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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Outcome of the Triple Conference of the Parties to the Basel (COP 14),
Rotterdam (COP 9) and Stockholm (COP 9) Conventions (Geneva, 29
April - 10 May 2019)
- Information from the Presidency and the Commission

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 26 June 2019.

Outcome of the Triple Conference of the Parties to the Basel (COP 14), Rotterdam (COP 9) and Stockholm (COP 9) Conventions (Geneva, 29 April - 10 May 2019)

- 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 fourth time (first in 2013). The theme of the three COPs was “Clean Planet, Healthy People: Sound Management of Chemicals and Waste”. The meetings, which were attended by 177 Parties and many observers, numbering over one thousand three hundred participants in total, adopted 29 decisions under the Basel, 17 decisions under the Rotterdam and 27 decisions under the Stockholm Convention, of which 8 decisions were jointly adopted, 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 next meetings of the COPs will take place back-to-back in 2021, in principle, in Nairobi, Kenya, including a high-level segment.

Individual Conventions

4. **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 187 Parties. The European Union and all Member States of the European Union are Parties to it.
5. The most prominent decision adopted at 14th meeting of the COP to the Basel Convention was the inclusion of most plastic wastes into Annexes II and VIII of the Convention. This outcome is in line with the EU position established by Council Decision (EU) 2019/638¹. As a result, transboundary movements of these plastic wastes (either hazardous or difficult to recycle) will be subject to the control mechanisms of the Convention. This will help countries to control plastic waste imported into their territories, as well as to encourage better sorting and recycling of plastic waste, thereby contributing to the transition towards circular economy models. These amendments to the Annexes will enter into force in 2021. A decision was also adopted on plastic waste, containing various recommendations on the management of plastic waste along its life cycle, as well as establishing a new partnership on plastic waste with the private sector and all interested stakeholders, and setting up an intersessional working group to review existing technical guidelines.
6. The COP also agreed, after difficult discussions, to adopt, on an interim basis, revised guidelines on e-waste. The COP further decided to extend the mandate of the existing expert working group which should revise these technical guidelines, especially to clarify the distinction between waste and non-waste. However, the issue is likely to remain controversial between exporting and importing countries. To bridge the gaps between their respective positions, the newly established follow-up Partnership to PACE, which has a broader scope on e-waste, could be an interesting vehicle, provided that its robustness and agility are assured (through proper financial arrangements and concrete work programme).

¹ Council Decision (EU) 2019/638 of 15 April 2019 on the position to be taken on behalf of the European Union at the fourteenth meeting of the Conference of the Parties with regard to certain amendments to Annexes II, VIII and IX to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (OJ L 109, 24 April 2019, p. 19)

7. Technical guidelines on POPs waste were adopted by the COP. Future discussions on this will notably relate to the inclusion of the newly listed POPs under the Stockholm Convention and to the review the low POP content values in waste. Work to update the mercury guidelines will start after the COP as well as, possibly, on whether to update the guidelines on lead-acid batteries. Work on incineration- and landfill guidelines will continue, and their scope extended to also include energy recovery.
8. Progress was also made on the revision of the Annexes to the Convention, with a focus on the definition of the types of waste management operations in the first place (Annexes I, III, IV and their implications also for other annexes, as well as certain entries in Annex VIII and IX), and with a view to adopt these changes at the next COP.
9. Four practical manuals on the environmentally sound management (ESM) of waste, which is the core part of an ESM toolkit, were also adopted.
10. Rotterdam Convention: The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade provides 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 161 Parties. The European Union and all its Member States 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.
11. The 9th COP to the Rotterdam Convention adopted a compliance mechanism, after some 15 years failing to do so. A group of likeminded Parties (including the EU and its MS) worked out between the 2017 and 2019 COPs a solution to the impasse and proposed an additional annex to the Convention containing the compliance mechanism. This proposal provided a way forward as it could be adopted by a 3/4 majority, instead of by consensus.

12. At this COP, as expected, consensus was again not achieved (blocked mainly by Iran). Therefore, the EU and other proponents called for a vote and the proposed Annex was adopted with 120 votes in favour and only 6 against whilst some Parties abstained. The new Annex to the Convention does not require ratification: it will enter into force after one year, during which Parties may opt out. However, given the overwhelming support received for the Annex it is expected that the number of Parties that will opt out will be minimal and may not include those Parties that abstained.
13. The COP decided to add two hazardous chemicals, one pesticide (phorate) and one industrial chemical (hexabromocyclododecane) to Annex III to the Convention. These decisions are in line with the EU position established by Council Decision (EU) 2019/668². This brings the total number of chemicals listed in Annex III to 52, 35 of which are pesticides (including 3 severely hazardous pesticide formulations), 16 of which are industrial chemicals and one is listed in both categories. Those chemicals will have to be traded amongst Parties in accordance with the prior informed consent procedure under the Convention.
14. To the disappointment of the vast majority of Parties, the COP was, for the seventh consecutive time, unable to reach consensus on the listing of chrysotile asbestos. The listing was again blocked by Russia, Kazakhstan, Kyrgyzstan, Zimbabwe and 6 other Parties. In addition, the COP failed for the fourth time to reach consensus on the listing of certain severely hazardous pesticide formulations containing paraquat, since this listing was again blocked by Indonesia and Guatemala.
15. The vast majority of Parties were equally disappointed that the COP was again unable to reach consensus on the listing of carbosulfan and of certain severely hazardous pesticide formulations containing fenthion. Both decisions were blocked by a few Parties, who referred to the need of their farmers to use those chemicals or to their capability to use the chemical safely, despite the fact that the listing does not ban any chemical. In addition, the listing of acetochlor was blocked by Argentina and Chile, who referred to the need for new studies, which is not in line with the relevant criteria under the Convention.

² Council Decision (EU) 2019/668 of 15 April 2019 on the position to be taken on behalf of the European Union at the ninth meeting of the Conference of the Parties as regards the listing of certain chemicals in Annex III to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (OJ L 113, 29 April 2019, p. 4)

16. It is important to note that the reasons put forward by the opposing Parties for not supporting the listing of the five chemicals are not relevant under the Convention. All five chemicals, chrysotile asbestos, carbosulfan, acetochlor and the severely hazardous pesticide formulations containing paraquat or fenthion will be again on the agenda of the 10th meeting of the COP in order to decide on their listing.
17. Stockholm Convention: The Stockholm Convention on Persistent Organic Pollutants currently regulates 28 substances that are toxic, persistent, travel long distances and bio-accumulate in organisms. The Convention was adopted in 2001 and entered into force in 2004. It currently has 182 Parties. The European Union and 27 of its Member States are Parties to it.
18. The 9th meeting of the COP to the Stockholm Convention agreed to list perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds in Annex A (aiming at elimination), with a number of time limited specific exemptions for both production and use, including those that are relevant for the EU (invasive and implantable medical devices, photographic coatings applied to films, papers or printing plates). In addition, it was also decided to list dicofol in Annex A without any exemption, including the exemption for use as closed-system site limited intermediate. This is in line with the EU position established by Council Decision (EU) 2019/639³.
19. The COP also decided to modify the listing of perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride in Annex B (restriction) by deleting 5 out of 8 acceptable purposes, modifying 2 acceptable purposes into specific exemptions and deleting the remaining 6 of the 12 initial specific exemptions. This decision is an important step towards elimination of this chemical and shows that all Parties using the chemical made efforts to develop and implement alternatives.

³ Council Decision (EU) 2019/639 of 15 April 2019 on the position to be taken on behalf of the European Union at the ninth meeting of the Conference of the Parties as regards amendments to Annexes A and B to the Stockholm Convention on Persistent Organic Pollutants (OJ L 109, 24 April 2019, p. 22)

20. Decisions were reached on the work plan for further development of the Best Available Techniques (BAT) and Best Environment Practices (BEP) to reduce or eliminate releases from unintentional production, on the further work to eliminate polychlorinated biphenyls and on the measures to reduce or eliminate releases from wastes. 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.
21. Parties failed to make progress towards a compliance mechanism at this COP: for the fourth 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 COP-6. Given the lack of consensus, focus was placed on the adoption of the compliance mechanism under the Rotterdam Convention.

Technical Assistance, Financial Resources and Budget

22. The EU and its Member States are the main donors supporting the implementation of the conventions, including assistance to developing country Parties. Tools for enhanced implementation of the technical assistance plan for the 2018 to 2021 period were agreed, including the role of the regional centres of the Basel and Stockholm Conventions.
23. 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.
24. The Stockholm Convention adopted an omnibus decision to ensure and steer the work of its financial mechanism (the GEF) following the GEF-7 replenishment process.

25. The budget decisions for the biennium 2020-2021 for each convention strike the balance between the increasing amount of work to be done by the Secretariat and the financial constraints of the most important contributors, with an increase of 1.6% for the combined budget of the three Conventions (BC: 1,13%, RC: 0,94%, SC: 2,99%). China has now the highest single assessed contribution with about 15% of the budget due to the latest update of the UN scale of assessment, although the EU and its Member States remain as a whole the main contributors.

Governance/Synergies Issues

26. Furthermore, on the basis of EU and its Member States proposals, each one of the Basel, Rotterdam and Stockholm COPs adopted a decision that mirrors the decision adopted at the end of 2018 at Minamata COP2 to request to the UNEP Executive Director a proposal for a stable framework of sharing of services between the Secretariats. These decisions are expected to be instrumental in fostering cooperation and sharing of services with the Secretariat of the Minamata Convention (synergies).
27. The EU and its Member States also obtained, amongst other things, that the COPs join the UNEA4 Ministerial Declaration and resolutions on the sound management of chemicals and waste, including the need for an improved international framework for the sound management of chemicals and waste, in a general decision on international cooperation and coordination.
28. Finally, 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); as well as approved and signed the Memoranda of Understanding between the COPs and the organisations providing the secretariat (UNEP and, in the case of the Rotterdam Convention, UNEP and FAO).