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INFORMATION NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Tenth meeting of the Open-ended Working Group of the Basel Convention
(OEWG10) (Nairobi, Kenya, 30 May - 2 June 2016)
- Compilation of statements

Delegations will find in the Annex, for information purposes, a compilation of agreed statements as delivered, on behalf of the European Union and its Member States, at the abovementioned meeting.

**Tenth meeting of the Open-ended Working Group of the Basel Convention (OEWG 10)
(Nairobi, Kenya, 30 May - 2 June 2016)**

- Statements by the European Union and its Member States -

Opening statement

Dear Co-chairs, Executive Secretary, staff from the Secretariat, delegates, observers, ladies and gentlemen. Let me start by thanking the co-chairs and the Secretariat, on behalf of the EU and its Member States, for their work to prepare for this Open Ended Working Group.

We look forward to contribute to progress on all items on the agenda and help to pave the way for a successful COP13 next year. We would like to highlight some of the key issues which we consider particularly important to address over the next few days.

On legal issues - Providing legal clarity is a key element to improve the implementation of the Convention. We welcome the revised glossary of terms which has resulted in a very useful piece of guidance shedding light on key terms of the Convention and fully support its adoption at COP13.

We have submitted our views to the Secretariat concerning binding options to improve legal clarity and believe that a review of Annexes I, III, IV and IX would be appropriate in order to update them taking into account existing practice.

On strategic issues – As we are now mid-way through the 10 year Strategic Framework, it is a good time to reflect on what has been achieved so far, and to ensure the remaining time is focussed on the right priorities. In this context, we would like to thank the Secretariat and Canada for a very useful inventory of documents relating to Environmentally Sound Management, ESM. We believe it is a good moment to consider how to focus our resources to provide the most effective and practical guidance – and we can consider that as we take forward the work of the ESM group, including in relation to the Cartagena declaration.

On technical issues – At COP 12 the adoption of the e-waste guidelines was a significant step forward in protecting particularly vulnerable countries from risks associated with unwanted imports of e-waste. We consider that the next step should be to ensure that these guidelines fulfil their intended purpose in practical application and use.

We welcome the proposal to establish a household waste partnership and recommend that the separate collection of household waste is made one of its priorities.

Finally, we would like to highlight recent developments in the EU to support the transition to a more circular economy. The European Commission published a proposal called 'Closing the loop – an EU action plan for the Circular Economy' as well as legislative proposals on waste in December 2015. The action plan contains an ambitious package of measures to boost competitiveness, create jobs and generate sustainable growth, while bringing benefits for both the environment and the economy.

These types of action will help with our implementation of the Basel Convention and the objectives of the Strategic Framework. At the same time we believe that evolving from a waste management approach to a life cycle approach in order to preserve wastes as resources in the world's economy, is something also the Basel Convention and the work done under its wings can and should benefit from. We would be happy to provide more information on these proposals and the thinking behind them in bilateral discussions.

Thank you.

Agenda item (3)(a)(i) Strategic framework

Mr. Co-chair, I can be short and sweet. The EU and its Member States would like to highlight the significance of the strategic framework for preparing the work programme for the next biennium. We would like to thank the Secretariat for its note on the preparation of the mid-term review of the Strategic Framework. We can support the adoption of the draft decision.

Agenda item (3)(a)(ii) Developing guidelines for ESM

The EU and its Member States welcome the work done by the ESM expert working group, in particular its revision of the draft practical manuals and the waste stream fact sheets. We believe this work will help to support the achievement of ESM at national and local levels.

We are also looking forward to first drafts of practical manuals on extended producer responsibility and on financing systems for ESM and suggest that comments by Parties and others are invited on these first drafts.

We would also like to thank the Secretariat and Canada for a very useful inventory of documents relating to ESM. We think it is necessary to examine the practicality and effectiveness of the documents on the ground. In this context, we would like to highlight that we are mid-way through the 10 Year Strategic Framework and that in the run-up to COP13 it is the right time to reflect on what has been achieved so far and what should be done in the next biennium. We look forward to further discussions in a contact group.

We support the draft decision, but would like to suggest some additions that we would like to discuss further in a contact group.

Agenda item (3)(a)(iii) Cartagena declaration

The EU and its Member States welcome the work done by the ESM expert working group. We have already stated our views on the outline in doc. INF/5 containing guidance to assist parties in developing efficient waste prevention strategies.

We thank for the draft outline in document INF/5. We believe that the focus of the guidance should be on good examples and best practices. We have already provided practical information in our comments submitted on 2 December 2015. We would like to draw attention to further information, e.g. on some best practice examples from Member States, information published by the European Environment Agency, as well as requirements and guidance documents relating to EU waste legislation. We have prepared detailed suggestions on the draft outline that we would like to discuss further in a contact group.

We would also like to thank the Secretariat and Canada for a very useful inventory of documents relating to ESM. We think it is necessary to examine the practicality and effectiveness of the documents on the ground. In this context, we would like to highlight that we are mid-way through the 10 Year Strategic Framework and that in the run-up to COP13 it is the right time to reflect on what has been achieved so far and what should be done in the next biennium. We look forward to further discussions in a contact group.

We support the draft decision, but would like to suggest some additions that we would like to discuss further in a contact group.

We agree that OEWG10 takes note of the progress made in implementation of the road map for action on the implementation of the Cartagena Declaration.

Agenda item (3)(b)(i)(a) Technical guidelines on POPs

The EU and its Member States wish to thank the Secretariat and the Small Intersessional Working Group for the work done so far. We are satisfied with the Technical Guidelines on POPs adopted during COP-12. In particular, the low POP content values included in the Technical Guidelines coincide with the limit values contained in EU legislation, whereby a value of 1000 mg/kg as a sum has been laid down for the POP-BDEs. As regards HBCD, the POP Regulation has been amended in March 2016 establishing a low POP content value of 1000 mg/kg.

The EU and its Member States are not aware of other new studies regarding the low POP content in comparison to the studies referred to in the General technical guidelines adopted at COP-12.

We can agree with and support the draft decision with some proposed changes we would like to discuss with others in the technical contact group.

Agenda item (3)(b)(i)(b) Technical guidelines on e-waste

At COP 12 the adoption of the e-waste guidelines was a significant step forward in protecting particularly vulnerable countries from risks associated with unwanted imports of e waste. The EU and its Member States consider that it should now be ensured that these guidelines fulfil their intended purpose in their practical application and use.

The work should therefore focus on the practical application of the guidelines as well as on the gaining and exchange of experience from their use.

A standardized questionnaire prepared by the Secretariat could be the best way forward to gather these experiences in order to present them to COP13.

Agenda item (3)(b)(i)(c) Consideration of whether to update the technical guidelines on incineration, landfill and treatment

The EU and its Member States consider that the need for updating these guidelines should be examined. In such an examination, feedback on experiences, either positive or negative, should be taken into account, including whether current or updated guidelines were used or will be used.

The links with the discussion on documents related to environmentally sound management (and here we refer to the document INF/6) should also be assessed. Moreover, this issue needs to be seen in context of the whole work programme for the next biennium to determine whether it should be considered as a priority or not.

Agenda item (3)(b)(ii) National reporting

The EU and its Member States would like to thank the Secretariat for the proposed list of waste streams. We are of the view that only hazardous waste listed in Annex I or VIII of the Convention and hazardous waste that may fall under Art. 1(1)(b) of the Convention should be addressed in the list. For that reason waste tyres (entry B3140) should be omitted as they are non-hazardous waste.

We also seek clarification from the Secretariat which Y or A codes apply for the proposed waste streams, in particular for waste end-of-life vehicles and for spent fuels. Furthermore, we wonder whether it is necessary to mention “waste lubricant oils” as they may be covered by “waste oils”.

We are open to further discussions, e.g. in a technical contact group, on these matters.

Agenda item (3)(c)(i) Consultation with the Compliance Committee

First of all, the EU and its Member States would like to thank the Chair of the Compliance Committee for the report. Furthermore we would like to thank the Committee for its further work to complete the guidance in INF/9 on the implementation of the Basel Convention provisions dealing with the consequences of illegal traffic.

We are confident that the guidance will improve the cooperation between Parties in cases of illegal traffic. We are of the view that the draft can be accepted with some specific text suggestions which we have submitted to the Secretariat and which are mainly for reasons of consistency with the Convention or of an editorial character. These suggestions are reflected in CRP2. We hope the CRP can assist OEWG in finalizing its work on this agenda item.

Agenda item (3)(c)(ii) Providing further legal clarity

The EU and its Member States consider that providing legal clarity is a key element to improve the implementation of the Convention. We welcome the work of the Small Intersessional Working Group and the Secretariat to revise the glossary of terms which has resulted in a very useful piece of guidance shedding light on key terms of the Convention which will be helpful mainly for distinguishing waste from non-waste. Clarity is provided as to how individual terms should be applied, both for terms contained in the Convention and some other relevant terms. The EU and its Member States fully support a recommendation to adopt the glossary of terms at COP13.

Concerning binding options to improve legal clarity, we have submitted our views to the Secretariat. We consider that a review of Annexes I, III, IV and IX of the Convention would be appropriate in order to update them. National legislation may give some helpful indications and more information could therefore be collected from parties and others, including on how issues relevant to these annexes have been addressed in practice.

We support the draft decision with some changes: Firstly, since only a few comments were provided on Annexes I and III, we are of the view that parties and others should be invited for further comments. Secondly, as regards the review of Annex IV and related aspects of Annex IX, the recommendation to OEWG10 in paragraph 23 to the Annex to doc. INF/12 should be taken into account. Paragraphs 4 and 5 should in our view be replaced by content of this paragraph 23. In addition, we see merit in discussing whether the Small Intersessional Working Group should be given a role.

We are looking forward to further discussions in a contact group.

Agenda item (3)(d)(i) Basel Convention Partnership Programme

Let me start on behalf of the EU and its Member States to thank the CO-chairs of PACE for their progress report.

We would like to stress the importance of partnerships. Both concept notes for the envisaged partnerships may merit from discussion at this OEWG. With regard to the follow-up partnership to PACE, we would like to stress that duplicating work under SAICM should be avoided.

The proposal to establish a household waste partnership can be welcomed. In this context, we would like to highlight the importance of separate collection of household waste as a key instrument to improve recycling, and we suggest that it should be one of the priorities of this new partnership.

With regard to these partnerships, we are ready to share some suggestions for the draft decisions and look forward to further discussions preferably in a contact group.

Agenda item (3)(d)(ii) Cooperation between the Basel Convention and the IMO

The EU and its Member States would like to thank the Secretariat for the work on the draft guidance manual on how to improve the sea-land interface. We have submitted comments to the Secretariat in April.

We welcome the draft guidance manual and appreciate the vast amount of information it contains. The draft responds in a clear and comprehensive way to concerns relating to the management of ship-generated waste and residues. It provides a good overview of policy and legislation and explains in a clear manner e.g. through illustrative case-studies, different options that could ensure environmentally sound management of waste off-loaded from ships.

As regards the draft decision, we would like to suggest some modifications to allow a further round of comments which will be submitted to the Secretariat.

Finally Mr. Co-Chair we took note with satisfaction that the Marine Environment Protection Committee of the International Maritime Organization, IMO, in April at its 69th session considered favourably decision BC-12/16 on the Cooperation between the Basel Convention and IMO as well as the draft guidance manual on how to improve the sea-land interface.

Agenda item (3)(d)(iii) Cooperation with the WCO

The EU and its Member States would like to thank the Secretariat for the work done under this item.

We support the on-going cooperation between the Basel Convention and the World Customs Organization, WCO, on the Harmonized Commodity Description and Coding System and look forward to the completion of all actions necessary that would lead to a timely amendment of the Harmonised System.

The EU and its MS emphasise the importance for WCO to ensure that codes for e-waste, End of Life Vehicles, and waste tyres are identified in the Harmonised System and would appreciate that the Secretariat takes steps to ensure that the Review Subcommittee of the WCO includes all of these waste streams in their discussions. We suggest this will be reflected in the report of the meeting.

Finally Mr. Co-Chair, the EU and its Member States agree that OEWG10 takes note of the information provided.

Agenda item (3)(e) Financial matters

Mr. Co-Chair, the EU and its Member States want to thank the Deputy Executive Secretary for her report on financial matters. Our comment is along the lines of the intervention by the Swiss delegation.

We also consider the change in administrative systems as a challenge. Unfortunately, more detailed information is not available at this moment and the suggestion to share a detailed information as soon as possible with Parties and others, and to start with, with the Bureau members, as proposed by Switzerland, can be supported.

Agenda item (4) Work programme of the Open-ended Working Group for 2018-2019

The EU and its Member States can in principle agree on the draft decision contained in doc.10/12. It is noted that a number of activities depend on the discussions at OEWG10 as well as whether certain issues can be finalized at COP13.
