



Council of the
European Union

Brussels, 10 June 2015
(OR. en)

9759/15

ENV 397
MI 389
WTO 127
ENT 113
COMER 85
CHIMIE 34
ONU 75

NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Outcome of the 12th Conference of the Parties to the Basel Convention, the 7th Conference of the Parties to the Rotterdam Convention and the 7th Conference of the Parties to the Stockholm Convention (Geneva, 4-15 May 2015)

- Information from the Presidency and the Commission

Delegations will find attached 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 15 June 2015.

Outcome of the 12th Conference of the Parties to the Basel Convention, the 7th Conference of the Parties to the Rotterdam Convention and the 7th Conference of the Parties to the Stockholm Convention (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 together for the second time (first in 2013). The meeting, which was attended by one thousand two hundred participants from 171 countries, adopted a total of 73 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 the effectiveness of their activities on the ground. Each of the Convention's COPs 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.

Individual Conventions

3. Stockholm Convention: The Stockholm Convention on Persistent Organic Pollutants currently regulates 23 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 179 Parties.

4. The 7th meeting of the COP to the Stockholm Convention agreed to list pentachlorophenol and its salts and esters in Annex A with specific exemptions for the production and use of pentachlorophenol for utility poles and cross-arms; hexachlorobutadiene in Annex A and polychlorinated naphthalenes with specific exemptions for production and use of those chemicals as intermediate in production of polyfluorinated naphthalenes, including octafluoronaphthalene, in Annex A and C¹.
5. For the first time in the history of the Stockholm Convention it was decided to deviate from the consensus approach and to vote on the listing of a chemical (pentachlorophenol and its salts and esters) since India blocked the decision on listing.
6. The COP decided to cancel 6 out of 12 specific exemptions for Perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride (PFOS) for which no registrations to use the exemptions had been made. A process to consider the interpretation of Article 4 on the register for specific exemptions by COP8 was initiated. It was also agreed that the acceptable purposes for PFOS were still required but a process to consider options to modify them by COP8 was initiated. A decision on the workplan for further development of the Dioxin Toolkit and Best Available Techniques and Best Environment Practices to reduce or eliminate releases from intentional production and use was also reached. Decisions were adopted on the continued need for use of DDT (dichlorodiphenyltrichloroethane) for disease vector control, reporting obligations and national implementation plans.
7. Once again parties failed to adopt the decision on a compliance mechanism. The debate on this was disappointing as a number of parties reopened the discussion on issues that had been agreed at COP6. The new text goes backwards from the COP6 text.

¹ Council Decision (EU) 2015/627 of 20 April 2015 on the position to be taken, on behalf of the European Union, at the seventh 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.

8. The European Union announced the submission of a proposal for the listing of perfluorooctanoic acid and its compounds in Annex A². The proposal was submitted on 18 May and, consequently, this chemical will be evaluated by the Persistent Organic Pollutants Review Committee (POPRC) with a view to a possible listing at the COP in 2019.
9. 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. Currently, it has 183 Parties.
10. The 12th meeting of the COP to the Basel Convention adopted a number of technical guidelines for the management of several waste streams. These voluntary guidelines aim at assisting Parties to better manage important waste streams and move towards environmentally sound management of waste. The guidelines cover mercury waste, persistent organic pollutants (POPs) and electronic and electrical waste (e-waste). The e-waste guidelines were adopted on an interim basis while acknowledging the need to further address a number of issues not yet included, related to the distinction between waste and non-waste. The relevant COP decisions provide for a process of reviewing the e-waste guidelines based on input from Parties and experience with their practical application. In addition, the POPs technical guidelines will be updated to include the newly listed POPs and review the low POP content values.

² Council Decision (EU) 2015/633 of 20 April 2015 on the submission, on behalf of the European Union, of a proposal for the listing of additional chemicals in Annex A to the Stockholm Convention on Persistent Organic Pollutants.

11. The 12th meeting of the COP adopted the revised format for national reporting by Parties from 2016 onwards. The COP also decided on the adoption of the methodological guide for the development of inventories of hazardous wastes and other wastes under the Basel Convention, the revised guide to the control system and the updated manual for the implementation of the Basel Convention. The COP also supported a new partnership under the Basel Convention, on creating innovative solutions for the environmentally sound management of household waste which could provide useful policy input into a major and largely neglected issue in developing countries.
12. The COP decided that the draft glossary of key waste management terms should be further developed. It mandated an inter-sessional group to finalise this glossary, which aims to improve legal clarity and ensure the consistent application of the Basel Convention's requirements. Furthermore, the COP mandated an expert group on the environmentally sound management of waste to develop a toolkit consisting of practical manuals on key issues, such as permitting and certification, waste stream fact sheets and guidance to assist parties in establishing efficient strategies for waste prevention.
13. 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 and currently has 154 Parties. 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.

14. The 7th COP to the Rotterdam Convention decided to add only one hazardous chemical, methamidophos, to Annex III to the Convention³. This brings the total number of chemicals listed in Annex III to 47, 33 of which are pesticides (including 3 severely hazardous pesticide formulations) and 14 of which are industrial chemicals. Those chemicals will in future have to be traded amongst Parties in accordance with the prior informed consent procedure under the Convention.
15. To the disappointment of the vast majority of Parties, the Conference of the Parties to the Rotterdam Convention was, for the fifth consecutive time, unable to reach consensus on the listing of chrysotile asbestos. The listing was again blocked by Russia, Ukraine, India, Kazakhstan, Kyrgyzstan and Zimbabwe. In addition, the COP failed for the second time to reach consensus on the listing of certain severely hazardous pesticide formulations containing paraquat, since that listing was blocked by India, Indonesia and Guatemala.
16. The vast majority of Parties was equally disappointed that the COP was not able to reach consensus on the listing of trichlorfon and of certain severely hazardous pesticide formulations containing fenthion. Both decisions were blocked by only one Party, India and Sudan, respectively, who challenged the work of the Chemical Review Committee and especially its scientific independence and did not demonstrate any willingness to cooperate.
17. 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, trichlorfon and the severely hazardous pesticide formulations containing paraquat or fenthion will again be on the agenda at COP8 in order to decide on their listing.

³ Council Decision (EU) 2015/423 of 6 March 2015 establishing the position to be adopted on behalf of the European Union within the seventh 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

18. Despite constructive discussions and identification of a compromise for a compliance mechanism, the COP failed to adopt that mechanism since India blocked this decision as well by putting forward a last minute request for a 500 million dollar implementation fund for the Rotterdam Convention, which was never discussed at this COP before and was therefore not accepted by many Parties.

Horizontal/Synergies Issues

19. Based on EU proposals, the COPs adopted decisions to enhance international cooperation and coordination within the chemicals and waste cluster as well as with other relevant organisations, such as UNEP, WHO, etc. The relevance of the sound management of chemicals and waste for sustainable development was emphasised.
20. The work of the Basel and Stockholm regional centres in assisting parties in implementing these conventions was evaluated, noting different levels of performance. A further evaluation will take place in 2019.
21. The EU stressed the inadequacy of the current Emergency assistance mechanism under the Basel Convention which foresees an unrealistically prominent role for the Secretariat. In order to address this, the Secretariat was requested to focus its activities on technical assistance and capacity building, notably for the prevention of incidents and enhancing the preparedness of countries to deal with emergencies. The cooperation between the Secretariat of the Basel Convention and the Joint UNEP/OCHA Environment Unit was also clarified by giving a greater role to the latter in cases of emergency assistance.
22. Decisions were taken on the implementation of an integrated approach to financing of the sound management of chemicals and waste (e.g. mainstreaming in national budgets; private sector involvement; and dedicated external finance), as well as on the financial mechanism of the Stockholm Convention (the Global Environment Facility), including guidance on co-benefits for the implementation of the Basel and Rotterdam Conventions, while retaining the needs of the Stockholm Convention as its focus.

23. The theme of the event was “From science to action” on strengthening the role of science in decision and policy making in chemicals and wastes area, especially the need to strengthen scientific understanding in developing countries, in order to enhance science-based decision making. A decision was adopted to further engage parties and other stakeholders in informed dialogue for enhanced science-based action in the implementation of the conventions at the regional and national levels.
24. The budget decision for the biennium 2016-2017 was based on the zero nominal growth funding scenario which was supported by the EU and most of other Parties from the very beginning of the discussion. Indeed exchange rate changes allowed expenditure savings on two of the Conventions with total expenditure for the biennium going down by 2.89% for Basel and by 2.21% for Stockholm (and contributions from Parties going down by 3.36% and 0.40% respectively for Basel and Stockholm). Expenditure under the Rotterdam Convention will go up by 6.66% in part due to the FAO cutting back on staff support as a result of cuts in its own budget. As a result, contributions will go up by 4% to also compensate for the Swiss decision to use 50% of their host country contribution in future to support activities under the Voluntary Trust Fund including the cost of participation by developing countries in the COPs.
25. The 3 budget decisions were more policy-focussed than normal since they responded to 7 recommendations from an audit by the UN Office of Internal Oversight Services (OIOS). One of the recommendations involved the merging of at least parts of the general Trust Funds of the Conventions to cement the synergistic approach of the joint Secretariat and the cross-Convention work of the staff. Unfortunately, despite repeated requests by the EU, which favoured the recommendation in principle, the Secretariat only provided a paper explaining how the OIOS recommendation could be implemented, during the COPs. This meant that Japan, the largest contributor, was not in a position to support even a conditional agreement to the merger and several others were hesitant. The final COPs budget decisions include a request to the Executive Secretary to present a detailed proposal on the merger well in advance of the 2017 COPs.

26. The final budget decisions include stronger sanctions (proposed by the EU) for Parties, who are in arrears for four or more years reflecting the difficulties caused by persistent non-payment by a very few contributors who should be able to meet their obligations (particularly India, Saudi Arabia, Cuba, Iran and Venezuela). The need to provide a cash cushion to offset arrears meant that the EU reluctantly had to agree to increase the Working Capital Reserve of the Stockholm Convention General Trust Fund to 13% (from 8.3%).
27. Finally, there was agreement that the next COPs for the three Conventions would be held back-to-back in 2017 and that there would be a joint high-level segment.
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