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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 16), Rotterdam (COP 11) and Stockholm (COP 11) Conventions (Geneva, 1 - 12 May 2023) - 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 20 June 2023.

Outcome of the Triple Conference of the Parties to the Basel (COP 16), Rotterdam (COP 11) and Stockholm (COP 11) Conventions**(Geneva, Switzerland, 1-12 May 2023)****- 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 sixth time, from 1-12 May 2023.
2. The theme of the three COPs was “Accelerating action: Targets for the sound management of chemicals and waste”. More than 1400 participants attended the conference, including observers from non-Parties, NGOs and BRS regional centres. The COPs adopted 20 decisions under the Basel, 7 decisions under the Rotterdam and 19 decisions under the Stockholm Convention, and in addition 8 decisions that were jointly adopted by the three Conventions, all aimed to strengthen the protection of human health and the environment from hazardous chemicals and wastes.
3. 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 convened also individually over the two-week period to deal with its own specific topics of the global chemicals and waste agenda.
4. The next meetings of the COPs will take place in May 2025 in Geneva.

Individual Conventions

Basel Convention

5. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal regulates the export and import of hazardous waste and certain other waste (household waste, residues arising from the incineration of household waste and plastics difficult to recycle). The Basel Convention was adopted in 1989 and entered into force in 1992. It currently has 191 Parties. The European Union and all Member States of the European Union are Parties to it.
6. The most prominent decision adopted at the COP16 is the decision to adopt updated technical guidelines on the environmentally sound management of plastics wastes. This guidance will be valuable on how to manage these wastes properly and is timely, given the ongoing negotiations for a new treaty on plastic pollution.
7. The COP decided to continue work on waste batteries, e-waste and waste containing persistent organic pollutants. Also, an intersessional working group was established to work on improving the prior informed consent (“PIC”) procedure for the next Conference of the Parties (COP17). This procedure requires a prior notification to and consent by competent authorities in the countries of dispatch, transit and destination for shipping waste under the scope of the Basel Convention (mainly hazardous, mixed household and hard-to-recycle plastic waste) and ensures that the recipient can handle the waste in an environmentally sustainable manner. The COP also decided to continue to develop a new strategic framework for the Basel Convention. Another intersessional working group will prepare a draft for COP17 to consider.
8. Finally, the discussion on the EU proposal to amend Annex IV of the Convention, as well as the discussion on the review of Annexes I and III, continued without conclusion. More work on these complex topics will be needed towards COP17, which will convene in 2025.

Rotterdam Convention

9. 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 165 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.
10. The 11th Conference of the Parties (COP11) adopted the listing of terbufos in Annex III, submitting it to the Prior Informed Consent (“PIC”) procedure and information exchange between Parties.
11. Unfortunately, once again, the COP was unable to reach consensus on the listing of the other substance suggested for Annex III, iprodione. This is adding to the other five candidates that had already been considered at past COPs. These are 2 pesticides (acetochlor, carbosulfan), 2 severely hazardous pesticide formulations containing fenthion or paraquat, and chrysotile asbestos, despite decisions adopted by previous COPs that all the conditions for listing had been met. For the pesticides, those Parties that use them in agriculture remain concerned about the potential negative impacts of listing on the cost and availability for their farmers, and thus on food security. These and other arguments put forward by opposing Parties, such as the lack of effective alternatives and the blacklisting of listed chemicals by private certification schemes for agricultural products, are beyond the criteria and scope of the Convention.
12. Regarding chrysotile asbestos, some Parties (Russia, Kazakhstan, Kyrgyzstan, Zimbabwe) disputed scientific data and conclusions concerning health and environmental effects of chrysotile asbestos and requested an assessment of new data, which is not in line with the criteria under the Convention. Russia even proposed removing this substance from the list of candidate substances for consideration by the COP.

13. In the light of the increasing number of chemicals on which the COP cannot reach consensus due to a few blocking Parties, a proposal to amend the Convention had been submitted by 14 Parties, which would have allowed interested Parties to move forward and list (by qualified majority) chemicals in a new Annex VIII subjecting them to the prior informed consent, whilst other Parties would have had the option to continue relying only on Annex III. That proposal was welcomed by a majority of Parties, including the EU. However, several Parties were against the amendment and some were not willing to engage in serious discussions towards building consensus. In the light of this, the proponents concluded after long hours of fruitless discussions in the contact group that it had not been possible to make any substantive progress towards consensus and submitted a new Conference Room Paper (CRP) to plenary that essentially reflected their proposal whilst taking into account the constructive contributions received during the discussions. As expected, it was not possible to reach consensus on the CRP in plenary and three Parties thus requested a vote on the amendment, where the supporters did not manage to obtain the 75% of the votes needed for a qualified majority. The results of the vote showed that the majority of parties (some 70% of those voting) wanted to improve the listing of chemicals under the Rotterdam Convention.
14. The COP adopted the second work programme of the Compliance Committee for the biennium 2024-2026, tasking the committee to among other things review systemic issues of general compliance, to undertake further work to identify challenges faced by exporting parties, and to make recommendations to COP12.

Stockholm Convention

15. The Stockholm Convention on Persistent Organic Pollutants (POPs) currently regulates 34 chemicals 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 186 Parties. The European Union and all its Member States are Parties to it.

16. A milestone for the Stockholm Convention was the decision adopted at the 11th meeting of the Conference of the Parties (COP11) to establish a compliance mechanism. The mechanism establishes a compliance committee to facilitate compliance with the requirements of the Convention by the Parties. The work programme and the composition of the Committee shall be decided at the next Conference of the Parties. A compliance mechanism has been lacking since the entry into force of the Stockholm Convention in 2004, since the Parties have not been able to agree on it at previous meetings.
17. Furthermore, COP11 adopted the listing of the flame retardant dechlorane plus, the pesticide methoxychlor and the plastics additive UV-328 in Annex A (elimination) of the Convention. Methoxychlor was listed without any exemption, whereas UV-328 was listed with the exemptions proposed by the POPs Review Committee of the Convention, and dechlorane plus without the production exemption since China announced that the only remaining manufacturer will stop production in 2024.
18. A number of important decisions to advance the work towards elimination of listed POPs were adopted, such as 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 work to eliminate polychlorinated biphenyls and on the measures to reduce or eliminate releases from wastes. Decisions were also adopted on the management of existing exemptions, reporting obligations, national implementation plans and for effectiveness evaluation of the Convention, including the global monitoring plan.
19. Regarding the continued use of DDT (insecticide), further measures were agreed to make progress as regards the phase-out by the 18 countries currently registered for the exemption to use DDT to eliminate malaria-spreading mosquitoes, which are invited to review their needs by 31 December 2023, and to transmit an update of their status in the register.
20. The COP welcomed the report on effectiveness evaluation and acknowledged with appreciation the findings that the Convention provides an effective and dynamic framework for regulating POPs, as demonstrated by decreasing presence of such chemicals in the environment.

Budget and Technical Assistance and Financial Resources

21. The Parties adopted the work programmes and budgets of the Basel, Rotterdam and Stockholm Conventions for 2024-2025. The Parties agreed on a global budget including an overall increase of 3.7 % compared to 2022-2023, for a total of USD 31,242,616 (Basel Convention: increase of 3.8% with a total of USD 10,201,585; Rotterdam Convention: increase of 2.7% with a total of USD 8,605,243; Stockholm Convention: increase of 4.2% with a total of USD 12,435,788).
22. UNEP had proposed amendments to the Memorandum of Understanding (MoU) to clarify the provision of administrative services to the BRS Conventions and UNEP's share of programme costs with the BRS Secretariat. The discussion on the proposed amendments did not take place before it was clarified that UNEP would cover the costs arising from the previous biennium in compliance with the MoU in force at this time. The amended MoU was decided with clarifications to ensure which administrative services that should be covered by UNEP and the BRS Secretariat respectively.
23. 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 period 2024-2025 were agreed, including the role of the regional centres of the Basel and Stockholm Conventions.
24. Regarding the Financial Mechanism for the Stockholm Convention, the COP decided on terms of reference for the sixth review of the mechanism as well as terms of reference for the assessment of funding needs for implementation of the convention over the period 2026-2030. Furthermore, a proposal from the African group for a resource mobilization strategy was decided with some amendments.

Governance and Synergies Issues

25. The COPs emphasized the importance of the cooperation with the Minamata Convention and other multilateral environmental agreements and relevant organisations such as the World Health Organisation and accepted the invitation for the Basel, Rotterdam and Stockholm Conventions to become participating organisations of the Inter-Organisation Programme for the Sound Management of Chemicals. As proposed by the EU, a clear mandate was given to the Secretariat to contribute to the negotiations on the future plastics treaty and on the upcoming science-policy panel on chemicals, waste and pollution prevention.
26. Finally, the COPs adopted several decisions to enhance cooperation among the three conventions, such as on synergies in preventing illegal trade and traffic; science to action; joint clearing house mechanism for information exchange, and to strengthen the role of the regional centres in providing technical assistance for capacity-building and technology transfer.
