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**NOTE**

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From: General Secretariat of the Council  
To: Delegations

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Subject: Outcome of the Triple Conference of the Parties to the Basel (COP 13),  
Rotterdam (COP 8) and Stockholm (COP 8) Conventions (Geneva, 24  
April - 5 May 2017)  
- Information from the Presidency and the Commission

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Delegations will find in the Annex an information note on the above, submitted jointly by the Presidency and the Commission, to be dealt with under "Any other business" at the meeting of the Council (Environment) on 19 June 2017.

**Outcome of the Triple Conference of the Parties to the Basel (COP 12), Rotterdam (COP 7) and Stockholm (COP 7) Conventions (Geneva, 4-15 May 2015)**

**- Information from the Presidency and the Commission -**

Introduction and Overview

1. The Conferences of the Parties (COPs) of the Basel Convention on the Control of Transboundary Movements of hazardous wastes and their disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade and the Stockholm Convention on Persistent Organic Pollutants were held back-to-back for the third time (first in 2013). The meetings, which were attended by 180 Parties and many observers, numbering one thousand five hundred participants in total, adopted 68 decisions aimed at strengthening protection of human health and the environment from hazardous chemicals and wastes.
2. The three legally autonomous Multilateral Environmental Agreements convened the joint meeting of the COPs to strengthen cooperation and coordination between the Conventions, with a view to enhancing policy coherence and the effectiveness of their activities on the ground. Each of the Convention's COP then continued individually over the two-week period to deal with its own specific topics of the global chemicals and waste agenda before returning in a joint session at the end of the second week to finalise their respective outcomes.
3. The three Conferences of the Parties included a high-level segment at the end of the second week, where representatives of 85 Parties participated. The theme of the high-level segment and the three COPs was "A future detoxified: sound management of chemicals and waste".
4. The next meetings of the COPs will again take place back-to-back in 2019 and, in principle, in Geneva. A high-level segment is not being considered for those meetings.

## Individual Conventions

5. Stockholm Convention: The Stockholm Convention on Persistent Organic Pollutants currently regulates 26 substances that are persistent, travel long distances, bioaccumulate in organisms and are toxic. The Convention was adopted in 2001 and entered into force in 2004. It currently has 181 Parties. The European Union and 27 Member States of the European Union are Parties to it.
6. The 8<sup>th</sup> meeting of the COP to the Stockholm Convention agreed to list decabromodiphenyl ether (commercial mixture, c-decaBDE) in Annex A (aiming at elimination), with a number of specific exemptions for both production and use, including those that are relevant for the EU (spare parts for vehicles, aircrafts and spare parts for aircrafts). In addition, it was decided to list short-chain chlorinated paraffins (SCCPs) in Annex A and hexachlorobutadiene (HCBD) in Annex C (elimination of releases from unintentional production). This is in line with the EU position established by Council Decision (EU) 2017/758<sup>1</sup>.
7. The decisions on the listing of c-decaBDE and SCCPs included a number of specific exemptions and were accompanied by decisions on the review of information related to those specific exemptions to be submitted by Parties requesting the specific exemptions. The POP Review Committee is requested to review that information and to prepare a report, including recommendations, for the COP.
8. Decisions were reached on the workplan for further development of the Dioxin Toolkit and Best Available Techniques (BAT) and Best Environment Practices (BEP) to reduce or eliminate releases from intentional production and use, and on the workplan for evaluation of the progress towards eliminating brominated diphenyl ethers, including a review of the continued need for certain specific exemptions. Decisions were also adopted on the continued need for use of DDT (dichlorodiphenyltrichloroethane) for disease vector control, reporting obligations, national implementation plans and for effectiveness evaluation of the Convention, including the global monitoring plan.

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<sup>1</sup> Council Decision (EU) 2017/758 of 25 April 2017 on the position to be adopted, on behalf of the European Union, at the eighth meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants as regards the proposals for amendments to Annexes A, B and C (OJ L 113, 29 April 2017, p. 45).

9. Parties failed to make progress towards a compliance mechanism at this COP: for the third time a decision was blocked by a minority of parties. The debate on this was disappointing as a number of parties reopened the discussion on issues that had been agreed at COP6.
10. Basel Convention: The Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal regulates the export and import of hazardous waste and certain other waste (household waste and residues arising from the incineration of household waste). The Basel Convention was adopted in 1989 and entered into force in 1992. It currently has 185 Parties. The European Union and all Member States of the European Union are Parties to it.
11. The 13<sup>th</sup> meeting of the COP to the Basel Convention adopted the following: a glossary of terms to bring clarity on key elements of the Basel Convention, e.g. explaining the definitions of concepts such as ‘waste’, ‘hazardous waste’, ‘recovery’, ‘recycling’; five practical manuals on the environmentally sound management (ESM) of waste, which is the core part of an ESM toolkit contributing e.g. to achieve the UN's sustainable development goals; guidance on waste prevention and minimisation, drawing from best practices and expected to help countries to develop efficient strategies on waste prevention and minimisation; and new technical guidelines on POPs waste, including a review of low POP content values. With regards to the latter, the relevant COP decision provides for a process of updating the technical guidelines on POPs waste to include the newly listed POPs under the Stockholm Convention and review the low POP content values.
12. It was also decided to establish an expert working group for the review of Annexes I, III and IV and related aspects of Annex IX to the Convention. It was agreed to give higher priority to the work on Annex IV and related aspects of Annex IX during the next biennium.

13. A household waste partnership was established under the Basel Convention, aiming at assisting developing countries and countries with economies in transition to develop and put in place efficient strategies for the ESM of household waste at national and local level. This will include an exchange of experience relating to the management of household waste. With regards to the strategic evaluation of the implementation of the Convention, it was decided to forgo the midterm evaluation, so that focus would be placed on the final evaluation under the lead of the Secretariat with the assistance of an inter-sessional group. Work will also be undertaken to review existing technical guidelines on specially engineered landfills (operation D5) and the technical guidelines on incineration (operation D10). Finally, it was decided to carry out further work under the Basel Convention on waste issues relating to plastics and marine litter, on waste containing nano-materials and on practical manuals on Extended Producer Responsibility and Financing as part of the ESM toolkit. With regard to the technical guidelines on e-waste, following their interim adoption by COP12, COP13 decided to establish an expert working group to advance work towards their finalisation, thus acknowledging the need to further address a number of unresolved issues (mostly related to the distinction between waste and non-waste).
14. Rotterdam Convention: The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade provides for certain rules for international trade in hazardous chemicals listed in Annex III to the Convention. The Convention was adopted in 1998 and entered into force in 2004. It currently has 157 Parties. The European Union and all Member States of the European Union are Parties to it. The Rotterdam Convention does not ban or restrict trade in chemicals or pesticide formulations, but serves to strengthen the protection of human health and the environment by ensuring informed decision-making on the import of chemicals listed in Annex III and by exchanging safety information between exporting and importing Parties.

15. The 8<sup>th</sup> COP to the Rotterdam Convention decided to add four hazardous chemicals, two pesticides (carbofuran and trichlorfon) and two industrial chemicals (short-chain chlorinated paraffins and tributyltin compounds, the latter being added under the industrial chemicals category in addition to the pesticides category) to Annex III to the Convention. These decisions are in line with the EU position established by Council Decision (EU) 2017/674<sup>2</sup>. This brings the total number of chemicals listed in Annex III to 50, 34 of which are pesticides (including 3 severely hazardous pesticide formulations), 15 of which are industrial chemicals and one is listed in both categories. Those chemicals will in future have to be traded amongst Parties in accordance with the prior informed consent procedure under the Convention.
16. To the disappointment of the vast majority of Parties, the Conference of the Parties to the Rotterdam Convention was, for the sixth consecutive time, unable to reach consensus on the listing of chrysotile asbestos. The listing was again blocked by Russia, Kazakhstan, Kyrgyzstan, Zimbabwe and Syria. In addition, the COP failed for the third time to reach consensus on the listing of certain severely hazardous pesticide formulations containing paraquat, since that listing was blocked by Indonesia and Guatemala.
17. The vast majority of Parties were equally disappointed that the COP was unable to reach consensus on the listing of carbosulfan and of certain severely hazardous pesticide formulations containing fenthion. Both decisions were blocked by few Parties, who challenged the work of the Chemical Review Committee or referred to the need of their farmers to use those chemicals, despite the fact that the listing does not ban any chemical.
18. It is important to note that the reasons put forward by the opposing Parties for not supporting the listing of the four chemicals are not relevant under the Convention. All four chemicals, chrysotile asbestos, carbosulfan and the severely hazardous pesticide formulations containing paraquat or fenthion will be again on the agenda of COP 9 in order to decide on their listing.

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<sup>2</sup> Council Decision (EU) 2017/674 of 3 April 2017 establishing the position to be adopted on behalf of the European Union within the eighth meeting of the Conference of the Parties to the Rotterdam Convention as regards the amendments of Annex III to the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade (OJ L 97, 8 April 2017, p. 29).

19. The COP also decided to continue the intersessional work aiming at identifying measures that would ensure the continued effectiveness of the Convention in light of the long-lasting difficulties with the listing of certain chemicals due to the need for consensus by all Parties.
20. Despite a stable text from last COP, discussions continued on a compliance mechanism. In the end, the COP failed to adopt the mechanism since several countries (led by Iran) blocked a decision.

#### Technical Assistance, Financial Resources and Budget

21. The EU and its Member States are the main donors supporting the implementation of the Conventions, including assistance to developing country Parties. A new technical assistance plan for the 2018 to 2021 period was agreed, including the role of the regional centres of the Basel and Stockholm Conventions.
22. Discussions continued on the implementation of the integrated approach to financing on the sound management of chemicals and waste (i.e. mainstreaming in national budgets; private sector involvement; and dedicated external finance), on the basis of previous COP decisions.
23. A proposal by India to create a new "financial mechanism for technology transfer" under the three Conventions was opposed by developed countries and finally dropped.
24. The Stockholm Convention adopted a detailed decision giving guidance to its financial mechanism (the GEF) in view of the ongoing GEF-7 replenishment process.
25. The Basel Convention emergency assistance fund was also successfully maintained in line with the 2015 COP decision on this matter.
26. The budget decision for the biennium 2018-2019 was based on the real growth funding scenario which was supported by the majority from the very beginning of the discussion. The said scenario envisaged an average increase of 3 per cent across the three Conventions. The budgets for the 2018-2019 period were adopted in line with the policy objectives and priorities of the EU and its Member States, and aiming at an effective Secretariat that facilitates the implementation of the Conventions while rationalising and maximising the use of resources.

## Governance/Synergies Issues

27. Furthermore, the COPs adopted several decisions to enhance cooperation among the three Conventions (e.g. illegal trade and traffic; science to action; joint clearing house mechanism; synergies review; gender mainstreaming) but also within the chemicals and waste cluster (e.g. Minamata Convention, SAICM, UNEA etc.) and in the context of the implementation of relevant goals and targets of the 2030 Agenda for Sustainable Development.
  28. Finally, the COPs adopted decisions requesting a draft Memorandum of Understanding between the COPs and the organisations providing the secretariat (UNEP and, in the case of the Rotterdam Convention, also FAO) for consideration by the COPs in 2019.
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