requested by some African countries for waste management reasons and strongly opposed by CAN, NZ and BR (since they are not manufacturing replacement parts containing DP or UV-328) has been an issue until the co-chairs of the CG did suggest an alternative. Considering that identification of POPs contained in articles is a challenge for all POPs and that only 2 POPs are required to be labelled (PCP and HBCC) so far, instead of adding labelling requirement for UV-328 and DP, the co-chairs did suggest addressing the issue in a broader manner and to add a new para where we task the POPRC to assess the issue of labelling and to.....The co-chairs

proposal was supported by EU, NZ, NO, CAN, Col, Tanzania, India and the chair of the POPRC.

- **PCB:** The COP adopted the draft decision set out in document UNEP/POPS/COP.11/6 as amended by the EU to extend the deadline for comments on the guidance on inventories to 31 October 2023, and to request that the Secretariat participate not only in the activities but also in the coordination efforts of the Polychlorinated Biphenyls Elimination Network in its task to assist Parties in their work to meet the 2025 and 2028 deadlines. It also took note of the comments on the guidance document and agreed to forward them to the small intersessional working group tasked to review that guidance during the intersessional period.
- **POP-PFAS:**
 - **PFOS:** The COP adopted the draft decision set out in document UNEP/POPS/COP.11/7.
 - **PFHxS:** Parties were informed that on 16 November 2022 the depositary had communicated the adoption of the amendment listing perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds to all Parties, and it was therefore understood that the amendment and the related exemptions would enter into force for most Parties on 16 November 2023, one year from the date of the depositary's communication.
- Outcome on the **effectiveness evaluation** and the **Global Monitoring Plan:** the COP adopted the draft decision set out in document UNEP/POPS/COP.11/19, as orally amended by the EU and in document UNEP/POPS/COP.11/20.
- **Compliance:** After 15 years of negotiation and a constructive discussion within the contact group chaired by Ghana and Finland on the three issues discussed at COP 10, namely **triggers; measures** to be decided by the Committee and measures that the Committee could recommend to the Conference of the Parties; and the **role** that an implementation and compliance committee would have with regard to the obligations of Parties to provide financial resources, technical assistance and technology transfer, and in supporting Parties facing implementation challenges owing to a lack of financial resources, technical assistance and technology transfer, the CRP 15 was adopted and a compliance committee was established for the SC. Nomination of its members will be considered at COP 12.



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Main elements about the 11th COP of the RC on PIC

- The COP agreed on the **listing of terbufos**. Again the listing of acetochlor (pesticide), carbosulfan (pesticide), chrysotile asbestos (industrial chemical), fenthion and paraquat formulations (SHPF)) were blocked by a minority of Parties due to reasons falling outside the scope of the RC :
 - Listing of **iprodione** is opposed by Arg, Indonesia and Guatemala. The co-chairs attempt to conclude that criteria are met didn't succeed due to RUS and to

avoid a RUS statement in plenary, this conclusion was bracketed in the draft decision that will be deferred to the next COP:

- Argentina is against the listing of **acetochlor** because they consider that it could affect food security;
- India and Indonesia blocked the listing of **carbosulfan** (as they did as COP9), by referring to the need of their farmers to use that chemical or to their capability to use the chemical safely (Indonesia);
- Listing of **asbestos** is opposed by Kazakhstan (who asked to exclude it from the list of chemicals to be considered at the next COP), RUS (lack of health assessment), India (further scientific deliberation needed) and Zimbabwe;
- Listing of **fenthion** formulation is opposed by Kenya and Ethiopia (who need time).
- Arg, Guatemala, Indonesia and Venezuela blocked the listing of **paraquat** formulation due to the lack of alternatives and concerns regarding food security.

As a consensus was not reached, discussion on the listing of these 6 chemicals is deferred to the provisional draft agenda of the next COP.

- **Proposal to amend the convention text and to add a new annex:** : After a lengthy discussion in plenary on the appointment of COL and NZ as co-chairs of the GC established by the COP PRES to discuss the proposal set out in doc 13/add 2 as revised by CRP4, CAN and Antigua were appointed. For the first time, few Parties opposed the candidates proposed by a COP PRES and questioned their neutrality. Within the GC, the same group of Parties (i.e. BR, Arg, Guatemala, Iran, Indonesia, RUS, CHN, Kazakhstan and India - Parties that oppose the listing of certain chemicals for reasons outside the scope of the RC) managed to spin the discussion by arguing the lack of a full UN legal assessment (including compatibility with the Vienna Convention), the fact that the legal opinions provided in plenary were not sufficient/clear, and that CRP4 amending the initial proposal had not been submitted 6 months before the COP. All the clarifications provided by the legal service did not solve their concerns and on 10 May, AUS (on behalf of the proponents) suggested closing the CG and announced the submission of a new CRP (i.e. CRP 11) taking into account the constructive and valuable comments made in the CG. On 12 May, Nigeria submitted a motion to vote on CRP 11 in accordance with article 21.3. After an appeal by RUS against the COP PRES decision that the meeting should proceed with Nigeria's motion to vote on the adoption of CRP 11, which failed as 90 Parties out of 141 present and voting agreed to proceed in accordance with the PRES decision, the vote on CRP 11 took place. After a "no action motion" called by CHN, only 92 Parties out of 132 present and voting agreed to adopt CRP 11. As a 3/4 majority was required, CRP 11 was not adopted and the decision-making process for listing chemicals in the RC was not changed.
CRP3 submitted by BR to establish an intersessional working group to address the undesirable indirect economic and trade effects of including new substances in Annex III was discussed in a working group and thanks to a block of parties (i.e. EU, CAN, CH, NO, UK and COL), no new intersessional process was established and the SEC was tasked to collect and compile information on the potential direct and indirect commercial and socio-economic impacts, as well as the financial implications caused or anticipated by the inclusion of chemicals in Annex III, including the costs of inaction (see CRP 14).



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- **Compliance:** the COP adopted the draft decision set out in document UNEP/FAO/RC/COP.11/14.

Main elements of the 16th COP of the BC

- **The COP adopted the following four technical guidelines:**

- **POPs:** The COP adopted the general technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants, and the technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF), perfluorooctanoic acid (PFOA), its salts and PFOA related compounds, and perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS related compounds. Moreover, the COP extends the mandate of the SIWG to monitor and assist in the review, updating and preparation, as appropriate, of these technical guidelines.



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- **Plastics:** During the COP, there were long and difficult discussions in the Technical Contact Group, mostly on three main issues, namely chemical recycling, bottom up and EPR. Saudi Arabia and South Africa had different views on the discussion on chemical recycling. Finally, an agreement was reached and the technical guidelines on the ESM of plastic wastes were adopted. The COP acknowledges the need for further information on the ESM of plastic wastes through all the technologies listed in section G and appendix A.



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- **E-waste:** The COP adopted on an interim basis the revised technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, particularly on the distinction between waste and non-waste under the Basel Convention, and extended the mandate of the EWG. The main point of discussion was the waste or non-waste issue.



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- **Further steps regarding the PIC procedure and SFW**

- **PIC:** The COP decided to establish a SIWG open to all Parties, with the aim of a balanced representation of the five regional groups of the United Nations, to identify challenges in the implementation of the prior informed consent procedure under the Basel Convention and best practices, possible approaches and initiatives to improve its functioning.



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- **New Strategic Framework:** The COP decided that a draft renewed strategic framework should be developed, taking into account the recommendations to improve the strategic framework for the period 2012-2021 developed by a SIWG. Additionally, the COP decides that the SIWG will continue to work and be open to all parties inviting representation of the five regional groups of the United Nations, and to observers, including the Basel Convention regional and coordinating centres.



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- **Discussion on legal matters**

- **Providing further legal clarity:** The COP requested the EWG to develop revised amendment proposals on annex IV and to continue to develop draft recommendations on the review of annexes I and III and to continue to develop draft recommendations on the review of Annexes I and III for consideration at the OEWG14. Additionally, the COP decided to consider at COP17 the revised amendment proposals for annex IV and the draft recommendations on the review of Annexes I and III.



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- **ICC, Committee Administering the Mechanism for Promoting Implementation and Compliance:** The Cop Approved the work programme of the Committee for the biennium 2024–2025.



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- **Work programme of the OEWG14**

1. **Strategic**

- **Strategic framework:** consider the draft renewed strategic framework prepared by the SIWG

- **PIC:** consider the compilation of information received on challenges in the implementation of the PIC and on best practices, possible approaches and initiatives to improve its functioning and consider the report on these points and options for possible ways forward.
- 2. **Technical:** Consider comments and information relating to the review of TG
 - **POP:** update the general TG for ESM of wastes consisting of, containing or contaminated with persistent organic pollutants, and specific technical guidelines with regard to the chemicals listed in Annex A to the Stockholm Convention on Persistent Organic Pollutants by decisions SC 11/[--], SC-11/[--] and SC-11/[--] of the Conference of the Parties to the Stockholm Convention, including the following
 - **WEEE:** consider the report on progress in the implementation of decision BC on TG on TBM of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non waste under the Basel Convention
 - **Batteries:** consider TG on the ESM of waste lead-acid batteries and on other waste batteries
 - **Tyres:** consider TG on the ESM of used and waste pneumatic tyres
- 3. **Legal:**
 - **Annex IV:** Consider the revised amendment proposals regarding Annex IV prepared by the EWG on the review of annexes and provide recommendations for consideration by the COP17
 - **Annexes I and III:** consider progress made in the review of Annexes I and III and provide recommendations for consideration by COP17
- 4. Please find hereafter the full work programme of the OEWG14:



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