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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Thirteenth meeting of the Open-ended Working Group of the Basel Convention (OEWG-13) (Geneva, 21-23 February 2023)
	- 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.

**Thirteenth meeting of the Open-ended Working Group of the Basel Convention (OEWG-13)
(Geneva, 21-23 February 2023)**

- Statements by the European Union and its Member States -

Opening statement

Distinguished Co-chairs, Executive Secretary, Distinguished Delegates, Ladies and Gentlemen,

We would like to express our deepest condolences and sincere sympathy to the people of Turkey and Syria over the devastating earthquakes that has occurred.

The European Union and its Member States would like to thank the Bureau and the Secretariat for all their work in organising this 13th meeting of the OEWG of the Basel Convention. We are pleased to meet here in Geneva and we thank Switzerland for hosting us.

The EU and its Member States would like to thank the Secretariat, the lead countries and intersessional working groups who have been working intensively in the run up to this meeting.

Last year, we met in both Nairobi and Geneva, and were able to celebrate the successful outcome of COP15 with the adoption of the new e-waste entries. We look forward to the meetings this year and hope for a successful outcome this year as well. We are hopeful that this week's meeting will help us make substantial progress on many important issues that are on the agenda of COP16 in May.

We would like to briefly address a few key issues in that regard.

We believe there is momentum to adopt technical guidelines on plastic waste, and in doing so we believe that the Parties of the Basel Convention would send a strong signal to the intergovernmental negotiating committee for a global instrument on plastic pollution for its second session in May.

We would also like to make progress on revising Annex IV. We acknowledge that still work is needed to clarify many aspects. We hope to have good discussions this week to see where progress can be made.

We also look forward to fruitful discussions on the improvement of the functioning of the PIC procedure and on the Strategic Framework. We think that this work contributes to improving the effectiveness of the Basel Convention for protecting human health and the environment and to the transition towards a circular economy.

Finally, we would like to share our belief that multilateral cooperation, based on mutual respect, is crucial to address the huge environmental challenges ahead of us.

Therefore, as we meet this week, we cannot ignore the geopolitical context created by the unprovoked and unjustified military aggression by the Russian Federation as well as the involvement of Belarus in the aggression against Ukraine. This Friday, 24 February, marks the one-year anniversary of Russia's invasion of Ukraine. The EU and its Member States strongly condemn this aggression, which is a grave violation of international law and the Charter of the United Nations. We express full solidarity with Ukraine and the Ukrainian people.

Mr Co chair,

The EU and its Member States remain fully engaged in the Basel Convention. We believe that we must continue to build on the Basel Convention's important work so far to protect human health and the environment against adverse effects from hazardous wastes and other wastes and thus contribute to the implementation of several Sustainable Development Goals.

Thank you!

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

The EU and its Member States wish to thank the lead country Canada, the Secretariat and the Small Intersessional Working Group for the work done so far and look forward to further work on the draft report of findings and recommendations to improve, as appropriate, the strategic framework.

We agree on the proposal to improve the structure of the framework along three new goals, one for overarching issues, one for the Transboundary movement obligations and one for the Environmentally sound management obligations of hazardous and other wastes. Overall, we are in agreement with the findings and recommendations provided. We have however a few detailed comments on document UNEP/CHW/OEWG.13/INF/3. We can agree to the proposed action in para. 9 of document UNEP/CHW/OEWG.13/2.

We do not think it is necessary to discuss this item in a contact group, in the light of the SIWG meeting on 24/25th February, directly after OEWG13. We are ready to engage fully during the OEWG into discussions on these issues and we hope that recommendations can be presented to COP16

Thank you very much.

Agenda item 3(a)(ii): Work to improve the prior informed consent procedure

Thank you co-chairs!

The EU and its Member States strongly believe that it is key for this Convention to improve the functioning of the PIC procedure, one of its cornerstones.

We thank the Secretariat for the compilation and synthesis of information received from Parties and observers on challenges in the implementation of the PIC procedure. These comments show that we face common challenges concerning the PIC procedure. We look forward to participating in further discussions on this issue and hearing from Parties and observers on the challenges, best practices, approaches, initiatives, and views on improving the PIC procedure. We believe that the best way to further this work is for COP16 to mandate an intersessional expert working group to work on this important matter. We look forward to discuss this item in a contact group.

Thank you.

Agenda item 3(b)(i)(a) Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants

Agenda item 3(b)(i)(b) Technical guidelines on transboundary movement of electrical and electronic waste and used electronic equipment, and particular the distinction between waste and non-waste under the Basel Convention

The EU and its Member States thank the Secretariat and the expert working group for the work done so far.

We can support the proposed action in the note by the Secretariat on technical guidelines (UNEP/CHW/OEWG.13/4), for the OEWG to take note of the report on progress in the implementation of decision BC-15/7 on these technical guidelines and of any comments received from Parties and observers thereon.

We look forward to continue working constructively to prepare draft updated technical guidelines, taking into consideration the amendments to Annexes II, VIII and IX to the Basel Convention adopted in decision BC-15/18, and to submit them for the consideration at COP16.

Thank you.

3(b)(i)(c) Technical guidelines on the environmentally sound management of plastic wastes

The EU and its Member States consider that a swift update of these technical guidelines is very important, also since the current guidelines on plastic waste were approved 20 years ago. We wish to thank the Secretariat, the co-lead countries China, Japan and the United Kingdom of Great Britain and Northern Ireland and the Small Intersessional Working Group for the good progress made in preparing revised draft technical guidelines. We are hopeful that progress achieved in the work of the Small Intersessional Working Group could indeed lead to an adoption of the guidelines at the COP16. In order to advance the discussion further we would like to suggest that the contact group focuses on the sections of the technical guidelines addressing:

- Waste prevention and waste minimization,
- Definitions of biobased, biodegradable and compostable plastics,
- Chemical recycling of plastic waste, and
- Identification of hazardous plastic wastes.

Thank you.

3(b)(i)(e) Technical guidelines on the environmentally sound management of used and waste pneumatic tyres

The EU and its Member States appreciate the work done by the Secretariat. We note that recent activities have been focused on comments on the scope of the guidelines.

With regard to the proposed action contained in UNEP/CHW/OEWG.13/4, we suggest that the Secretariat prepares a draft decision for COP16 on further work to update the technical guidelines, taking into account document UNEP/CHW/OEWG.13/INF/9 and the discussion at OEWG13.

We also think it is not necessary to have this discussion in a contact group.

Thank you.

3(b)(i)(f) Consideration of whether to develop technical guidelines on the environmentally sound management of rubber wastes (entry B3040) and waste parings and scrap of rubber (entry B3080)

Thank you co-chairs!

The EU and its Member States are in principle supporting the development of new technical guidelines. We consider rubber wastes and waste parings and scrap of rubber could have similar negative environmental effects as plastic waste by contributing to pollution. We think that the comments received by the Secretariat and the best timeframe for future work should be further discussed at COP16

Thank you very much.

3(b)(ii) Electronic approaches to the notification and movement documents

The EU and its Member States welcome the ongoing work of the SIWG and continue to offer its support. We would also like to highlight the close link which can be made to the process of improving the functioning of the PIC procedure, whereby digitalisation is a key, but keeping in mind that it is only part of the solution. We support an invitation to Parties and observers to submit comments on the recommendations by 31 March 2023.

Thank you.

3(b)(iii) Further consideration of plastic waste

Thank you co-chairs!

The EU and its Member States continue to be supportive of the wide range of activities carried out under the Basel Convention addressing plastic waste and plastic pollution, but need more time to assess the options for further work contained in document UNEP/CHW/OEWG.13/INF/11. For example, we support further information collection on the status of the implementation of the plastic waste amendment. We think that a discussion could take place at COP16, on whether how and when the effectiveness of the amendments on plastic waste is evaluated.

With regard to the proposed action in para. 7 of document UNEP/CHW/OEWG.13/6, we support the call for comments on document UNEP/CHW/OEWG.13/INF/11 by 31 March 2023, to make comments received available on the website of the Convention and that the Secretariat should suggest possible further activities for consideration by COP 16.

We think a discussion in the Plenary would be sufficient today, also in view of the related call for comments by 31 March 2023 contained in the proposed action.

Thank you very much.

3(b)(v) Amendments to Annexes II, VIII and IX on e-waste

Thank you co-chair!

The EU and its Member States generally support targeted, editorial amendments in existing guidance, technical guidelines and factsheets to reflect adjustments consequential to the adoption of the e-waste amendments at COP 15. We thank the Secretariat for the recommendations on updates contained in UNEP/CHW/OEWG.13/INF/12. We consider it would be helpful if the Secretariat could be requested to provide more details on possible needs for more substantial changes of certain documents that they expect, such as the MPPI overall guidance document.

The workload for the groups tasked to do updates, mainly PACE and the SIWG on POP waste, should be kept reasonable and further discussion on timing seems necessary. We would be open for an invitation for comments on the assessment and the draft recommendations contained in the document prepared by the Secretariat, at a date before COP16.

We do not think that a discussion on this item in a contact group is necessary.

Thank you.

3(b)(c) Providing further legal clarity

Amendments to Annexes I, III and IV

Thank you co-chairs!

The EU and its Member States wish to thank the Secretariat and the Expert Working Group for the important work done so far.

We are aware of further work needed to clarify many aspects on the important Annexes I, III and IV.

When it goes to Annex IV, we welcome the recommendations by the expert working group and the outcome of the discussions at COP15. Although many aspects still need thorough discussions, probably even after COP16, we see that there are elements on which we could advance our work during this week.

We propose that a discussion on Annex IV should take place in a contact group and start first with topics that are more likely to gather consensus.

Concerning Annexes I and III we welcome the fruitful discussions and progress made to date in the expert working group. However, we acknowledge that the discussions are complex and positions widely apart on a number of fundamental issues. Taking this into account, as well as the limited time for discussion in this meeting, we suggest to limit the discussion to the Plenary or, if a contact group will be mandated, to keep discussion short. We are available to provide a short presentation of the main elements in the discussions concerning Annexes I and III.

Finally, we support the proposed action in para. 2 of the draft decision under para. 9 of document UNEP/CHW/OEWG.13/8 (i.e. mandate further work in the EWG until OEWG14).

Thank you very much.

3(b)(d)(i) Basel Convention Partnership Programme

Partnership for Action on Challenges relating to E-waste (PACE II)

Thank you co-chairs!

The EU and its Member States thank the working group of the partnership and the Secretariat for the work done so far. We welcome the draft tables of content to serve as the basis for the further work by PACE II on the draft guidance documents after COP16 in order to present draft guidance documents to COP17 for its consideration.

We support the draft work programme of the Partnership's working group for the biennium 2024-2025. We are also open for an invitation for comments by Parties and others by 31 March 2023.

Thank you.

Household Waste Partnership

The EU and its Member States thank the working group of the partnership and the Secretariat for the work done so far. We suggest that OEWG13 takes note of the information provided.

Thank you.

Plastic Waste Partnership

The EU and its Member States thank the working group and project groups of the partnership and the Secretariat for the work done so far. We welcome the progress made on the implementation of the workplan of the working group for the biennium 2022/2023. We also welcome the draft workplan for the biennium 2024-25. We support an invitation for comments on this draft workplan by 31 March 2023.

Thank you.

3(b)(d)(ii) Cooperation with the World Customs Organization on the Harmonized Commodity Description and Coding System

The EU and its Member States appreciate the work carried out by the Secretariat and welcome the report on the status of the work of the WCO on the Harmonized System related to the Basel Convention. We support the Secretariat's continued work and cooperation with the Harmonized System Committee and relevant subcommittees of the WCO in order to facilitate the inclusion of wastes covered by the Basel Convention in the Harmonized Commodity Description and Coding System.

We support the proposed action, including considering preparing further proposals to amend the Harmonized Commodity Description and Coding System.

Thank you.

Closing statement

Dear Co-chairs, Executive Secretary, staff from the Secretariat, Delegates, Observers, Ladies and Gentlemen. The EU and its Member States would like to start by congratulating the co-chairs for a successful OEWG and thank them for guiding us through this week. We would also like to thank the chairs of the contact groups and the Secretariat for their outstanding work over these past few days.

We would also like to thank all participants for their energy and enthusiasm, and sometimes the necessary patience towards us.

Although the OEWG had several items on its agenda and the sequence of last few meetings of COP and OEWG over the last years was intensive, we think that we all managed this week to focus our work with a view to advance some important issues towards the upcoming COP16.

The discussions on the review of Annex I, III and IV have again proven to be rather complex and more work will be needed to conclude on these important topics, but we are positive that this week's exchanges have contributed to the mutual understanding of each other's views and will help us during our deliberations at COP.

We think the OEWG provides useful input for COP16 to initiate the work on a new strategic framework as well as work to improve the functioning of what is the cornerstone of this Convention, namely the Pic procedure.

We welcome the constructive discussions this week on the technical guidelines on plastic waste. We remain convinced that it is important to adopt them at COP16. With such outcome, we believe our Basel community will be able to give a strong message to the ongoing INC process on a global agreement on plastics.

Good progress was also made on many other topics on the agenda, such as the work on technical guidelines on waste lead acid batteries and POP-containing waste, to mention just a few highlights of our week in Geneva.

We will soon meet again for the Triple COPs where we look forward to a successful outcome. We want to assure you of our active engagement in preparing the Triple COP in order to progress in the direction of improving protection of environment.

Thank you.
