



SUMMARY OF THE MEETINGS OF THE CONFERENCES OF THE PARTIES TO THE BASEL, ROTTERDAM AND STOCKHOLM CONVENTIONS: 4-15 MAY 2015

The twelfth meeting of the Conference of Parties to the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal (BC COP12), the seventh meeting of the Conference of Parties to the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (RC COP7), and the seventh meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants (POPs) (SC COP7) convened from 4-15 May in Geneva, Switzerland. Over 1000 participants attended the meetings.

Negotiations in Geneva focused on convention-specific issues such as the listing of new chemicals under the Stockholm and Rotterdam Conventions and adoption of technical guidelines on e-waste and POPs wastes under the Basel Convention. Delegates also considered issues of joint concern to at least two of the three Conventions, including compliance, budget, and financial and technical support for the implementation of the conventions.

While the meetings did not achieve agreement on compliance or some of the chemicals nominated for listing under the Stockholm or Rotterdam Conventions, the COPs adopted over 50 decisions and agreed to convene the next round of chemicals and wastes COPs, with a high-level segment, back-to-back in 2017.

A BRIEF HISTORY OF THE CHEMICALS AND WASTES CONVENTIONS

BASEL CONVENTION: The BC was adopted in 1989 and entered into force on 5 May 1992. It was created to address concerns over the management, disposal and transboundary movement of the estimated 400 million tonnes of hazardous wastes that are produced worldwide each year. The guiding principles of the convention are that transboundary movements of hazardous wastes should be: reduced to a minimum; managed in an environmentally sound manner; treated and disposed of as close as possible to their source of generation; and minimized at the source. In September 1995, at BC COP3, parties adopted the Ban Amendment, which bans the export of

hazardous wastes for final disposal and recycling from Annex VII countries (EU, OECD and Liechtenstein) to non-Annex VII countries. According to Article 17, paragraph 5, entry into force of amendments takes place upon ratification by at least three-fourths of the parties “who accepted them.” There were differing interpretations over the term “who accepted them” and, therefore, over the number of ratifications required for the Ban Amendment to enter into force. Some parties suggested that the number was three-fourths of parties at the time of adoption of the Ban Amendment. Others, including the UN Office of Legal Affairs, argued that three-fourths of current parties must ratify the Ban Amendment.

There are currently 183 parties to the Convention and 81 ratifications of the Ban Amendment.

BC COP10: The tenth meeting of the COP to the BC was held from 17-21 October 2011, in Cartagena, Colombia. BC COP10 adopted decisions on the new strategic framework and the Indonesian-Swiss Country-Led Initiative (CLI) to improve the effectiveness of the Basel Convention. The CLI clarifies the interpretation of Article 17(5), and provides that the Ban Amendment will enter into force once three-fourths, which is 66 of the 87 parties that were parties when it was adopted at COP3, ratify the Amendment. The Ban Amendment has not yet entered into force.

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COP10 also adopted 25 decisions on, *inter alia*: synergies; the budget; legal matters; Basel Convention Regional and Coordinating Centres (BCRCs); capacity building; the Partnership Programme; and technical matters. The Cartagena Declaration on prevention and minimization of hazardous wastes was also adopted.

BC COP11: COP11 was held 28 April - 10 May 2013 in Geneva, Switzerland. BC COP11 considered several reports on activities within the convention's mandate and adopted over 20 decisions on issues including: strategic issues; scientific and technical matters; legal, compliance and government matters; technical assistance; international cooperation, coordination and partnerships; resource mobilization and financial resources; programme of work and budget; admission of observers; and a memorandum of understanding (MoU) with the United Nations Environment Programme (UNEP).

ROTTERDAM CONVENTION: The RC was adopted in September 1998 and entered into force on 24 February 2004. The convention creates legally binding obligations for the implementation of the Prior Informed Consent (PIC) Procedure. It built on the voluntary PIC Procedure, created by the Food and Agriculture Organization (FAO) and UNEP. The objectives of the convention are: to promote shared responsibility and cooperative efforts among parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm; and to contribute to the environmentally sound use of those hazardous chemicals, by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export, and by disseminating these decisions to parties. There are currently 154 parties to the convention.

RC COP5: COP5 convened from 20-24 June 2011, in Geneva, Switzerland. COP5 adopted 13 decisions, including on the addition of aldicarb, alachlor and endosulfan to Annex III of the convention (chemicals subject to the PIC Procedure). The meeting also adopted decisions on: the budget; technical assistance; synergies; information exchange; trade; and the work of the CRC. Delegates addressed issues that eluded consensus during the previous meeting of the COP, but could not agree on mechanisms and procedures for non-compliance and the inclusion of chrysotile asbestos in Annex III of the convention.

RC COP6: COP6 was held 28 April - 10 May 2013 in Geneva, Switzerland. RC COP6 considered several reports on activities within the convention's mandate and adopted 15 decisions on issues including, *inter alia*, listing azinphos-methyl, pentabromodiphenyl ether, octabromodiphenyl ether, and perfluorooctane sulfonic acid and its related chemicals in Annex III of the convention. The COP considered listing paraquat and chrysotile asbestos in Annex III but could not reach consensus. RC COP6 also adopted decisions on, *inter alia*, technical assistance, the programme of work and budget; official communications; and an MoU between UNEP, FAO and the COP.

STOCKHOLM CONVENTION: The SC was adopted in May 2001 and entered into force on 17 May 2004. The convention, as adopted in 2001, calls for international action on 12 POPs grouped into three categories: 1) pesticides: aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, mirex and toxaphene; 2) industrial chemicals: hexachlorobenzene (HCB)

and polychlorinated biphenyls (PCBs); and 3) unintentionally produced POPs: dioxins and furans. Governments are to promote best available techniques (BAT) and best environmental practices (BEP) for replacing existing POPs while preventing the development of new POPs.

In 2009, parties agreed to add nine more chemicals to the convention: c-pentabromodiphenyl ether; chlordecone; hexabromobiphenyl (HBB); alpha hexachlorocyclohexane (alphaHCH); betaHCH; lindane; c-octabromodiphenyl ether; pentachlorobenzene (PeCB); and perfluorooctane sulfonate (PFOS), its salts and PFOS fluoride (PFOSF). In 2011, parties added endosulfan to the convention.

The Stockholm Convention currently has 179 parties.

SC COP5: COP5 was held from 25-29 April 2011 in Geneva, Switzerland. SC COP5 considered several reports on activities within the Convention's mandate and adopted over 30 decisions on, *inter alia*: listing endosulfan in Annex A of the Convention; financial and technical assistance; synergies; and endorsing seven new SC regional centres, in Algeria, Senegal, Kenya, South Africa, Iran, India and the Russian Federation.

SC COP6: COP6 was held 28 April - 10 May 2013 in Geneva, Switzerland. SC COP6 considered several reports on activities within the Convention's mandate and adopted over 20 decisions on, *inter alia*: listing hexabromocyclododecane (HBCD) with specific exemptions for expanded and extruded polystyrene in Annex A; financial and technical assistance; and a second phase of implementation of the global monitoring plan. COP6 considered but did not reach consensus on establishing a compliance mechanism.

ExCOPs1: The first simultaneous extraordinary meeting of the Conferences of the Parties (ExCOPs1) to the Basel, Rotterdam and Stockholm (BRS) Conventions was held 22-24 February 2010 in Bali, Indonesia. The meeting was a result of the work of the *Ad Hoc* Joint Working Group on Enhancing Cooperation and Coordination among the Basel, Rotterdam and Stockholm Conventions, which was mandated to prepare joint recommendations on enhanced cooperation and coordination for submission to the three COPs.

At the ExCOPs, delegates adopted an omnibus synergies decision on joint services, joint activities, synchronization of the budget cycles, joint audits, joint managerial functions, and review arrangements. In the decision on review arrangements, the ExCOPs, *inter alia*, decided to review in 2013 how the synergies arrangements have contributed to achieving a set of objectives, such as strengthening the implementation of the three conventions and maximizing the effective and efficient use of resources at all levels. The ExCOPs also requested the secretariats to prepare detailed terms of reference for the preparation of a report for review and adoption by the COPs of the three conventions in 2011, and to compile and complete their report for adoption by the three COPs in 2013.

ExCOPs2: The second simultaneous extraordinary meeting of the Conferences of the Parties (ExCOPs2) to the BRS Conventions was held in conjunction with the back-to-back meetings of the COPs from 28 April - 10 May 2013 in Geneva, Switzerland. Delegates adopted an omnibus decision on enhancing cooperation and coordination among the BRS Conventions. The ExCOPs, *inter alia*, decided to undertake a review of the synergies process and the organization of the

secretariats. On joint activities, the ExCOPs, *inter alia*, decided to continue to present joint activities as an integral part of the proposed programmes of work and budgets of the three conventions. On enhanced cooperation and coordination among the technical bodies of the BRS Conventions, the ExCOPs, *inter alia*, requested alignment of the working arrangements of the Chemical Review Committee (CRC) with those of the Persistent Organic Pollutants Review Committee (POPRC) to support effective participation of experts and observers and encouraged the POPRC to involve experts from the Basel Convention when discussing waste issues. On wider cooperation, the ExCOPs requested the Secretariat to enhance cooperation with the Strategic Approach to International Chemicals Management (SAICM) and expressed interest in coordinating with the Minamata Convention on Mercury. On facilitating financial resources for chemicals wastes, the ExCOPs welcomed an integrated approach that includes mainstreaming, industry involvement and dedicated external finance.

REPORT OF THE MEETINGS

The meetings of the COPs to the Basel, Rotterdam and Stockholm (BRS) Conventions opened on Monday morning, with Jan Dusik, UNEP Regional Office for Europe, serving as the “master of ceremonies.”

BRS Executive Secretary Rolph Payet underscored the importance of integrating the chemicals and wastes cluster into the sustainable development agenda. He cited as important outcomes: listing chemicals under the Rotterdam Convention; adopting Basel Convention technical guidelines (TGs) on electrical and electronic waste (e-waste); and agreeing on compliance mechanisms for the Rotterdam and Stockholm Conventions.

Stressing the COPs’ theme “from science to action, working for a safer tomorrow,” Clayton Campanhola, FAO, Co-Executive Secretary of the Rotterdam Convention, underscored the importance of listing methamidophos, trichlorfon, and the severely hazardous pesticide formulations fenthion and paraquat dichloride under the RC. Noting that chrysotile asbestos would be considered for a fifth time, he underscored that listing a chemical under the RC does not constitute a trade ban.

Bruno Oberle, Switzerland, noted that the synergies process had increased the visibility of the chemicals and wastes cluster, encouraged both deepening and broadening existing synergies and urged countries to ratify the Ban Amendment.

UNEP Executive Director Achim Steiner characterized the growth in chemicals production and use as a “fundamental” part of the modern economy while noting estimates that endocrine disruptors cost EUR157 billion in Europe alone and underscoring that occupational poisoning results in one million deaths per year.

Naoko Ishii, Global Environment Facility (GEF) Chief Executive Officer, stated that current chemical consumption patterns are pushing the carrying capacity of natural capital to their limits. Referring to the GEF’s work, she highlighted the elimination of 25,000 tons of POPs, progress on managing DDT in India, and a dedicated Small Island Developing States (SIDS)/Least Developed Countries (LDC) support programme in GEF6.

Indonesia and Switzerland led delegates in congratulating parties that have ratified the Ban Amendment since 2013: Côte d’Ivoire, Benin, Colombia, Guatemala, Republic of Congo and Peru. Switzerland welcomed the new ratifications and noted that 12 more instruments of ratification are required for the amendment to enter into force. Indonesia called a safer environment a right of all people.

Andrzej Jagusiewicz, Poland, Basel Convention COP12 President, highlighted some achievements of the BC, including TGs that assist developing countries in the environmentally-sound management (ESM) of wastes. He highlighted the need to agree on legal clarity, ratify the Ban Amendment, and adopt TGs on POPs, mercury wastes and e-waste.

Mohammed Khashashneh, Jordan, Rotterdam Convention COP7 President, called on the COP to adopt a compliance mechanism, list substances recommended by the Chemical Review Committee in order to enhance information sharing, and boost the technical and financial capacities of developing countries.

Johanna Lissinger Peitz, Sweden, Stockholm Convention COP7 President, highlighted “key opportunities for advancing the POPs agenda” including: listing three new chemicals; establishing a facilitative compliance mechanism; and providing resources to support implementation of the SC.

Liberia, for the African Group, highlighted the need for financial and technical assistance to support implementation in developing countries, particularly for collecting data, and underscored that problems with e-waste can arise when broken equipment can be claimed as repairable.

The Cook Islands, for the Asia-Pacific Region: called for increased technical and financial assistance for regional activities; expressed support for enhanced synergies among the conventions; and called for flexibility in listing certain chemicals.

Serbia, for the Central and Eastern European Region: expressed support for adopting compliance mechanisms for the SC and RC; called for improved electronic reporting; and said technical and financial assistance should be proportionate to the size of regional centres.

Peru, for the Latin American and Caribbean Group (GRULAC), underscored the role of the regional and subregional coordinating centres and said the lack of stable, predictable and adequate funding is a major stumbling block for implementation.

The European Union (EU) underscored the importance of deciding on RC and SC compliance mechanisms and called for work on financing mechanisms for chemicals and waste.

JOINT SESSIONS OF THE THREE COPs

BC COP12 President Jagusiewicz explained that, during the joint sessions, each COP President would speak on behalf the other Presidents of the conventions.

ORGANIZATIONAL MATTERS

ADOPTION OF THE AGENDAS: On Monday, 4 May, BC COP12 President Jagusiewicz, RC COP7 President Khashashneh and SC COP7 President Lissinger Peitz each declared their respective meetings open and introduced the agendas for each

COP (UNEP/CHW.12/1 and Add.1; UNEP/FAO/RC/COP.7/1 and Add.1; (UNEP/POPS/COP.7/1 and Add.1). All were adopted without amendment.

ORGANIZATION OF WORK: The Secretariat introduced the documents (UNEP/CHW.12/INF/1-2; UNEP/FAO/RC/COP.7/INF/1-2; UNEP/POPS/COP.7/INF/1-2). The EU proposed moving the discussion of BC Decision V/32 on enlargement of the scope of the Trust Fund from Saturday, 9 May, to Monday, 4 May, and delegates agreed.

ELECTION OF OFFICERS: In the afternoon, the Secretariat introduced the documents on the election of officers, including the members of the joint bureaux (UNEP/CHW.12/2; UNEP/FAO/RC/COP.7/2; UNEP/POPS/COP.7/2), noting that the African and Asia-Pacific groups might wish to agree to alternate election of presidents for the SC and BC COPs. President Jagusiewicz invited the groups to discuss the possible rotation of presidencies and suspended further consideration of the agenda item.

BC Election of Officers: On Friday, 15 May, the Secretariat introduced the document (UNEP/CHW.12/CRP.41) for the election of officers, including Bureau members: Mohammed Khashashneh (Jordan) as President, Henry Williams (Liberia), Abderrazak Marzouki (Tunisia), Laurence Edwards (Marshall Islands), Magda Gosk (Poland), Agustina Camilli Prado (Uruguay), Gaia Hernandez (Colombia), Alison Kennedy (Canada), and Els Van de Velde (Belgium) as Vice Presidents, and Dragan Asanovic (Montenegro) as Vice President and Rapporteur.

For the Open-Ended Working Group (OEWG) Bureau, Jahisiah Benoit (Dominica) and Santiago Davila Sena (Spain) will serve as Co-Chairs. Bishwanath Sinha (India) will serve as Vice Chair (Technical), Gordana Petkovic (Serbia) will serve as Vice Chair (Legal) and Petronella Rumbidzai Shoko (Zimbabwe) will serve as Rapporteur.

RC Election of Officers: On Friday, 15 May, the Secretariat introduced the document (UNEP/FAO/RC/COP.7/CRP.19) on the election of officers, including Bureau members: Franz Perrez (Switzerland) as President, Caroline Theka (Malawi), Silvija Nora Kalniņš (Latvia), and Trecia David (Guyana) as Vice Presidents, and Hassan Rahimi Majd (Iran) as Vice President and Rapporteur.

Election of Experts: On Friday, 15 May, the RC COP approved the election of the Chemical Review Committee (CRC) members for terms that commence on 1 May 2016 (UNEP/FAO/RC/COP.7/CRP.19): Khidir Gibril Musa Edres (Sudan), Arsonina Bera (Madagascar), Alimatou Abdou Douki (Niger), Shehab Al-Shameri (Yemen), W. Bharat Singh (India), Champa Magamage (Sri Lanka), Viliami Toalei Manu (Tonga), Anahit Aleksandryan (Armenia), Jorge Requena (Panama) and Marit Randall (Norway).

SC Election of Officers: On Friday, 15 May, the Secretariat introduced the document (UNEP/POPS/COP.7/CRP.36) on the election of officers, including Bureau members: Sam Adu-Kumi (Ghana) as President, Ali Mohammed Ali Mahmoud (Sudan), Ali Al-Dobhani (Yemen), Nguyen Anh-Tuan (Viet Nam), Ana Berzheiani (Georgia), Daina Ozola (Latvia), Luis Vayas (Ecuador), Marcus L. Natta (Saint Kitts and Nevis), and Reginald Hernaus (Netherlands) as Vice Presidents, and Andrew McNee (Australia) as Vice President and Rapporteur.

Election of Experts: On Friday, 15 May, the SC COP approved the election of POPs Review Committee members for terms that commence on 1 May 2016 (UNEP/POPS/COP.7/CRP.36): Carol Wamae (Kenya), Youssef Zidi (Tunisia), Adama Tolofoudye (Mali), Thabile Ndlovu (Swaziland), Jianxin Hu (China), Mineo Takatsuki (Japan), Eng Agus Haryono (Indonesia), Anna Graczyk (Poland), Estefânia Moreira (Brazil), Helen Jacob (Jamaica), Sarah Maillefer (Switzerland), Martien Janssen (Netherlands), and Katinka Van Der Jagt (Luxembourg). Estefânia Moreira will serve as POPRC Chair.

CREDENTIALS: On Monday, 4 May, during the joint session the President said that the BRS Bureaux had agreed on a common approach to credentials under which they would accept credentials in good order, as well as copies of credentials in good order, on the understanding that in the case of copies the original must be submitted.

On Friday, 15 May, the Secretariat reported that of the 166 BC parties present, 159 submitted credentials; seven did not present adequate credentials and therefore could only participate as observers: Barbados, Lebanon, Libya, Mongolia, the Philippines, Saudi Arabia, and Ukraine. The Secretariat reported that of the 148 RC parties present, six did not present adequate credentials and therefore could only participate as observers: Lebanon, Libya, Mongolia, the Philippines, Saudi Arabia, and Ukraine. The Secretariat reported that of the 161 SC parties present, seven did not present adequate credentials and therefore could only participate as observers: Barbados, Lebanon, Libya, Mongolia, the Philippines, Saudi Arabia, and Ukraine. Each COP adopted its respective verbal report. Later in the evening, the three COPs adopted a revised version of the reports, recognizing that the Philippines had submitted credentials during the day.

MATTERS RELATED TO IMPLEMENTATION OF THE CONVENTIONS

NON-COMPLIANCE: SC President Lissinger Peitz introduced this issue on Tuesday, 5 May. The Secretariat introduced the documents (UNEP/POPS/COP.7/30 and INF/40; UNEP/FAO/RC/COP.7/INF/12), noting that unresolved issues under the RC include the decision-making rule and possible third trigger, and under the SC include the scope of procedures, a third trigger and COP measures to be taken in response to non-compliance.

On the RC compliance mechanism, Pakistan and Nepal expressed reservations about a Secretariat trigger. India and Russia emphasized that only parties should undertake non-compliance submissions. Iran underscored that a Secretariat trigger would compromise its impartial nature.

Colombia and Thailand supported establishing facilitative, not punitive, mechanisms. Argentina said a committee should make recommendations, not confer obligations. Mexico noted existing support systems to help countries address non-compliance. Swaziland highlighted its positive experience receiving assistance to comply with the BC.

Australia underscored that compliance and the Special Programme to support institutional strengthening at the national level for implementation of the BRS and Minamata Conventions and the Strategic Approach to International Chemicals Management (SAICM) are pillars of the integrated approach,

but are not conditional on one another. China underscored that development of a compliance mechanism is not a “closed, one-time” decision, but is subject to revision.

The Center for International Environmental Law (CIEL), with the International POPs Elimination Network (IPEN), supported a third trigger mechanism.

RC COP7 President Khashashneh suggested delegates agree to a three-quarters majority vote procedure in the mechanism, which Cuba, Argentina and Venezuela opposed.

A contact group on non-compliance under the RC was established, co-chaired by Karel Blaha (Czech Republic) and Gillian Guthrie (Jamaica).

On the SC mechanism, Norway supported a third trigger. Venezuela and Kazakhstan preferred decision-making by consensus to voting. Sudan said consideration should be given to different reasons for non-compliance.

Delegates agreed to establish a contact group on non-compliance under the SC, also co-chaired by Blaha and Guthrie.

The SC and RC discussions of compliance subsequently took place in their respective plenaries and are summarized in Convention-specific sections of this report (see pages 19 and 33).

INTERNATIONAL COOPERATION AND

COORDINATION: On Tuesday, 5 May, the Secretariat introduced the documents on international cooperation and coordination (UNEP/CHW.12/19 and INF/31-32, 54, 56; UNEP/FAO/RC/COP.7/15 and INF/20-21, 39-40; UNEP/POPS/COP.7/31 and INF/23, 41, 58, 60). Elizabeth Mrema, UNEP, presented UNEP’s progress report on implementation of UN Environment Assembly (UNEA) Resolution 1/12 on the relationship between UNEP and multilateral environmental agreements (MEAs) (UNEP/POPS/COP.7/INF/60).

Kenya, on behalf of the President of the fourth session of the International Conference on Chemicals Management (ICCM4), urged the BRS COPs to explore further ways to improve cooperation with SAICM.

The EU introduced its proposal on international cooperation and coordination (UNEP/CHW.12/CRP.1, UNEP/FAO/RC/COP.7/CRP.1, UNEP/POPS/COP.7/CRP.1) regarding, *inter alia*, cooperation with SAICM, the Minamata Convention and the post-2015 development agenda. Iran underscored challenges developing countries face in effective participation in coordinated arrangements.

The UN Economic Commission for Europe underlined benefits of further strengthening cooperation and coordination between the SC and the Convention on Long-Range Transboundary Air Pollution. The UN Environment Management Group highlighted, *inter alia*, its preparation of targets and indicators on chemicals and wastes management for the Sustainable Development Goals (SDGs). UN-Habitat, speaking on behalf of a group of agencies under UN-Water, *inter alia*, highlighted its collaboration with the BRS Secretariat on industrial wastewater management.

The UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, said it is “legally and morally unjustifiable” for countries to obstruct listing chrysotile asbestos and paraquat under the RC.

The Interim Secretariat of the Minamata Convention reported on its cooperation with the BRS Secretariat on, *inter alia*, scientific and technical issues, awareness raising and waste issues. Further discussion was forwarded to a contact group on cooperation and coordination, co-chaired by Carolina Tinangon (Indonesia) and Jane Stratford (UK), which met throughout the two weeks.

On Thursday, 14 May, the Secretariat introduced the draft decisions, which were adopted without amendment.

Final Decision: In the final decisions (UNEP/CHW.12/CRP.28; UNEP/FAO/RC/COP.7/CRP.7; and UNEP/POPS/COP.7/CRP.24), the COPs, *inter alia*:

- request the Executive Secretary to inform the co-facilitators for the consultations on the post-2015 development agenda under the UN General Assembly about the relevance of the conventions and the contribution that they can make to the implementation of this agenda and to provide input to the UN Statistical Commission and other relevant forums for the development of indicators relevant to the sound management of chemicals and waste;
- invite the Environment Management Group to look at how the UN system can deliver in meeting the 2020 goal for the sound management of chemicals and waste;
- request the Executive Secretary to cooperate with the UNEP Executive Director in fostering the implementation of UNEA resolution 1/5 on chemicals and waste, and, more generally, on the continued and coordinated strengthening of the sound management of chemicals and wastes in the long term;
- encourage the organizations of the Inter-Organization Programme for the Sound Management of Chemicals to present for consideration by ICCM4 specific policies and actions planned by each organization, within their own mandates, to meet the 2020 goal;
- welcome cooperation and coordination between the Secretariat and the Minamata Convention Interim Secretariat, and request the Secretariat to continue and enhance such cooperation and coordination in areas of mutual interest with a view to fostering policy coherence, where appropriate, and maximizing the effective and efficient use of resources at all levels; and
- request the Secretariat to continue to: enhance cooperation and coordination within the chemicals and wastes cluster, in particular to facilitate activities at regional and country levels to support implementation of these agreements in areas of mutual interest; consider which activities of the programmes of work may be effectively implemented in cooperation with other entities within the cluster; enhance cooperation and coordination with other international bodies in areas relevant to the BRS Conventions; and report on the implementation of the present decision to the COPs at their next meeting.

FINANCIAL RESOURCES: First considered in a joint session of the BRS Conventions COPs on Tuesday, 5 May, several issues were discussed under this item, including: a review of the financial mechanism under the SC; the assessment of funding needs; facilitating financial resources for chemicals and wastes; the Memorandum of Understanding (MoU) between the SC COP and the GEF; and joint guidance to the GEF.

Discussions continued in a contact group on technical assistance and financial resources. The MoUs for each convention are summarized in the report of each COP.

In plenary, the Secretariat introduced the documents (UNEP/POPS/COP.7/21-25; INF/29 and 31-33) and also introduced documents related to the integrated approach to financing for chemicals and wastes as requested by the 2013 COPs (UNEP/CHW.12/20/Rev.1 and INF/33-34; UNEP/FAO/RC/COP.7/14/Rev.1 and INF/18-19; UNEP/POPS/COP.7/26/Rev.1 and INF/34-35).

Jacob Duer, UNEP, highlighted the benefits of an integrated approach to financing sound management of chemicals and wastes, including through mainstreaming, industry involvement and dedicated external financing.

Gustavo Fonseca, GEF, presented a report on activities undertaken during the period 1 September 2012 to 30 June 2014 and the sixth GEF replenishment (UNEP/POPS/COP.7/23; INF/33), emphasizing that the chemicals and waste portfolio is essential to addressing sustainable cities and commodities.

Switzerland introduced a draft proposal on joint guidance from the conventions to the GEF, prepared by Armenia, Colombia, the Gambia, Ghana, Nigeria, Panama, Peru, Seychelles and Uruguay (UNEP/CHW.12/CRP.4, UNEP/POPS/COP.7/CRP.3, UNEP/FAO/RC/COP.7/CRP.2). The EU cautioned that the GEF is an SC-specific financial mechanism. Canada, with Japan, questioned the need for joint guidance.

The EU supported the proposed MoU with the GEF, but said it should begin at the next meeting of the COPs and be reviewed every four years.

China urged matching financial resources to needs and underlined the conventions' different financing approaches. Iran lamented that GEF6 has the same financial allocation for chemicals and waste management activities as under GEF5. India called for restructuring the financial mechanism to meet the cost of implementation.

IPEN called the chemicals agenda under GEF6 underfunded; pointed out the discrepancy between needs assessments and resource allocation; and proposed implementing the polluter pays principle.

On facilitating financial resources, the EU announced a contribution of EUR10 million to the Special Programme. Sweden announced an initial contribution of SEK1.5 million and Finland announced their intention to contribute.

A joint decision on the implementation of the integrated approach to financing was adopted without amendment on Friday, 15 May. Separate decisions were adopted under the SC on Friday, 15 May (see page 17).

Final Decision: In the decisions on the implementation of the integrated approach to financing (UNEP/CHW.12/CRP.40, UNEP/FAO/RC/COP.7/CRP.16 and UNEP/POPS/COP.7/CRP.35), the COPs, *inter alia*:

- join UNEA of UNEP in welcoming an integrated approach to addressing the financing of the sound management of chemicals and wastes;
- request the Executive Secretary to continue to ensure that the activities of the Secretariat and its support to parties under the BRS Conventions take as reference the integrated approach and the programmes of work of the three conventions;

- welcome the SC guidance to the GEF, which encourages the Facility to continue to enhance synergies of its activities taking into account co-benefits for the BC, the RC and SAICM;
- welcome UNEA resolution 1/5, including the agreement to establish the Special Programme to support institutional strengthening at the national level for the implementation of the BRS Conventions, the Minamata Convention and SAICM;
- welcome that, according to the terms of reference (ToR) of the Special Programme, the Executive Secretary may participate as an observer in the meetings of the executive board of the Special Programme, and request him to attend such meetings;
- join UNEA in encouraging governments in a position to do so, and others, including industry and foundations, to mobilize financial resources for the fast and effective establishment and start of the implementation of the Special Programme; and
- request the Executive Secretary to continue to ensure that the activities of the Secretariat and its support to parties under the BRS Conventions take as reference the integrated approach and the programmes of work of the three conventions.

TECHNICAL ASSISTANCE: In plenary on Monday, 4 May, the Secretariat introduced the documents on technical assistance (UNEP/CHW.12/12-14, INF/20-25, UNEP/FAO/RC/COP.7/13, UNEP/POPS/COP.7/13, INF/13-18).

Mauritius, supported by Bahrain, called for financial and technical assistance, especially for SIDS. Namibia, supported by IPEN, stressed the need to properly define capacity building to ensure effectiveness. IPEN suggested a "learning-by-doing" approach to augment workshops.

Cuba pointed to the establishment of an emergency mechanism in accordance with Decision V/32 and encouraged similar alternatives.

On regional centres, Argentina, supported by El Salvador, and the Islands Sustainability Alliance, suggested a focus on the quality, as well as the quantity, of regional centres' activities. Japan called for evaluation of inactive centres. Costa Rica, supported by Guatemala, expressed concern over the lack of technical and administrative capacity in the BC regional centre in El Salvador. Kenya commended the SC regional centre in his country's work on non-chemical alternatives to pesticides. IPEN called for identifying why six of 16 centres had poor performance scores. The Republic of Korea suggested, with Mexico and others, regional databases to encourage information exchange.

Egypt, with Tunisia, Brazil, Pakistan and others, called for additional financial support for the regional centres. South Africa noted that the mandates of the centres expand without commensurate financial increases. The Dominican Republic called for scientific bodies to cooperate with governments through the regional centres.

Uruguay, speaking on behalf of GRULAC, Cameroon, China, the Democratic Republic of Congo, Egypt, Indonesia, Iran, Kenya, Nigeria, the Russian Federation, Senegal and South Africa presented a conference room paper (CRP) (UNEP/POPS/COP.7/CRP.2) on coordination between the regional and subregional centres of the BC and SC. He noted that the CRP, *inter alia*, draws attention to obstacles to funding and calls for a possible review of the evaluation criteria. Discussions

continued in a contact group on technical assistance and financial resources.

The contact group on technical assistance and financial resources, co-chaired by Gregor Filyk (Canada) and Luis Espinosa (Ecuador), considered several issues including technical assistance and capacity building for the implementation of the conventions, regional centres under the Basel and Stockholm Conventions, a review of the financial mechanism under the SC, the assessment of funding needs, facilitating financial resources for chemicals and wastes, implementation of decision V/32 on the enlargement of the scope of the Trust Fund, the MoU between the SC COP and the GEF, and joint guidance to the GEF.

On regional centres, the contact group discussed two proposals: one from developing countries and one from the EU. They also considered a Co-Chairs' text on this issue. Discussing the developing country proposal, many linked these centres' effectiveness to the provision of adequate, robust and predictable financial resources, while others called for innovative ways to finance regional centres.

On the EU proposal, the group was divided on, *inter alia*: whether the draft should address duplication of efforts; possible streamlining of the centres' operations; and the role of industry in providing financial support for regional centres.

On the assessment of funding needs, concerns were raised on, *inter alia*: whether to only include activities funded by the financial mechanism, or also activities where funding has not been provided; information on how to access support; and the need for additional funding to match the increase in chemicals listings.

On the proposal for consolidated guidance to the GEF, the group briefly considered the Swiss proposal and agreed to amend it to reflect concerns expressed by other regional groups.

On facilitating financial resources for chemicals and wastes, the group discussed, *inter alia*, proposed text requesting the UNEP Executive Secretary to continue fostering the implementation of the integrated approach to chemicals management; and the three elements of the integrated approach: mainstreaming, industry involvement, and dedicated external financing.

PROGRAMME OF WORK AND BUDGET

On Monday, 4 May, RC COP7 President Khashashneh identified three parts to this agenda item: programme of work and budget; cooperation and coordination among BRS Conventions; and a clearinghouse mechanism (CHM).

Programme of work and budget: This issue was considered in the joint session on Monday, 4 May, and in a budget group for the duration of the COP. Budget decisions and programmes of work for all three conventions were adopted without amendment early Saturday morning, 16 May.

The Secretariat introduced documents on the programmes of work and proposed budgets for the three conventions (UNEP/CHW.12/22, INF/36, 38; UNEP/POPS/COP.7/32, INF/42, 44-46; UNEP/FAO/RC/COP.7/16, INF/22, 24) and financial reports (UNEP/CHW.12/INF/41-43, 45, 37; UNEP/POPS/COP.7/INF/47-49, 51, 55, 59; UNEP/FAO/RC/COP.7/INF/27-29, 31, 35). The EU, supported by Switzerland and Mexico, urged the payment of arrears. Jamaica questioned the long-term commitment of

the FAO to the BRS Secretariat. Delegates agreed to establish a budget group, co-chaired by Vaitoti Tupa (Cook Islands) and Reginald Hernaus (the Netherlands).

During the first week, the budget group discussed, *inter alia*, the challenges posed by parties being in arrears over assessed contributions; staff positions potentially affected by the UN's geographic mobility rule; and a restructured BC draft decision on financing and budget for 2016-2017. Ultimately the group agreed on text setting out punitive measures for countries in arrears for four or more years and specifying that these countries would be ineligible for financial assistance to participate in informal intersessional work. During the second week, the group began to consider decisions forwarded to them by the plenary. They discussed the BC decision on the Country-Led Initiative (CLI), including the membership of the Expert Group on ESM with an additional budget of US\$10,000 for five additional members to work on issues related to the Cartagena Declaration; and the decisions on the TGs on POPs and mercury waste.

The group also discussed a proposal to establish a joint general trust fund for the three conventions to increase efficiency, and potentially promote savings. One party supported this, noting that the three conventions already work together in a synergized manner. Another called for a comparative study to discover whether this has been done before. One regional group explained that even though the BRS Conventions are the only synergized MEAs, there are lessons to be learned from the Convention on Biological Diversity, where the convention and its protocols will be conducting concurrent meetings for the first time in 2016. The group agreed to request the Secretariat for more information on this for consideration at the 2017 meetings of the COPs.

Final Decision: Early on Saturday morning, 16 May, delegates adopted a programme of work and proposed budget for the biennium 2016-2017 of the BRS Conventions (UNEP/CHW.12/CRP.42/Add.1, UNEP/FAO/RC/COP.7/CRP.21/Add.1 and UNEP/POPS/COP.7/CRP.37/Add.1), containing the budget tables for the three conventions. These tables include:

- a comparison of the programmes of work between 2014-2015 and 2016-2017;
- programmes of work for 2016-2017 funded via the General Trust Funds, and the voluntary Special/Technical Cooperation Trust Funds of the BRS Conventions; and
- indicative scales of assessment for the General Trust Fund for the three conventions.

Cooperation and coordination among the BRS

Conventions: On Tuesday, 5 May the Secretariat introduced the documents on cooperation and coordination among the BRS Conventions and review of synergies (UNEP/CHW.12/23/Rev.1, INF/49, UNEP/FAO/RC/COP.7/17/Rev.1, INF/33, UNEP/POPS/COP.7/33/Rev.1, INF/54).

Switzerland and the EU suggested excluding the Special Programme from the synergies review. The African Group called attention to its CRP on enhancing cooperation (UNEP/CHW.12/CRP.5; UNEP/FAO/RC/COP.7/CRP.3, UNEP/POPS/COP.7/CRP.4). Colombia called for quick adoption of the review's ToR. China urged including the COPs' organization, Secretariat-organized events and other opportunities for mutual learning in the review.

The contact group on international cooperation and coordination was tasked with addressing cooperation and coordination among the BRS Conventions. The contact group further agreed to develop a draft decision on “from science to action.” Decisions on these items and on “from science to action” were adopted on Thursday, 14 May.

Final Decisions: In their final decisions on cooperation and coordination among the BRS Conventions (UNEP/CHW.12/CRP.24, UNEP/FAO/RC/COP.7/CRP.6 and UNEP/POPS/COP.7/CRP.23), the COPs, *inter alia*, welcome the report on the implementation of the 2013 omnibus decision and the progress made in the implementation of that decision and recalls the invitation to undertake a review of the matrix-based management approach and organization and to advise the COPs of any follow-up action necessary at their 2017 meetings. The COPs further adopt the ToR for the review of the synergies arrangements and requests the Secretariat to submit the subsequent report by the independent assessor, and to make proposals in response to the conclusions and recommendations of the review on follow-up action for consideration by the COPs at their 2017 meetings.

In their final decisions on “from science to action,” (UNEP/CHW.12/CRP.29, UNEP/FAO/RC/COP.7/CRP.8 and UNEP/POPS/COP.7/CRP.25), the COPs, *inter alia*, request the Secretariat, taking into account the roles of the scientific bodies of the conventions, within available resources, to develop and present to the 2017 COPs a roadmap 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, noting that the roadmap should consider:

- exploring new activities within the mandate of the BRS Conventions to enhance science-based interventions in implementation;
- addressing the gaps in access to scientific information and knowledge, lack of capacity in providing scientific inputs to the various processes under the conventions and the need for scientific and technical advice in relation to implementation;
- facilitating the exchange of scientific and technical information among parties and other stakeholders; and
- promoting the understanding of scientific and technical aspects of the conventions; and possibilities for cooperation and coordination with UNEP and other relevant organizations, scientific bodies and stakeholders.

Clearinghouse mechanism: On Tuesday, 5 May, the Secretariat introduced the report on the CHM and joint strategy for its further development (UNEP/CHW.12/26, INF/50; UNEP/FAO/RC/COP.7/20, INF/36; UNEP/POPS/COP.7/35, INF/36).

The contact group on cooperation and coordination was tasked with this issue. Discussions in the contact group centered on, *inter alia*, specifying priority areas for information provision and whether the decision should exclude references to non-party stakeholders.

On Friday, 15 May, the Secretariat introduced the draft decisions (UNEP/CHW.12/CRP.23, UNEP/FAO/RC/COP.7/CRP.5 and UNEP/POPS/COP.7/CRP.22), noting that the contact group had cleared the remaining brackets. Cuba supported inclusion of regional centres as a thematic grouping of information to be included in the CHM. Noting the possible

budgetary implications, the EU did not support the addition of regional centres. GRULAC and the African Group joined Cuba in supporting the inclusion of regional centres, and the EU agreed to include this reference.

Final Decisions: In the final decisions, (UNEP/CHW.12/CRP.23, UNEP/FAO/RC/COP.7/CRP.5 and UNEP/POPS/COP.7/CRP.22), the COPs, *inter alia*:

- take note of the proposed joint CHM strategy, and invites parties and others to provide comments on the strategy, in particular on the definition, scope, national and regional priorities and needs, and goals described in Section IV thereon to the Secretariat by 31 October 2015;
- request the Secretariat to provide for the biennium 2016-2017, within available resources, access to thematic information relevant to the conventions through the CHM, including from parties and other stakeholders, on the priority areas of: national plans and strategies, ESM of chemicals and of hazardous and other wastes, priority waste streams inventories; illegal traffic; POPs inventories, exemptions, Best Available Techniques/Best Environmental Practices (BAT/BEP), risk evaluations and profiles; chemicals listed under the RC, such as decision guidance documents; national reporting, PIC procedure and other notifications under the conventions; legal matters; technology transfer and transfer of know-how; available financial and technical assistance; and regional centres; and
- further request the Secretariat to prepare, for consideration by the 2017 COPs, a revised joint CHM strategy, including capacity building to facilitate the use of the joint CHM, and the comments received from parties and others and the report of the independent assessor who will carry out the synergies review assessment.

VENUE AND DATE OF THE 2017 MEETING OF THE COPS

On Monday, 5 May, the Secretariat proposed convening the next meeting of the COPs from 22 April - 5 May 2017 in Geneva. RC President Khashashneh called for delegations to consult and said a decision would be made later. The joint sessions returned to the issue on Thursday, 14 May, when the Secretariat reported that the venue in Geneva has been tentatively reserved for 23 April - 5 May 2017, and reported on the estimated costs for holding a high-level segment (HLS).

The EU said a HLS was not necessary, but could agree if it had a clear format and theme. China suggested limiting the HLS to 1.5 days and the theme to the BRS Conventions’ mandates and, supported by Venezuela, not seeking to issue a ministerial declaration. Mauritania, Gabon and Ghana, for the African Group, underscored the importance of having a HLS. Canada urged holding the HLS at the beginning of the meeting. The Secretariat was asked to draft new proposal on the next COPs and possible arrangements for a HLS.

On Friday, 15 May, the Secretariat presented the draft decision (UNEP/CHW.12/CRP.37; UNEP/FAO/RC/COP.7/CRP.15; UNEP/POPS/COP.7/CRP.33). The African Group, with Pakistan, Switzerland, Mexico, and St. Kitts and Nevis, proposed deleting text specifying that there would no ministerial declaration. China agreed with deleting the phrase but expressed hope that there would not be a declaration, since its drafting could take

away from time to address substantive issues. Canada proposed informal discussions on how concerns regarding the HLS could be addressed, and debate was postponed to allow consultations.

When debate resumed on Friday evening, RC COP7 President Khashashneh proposed deleting the reference to not having a ministerial declaration. The African Group, Switzerland and Mexico supported the President's proposal. Canada highlighted the possibility of agreeing on regional ministerial statements that could be annexed to a Co-Chairs' summary of the HLS. Pakistan, the EU and China supported the Canadian proposal.

The COP adopted the decision with an amendment to delete the phrase ruling out a ministerial declaration.

Final Decision: In their decision (UNEP/CHW.12/CRP.37; UNEP/FAO/RC/COP.7/CRP.15; UNEP/POPS/COP.7/CRP.33), the COPs decided to convene in Geneva from 23 April - 5 May 2017 with joint sessions, where appropriate, and a HLS limited to no more than one day. The COPs also request the Secretariat to support, within available resources, regional meetings to assist regional preparatory processes, coordinated with other regional meetings.

OTHER MATTERS

Development of Draft MoUs: This issue was addressed in a joint session on Tuesday, 5 May. BRS Executive Secretary Payet reported on progress achieved in development of the draft MoUs (UNEP/CHW.12/25, INF/56; UNEP/FAO/RC/COP.7/19, INF/37; UNEP/POPS/COP.7/9). Elizabeth Mrema, UNEP, noted that UNEA will consider the relationship between UNEP and the MEAs it administers at its next meeting, and said an immediate decision on the MoUs might be premature. The COPs agreed to defer consideration of this issue to the next meetings.

The decisions on the MoUs are summarized in this report under each convention (see pages 19, 29 and 34).

ADOPTION OF THE SECTIONS OF THE REPORTS ON JOINT SESSIONS

On Friday, 8 May, BC Rapporteur Luca Arnold (Switzerland) and RC Rapporteur Marie-Pierre Méganck (France) presented the draft report of the joint sessions (UNEP/CHW.12/L.1; UNEP/FAO/RC/COP.7/L.1; UNEP/POPS/COP.7/L.1) and delegates adopted the report with minor amendments.

CLOSURE OF THE BRS CONVENTIONS COPs

On Saturday, 16 May, Brazil, for GRULAC, expressed appreciation for the efforts of the Secretariat and the COP Presidents.

The EU expressed satisfaction with the provisional adoption on e-waste guidelines under the BC. On SC and BC, he noted that while four substances were listed, there was "deep regret" that a vote was necessary under the SC, and that more chemicals are "blocked" under the RC. On synergies, he expressed hope that future COPs could consider budget reform to cement synergies.

Japan expressed gratitude for the progress achieved through hard work and for securing the budget necessary for implementation. Ghana, for the African Group, underscored the role of sustainable production and use of chemicals and management of wastes for sustainable development and said that, while not all the outcomes on technical assistance and financial resources match their ambitions, the future is bright.

Observing that "multilateralism is full of surprises," China expressed concern with some of the procedures followed at this meeting and expressed commitment to achieving better progress in the future.

Executive Secretary Rolph Payet commended participants for their hard work in moving the process forward and closed the meetings of the BRS COPs on Saturday, 16 May, at 3:46 am.

STOCKHOLM CONVENTION COP7

SC COP7, chaired by Johanna Lissinger Peitz (Sweden), opened on Monday, 4 May, to adopt the agenda and continued on 5-8 May. SC COP7 reopened briefly on 14, 15 and 16 May to adopt outstanding decisions.

RULES OF PROCEDURE FOR THE COP

The Secretariat introduced the documents on this agenda item (UNEP/POPS/COP.7/3) on Tuesday, 5 May. The COP agreed, without discussion, to defer a decision on this to COP8.

MATTERS RELATED TO THE IMPLEMENTATION OF THE STOCKHOLM CONVENTION

MEASURES TO REDUCE OR ELIMINATE RELEASES FROM INTENTIONAL PRODUCTION AND USE:

Exemptions: On Wednesday, 6 May, the Secretariat introduced: the report on specific exemptions and acceptable purposes under the SC (UNEP/POPS/COP.7/4/Rev.1); the notification submitted by India, which included justification of the continuing need for production and use of DDT as a closed-system, site-limited intermediate in the production of dicofol (UNEP/POPS/COP.7/INF/3); and the report of the expert consultation on the review of information on lindane and its alternatives in the treatment of scabies and head lice (UNEP/POPS/COP.7/INF/4).

President Lissinger Peitz invited comments on the expiration of exemptions for production and use of perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF) and India's notification on using DDT as an intermediary in the production of dicofol.

On PFOS-specific exemptions, the EU, the African Group and Norway supported ending specific exemptions for lindane and PFOS. Pesticide Action Network (PAN) urged ending all specific exemptions and acceptable uses of PFOS.

On India's notification, the EU, Norway, the Republic of Korea, the African Group and others noted that Annex B, Part I (iii) states that the COP shall take into account whether the chemical produced using the intermediary displays the POP characteristics outlined in Annex D, and recalled that POPRC10 agreed that dicofol meets these criteria.

India underscored that its submission meets the criteria set out in the convention and that DDT is a cost-effective intermediary that is used in a site-specific, closed system. He further observed that dicofol is still under review by the POPRC and has not yet been listed in the SC.

President Lissinger Peitz proposed establishing a contact group to examine the proposed specific exemptions and acceptable uses and to review the draft decision (UNEP/POPS/COP.7/4/Rev.1). India said the group should not address its request for an exemption. Norway, supported by the EU, said the request should be discussed in the group. President Lissinger

Peitz asked India, Norway and the EU to consult during lunch. In the afternoon, President Lissinger Peitz announced that consultations were ongoing.

On Friday, 8 May, SC COP7 adopted the draft decision.

Final Decision: In its decision (UNEP/POPS/COP.7/4/Rev.1), the COP, *inter alia*:

- agrees to amend paragraph 6 of the review process for entries in the Register of Specific Exemptions to specify that the review process will be open-ended, reviewed and amended as necessary by the COP;
- takes note that there are no longer any parties registered for specific exemptions for the production and use of PFOS, its salts and PFOSF for carpets, leather and apparel, textiles and upholstery, paper and packaging, coatings and coating additives, and rubber and plastics, and no new registrations may be made with respect to them;
- encourages parties to take into consideration the report of the expert consultation on the review of lindane and alternatives in the treatment of head lice and scabies when promoting alternatives to lindane;
- reminds parties that may wish to register for specific exemptions for HBCD and technical endosulfan and its related isomers to notify the Secretariat in accordance with Article 4;
- reminds parties that may wish to register for acceptable purposes, articles in use and closed-system, site-limited intermediates that are currently available to notify the Secretariat using the relevant forms for notification; and
- notes that, on the basis of the notification submitted to the Secretariat by India, the production and use of DDT as a closed-system, site-limited intermediate in the production of dicofol has been extended until 15 May 2024.

DDT: On Wednesday, 6 May, the Secretariat introduced the evaluation of the continued need for DDT for disease vector control and the report of the DDT Expert Group (UNEP/POPS/COP.7/5 and INF/5). UNEP introduced its proposed roadmap for development of alternatives to DDT and the report on the implementation of the Global Alliance for the Development and Deployment of Products, Methods and Strategies as Alternatives to DDT for Disease Vector Control (UNEP/POPS/COP.7/INF/6-7). The World Health Organization (WHO) introduced its document on the continued need for DDT in disease vector control (UNEP/POP/COP.7/INF/8).

Morocco, the African Group, Switzerland, Yemen, Mexico, Viet Nam, CropLife International and Biovision supported the roadmap. Senegal, with Viet Nam, called on the COP to approve financial and technical assistance for implementation of the roadmap.

India, South Africa and Swaziland indicated that they would continue targeted use of DDT until safe and viable alternatives become available. Dominica suggested that integrated vector management programmes can serve as an effective alternative to DDT. Gabon called on WHO to assess the impact of continued use of DDT. An observer from the US expressed concern about the slow pace of development of alternatives. IPEN urged greater emphasis on non-chemical alternatives. PAN stressed involvement of civil society in developing long-term strategies to replace DDT.

The EU supported the draft decision and particularly the emphasis on accelerating the identification and development of locally appropriate, cost-effective and safe alternatives.

The plenary adopted the draft decision suggested in the evaluation.

Final Decision: In the decision (UNEP/POPS/COP.7/5), the COP, *inter alia*:

- concludes that countries that are relying on indoor residual spraying for disease vector control may need DDT in such uses in specific settings where locally safe, effective and affordable alternatives are still lacking for a sustainable transition away from DDT;
- decides to evaluate at COP8 the continued need for DDT for disease vector control on the basis of available scientific, technical, environmental and economic information, including that provided by the DDT expert group, with the objective of accelerating the identification and development of locally appropriate, cost-effective and safe alternatives;
- requests the Secretariat to continue to support the process for the reporting, assessment and evaluation of the continued need for DDT for disease vector control and to assist parties to promote locally safe, effective and affordable alternatives for a sustainable transition away from DDT;
- invites WHO's continued collaboration in the process for reporting on and assessment and evaluation of the continued need for DDT for disease vector control;
- endorses the key elements of the roadmap and invites UNEP to lead its implementation in consultation with WHO, the DDT Expert Group and the Secretariat, and invites UNEP to report on its implementation at COP8;
- invites UNEP to report at COP8 on progress in the implementation of the Global Alliance;
- invites governments, intergovernmental and nongovernmental organizations, research institutions, industry bodies and other stakeholders to provide technical and financial resources to support the work of the Global Alliance, including the activities contained in the roadmap.

PCBs: On Wednesday, 6 May, the Secretariat introduced documents on polychlorinated biphenyls (PCBs), a preliminary assessment of efforts made toward the elimination of PCBs, the PCB Elimination Network's (PEN) efforts (UNEP/POPS/COP.7/27, INF/9-10, INF/36) and a funding request by UNEP Chemicals Branch to address PCBs.

Mexico, with Nepal, Belarus, Moldova, Seychelles and Zambia, supported the draft decision (UNEP/POPS/COP.7/6). Morocco and others lauded the GEF, UN Industrial Development Organization (UNIDO) and the UN Development Programme (UNDP) for their support.

Venezuela, Yemen and Togo called for additional technical and financial assistance, with Iran noting the GEF has not responded to its funding request. Guinea, with Côte d'Ivoire, recommended additional support for regional centres. Gabon suggested consistent labeling. Macedonia and Liberia called for reliable inventories.

The COP returned to the issue in plenary on Friday, 8 May, adopting a revised decision, reflecting Wednesday's plenary discussion.

Final Decision: In the decision (UNEP/POPS/COP.7/CRP.7), the COP, *inter alia*:

- requests parties to step up their efforts to ensure full and timely submission of their national reports under SC Article 15, including information on progress in eliminating PCBs;
- encourages parties to: intensify efforts to eliminate PCBs; meet the goal of eliminating the use of PCBs in equipment by 2025; and make determined efforts for the environmentally sound waste management of liquids containing PCBs and equipment contaminated with PCBs having a PCB content above 0.005% as soon as possible but no later than 2028;
- requests the Secretariat, subject to the availability of resources, to: consolidate the compilation of information relevant to PCBs from reports provided by parties pursuant to SC Article 15 on reporting, taking into consideration any additional third national reports submitted with information on progress in eliminating PCBs, and any other relevant information; make the assessment report available by 31 January 2016 to the committee to support it in its work, and submit it to COP8; and continue participating in PEN activities;
- invites governments, intergovernmental organizations, NGOs, research institutions, industry bodies and other stakeholders to provide technical and financial resources to support PEN's work; and
- invites UNEP to report on PEN activities at COP8.

BDEs and PFOS, its salts and PFOSF: Brominated

Diphenyl Ethers: On Wednesday morning, 6 May, the Secretariat introduced the revised draft format for the submission of information on brominated diphenyl ethers (BDEs) and a decision for its adoption (UNEP/POPS/COP.7/7).

The EU suggested simplifying the format by replacing the requirement to report on BDE content in products with reporting on efforts regarding proper handling of BDE-containing products. Norway proposed deleting tables for provision of information on individual BDEs. Belarus, supported by Kazakhstan, called for technical assistance for conducting BDE assessments. The US warned about the impracticality of screening for individual BDEs in products.

President Lissinger Peitz asked the Secretariat to revise the format, taking into account the suggestions of Norway and the EU, and to revise the draft decision accordingly. On Friday, 8 May, the SC plenary adopted the revised decision.

Final Decision: In its decision (UNEP/POPS/COP.7/CRP.8), the COP, *inter alia*:

- adopts the revised format and decides to use it for the evaluation and review at COP8 and every second ordinary COP thereafter;
- decides to take into account during the COP8 evaluation and review the information provided by parties on their experience in implementing the recommendations set out in decision POPRC-6/2 as well as the report by the Secretariat on the main challenges encountered by parties in implementing the recommendations with respect to BDEs listed in Annex A;
- requests the Secretariat to: continue to support the process set out in decision SC-6/3 to enable the COP to evaluate the progress that parties have made toward the objective of eliminating the BDEs listed in Annex A; review the continued need for the specific exemption for BDEs; and support parties, subject to the availability of resources, in undertaking

activities to collect and submit the information required for the process; and

- reminds any party with a need for the specific exemption for BDEs listed in Annex A to register for that exemption via a written notification to the Secretariat.

PFOS, its salts and PFOSF: On Wednesday morning, 6 May, President Lissinger Peitz introduced the item on the evaluation of PFOS and PFOSF. The Secretariat reported on parties' progress, including on alternatives (UNEP/POPS/COP.7/8 and INF/11).

Ghana, for the African Group, called for a more aggressive schedule for developing alternatives. Yemen reminded parties that PFOS is still in use in the oil industry. The EU underscored that PFOS alternatives are available and indicated that some exemptions will expire. Norway, supported by Switzerland, suggested gradually reducing exemptions and hoped that COP7 would progress on this issue.

IPEN, supported by Greenpeace, noted that little data is available on the toxicity of PFOS alternatives and called for those with data to provide it in order to ensure alternatives are safe.

President Lissinger Peitz suggested, and delegates agreed, to refer these issues to the contact group on listing of chemicals, which met on 6 and 7 May, with a mandate to focus on acceptable uses and alternatives. The contact group discussed, *inter alia*, allowable uses under Annex B and how to remove allowable uses.

On Friday, 8 May, the COP considered the draft decision (UNEP/POPS/COP.7/CRP.19). Canada, supported by Norway, suggested text requesting the Secretariat to encourage information exchange. India underscored the need to continue the allowable purposes for fire-fighting foams and insect baits for leaf-cutting ants and suggested excluding these purposes from the paragraph that encourages parties to withdraw their registration for acceptable purposes for these two purposes. President Lissinger Peitz suggested, and parties agreed, to reconsider this draft decision later in the meeting.

On Thursday, 14 May, delegates returned to the issue. Noting PFOS is used in fire-fighting and defense, India proposed amending the text of the draft decision to include "other than for fire-fighting purposes" when encouraging parties to consider withdrawing their names from the register of acceptable purposes for production and use of PFOS, its salts and PFOSF. The EU opposed this text suggestion. The EU and India were requested to develop compromise text for consideration on Friday.

On Friday, 15 May, India suggested amending text in the draft decision to suggest that the COP take possible actions on PFOS if it concludes "there is no continued need for the various acceptable purposes of PFOS listed in Annex B." The EU confirmed India's statement and underscored the need to use the full name of the chemical. The COP adopted the draft decision, taking into account proposed amendments.

Final Decision: In the decision (UNEP/POPS/COP.7/CRP.19), the COP, *inter alia*:

- welcomes the report on the assessment of alternatives to PFOS, its salts and PFOSF carried out by POPRC and the report by the Secretariat on the evaluation of the information on PFOS, its salts and PFOSF;

- concludes that parties may need to continue to produce and/or use PFOS, its salts and PFOSE for acceptable purposes, as provided in Annex B, and to notify the Secretariat of their intention to produce and/or use them;
- encourages parties to consider, on the basis of information and available alternatives, withdrawing their names from the register of acceptable purposes for production and use of PFOS, its salts and PFOSE;
- decides to amend the schedule of the process for the evaluation of PFOS, its salts and PFOSE and decides to undertake the evaluation at COP9;
- encourages parties that have registered or will register for the production and use of PFOS, its salts and PFOSE for an acceptable purpose by notifying the Secretariat in accordance with Annex B to the SC to take measures necessary to ensure that articles containing PFOS, its salts and PFOSE that are allowed to be produced and used can be easily identified by labelling or other means throughout their life cycles;
- requests the Secretariat, *inter alia*, to: revise the format for the collection of information on alternatives to the use of PFOS, its salts and PFOSE and related chemicals, taking into account POPRC's recommendation and comments made during COP7, and use it for the evaluation to take place at COP9; continue to enable the COP to undertake the evaluation of PFOS, its salts and PFOSE pursuant to paragraphs 5 and 6 of Part III of Annex B to the SC and to support parties, subject to resources available, to collect and submit information required; promote information exchange on alternatives, and support parties, subject to resources available, in undertaking activities to collect and submit information for the evaluation of PFOS, its salts and PFOSE; and prepare a document providing possible action(s) by the COP if it concludes that there is no continued need for the acceptable purposes for PFOS listed in Annex B for consideration by COP8; and
- invites parties to transmit to the Secretariat on the interpretation and application of SC Article 4, for consideration by COP8 and requests the Secretariat to compile this information and make it available on the SC website.

Evaluation of the continued need for the procedure under

paragraph 2(b) of Article 3: The Secretariat introduced the document and draft decision (UNEP/POPS/COP.7/10). The EU called for continued use of the procedure, since not enough information is available to assess its operability for the POPs listed in 2009 and 2011, and suggested returning to a review at COP9. IPEN expressed concern about reported rises in exports and imports of chemicals listed in Annexes A or B for which permitted uses are in effect, and called for continued use of the procedure. The plenary adopted the draft decision.

Final Decision: In its decision (UNEP/POPS/COP.7/10), the COP, *inter alia*:

- concludes that there is a continued need for the procedure under paragraph 2(b) of Article 3;
- decides to address the procedure again at COP9, and requests the Secretariat to prepare a report for COP9 on the effectiveness of the procedure, based on party reports and other relevant information;
- recalls that parties wishing to export chemicals listed in Annex A or B to the Convention to a non-party must transmit to the

Secretariat the certification from the importing state, using the certification template adopted for that purpose; and

- requests the Secretariat to undertake awareness-raising activities, subject to the availability of resources, on the procedure and the certification format adopted for export to a non-party.

MEASURES TO REDUCE OR ELIMINATE RELEASES FROM UNINTENTIONAL PRODUCTION: On Thursday, 7 May, the Secretariat introduced items on: the toolkit for identification and quantification of releases of dioxins, furans and other unintentional POPs (UNEP/POPS/COP.7/12); guidelines for BAT and provisional guidance on BEP (UNEP/POPS/COP.7/14); and related documents (UNEP/POPS/COP.7/INF/19-22).

On the toolkit, the SC adopted the decision contained in UNEP/POPS/COP.7/12, pending a review of budgetary implications.

On the BAT/BEP guidance, Canada suggested annexing the workplan contained in the report of the expert meeting (UNEP/POPS/COP.7/INF/19) to the draft decision, and introduced a CRP (UNEP/POPS/COP.7/CRP.5) suggesting changes to the workplan, including removing duplicative work completed under the BC. Japan, Belarus, the EU and China expressed interest in reviewing the Canadian CRP. The EU suggested adding references to the PFOS waste technical guidelines being developed under the BC.

Belarus outlined how they use the BAT/BEP guidance nationally. IPEN said the guidance is valuable for citizen groups and called for the group to evaluate new information on alternative techniques and practices, and remediation of contaminated sites.

The US suggested simplifying guidance on PFOS and called for more opportunities for observers to comment on the guidance before the BAT/BEP expert group meets.

On Friday, 8 May, following informal consultations to consider Canada's CRP and the EU's suggested changes, SC COP7 adopted the decision (UNEP/POPS/COP.7/CRP.14), pending confirmation of financial accommodation from the budget group.

Final Decision: In its decision (UNEP/POPS/COP.7/CRP.14), the COP, *inter alia*:

- adopts the workplan set out in the annex to the decision;
- requests the Secretariat, subject to available resources, in consultation with BAT/BEP experts, and considering the work on the evaluation of PFOS, its salts and PFOSE, to revise the draft guidance to update the references to work under the BC, in particular the technical guidelines for the ESM of wastes consisting of, containing or contaminated with POPs;
- recognizes that listing new substances in Annexes A, B and/or C will trigger the need to further update existing guidance and/or develop new guidance to support parties in implementing new obligations, requiring specific expertise;
- requests BAT/BEP experts to continue work on the ongoing review and updating of the guidelines and guidance, and, in consultation with Toolkit experts, to develop joint ToRs for synergistically considering aspects relevant to releases from unintentional production and BAT/BEP for the chemicals listed in Annexes A, B and/or C;

- requests the Secretariat, subject to available resources, to continue implementing the process for the ongoing review and updating of the guidelines and guidance as referred to in the decision, as well as awareness-raising and technical assistance to promote the guidelines and guidance, and to report on the progress made to COP8;
- invites parties and others to nominate experts with specific expertise in BAT/BEP, in particular those relevant to chemicals listed in the annexes in 2009, 2011, 2013 and 2015 to the joint Toolkit and BAT/BEP expert roster; and
- encourages parties and others to use the guidelines and guidance when applying BAT/BEP in the implementation of action plans and other actions related to the obligations under the SC, and to share their experiences in using the guidelines and guidance, such as in the form of case studies, by means of the SC CHM.

MEASURES TO REDUCE OR ELIMINATE RELEASES

FROM WASTES: On Monday, 4 May, the Secretariat introduced the documents (UNEP/POPS/COP.7/15, UNEP/CHW.12/INF/22, UNEP/FAO/RC/COP.7/INF/14, and UNEP/POPS/COP.7/INF/17). The EU proposed minor amendments.

The Secretariat was asked to provide an amended version of the decision for adoption by the BC and the SC, taking into account the EU's proposed amendments.

On Friday, 8 May, SC COP7 considered the draft decision (UNEP/POPS/COP.7/15). Norway asked whether text that invites experts working under the SC to participate in the work to update the TGs on POPs wastes in the BC was incorporated into the decision. President Lissinger Peitz affirmed that the text would be incorporated and said COP7 would return to this decision at a later time.

On Thursday, 14 May, the COP adopted the decision with the minor amendments previously proposed by the EU.

Final Decision: In the decision (UNEP/POPS/COP.7/15), the COP, *inter alia*:

- welcomes the decision on TGs on POPs waste, by which BC COP12 adopted updated general TGs for the ESM of wastes consisting of, containing or contaminated with POPs and other TGs specific to POPs listed therein;
- reminds parties to take into account the above-mentioned TGs when implementing their obligations under paragraph 1 of Article 6 (on stockpiles) of the SC;
- encourages the introduction and demonstration in developing countries and countries with economies in transition of cost-effective methods of the general TGs;
- requests the Secretariat, subject to resources available, to undertake capacity building and training to support parties in meeting their obligations on stockpiles, taking the above-mentioned TGs into account; and
- invites the appropriate bodies of the BC, with regard to the chemicals newly listed in Annexes A, B and/or C to the SC on POPs, to, *inter alia*: establish for those chemicals the levels of destruction and irreversible transformation necessary to ensure that the characteristics of POPs, as specified in paragraph 1 of Annex D to the SC (on screening criteria), are not exhibited; determine what they consider to be the methods that constitute environmentally sound disposal; to work to establish, as appropriate, the concentration levels to define for those chemicals the low POPs content; and update, if need be, the

general TGs for the ESM of wastes consisting of, containing or contaminated with POPs, and to update or develop new specific TGs under the BC.

IMPLEMENTATION PLANS: On Thursday, 7 May, the Secretariat introduced the documents (UNEP/POPS/COP.7/16 and INFs 24-28), including guidance documents on, *inter alia*, the development of National Implementation Plans (NIPs). She highlighted the submission of NIPs from 21 parties: Austria, Belgium, Bulgaria, Cyprus, Denmark, Finland, France, Germany, Ireland, Japan, Kenya, the Netherlands, New Zealand, Norway, Poland, Romania, Slovakia, Spain, Sweden, Switzerland and the UK.

Canada, supported by the EU, introduced a CRP (UNEP/POPS/COP.7/CRP.6) on implementation plans, noting that it contains two annexes on the lists of available guidance to develop, review and update NIPs.

Brazil noted the submission of its updated NIP, highlighting that it includes new POPs listed in 2013.

Many developing countries thanked the GEF and UNIDO for their support in updating and submitting NIPs. The Democratic Republic of Congo, Liberia, Swaziland, Egypt, Kyrgyzstan, Honduras, Namibia and many others called for technical and financial assistance for implementation of action plans contained in the NIPs. Burkina Faso drew attention to the need for detection apparatus. Panama highlighted challenges with eliminating PCB stockpiles and Nepal cited national experiences in removing such stockpiles.

Many countries highlighted challenges faced when updating NIPs, particularly in including the POPs listed since 2009. Kazakhstan, Guinea and many others called for technical assistance in adding new POPs to the inventory, with Sri Lanka requesting assistance in including unintentional POPs to the inventory. Guatemala and Antigua and Barbuda drew attention to the need to update institutional and legal frameworks.

Tunisia requested clarification on the number of NIPs to be submitted, given the new POPs listed in 2013. Kenya called for updated guidance on the socio-economic assessment for development and implementation of NIPs. Mexico called for reconsideration of the timelines for submitting NIPs.

Recognizing the various challenges faced by parties, particularly in gathering information, IPEN called for parties to uphold their obligations. Israel, as an observer, stated that it is developing a NIP before ratifying the SC.

President Lissinger Peitz proposed, and parties agreed, to task the Secretariat with revising the draft decision to incorporate the changes suggested by Canada and the EU for consideration by the COP.

On Friday, 8 May, SC COP7 adopted the decision with no amendments.

Final Decision: In the decision (UNEP/POPS/COP.7/CRP.10), the COP, *inter alia*:

- encourages parties that have not transmitted implementation plans within the deadlines to do so as soon as possible;
- takes note of the revised draft versions of the following guidance documents: guidance for developing a NIP for the SC; draft guidance for the inventory of PFOS and related chemicals listed under the SC (2015); and draft guidance for the inventory of PBDE listed under the SC (2015);
- encourages parties to use the revised guidance documents

- when developing, reviewing and updating their NIPs;
- requests parties and others to provide comments to the Secretariat based on their experience in using the guidance documents to assist parties in developing their NIPs, on how to improve their usefulness, and requests the Secretariat, subject to resources available, to update the guidance documents; and
- requests the Secretariat, subject to resources available, *inter alia*: to undertake capacity building and training to support parties and facilitate NIPs; to develop new guidance on inventorying POPs; to identify at COP8 whether additional guidance might be required to assist parties in developing NIPs; and to submit a progress report on those matters, including revisions of the guidance set out in the annex to the present decision, for consideration at COP8.

LISTING OF CHEMICALS IN ANNEX A, B OR C TO

THE CONVENTION: This item was first taken up in plenary on Wednesday, 6 May and subsequently addressed in a contact group, co-chaired by David Kapindula (Zambia) and Björn Hansen (EU), which met 6 and 7 May. SC COP7 agreed to the decision to list hexachlorobutadiene (HCBd) on Friday, 8 May, polychlorinated naphthalenes (PCNs) on Thursday, 14 May and pentachlorophenol (PCP) and its salts and esters with a specific exemption by a vote on Saturday, 16 May.

On Wednesday, the Secretariat introduced the POPRC developments for action by the COP (UNEP/POPS/COP.7/17) and recommendations from the POPRC to list: chlorinate naphthalenes (CNs) in Annexes A and C (UNEP/POPS/COP.7/18); HCBd in Annexes A and C (UNEP/POPS/COP.7/19); PCP and its salts and esters in Annex A (UNEP/POPS/COP.7/20), and the compilation of comments received from parties relating to the listing of chemicals recommended by the POPRC (UNEP/POPS/COP.7/INF/30).

UNEP reported on its cooperation with the WHO and the Organisation for Economic Co-operation and Development (OECD) on endocrine disrupting chemicals and said that the POPRC could potentially consider information on endocrine disruption during the Annex D review phase, not as a requirement, but along with other information on adverse effects.

The African Group, GRULAC, Belarus, New Zealand, Pakistan, Thailand, Norway, Australia, Canada, the Cook Islands, Serbia and Georgia supported the POPRC's recommendations. India opposed listing any of the chemicals. The Russian Federation opposed listing CNs. The Republic of Korea, the EU and Switzerland preferred no exemptions for PCP. Oman requested a five-year exemption for some uses of HCBd. China said it was open to the recommendations but expressed concerns about the benefits of listing CNs and HCBd in Annex C and, with Thailand and GRULAC, noted the need for financial and technical assistance to meet obligations arising from new listings.

IPEN supported listing all three chemicals, underscoring the adverse health and environmental effects of PCP, including contamination of soils and groundwater, and called for listing it in Annex A without exemptions. The Inuit Circumpolar Council underscored specific challenges faced by Arctic indigenous peoples.

In plenary, President Lissinger Peitz requested the POPRC to report on developments for action by the COP (UNEP/POPS/COP.7/17), which includes a draft decision to, *inter alia*, appoint

new POPRC members and elect the POPRC Chair. POPRC Chair Gastaldello Moreira (Brazil) reported on the POPRC's work on: the commercial mixture of decabromodiphenyl ether (c-decaBDE); dicofol; and short-chained chlorinated paraffins (SCCPs).

Many countries supported the election of the Chair and the decision and documents as presented. Norway did not support the idea of shortening meetings of the POPRC. Canada suggested that the COP, in addition to the Secretariat, encourage parties to submit information relevant to Annexes E and F, underlining the need for information on chemicals currently in use. The EU announced its intention to nominate perfluorooctanoic acid (PFOA) to the POPRC as a possible POP.

Noting general agreement, President Lissinger Peitz said this decision would be taken later to allow regions to consult on the rotation of POPRC members.

On Friday, 15 May, the COP confirmed Estefânia Gastaldello Moreira (Brazil) as the Chair of the POPRC (UNEP/POPS/COP.7/17).

Final Decision: In the decision (UNEP/POPS/COP.7/17), the COP, *inter alia*:

- appoints 17 designated experts to serve as the POPRC members;
- adopts the list of 14 parties to be invited to nominate Committee members for terms of office commencing on 5 May 2016;
- elects Estefânia Moreira (Brazil) as Chair of POPRC;
- welcomes guidance to assist parties to the RC and the CRC in their work when a chemical under consideration is a POP listed under the SC;
- welcomes guidance on how to assess the possible impact of climate change on the work of the POPRC, the approach to the consideration of climatic interactions with the chemicals proposed for listing in Annexes A, B and/or C to the SC and recommendations developed on the basis of the guidance; and
- requests the Secretariat to continue, subject to resources available, to undertake activities to support parties and others to participate in the work of the Committee and to report the results of those activities to COP8.

HCBd: The contact group discussed HCBd, where one party introduced information regarding measures to control unintentional production that was not available to the POPRC when it took its decision, and expressed concern that the costs and technologies to control unintentional production of HCBd were uncertain. Some developing countries recommended asking the POPRC to consider this new information and did not support listing HCBd in Annex C at this time. Other parties suggested listing HCBd in Annex C and asking for an assessment of the technologies to control unintentional releases of HCBd. The group amended the draft decision to reconsider listing HCBd in Annex C at COP8 and to request the POPRC to do intersessional work on this issue in light of new information related to controlling unintentional releases.

On Friday, 8 May, the COP considered two draft decisions on listing HCBd (UNEP/POPS/COP.7/CRP.17 and 18), which were adopted. Norway, supported by Switzerland, reflected "reluctant acceptance" to list HCBd solely in Annex A and forward further consideration on listing in Annex C to COP8.

Final Decision: Having considered the risk profile and the risk management evaluation for HCBd as transmitted by POPRC, and taking note of the recommendation by the POPRC to list HCBd in Annexes A and C of the SC, in the final decision (UNEP/POPS/COP.7/CRP.17), the COP decides to amend Part I of Annex A of the SC to list HCBd without specific exemptions.

Final Decision: In its decision on listing (UNEP/POPS/COP.7/CRP.18), the COP, *inter alia*:

- requests the POPRC to further evaluate HCBd on the basis of the newly available information in relation to its listing in Annex C;
- invites parties and observers to submit any additional information to the Secretariat that would assist the further evaluation by the POPRC of the unintentional production of HCBd; and
- requests POPRC to make a recommendation to COP8 on listing HCBd in Annex C.

CNs: The contact group discussed Cns and the COP discussed a draft decision on Friday, 8 May, before taking a decision on Thursday, 14 May.

The contact group discussed how to name the chemical, with some participants requesting addition of the CAS numbers for the congeners. The group agreed to list Cns as PCNs in the decision.

On Friday, 8 May, the COP considered listing PCNs (UNEP/POPS/COP.7/CRP.9) in Annexes A and C. Cuba, with Argentina, underscored the need for additional financial and technical assistance for new listings. The Russian Federation said it could not support listing PCNs, citing the importance of some Cns for producing octaCN. Parties agreed to reconsider this later in the meeting.

On Thursday, 14 May, delegates adopted a revised draft decision on listing PCNs, proposed by the Russian Federation.

Final Decision: In the decision (UNEP/POPS/COP.7/CRP.29), the COP, *inter alia*:

- decides to list PCNs in Annex A, including di-, tri-, tetra- penta-, hexa- hepta- and octa-Cns therein, with specific exemptions for production of those chemicals as intermediates in production of polyfluorinated naphthalenes, including octafluoronaphthalene and use of those chemicals for production of polyfluorinated naphthalenes, including octafluoronaphthalene; and
- lists PCNs in Annex C, including di-, tri-, tetra-, penta-, hexa-, hepta-, and octa-Cns therein by inserting “PCNs, including dichlorinated naphthalenes, trichlorinated naphthalenes, tetrachlorinated naphthalenes, pentachlorinated naphthalenes, hexachlorinated naphthalenes, heptachlorinated naphthalenes, octachlorinated naphthalene”

PCP: The contact group discussed listing this chemical on Wednesday, 6-7 May and the plenary considered the issue on 7-8 May and 15-16 May.

In the contact group, one party criticized the POPRC’s conclusions and review process and questioned whether PCP meets the criteria for long-range environmental transport. Several observers and parties disagreed with the party, pointing to evidence that PCP is present in the Arctic and other remote regions.

In plenary on 7 May, the plenary heard an intervention, deferred from Wednesday, from the International Indian Treaty Council (IITC) urging the SC to list PCP in Annex A without exemption, and Cns and HCBd in Annexes A and C. IITC underscored the health effects of these chemicals on Indigenous Peoples who are not responsible for their production or use.

In plenary on Friday, 8 May, the Secretariat introduced a draft decision on listing PCP, its salts and esters in Annex A with a specific exemption for utility poles and crossarms (UNEP/POPS/COP.7/CRP.11). India called for deferring the decision to COP8, questioned POPRC’s process and conclusions, and underscored the need for “scientific inputs for a fair decision.” President Lissinger Peitz suggested this issue be reconsidered later during the meeting.

On Friday, 15 May, President Lissinger Peitz asked if parties were ready to list PCP in the SC. India reiterated its previous objection, asking the COP to reconsider the POPRC’s conclusions on PCP. The EU, supported by Australia, Switzerland, Norway and Ghana, on behalf of the African Group, underscored their support for the listing. SC Lissinger Peitz reminded parties of the theme of the COPs, “from science, to action for a safer tomorrow” and suspended the discussion until the evening plenary.

During the evening plenary, President Lissinger Peitz observed that all delegations but one supported listing PCP and said that multiple parties had emphasized that the POPRC’s assessment was “sound and science-based.” She asked again if parties could adopt the decision.

India reiterated his opposition, saying that his delegation had pointed out the “infirmities” in POPRC’s report. He proposed amending the decision to list PCP and its salts and esters in Annex B with an acceptable purpose as a wood preservative in the production of medium-density fiberboard and in impregnated particleboards for a minimum period of ten years.

Wishing to address “both the process and the result,” the EU described contact group discussions as a “collective process to gain consensus,” and said a last-minute proposal made by one party is “totally unsatisfactory.” Supported by Switzerland and Japan, he said that the EU could not accept the proposal to list PCP in Annex B with the proposed allowable use. Ghana, for the African Group, said that they could not accept the “last-minute proposal.” Egypt said that time was required to examine the implications of listing PCP in either Annex A or Annex B.

Observing a lack of consensus on listing PCP, President Lissinger Peitz asked if parties could support deferring a decision on this chemical to COP8.

Switzerland posed “a question to the room” asking if, as per Article 21(3) on voting, parties had exhausted all efforts to reach consensus. He emphasized that parties had made “every possible effort” to reach consensus and expressed disappointment about needing to request a vote “as a last resort.”

Ghana, for the African Group, with the EU, Colombia, Norway, the Cook Islands, Argentina, Yemen, Uruguay, Liberia and Senegal expressed support for Switzerland’s proposal.

In response to a request for clarification on voting procedures from President Lissinger Peitz, the Secretariat explained that the Article 22 of the SC (procedure for the listing of chemicals) stipulates that the same process should be used for listing new chemicals in the annexes as for making amendments to the

Convention, which is laid out in Article 21. The Secretariat stated that Article 21(3) states that parties should make every effort to reach consensus, but if all efforts are exhausted, then a decision can be taken by a three-fourths majority vote of parties present and voting. The Secretariat further explained that the decision to make a decision by a vote first requires a majority vote. President Lissinger Peitz asked if the COP wished to take a vote according to rule 45(2) of the rules of procedure.

The EU raised a point of order to clarify that its vote counts for 26 parties. President Lissinger Peitz asked parties who support a vote to raise their flags, noting that EU Member States should not raise their flags. She then asked for those against a vote, and then those abstaining to raise their flags, in turn.

President Lissinger Peitz reported that 91 parties were in favor of a vote, 1 was against, and 8 abstained. Observing that the majority of parties present and voting agreed to take a vote, she asked those in favor of amending Annex A to list PCP, its salts and esters to raise their flags. She then asked for those against and those abstaining to raise their flags in turn. President Lissinger Peitz reported that 90 parties supported listing PCP in Annex A, 2 were against and 8 abstained.

China asked for clarification on who has the right to vote. India asked if the amendment was matter of procedure or substance, which could have implications for the ability of the COP to take a vote, and whether the EU had the right to vote on behalf of Member States that are not present. Sudan queried whether the votes of parties that have not submitted their credentials were counted and if the documentation for this agenda item was communicated to the COP six months prior to the meeting. The Secretariat clarified that: all parties may vote if they have submitted their credentials and are present; if a party has not submitted its credentials its vote is not counted; the EU can vote on behalf of all its Member States that are parties to the SC on matters within its competency; listing of chemicals is an amendment to the convention governed by Articles 21 and 22 of the SC; and that the documentation for this agenda item was communicated to parties more than six months before the COP.

President Lissinger Peitz then asked the Secretariat to update COP7 decisions on POPs wastes and national reporting to reflect the agreement to list PCP.

China called reaching consensus a “fundamental principle” and cautioned against making voting a customary practice. The Russian Federation, with Guatemala, Egypt and an observer from the US, expressed disappointment that a vote was necessary. Saying he participated in the vote “with a measure of sadness,” Antigua and Barbuda emphasized that countries have an obligation to take a decision and that expressing dissent without giving adequate reasons is “not good enough.”

President Lissinger Peitz strongly encouraged parties to work through consensus in the future, emphasizing that collective ownership of decisions is important for efforts to implement the convention.

Final Decision: In its final decision (UNEP/POPS/COP.7/CRP.11), COP7 decides to list PCP and its salts and esters in Annex A with specific exemptions for the production and use of PCP for utility poles and crossarms.

TECHNICAL ASSISTANCE: This issue was discussed in the joint session of the BRS Conventions COPs on Monday, 4 May and in a joint contact group on technical assistance and financial resources (see page 6). Delegates adopted the decision on Friday, 15 May.

Final Decision: In the final decision on technical assistance (UNEP/POPS/COP.7/CRP.28), the COP, *inter alia*:

- welcomes the development of a database for the collection of information pertaining to the needs of parties for the implementation of the SC, as well as information on available assistance;
- invites developing-country parties and parties with economies in transition to provide information to the Secretariat on their needs in terms of technical assistance and their difficulties in implementing the convention;
- invites developed-country parties and others with the capacity to do so to continue to provide information to the Secretariat on technical assistance to developing-country parties and parties with economies in transition;
- requests the Secretariat to continue to collect information through tailored electronic questionnaires, and also requests the Secretariat to analyze such information and to identify the gaps and barriers regarding technical assistance and to propose recommendations and take action to address those problems;
- welcomes the technical assistance programme, and requests the Secretariat to implement it in cooperation with relevant actors and to take into account its elements when carrying out work to facilitate the delivery of technical assistance and capacity building for the implementation of the conventions, and urges parties and others in a position to do so to provide funding and other resources to support the implementation of the activities contained in the technical assistance programme;
- requests the Secretariat, when implementing the technical assistance programme, to take into account the specific needs for technical assistance resulting from the listing of new chemicals in Annexes A, B or C;
- authorizes the Secretariat to contract independent financial audits of capacity-building and technical assistance projects and other related activities undertaken at the regional and/or national level in the implementation of the conventions;
- emphasizes the key role of the regional centres, as contained in the provisions of the BC and SC, as well as the regional and subregional offices of the FAO, in delivering technical assistance upon request at the regional level regarding the implementation of the technical assistance programme and facilitating technology transfer to eligible parties; and
- requests the Secretariat to, among others, prepare a technical assistance programme for the biennium 2018–2019, taking into account the synergies process as well as the evaluation of the technical assistance programme.

SC regional and subregional centres: This issue was addressed in a joint session on technical assistance of the BRS COPs on Monday, 4 May, and throughout the meeting in a joint contact group on technical assistance and financial resources (see page 6). Delegates adopted the decision on Friday, 15 May.

Final Decision: In the final decision (UNEP/POPS/COP.7/CRP.30), the COP, *inter alia*:

- emphasizes the role of the regional centres in promoting technology transfer relating to the implementation of the SC, and requests them to cooperate and coordinate among themselves on areas of expertise in which they are able to provide assistance;
- calls for sustained efforts to enhance their performance and actions in supporting developing-country parties;
- endorses the SC regional and subregional centres for another four years;
- underlines the need to have an efficient and effective network of centres through regular communication, including meetings of the centres and increased use of other means of communication;
- requests the Secretariat to: prepare a report on the activities of the SC regional and subregional centres for consideration by COP8, including an assessment on how to improve the efficiency and effectiveness of the network of centres; and consider possible adjustments to the methodology for evaluating regional centres for consideration at COP8, and invites the centres and parties to provide their views by 30 June 2016;
- decides to evaluate the performance and sustainability of the SC regional and subregional centres and to reconsider their status as regional and subregional centres under the Convention at COP9 and every four years thereafter;
- invites developed-country parties and other parties in accordance with their capabilities to consider ways to strengthen the regional delivery of technical assistance and the promotion of technology transfer under the SC to promote the sound management of chemicals and wastes, sustainable development and the protection of human health and the environment, and further invites them to consider opportunities for effective and efficient cooperation with the regional centres in implementing the regional sound management of chemicals and waste projects;
- takes note of the challenges faced by some centres, and invites parties, as well as other regional centres, to cooperate with and support those regional centres through the exchange of best practices and the provision of technical assistance and the promotion of technology transfer;
- invites parties, observers and others in a position to do so, including industry and the wider private sector as well as relevant financial institutions, to provide financial support to enable SC regional and subregional centres to implement their workplans aimed at supporting parties in implementing their obligations;
- invites all regional and subregional centres undertaking activities on mercury-related issues under the Convention to provide the relevant information, which will be taken into account by the Secretariat for the evaluation, and requests the Secretariat to forward that information to the interim Secretariat of the Minamata Convention for possible consideration by the Intergovernmental Negotiating Committee on Mercury at its seventh session; and
- requests the Secretariat to, *inter alia*: continue to recommend concrete activities on synergies between the BC and SC regional centres and the regional offices of UNEP and FAO and related centres to the COP for possible decision; continue to foster a synergistic approach in its relations with these

centres and offices, while recognizing the specificities and mandate of each centre; and continue to organize meetings every two years between the directors of regional centres and the Secretariat and, if possible, to consider additional meetings, subject to the availability of resources.

FINANCIAL RESOURCES AND MECHANISMS:

Effectiveness of the implementation of the MoU between the SC COP and the GEF Council: This matter was taken up in the joint session of the BRS COPs on Monday, 4 May, and in a joint contact group on technical assistance and financial resources that met throughout the meeting (see page 5). Delegates adopted the decision on the effectiveness of the implementation of the MoU between the COP and the GEF Council on Friday, 15 May.

Final Decision: In the final decision (UNEP/POPS/COP.7/CRP.32), the COP, *inter alia*:

- welcomes the GEF report to the COP, takes note of the leveraging ratio of 1:3 between the GEF project grant and other resources, and also takes note of the concerns raised by some parties in this regard;
- requests the GEF, in its regular reports, to continue to report on the MoU between the COP and the GEF Council; and
- requests the Secretariat, in consultation with the GEF Secretariat, to prepare a report on the effectiveness of the implementation of the MoU between the COP and the GEF Council, including more details on the follow-up actions, as well as information on the application of the GEF co-financing policy, for consideration by COP8.

Additional Guidance to the Financial Mechanism: This issue was considered in a joint session of the BRS COPs on Monday, 4 May, and in a joint contact group on technical assistance and financial resources throughout the COPs (see page 5).

SC COP7 delegates adopted a decision on this issue on Friday, 15 May.

Final Decision: In the final decision on additional guidance to the GEF (UNEP/POPS/COP.7/CRP.34), the COP, *inter alia*:

- welcomes the establishment of the GEF chemicals and waste focal area, its strategy and the increased funds allocated for chemicals and waste, and encourages the GEF to continue to enhance synergies in its activities, taking into account the co-benefits for the BC, RC and SAICM, while first addressing the needs of the SC;
- notes with concern that there is no increase in GEF6 funding for the SC;
- notes the evolving funding needs of developing countries and countries with economies in transition to implement the SC and the chemicals and waste agenda, and reaffirms the request to the GEF to respond in this regard;
- requests the Secretariat, in consultation with the GEF Secretariat, to identify possible elements of guidance from the SC to the GEF that also address the relevant BC and SC priorities for consideration by the COP8; and
- requests the GEF to include in its regular reports to the COPs information on the implementation of the guidance set forth in this decision.

Fourth Review of the Financial Mechanism: This issue was discussed in the joint session of the COPs on Monday 4, May, and considered in a joint contact group on technical assistance and financial resources throughout the meeting (see page 5).

In plenary, delegates adopted the decision on the fourth review of the financial mechanism on Friday, 15 May.

Final Decision: In its decision (UNEP/POPS/COP.7/CRP.31), the COP: adopts the ToR for the fourth review of the financial mechanism; and requests the Secretariat to compile information relevant to the fourth review of the financial mechanism and submit it to COP8 for consideration.

The annex to the decision contains the ToR for the fourth review of the financial mechanism, including its objective, methodology, report and performance criteria.

REPORTING PURSUANT TO ARTICLE 15: On 7 May, the Secretariat introduced the documents (UNEP/POPS/COP.7/27 and INF/36), noting the submission of 53 national reports through the electronic reporting system. Several developing countries requested Secretariat support for the timely submission of their national reports through the electronic reporting system, with others noting challenges in reporting, including connectivity issues, and the need for translation.

Tonga, supported by IPEN, called for the compilation and dissemination of information on PCBs and other POPs. Belarus called for the draft decision to include their proposal on improving the reporting system on condensers and transformers. The EU and Canada, supported by IPEN, proposed amending the draft decision to “urge” parties to submit national reports. Canada proposed, among other amendments, to request the Secretariat to refine and implement the draft strategy to implement elements of reporting, and with reference to Secretariat activities on reporting, suggested deleting the phrase “subject to the availability of funding.”

The Secretariat noted the services provided by the IT Helpdesk for parties facing challenges with the electronic reporting system, highlighted the need for the notification of changes in official contact points, and informed delegates of limited resources available to assist parties in their reporting obligations. President Lissinger Peitz proposed that the Secretariat prepare a revised draft decision.

On Friday, 8 May, COP7 adopted the decision without amendment.

Final Decision: In the final decision (UNEP/POPS/COP.7/CRP.15), the COP, *inter alia*:

- takes note with concern of the low levels of reporting, and requests the Secretariat to further refine the draft strategy to enhance reporting under the convention;
- urges parties that have not yet done so to submit their third national reports no later than the extended date of 31 August 2015; and
- requests the Secretariat to, *inter alia*, update the reporting format to include chemicals listed in Annexes A, B and/ or C to the SC at COP7; further improve the electronic reporting system in time for it to be used for the submission of the fourth report, taking into account the comments on experiences in using the system; and continue to provide guidance to parties on the use of the electronic reporting system.

EFFECTIVENESS EVALUATION: On Thursday, 7 May, the Secretariat introduced the procedure for the selection of experts to the effectiveness evaluation committee (UNEP/POPS/COP.7/28), the global monitoring plan for effectiveness evaluation (UNEP/POPS/COP.7/29) and reports and guidance on

regional and global monitoring (UNEP/POPS/COP.7/INF/37-39), and noted a global human milk survey conducted by UNEP and WHO.

The EU expressed support for regional centres and the global coordination group. Pakistan and China asked how regional experts would be nominated. Referring to the need for additional capacity for regional centres, Mexico and Nepal stated monitoring is difficult when technical and financial resources are scarce. Uruguay suggested improving capacity of national laboratories and outlined efforts to assess POPs in breast milk. Canada supported enhancement of monitoring in regions lacking capacity, and offered minor text changes to the draft decision. China questioned why so few parties have submitted monitoring reports and asked the Secretariat to create a more robust basis for effectiveness evaluation.

Japan noted its study examining the relationship between environmental factors, POPs and children’s health. The Cook Islands highlighted the need to monitor POPs in fish. Gabon underscored the need to monitor sectors not initially addressed, such as the oil sector. Antigua and Barbuda cautioned about inconsistencies in data from the Caribbean region. Drawing attention to its progress on POPs monitoring, Kenya suggested more continuous and extensive efforts were needed.

The Island Sustainability Alliance suggested working with Indigenous Peoples on monitoring, noting they often depend on fish and aquatic species as primary food sources.

President Lissinger Peitz observed support for the draft decisions on effectiveness evaluation and suggested their adoption, taking into account Canada’s suggested text on global monitoring, pending budgetary accommodations.

Final Decision: In its decision on effectiveness evaluation (UNEP/POPS/COP.7/28), the COP, *inter alia*:

- elects the two representatives from each UN region to serve on the effectiveness evaluation committee until the close of COP8;
- invites the global coordination group of the global monitoring plan and the compliance committee to select one expert from among their respective members to serve on the effectiveness evaluation committee;
- requests the Secretariat to select two internationally recognized experts in the field of effectiveness evaluation to serve on the effectiveness evaluation committee;
- requests the Secretariat to, *inter alia*: establish a roster of experts to provide support to the effectiveness evaluation committee; collect and compile information to serve for effectiveness evaluation according to the framework for effectiveness evaluation, and to prepare a preliminary analysis of the available information; and to support the work of the effectiveness evaluation committee, including the development of the effectiveness evaluation report;
- invites parties to designate experts for inclusion in the roster of experts, noting their area of expertise or specific substance knowledge; and
- emphasizes the need for parties to intensify their efforts to ensure the timely and accurate completion of national reports under Article 15 of the Stockholm Convention.

Final Decision: In its final decision on the global monitoring plan for effectiveness evaluation (UNEP/POPS/COP.7/29), the COP, *inter alia*:

- welcomes the updated guidance on the global monitoring plan and encourages parties to use it and provide comments on their experience in doing so to the Secretariat through the regional organization groups;
- requests the global coordination group to: develop the draft global monitoring report, including an evaluation and assessment of changes in POP concentrations over time, as specified in the effectiveness evaluation framework, and make it available to the effectiveness evaluation committee by January 2016; and finalize the global monitoring report, including conclusions and recommendations, for consideration by COP8;
- requests the Secretariat to: support the global coordination group in developing the reports requested; continue to support the work of the regional organization groups and the global coordination group in the implementation of the third phase of the global monitoring plan and also continue to support training and capacity-building activities to assist countries in implementing the global monitoring plan for subsequent effectiveness evaluations and to work with partners and other relevant organizations to undertake implementation activities; and
- encourages parties to engage actively in the implementation of the global monitoring plan and the effectiveness evaluation and, in particular to: continue to monitor the core media of air and human breast milk or human blood and to initiate monitoring of PFOS in surface water in support of future evaluations; and support the further development and long-term implementation of the global monitoring plan if in a position to do so.

NON-COMPLIANCE: This agenda item (UNEP/POPS/COP.7/30, INF/40) was introduced during the joint session of the COPs on Tuesday, 6 May, in conjunction with consideration of non-compliance under the RC (see page 4).

The SC compliance contact group met on 11, 14 and 15 May, which resulted in an increase in the amount of bracketed text and ultimately the entire text being placed in brackets to indicate that all issues remained outstanding. On Saturday, 16 May, the plenary was presented with the decision drafted by the contact group forwarding the text to COP8 for further discussion, which was adopted.

Final Decision: In its decision (UNEP/POPS/COP.7/CRP.38), the COP, *inter alia*:

- decides to consider further at COP8, for adoption, the procedures and mechanisms on compliance required under Article 17 of the convention, and that it should be placed early on the agenda of COP8;
- invites the Bureau to facilitate intersessional consultations to promote a policy dialogue on outstanding issues with a view to resolving them in a way to facilitate possible adoption by COP8; and
- notes that the entirely bracketed text shall be the basis for further work on the procedures and institutional mechanisms at COP8, bearing in mind all issues remain outstanding.

INTERNATIONAL COOPERATION AND

COORDINATION: This agenda item was addressed in a joint session of the COPs (see page 5).

PROGRAMME OF WORK AND BUDGET

This agenda item was addressed in the joint session of the COPs on Monday, 4 May, and considered in a budget group that met throughout the meeting. In plenary on Saturday, 16 May, Budget Group Co-Chair Hernaus announced the SC programme budget for 2016 as US\$5,691,902 and US\$5,828,820 for 2017. Delegates then adopted the programme of work and proposed budget for the biennium 2016-2017.

Final Decision: In its final decision (UNEP/POPS/COP.7/CRP.37), the COP, *inter alia*:

- takes note of the recommendation of Office of Internal Oversight Services to establish a single operational account for staff costs, and in this regard invites the UNEP Executive Director to provide additional information on the practical implications of such a measure as well as on establishing a single joint general trust fund for the BRS Conventions and to make proposals on any required changes to the financial rules, which will inform a decision at the next meetings of the COPs;
- invites the UNEP Executive Director to explore the possibility of establishing a single joint voluntary trust fund for the BRS Conventions and to present proposals to the next meetings of the COPs;
- approves the programme budget for the biennium 2016-2017 of US\$5,691,902 for 2016 and US\$5,828,820 for 2017;
- decides, with regard to contributions due from 1 January 2005 onwards, that no representative of any party whose contributions are in arrears for two or more years shall be eligible to become a member of the COP Bureau or a member of any subsidiary body of the COP; this shall not apply to LDCs, SIDS or parties that have agreed on and are respecting a schedule of payments in accordance with the financial rules; and
- decides that no representative of any party whose contributions are in arrears for four or more years and that has not agreed on or is not respecting a schedule of payments implemented in accordance with the financial rules shall be eligible to receive financial support to attend intersessional workshops and other informal meetings.

OTHER MATTERS

Draft MoU between UNEP and the SC COP: On Tuesday, 5 May, the MoU between the SC and UNEP (UNEP/POPS/COP.7/9) was discussed in the joint session.

On Thursday, 14 May, the Secretariat reintroduced the MoU between UNEP and the SC COP, which was adopted without amendment.

Final Decision: In the decision (UNEP/POPS/COP.7/CRP.12), the COP, *inter alia*:

- welcomes the establishment by the UNEP Executive Director of the task team on the effectiveness of administrative arrangements and programmatic cooperation between the Special Programme and the MEAs for which the Special Programme provides the Secretariat functions;
- requests the Executive Secretary to continue to engage in the task team and inform and consult the Bureaux of the COPs to the BRS Conventions on the task team's work during the intersessional period;

- invites the UNEP Executive Director to keep the Bureaux of the COPs informed when preparing meeting documents for the second session of UNEA on the relationship between the Programme and the BRS Conventions; and
- requests the Executive Secretary to prepare, in consultation with the UNEP Executive Director, and taking into account the outcome of the deliberations of UNEA at its second session on the relationship between the Programme and MEAs, for consideration and possible adoption at SC COP8, a revised draft MoU between the SC and the Executive Director UNEP concerning the provision of Secretariat functions for the SC by the Special Programme.

ADOPTION OF THE REPORT

On Friday, 8 May, the Secretariat reviewed the first part of the meeting report (UNEP/POPS/COP.7/L.1), which delegates adopted with minor amendments.

CLOSURE OF THE MEETING

In her closing remarks, SC President Lissinger Peitz highlighted the “bold steps taken” to implement elements of the convention at this COP and stressed the need to work for consensus. She closed the meeting at 3:45 am on Saturday, 16 May.

BASEL CONVENTION COP12

Andrzej Jagusiewicz, Poland, President of BC COP12, opened COP12 on 4 May to adopt the agenda and continued on 8, 9 and 11 May. BC COP12 reopened briefly on 14, 15 and 16 May to adopt outstanding decisions.

MATTERS RELATED TO THE IMPLEMENTATION OF THE BASEL CONVENTION

STRATEGIC ISSUES: Follow-up to the Indonesian-Swiss Country-Led Initiative to improve the effectiveness of the Basel Convention: This issue was first taken up in plenary on Friday, 8 May. COP12 adopted a decision on the first part of the Indonesian-Swiss CLI, the Ban Amendment, on Saturday, 9 May. The second part, developing ESM guidelines, was discussed in a contact group on strategic matters on Friday, 8 May and a decision was adopted on this issue on Monday, 11 May. The third part, legal clarity, was referred to the contact group on legal matters, which met Saturday, 9 May, through Thursday, 14 May. A decision on the third part was adopted on Friday, 14 May.

Ban Amendment: The Secretariat introduced the documents (UNEP/CHW.12/3, INF/52 and 55) on 9 May. Switzerland expressed confidence that the Ban Amendment would enter into force by COP13. Indonesia, the EU and China urged countries that have not yet ratified to do so. Paraguay underscored the role of regional centres in implementation.

The Basel Action Network (BAN) said the amendment had already changed laws and attitudes globally even without entering into force, but cautioned against undermining it through provisions in TGs.

The COP approved section I (Addressing the entry into force of the Ban Amendment) of the draft decision, pending budgetary approval.

Final Decision: In the final decision on the Ban Amendment (UNEP/CHW.12/3 Section One), the COP, *inter alia*, requests the Secretariat, within available resources, to continue to assist

parties, upon request, that are having difficulties in ratifying the Ban Amendment.

ESM guidelines: President Jagusiewicz introduced the item on Friday, 8 May. Switzerland, supported by Indonesia, underscored that the “time is right” to move from a national to an international focus and suggested establishing a contact group.

The Secretariat introduced the CLI (UNEP/CHW.12/3), the draft work programme of the Expert Working Group on ESM (UNEP/CHW.12/3/Add.1), practical manuals (UNEP/CHW.12/3/Add.2) and fact sheets (UNEP/CHW.12/INF/6).

Alberto Capra (Argentina), Co-Chair of the Expert Working Group on ESM, reported on materials produced and acknowledged support from the private sector, NGOs and the regional centres. Co-Chair Andreas Jaron (Germany) suggested translating materials into official UN and other languages as a task for the regional centres and called for in-kind contributions, including from the private sector, to facilitate this.

The EU, supported by Liberia, expressed support for the Expert Working Group, while calling for consistency in terminology. BAN lauded the emphasis on waste prevention as a priority.

Delegates agreed to establish a contact group on strategic matters, chaired by Angela Riveria, Colombia, which met Friday, 8 May, to discuss this issue.

On Monday, 11 May, COP12 adopted the draft decision.

Final Decision: In the final decision on the ESM guidelines (UNEP/CHW.12/CRP.16), the COP, *inter alia*:

- adopts the work programme of the Expert Working Group on ESM;
- decides to extend the mandate of the Expert Working Group on ESM and requests it to develop activities, subject to the availability of resources, to implement the work programme;
- requests each regional group to nominate through its bureau representative, by 31 July 2015, one expert with specific knowledge and expertise in the field of waste prevention and minimization of the generation of hazardous and other wastes, bringing the total membership of the expert working group on ESM to 30 members;
- recognizes that the ESM toolkit to be developed under the work programme needs to be evaluated and, if appropriate, updated after COP13;
- invites parties and other to submit comments on the draft practical manuals and fact sheets to the Secretariat by 30 September 2015;
- invites parties and others to test the set of draft practice manuals and fact sheets and to provide comments to the Secretariat for consideration by the Expert Working Group;
- requests the Expert Working Group to revise the set of draft practical manuals and the fact sheets taking into account the comments received;
- invites parties and others to provide to the Secretariat information on activities undertaken to ensure the ESM of hazardous wastes and other wastes, including examples of national waste prevention programmes, and requests the Secretariat to make this information available on the BC website;

- requests the Secretariat, subject to available resources, to undertake an inventory and categorize existing BC documents related to ESM, for the consideration of the 10th meeting of the Open-ended Working Group (OEWG10);
- requests the expert working group on ESM to submit the revised set of draft practical manuals and revised fact sheets to OEWG10 and subsequently to COP13 for possible adoption; and
- requests the expert working group on ESM to report on activities undertaken according to its work programme to OEWG10 and subsequently to COP13.

Legal clarity: Legal clarity was first taken up on Friday, 8 May. Switzerland called for focusing only on general definitions in the revised glossary and leaving specific terms to TGs, and suggested that work on the glossary await completion of discussions on the e-waste TGs. Chile, Brazil and Japan suggested leaving glossary work for the Small Intersessional Working Group (SIWG) after the COP. The EU called for work on this issue during the COP, and consideration of steps to amend BC Annex IV (Disposal Operations). Argentina suggested that amending BC annexes might be more useful than work on the glossary.

The US characterized the current draft of the glossary as too prescriptive.

The COP decided to form a contact group on legal matters, co-chaired by Anne Daniel (Canada) and Joost Meijer (Chile), to work on the glossary and the section on providing further legal clarity of the draft decision on the CLI.

The contact group discussed some of the terms in the glossary and identified options for some terms. The group also discussed which annexes of the convention to review and participants discussed prioritizing some annexes, to balance the needs of parties for clarity on some terms, as demonstrated in some TGs such as e-waste, with the significant work involved in such a review.

On Friday, 15 May, the Secretariat introduced the draft decision, which was adopted without amendment.

Final Decision: In its final decision on legal clarity, (UNEP/CHW.12/CRP.31), the COP, *inter alia*:

- takes note of the draft glossary of terms and related explanations prepared by the SIWG on legal clarity and decides that this shall be the basis for further work;
- invites the SIWG on legal clarity to continue its work, including, subject to the availability of resources, through a face-to-face meeting, and to prepare a revised version of the draft glossary including explanations, taking into account the comments received from parties and observers, as well as the outcomes of COP12 and submit it to the COP five months before OEWG10;
- requests the Secretariat to submit the revised version of the draft glossary including explanations to OEWG10;
- invites OEWG10 to finalize the glossary and related explanations as a useful piece of guidance and prepare a draft decision on these matters for consideration and possible adoption by COP13;
- takes note of the options for further steps toward the consistent interpretation of terminology;
- decides to initiate a process for the review of Annexes I, III, and IV and related aspects of Annex IX to the Convention

taking as a basis the legally-binding options identified in Section II of Annex II to document UNEP/CHW.12/INF/52; and requests the Secretariat to compile views of parties in relation to the review and submit these comments to OEWG10; and

- invites the lead party, or in its absence requests the Secretariat subject to the availability of resources, to assess the views received from parties and others on options identified in Section II.A of Annex II to document UNEP/CHW.12/INF/52 and to prepare recommendations thereon for the consideration of OEWG10.

Strategic framework: In the morning, the Secretariat introduced the documents (UNEP/CHW.12/4 and INF/5).

Canada suggested requesting the Secretariat to communicate timelines for submitting information for the midterm evaluation and to present a progress report to the OEWG. The Secretariat said these requests would be noted in the meeting report. BC COP12 took note of the report.

Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes:

On Saturday, 9 May, the Secretariat introduced the document, including the draft roadmap for implementation (UNEP/CHW.12/10).

GRULAC, the EU and Japan supported adopting the draft roadmap and mandating the ESM Expert Working Group to develop guidance for prevention and minimization of hazardous and other wastes.

India called for the roadmap to place additional stress on the recovery option. China, *inter alia*, urged parties to explore new approaches to provide technical assistance and suggested increasing the role of the regional centres. Highlighting challenges associated with a lack of capacity, Nigeria called for support for implementation.

Kenya supported adoption of the roadmap, underscoring the need for guidance on making public-private partnerships and community initiatives economically viable and sustainable.

On Monday, 11 May, COP12 considered the roadmap (UNEP/CHW.12/CRP.17). Noting that there is not yet a lead country for this work, the EU suggested that the decision invites parties to serve as the lead country. With that amendment, COP12 adopted the decision.

Final Decision: In its decision (UNEP/CHW.12/CRP.17), COP12, *inter alia*, adopts the roadmap for action on the implementation of the Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes and decides to mandate the Expert Working Group on ESM to develop guidance to assist parties in developing efficient strategies for achieving prevention and minimization of the generation of hazardous and other wastes.

SCIENTIFIC AND TECHNICAL MATTERS: Technical guidelines: There are several issues under this agenda item: technical guidelines (TGs) for POPs wastes; TGs for mercury wastes; and TGs for e-waste.

POPs wastes: On Monday, 4 May, the Secretariat introduced the TGs on POPs wastes (UNEP/CHW.12/5, Add.2-7, INF/9-14). Canada, Chair of the SIWG on POPs wastes, introduced the SIWG report (UNEP/CHW.12/CRP.3). She suggested that six of the seven TGs are ready for adoption and suggested that the

pesticides TGs (UNEP/CHW.12/INF/15) be further considered during COP12.

In the afternoon, the EU expressed confidence that the TGs will be adopted at COP12. Japan indicated their willingness to serve as a lead country on PCB waste.

Argentina underscored the need for environmentally-sound disposal. Ghana, for the African Group, and Mexico highlighted that TGs are important, especially for developing countries and their national implementation plans.

IPEN expressed concern that the low-POP content levels are too high as specified in the draft TGs, and suggested that HBCD content should be limited to 50ppm.

A contact group on technical matters, co-chaired by Magda Gosk (Poland) and Prakash Kowlessar (Mauritius) was established and met from 4-11 May. In the contact group, participants discussed the general TGs separately from the TGs for specific POPs wastes. In the general TGs, the use of solid waste incinerators and the low-POP content levels were discussed. Several parties stated that municipal solid waste incinerators can incinerate HBCD wastes. Others expressed concerns, including on the capacity of such incinerators to handle hazardous wastes and possibility of creating harmful byproducts from brominated POPs. The group agreed to text on "advanced solid waste incinerators," which outlines that not all types of municipal waste incinerators can properly destroy POPs in wastes. On low-POP content, participants disagreed on the values for hexabromocyclododecane (HBCD), bromodiphenyl ethers (BDEs) and other specific POPs. Participants considered including the high and low values in the TGs and the need for a future review of a possible transition to lower numbers.

On Tuesday, 12 May, Magda Gosk, Co-Chair of the Contact Group on Technical Matters, introduced the draft decision on TGs for POPs wastes and the general TGs and six specific TGs on PFOS, unintentionally produced POPs, PCBs, PBDEs, HBCD and pesticides POPs (UNEP/CHW.12/CRP.18, and Add. 1-7). COP12 adopted the decision and the guidelines, pending budgetary approval.

Final Decision: In its final decision (UNEP/CHW/12/CRP.18), the COP, *inter alia*:

- adopts the general TGs on ESM of wastes consisting of, containing or contaminated with POPs and the TGs on the ESM of wastes consisting of, containing or contaminated with: PFOS, its salts and PFOSF; pentachlorobenzene; polychlorinated biphenyls, polychlorinated terphenyls or polybrominated biphenyls to include hexabromobiphenyl; hexa-, hepta-, tetra-, and pentaBDE; HBCD; and pesticides aldrin, alpha hexachlorocyclohexane, beta hexachlorocyclohexane, chlordane, chlordecone, dieldrin, endrin, heptachlor, hexachlorobenzene, lindane, mirex, pentachlorobenzene, technical endosulfan and its related isomers or toxaphene or with hexachlorobenzene as an industrial chemical;
- invites parties to submit, more than two months before COP13, their comments in using the TGs and requests that the Secretariat compile these comments;
- decides to extend the mandate of the SIWG to monitor and assist in the review, updating and preparation, as appropriate, of TGs regarding POPs;

- recognizes that in some cases provisional low-POP content values were established at COP7 and 8 and that in other cases, knowledge limitations have posed challenges to the setting of such values, and that, therefore, a review of all provisional low-POP content values would be timely;
- decides to undertake work towards a review of all provisional low-POP content values in the general and specific TGs;
- invites parties and others to submit comments on the low-POP content values included in the TGs and related information, including on studies, taking into account relevant information available from the SC, to the Secretariat three months before OWEG10 and requests the Secretariat to compile the comments;
- decides that updating the general and specific TGs for POPs wastes for POPs listed by SC COP7 should be included in the 2016-2017 work programme for the OEWG in regards to: establishment of levels of destruction and irreversible transformation necessary to ensure that when disposed of, the chemicals do not exhibit POPs characteristics; determination of which disposal methods constitute environmentally-sound disposal, as defined in the SC; establishment of, as appropriate, the concentration levels of the chemical to define the low-POP content as defined in the SC;
- invites parties and others to indicate their willingness to take the lead in updating or preparing TGs, taking into account the tentative tasks of updating the general TGs, the TGs for any POPs agreed to by SC COP7, and the TGs for pentachlorobenzene; and to prepare these draft revised TGs in consultation with the SIWG by OEWG10;
- welcomes the involvement of experts working under the SC, including members and observers of POPRC, to participate;
- invites parties and others to submit waste-related information on decabromodiphenyl ether to the Secretariat and Norway by 30 August 2016, welcomes Norway's intention to analyze and share this information with the SIWG and requests the Secretariat to submit the information received and analysis conducted by Norway to COP13; and
- requests the Secretariat to report the implementation of the present decision to OEWG10 and BC COP13.

Mercury wastes: President Jagusiewicz opened discussions on TGs for the ESM of mercury wastes on Friday, 8 May. The Secretariat introduced the documents (UNEP/CHW.12/5/Add.8 and INF/8), noting that comments received on the updated guidelines could not be translated in time for COP12.

Japan, lead country on the TGs for mercury wastes within the SIWG, expressed hope that the updated TGs would be adopted. Switzerland and the EU expressed support for the TGs in principle, with Switzerland suggesting greater cooperation with the Minamata Convention. The EU highlighted that the guidelines should be updated in the future to include mercury-waste disposal methods currently under development.

On Tuesday, 12 May, Magda Gosk, Co-Chair of the Contact Group on Technical Matters, introduced the draft TGs for mercury wastes. Delegates then adopted the draft decision and TGs on the ESM of wastes consisting of, containing or contaminated with mercury or mercury compounds, pending budgetary approval.

Final Decision: In its final decision (UNEP/CHW.12/CRP.19), the COP, *inter alia*, adopts the TGs on ESM of wastes consisting of, containing or contaminated with mercury or mercury compounds. It further invites parties and others to submit comments on their experience using the TGs, including the long-term effectiveness of the stabilization and solidification of wastes consisting of mercury, and requests the Secretariat to compile these comments for COP13.

E-waste: On Friday, 8 May, the Secretariat introduced documents on e-waste (UNEP/CHW/12/5, Add.1 and INF/7). Noting that these TGs had been under discussion for 13 years, President Jagusiewicz said the time was ripe to adopt them.

Liberia, Japan, Switzerland, New Zealand, Congo, China, Sri Lanka, Honduras, El Salvador and Australia called for finalizing the TGs at COP12. Ghana, for the African Group, welcomed the draft TGs generally, but cautioned against creating “serious loopholes” regarding when used equipment should not be considered waste. Nigeria urged adopting TGs that also can be used by “ordinary people” involved in collecting and recycling e-waste. Dominica, Bhutan and Panama called for very simple, clear guidelines, noting that complex guidelines are more difficult to apply.

The EU emphasized the need to have guidelines that are applicable and usable. Zambia underscored that the TGs should not leave room for illegal trafficking of e-waste in the guise of trade. Iran called for generators of e-waste to take more responsibility for exports. BAN cautioned against the text on repair, noting “reuse can be an excuse for abuse.” IPEN emphasized that everything can be claimed as repairable, and urged upholding the BC’s provisions regarding the right to refuse the import of waste.

Delegates agreed to forward e-waste TGs to the contact group on technical matters to discuss remaining issues and revise the guidelines, focusing on exemptions. The group, aided by small drafting groups, worked on bracketed provisions of the TGs on Saturday, 9 May, and from Monday-Wednesday, 11-13 May.

On 14 May, technical matters contact group Co-Chair Gosk introduced the draft decision and TGs on e-waste (UNEP/CHW.12/CRP.33 and Add.1) in plenary. She highlighted that the decision, *inter alia*, would adopt the TGs with a process to prepare draft revised guidelines during the intersessional period for consideration at COP13. On the draft TGs, she drew attention to Annex V, which outlines the outstanding issues to be considered intersessionally.

Emphasizing that the guidelines are not complete without resolving the issues in Annex V and cannot protect human health and the environment in their current form, Egypt, supported by Palestine, opposed adoption of the TGs at COP12.

Kenya, for the African Group, supported by China, Japan, Norway and others, called the TGs a compromise, but said that they should be adopted and subject to further development. India opposed adoption of the TGs, stressing that they “over reach” on trade-related matters. Pakistan, with Brazil, suggested “provisionally adopting” the TGs. Mexico, supported by Venezuela, supported provisional adoption, proposing to keep the “provisions on exemptions” in square brackets to be discussed by the OEWG and revised for COP13. Suggesting that provisional

adoption could be a compromise, the EU acknowledged that there is work to be done, but called it “paramount” to learn from experience in using the TGs.

President Jagusiewicz suggested that the guidelines be adopted provisionally, with future work to improve the guidelines. India reiterated its opposition to adoption. President Jagusiewicz proposed returning to the issue on Friday and asked the EU and contact group Co-Chairs to confer with India.

On Friday, 15 May, President Jagusiewicz reported that a small informal group had met and proposed changes to the opening paragraph of the decision to specify that the TGs would not be legally binding and would be adopted “on an interim basis.”

Egypt said that, with these two changes, it could accept adoption of the TGs. Mauritania observed that since TGs are by nature not legally binding, it was unnecessary to refer to them as non-legally binding.

India called for: stronger language on the non-legally binding nature of the TGs; the relocation of paragraph 30 (used equipment normally not considered waste) to Annex V; and the deletion of paragraphs 38 (cases where a competent authority involved in transboundary movements of e-waste considers a specific item to be hazardous waste according to its national law, while other authorities would not) and 39 (cases where parties consider used equipment destined for failure analysis, repair, or refurbishment to be waste, while others may not), saying these paragraphs would make national legislation subordinate to the TGs. Pakistan said it could accept interim adoption of the TGs if a statement about national legislation not being subordinate to the TGs could be inserted into the decision or the guidelines.

The EU said while it might accept changes in the draft decision, it could not accept changes in the text of the guidelines themselves at this late stage.

President Jagusiewicz said a revised CRP would be prepared, taking into account these comments.

In plenary on Friday evening, President Jagusiewicz presented the revised draft decision (UNEP/CHW.12/CRP.33/Rev.1), which included a revised opening operative paragraph adopting the TGs “on an interim basis” and on the understanding that the TGs “are of a non-legally binding nature and that national legislation of a party prevails over the guidance provided within the technical guidelines, in particular in paragraphs 30, 38 and 39 thereof.”

India reiterated its call to move paragraph 30 in the guidelines to Annex V and for further consideration by the OEWG. The EU, African Group and Japan opposed moving the paragraph.

President Jagusiewicz said he had done what he could to accommodate India’s concerns, but he could not re-open the guidelines text. India reiterated its opposition.

The African Group, supported by Switzerland, declared that all efforts to reach consensus had failed, and called for a vote. Argentina, with El Salvador, Mexico and Venezuela, emphasized that the guidelines were non-binding and suggested “noting” rather than “adopting” them. Antigua and Barbuda expressed its opposition to voting on this matter. The EU said voting is exactly what the rules of procedure foresee in such a situation, and that a motion to vote had already been called. Mexico, with Venezuela, warned that voting on this issue could have negative repercussions on the negotiations for a RC compliance mechanism.

Egypt, opposed by the EU, suggested “accepting” the TGs on an interim basis, but with a footnote noting India’s reservations. President Jagusiewicz said if the TGs were adopted, India’s concerns would be fully reflected in the report.

In response to a question from Argentina, the BC legal officer responded that there is no legal distinction between “adopting” and “taking note of” the guidelines. Argentina reiterated its call to “take note of” the TGs. The EU, supported by Zambia and Japan, said a motion to vote was proposed first and had to be acted on before turning to any other suggestions, including Argentina’s. Emphasizing that “consensus is not unanimity,” Egypt, with Malaysia, suggested the TGs could be adopted by consensus while noting India’s reservations. Japan expressed concern that if the COP only “noted” the TGs, the guidelines would not be respected.

India said that it could not go along with the consensus but was going to disassociate itself from the debate and intervene no more. He warned, however, that if parties insisted on adopting the TGs through a vote, they would never achieve implementation.

President Jagusiewicz then asked if there was an objection to adopting the TGs on an interim basis, as suggested in the draft decision. No opposition was voiced and the decision was adopted.

Final Decision: In its decision (UNEP/CHW.12/CRP.33/Rev.1), the COP, *inter alia*:

- adopts the TGs on an interim basis, on the understanding that they are of a non-legally binding nature and that the national legislation of a party prevails over the guidance provided within the TGs, in particular in paragraphs 30, 38 and 39 thereof;
- invites parties and others to submit through the Secretariat, not later than two months before COP13, comments on their experience in using the TGs, and the Secretariat to submit a compilation of these comments for consideration by COP13;
- agrees to include the further elaboration of work on the TGs in the OEWG’s 2016-2017 work programme in order to prepare draft revised guidelines for consideration by COP13, in particular with reference to paragraphs 30a and 30b of the TGs on the following issues: residual lifetime and age of used equipment; management of hazardous wastes from failure analysis, repair and refurbishment operations in developing countries; obsolete technologies, including cathode ray tubes; and the presence of hazardous components in used equipment;
- invites parties and others to provide comments on the four issues above five months before the opening of OEWG10 for consideration at its meeting;
- encourages parties to inform the Secretariat about any conditions they apply in relation to used equipment that should normally be considered waste or non-waste, and requests the Secretariat to publish them on the BC website; and
- requests the Secretariat to report to COP13 on the progress of implementing the decision.

Amendments of the annexes to the BC: On Saturday, 9 May, the Secretariat introduced the document (UNEP/CHW.12/6), noting that OEWG9 had considered draft entry B3025 (composite packaging waste consisting of mainly paper and some plastic, not containing residues and not containing

materials that are waste in concentrations sufficient to exhibit hazardous characteristics) and had agreed that no further work would be carried out on the matter, as no consensus had been reached. Delegates agreed to note the status of the work in the meeting report.

Classification and hazard characterization of wastes: On Saturday, 9 May, the Secretariat introduced the document on the review of cooperation with the World Customs Organization (WCO) and its Harmonized System Committee regarding the classification and hazard characterization of wastes (UNEP/CHW.12/7).

Argentina stressed the importance of the BC’s relationship with the WCO for preventing illegal traffic of hazardous wastes. Delegates agreed to take note of the report.

National reporting: On Saturday, 9 May, the Secretariat introduced the documents (UNEP/CHW.12/8/Rev.1 and INFs/16, 17 and 48), expressing appreciation for the assistance of Norway in the development of an electronic reporting system.

Germany, the lead country for the national reporting SIWG, informed delegates of discussions that considered the development of a reporting manual and the need for the Secretariat to clarify whether or not parties’ reports are complete at the point of submission.

Argentina called for clarity on what information was necessary for correct reporting. The Republic of Congo requested translation of the questionnaire into all UN languages. Cuba noted technical challenges with the electronic submission form.

The EU suggested the consideration of practical guidance on the listing of hazardous waste streams.

Argentina suggested forwarding discussion on issues, such as specificities of mandatory vs. non-mandatory reporting, to the contact group on legal matters. The contact group reviewed and revised the questionnaire, which was adopted on Tuesday, 12 May.

Final Decision: In its decision (UNEP/CHW.12/CRP.25), the COP, *inter alia*, adopts the final version of the national reporting questionnaire, as set out in the annex to the decision.

LEGAL, COMPLIANCE AND GOVERNANCE MATTERS: National legislation, notifications, enforcement of the Convention and efforts to combat illegal traffic: On Saturday, 9 May, the Secretariat introduced the documents (UNEP/CHW.12/11 and INF/51).

The EU suggested that the advice of the Secretariat on enforcement of the BC be based on the knowledge and experience of its existing staff and within available resources, with Argentina suggesting that the Secretariat provide “information” and not “advice.”

Underscoring that hazardous waste trafficking is a crime, INTERPOL suggested law enforcement officers be included in national delegations to the BC.

On Monday, 11 May, the EU supported Argentina in a call for the Secretariat to provide parties, upon request, with information on matters pertaining to implementation and enforcement, including on the development and updating of national legislation or other measures, such as measures to protect themselves from unwanted wastes imports, and assistance in the identification of cases of illegal traffic. Delegates also agreed that information on illegal traffic should be considered by the RC and the SC. The decision was adopted with these amendments.

Final Decision: In the decision (UNEP/CHW.12/11), the COP, *inter alia*:

- urges parties to fulfil their obligations set out in paragraph 4 of Article 4 (on legal and administrative measures to implement the BC) and paragraph 5 of Article 9 of the BC (on national legislation to prevent illegal traffic), including by updating or developing stringent legislation on the control of transboundary movements of hazardous wastes and by incorporating into national legislation sanctions or penalties for illegal traffic in hazardous wastes and other wastes;
- encourages parties to provide the Secretariat with texts of national legislation and other measures adopted to implement and enforce the BC;
- invites parties to share information, through the Secretariat, on best practices in preventing and combating illegal traffic and to report confirmed cases to the Secretariat using the prescribed form;
- requests the Secretariat, *inter alia*: to maintain on the BC website a collection of national legislation adopted by parties to implement the BC, including best practices for preventing and punishing illegal traffic, information on national definitions and on import or export restrictions or prohibitions; to make this available in the six official UN languages, subject to available resources; to provide parties legal and policy information on implementation and enforcement matters, including on updating national legislation; to cooperate with enforcement organizations and networks; and to develop tools and training, subject to available resources, in collaboration with BC regional and coordinating centres, other MEAs and international organizations, and to assist parties, to develop national legislation to prevent and punish illegal traffic; and
- requests the Secretariat to prepare and report on, for COP13, recommendations on possible synergies between the BRS Conventions in preventing and combating illegal traffic and trade in hazardous chemicals and wastes, building on lessons learned under the BC.

TECHNICAL ASSISTANCE: This item was addressed in the joint session of the COPs on Monday, 4 May and considered in a contact group on technical assistance and financial resources. Issues considered include technical assistance, the BC regional centres, and the implementation of decision V/32 on the enlargement of the scope of the Trust Fund to assist developing and other countries in need of technical assistance in the implementation of the BC (the emergency trust fund) (see page 6).

Delegates adopted the decisions on these issues on 15 May.

Final Decision: In the final decision on technical assistance (UNEP/CHW.12/CRP.34), the COP, *inter alia*:

- welcomes the development of a database for the collection of information on the needs of parties for implementation, as well as information on available assistance;
- invites developing-country parties and parties with economies in transition to provide information to the Secretariat on their needs in terms of technical assistance and technology transfer, and their difficulties in implementing the convention;
- invites developed-country parties and others with the capacity to do so to continue to provide information to the Secretariat on the technical assistance and technology that they have

available to be transferred to developing-country parties and parties with economies in transition;

- welcomes the technical assistance programme and requests the Secretariat to implement it in cooperation with relevant actors, and urges parties and others in a position to do so to provide funding and other resources to support the implementation of the activities contained in the technical assistance programme;
- authorizes the Secretariat to contract independent financial audits of capacity building and technical assistance projects and other related activities undertaken at the regional and/or national level in the implementation of the conventions;
- emphasizes the key role of the regional centres, as contained in the provisions of the BC and the SC, as well as the regional and subregional offices of the FAO, in delivering technical assistance upon request at the regional level regarding the implementation of the technical assistance programme and facilitating technology transfer to eligible parties; and
- requests the Secretariat to: submit a report on progress made in providing technical assistance for capacity building and the promotion of technology transfer to parties to COP13; and prepare a technical assistance programme for the biennium 2018-2019 based on the information collected, taking into account the synergies process as well as the evaluation of the technical assistance programme.

Final Decision: In the final decision on BC regional and coordinating centres for training and technology transfer (UNEP/CHW.12/CRP.39), the COP, *inter alia*:

- emphasizes the role of the regional and coordinating centres as one of the main institutions for enhancing the provision of technical assistance and capacity building for the implementation of the chemicals and waste conventions;
- emphasizes the role of the regional centres in the promotion of technology transfer relating to the implementation of the BC, and requests them to cooperate and coordinate among themselves on areas of expertise in which they are able to provide assistance;
- recalls the omnibus decision on enhancing cooperation and coordination among the BRS Conventions adopted by the BRS Conventions COPs in 2013, by which the COPs made recommendations on follow-up to the review of the synergies arrangements, which underline that synergies should be enhanced at the national and regional levels, with particular attention to reinforcing cooperation and coordination and rationalization of the SC and BC regional centres;
- requests the Secretariat to: prepare a report on the activities of the BC regional and coordinating centres for consideration by COP13, including an assessment on how to improve the efficiency and effectiveness of the network of centres; consider possible adjustments to the interim criteria and interim methodology of evaluation, taking into account lessons learned and the views of the centres, as well as the views of parties, for consideration by COP13, and invites the centres and parties to provide their views on these by 30 June 2016;
- decides to evaluate the performance and sustainability of the BC regional and coordinating centres at COP14 and every four years thereafter;
- invites developed country parties and other parties in accordance with their capabilities to consider ways to

strengthen the regional delivery of technical assistance and the promotion of technology transfer under the convention to promote the sound management of chemicals and wastes, sustainable development and the protection of human health and the environment, and further invites them to consider opportunities for effective and efficient cooperation with the regional centres in implementing regional sound management of chemicals and waste projects;

- takes note of the challenges faced by some regional centres and invites parties, as well as other regional centres in a position to do so, to cooperate with and support those regional centres through the exchange of best practices and providing technical assistance and promoting technology transfer;
- recalls that sustainable financial and technical resources are necessary for the centres to succeed in their work under the BC, and invites parties, observers and others in a position to do so, including industry and the wider private sector as well as relevant financial institutions, to provide financial support to enable the BC regional and coordinating centres to implement their workplans aimed at supporting parties to implement their obligations;
- invites all regional centres and coordinating centres undertaking activities on mercury-related issues under the BC to provide the relevant information, which will be taken into account by the Secretariat for the evaluation in accordance with the applicable synergy criterion, and requests the Secretariat to forward that information for possible consideration by INC-7 of the Minamata Convention; and
- requests the Secretariat to continue to: foster a synergistic approach with the regional centres of the BC and SC and the regional offices of UNEP and the FAO and other related centres, while recognizing the specificities and mandate of each centre; and organize meetings every two years between the directors of the regional centres and the Secretariat, including possible observers, as appropriate, and if possible to consider additional meetings, subject to the availability of resources.

Final Decision: In the final decision on the implementation of decision V/32 on the enlargement of the scope of the Trust Fund to assist developing and other countries in need of technical assistance in the implementation of the BC (UNEP/CHW.12/CRP.38), the COP, *inter alia*:

- welcomes the active engagement of the Joint UNEP/Office for the Coordination of Humanitarian Affairs (OCHA) Environment Unit, which should work jointly with the BC Secretariat to decide the coordinating role with respect to emergency situations in accordance with the provisions of the BC;
- decides to amend Chapter IV of Part 1 of the Interim Guidelines for the implementation of decision V/32 on enlargement of the scope of the Technical Cooperation Trust Fund; and
- also requests the Secretariat, subject to available resources, to carry out capacity-building activities with relevant partners, such as the Joint UNEP/Office for the Coordination of Humanitarian Affairs Environment Unit, relevant to the prevention of incidents and enhancing the preparedness of countries to deal with emergencies caused by transboundary movements of hazardous wastes and other wastes and their

disposal.

The annex to this decision contains the proposal to amend Part 1 of the Interim Guidelines for the implementation of decision V/32 so as to enhance effective rapid access to expertise following emergencies by strengthening cooperation with OCHA and UNEP.

INTERNATIONAL COOPERATION, COORDINATION AND PARTNERSHIPS: Basel Convention Partnership

Programme: On Monday, 11 May, the Secretariat introduced documents on: the Partnership for Action on Computing Equipment (PACE) (UNEP/CHW.12/15, and INFs/26-27); Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE) (UNEP/CHW.12/16, INF/28); and a proposal by Mauritius and Uruguay on creating innovative solutions through the BC for the ESM of household waste (UNEP/CHW.12/CRP.8).

PACE: Co-Chairs Marco Buletti (Switzerland) and Oladele Osibanjo (Basel Convention Coordinating Centre for the African Region in Nigeria) reported on the PACE Working Group's progress, noting the proposal to extend the mandate of the Partnership to address outstanding issues through the establishment of a PACE *ad hoc* follow-up group.

The EU proposed textual amendments to the draft decision, and expressed preference for the Working Group and not a new *ad hoc* follow-up group, to continue the Partnership's work. Argentina and Brazil called for further clarification on the EU's proposed changes. The EU presented a proposal (UNEP/CHW.12/CRP.20) reflecting their suggested changes, including that the Working Group be asked to continue the work remaining in the 2014-2015 work programme.

Liberia, China and Mexico supported the draft decision and the creation of the *ad hoc* follow-up group. Serbia proposed that further work be carried out by a "PACE phase 2" group.

Responding to a query by Canada over the rationale for the *ad hoc* follow-up group, Buletti said that the naming of the group is not as important as the extension of the mandate of PACE.

The EU asked that the references to the e-waste TGs be placed in brackets until the TGs are agreed to by the COP. Upon request for clarification from Argentina on the process to adopt a decision with brackets, President Jagusiewicz explained that this decision would be taken later in the meeting after the decision on the e-waste TGs.

On Saturday morning, 16 May, the COP adopted the draft decision on PACE.

Final Decision: In the decision (UNEP/CHW.12/CRP.20), the COP, *inter alia*:

- recognizes PACE as a public-private partnership within the framework of the BC in achieving successful outputs in the ESM of used and end-of-life computing equipment;
- emphasizes the development and implementation of strategies for the ESM of such computing equipment and other e-waste, at regional and national levels;
- invites parties and signatories to use the ESM guidance document and PACE guidelines and reports;
- requests the PACE Working Group to complete outstanding tasks from the 2014-2015 work programme, *inter alia*: a revised ESM guidance document on the transboundary movement of such computing equipment, following the adoption of the TGs on transboundary movements of e-waste,

- notably the distinction between waste and non-waste, by the COP; and the development of a strategy and workplan for the implementation of concrete actions at regional and national levels following the PACE guidelines and reports;
- requests OEWG10 to consider the revised guidance document of the present decision and submit it, amended as appropriate, to COP13 for possible adoption;
 - requests the BC regional and coordinating centres to disseminate the ESM guidance document on such computing equipment, and the PACE guidelines and reports, and, subject to available resources, to initiate training, outreach and implementation of actions;
 - encourages parties and stakeholders to make financial and/or in-kind contributions, *inter alia*, to: facilitate developing countries and countries with economies in transition to implement activities as identified in the strategy and workplan; facilitate projects on collection and management of such computing equipment from the informal sector; facilitate the identification of actions and incentives to promote the environmentally-sound reuse, refurbishment, repair, recycling and material recovery of such computing equipment; and
 - requests the Secretariat: to facilitate and provide expertise to the PACE Working Group; and report on its progress to OEWG10 and COP13.

ENFORCE: On 11 May, ENFORCE Chair Leila Devia (BC Regional Centre in Argentina) reported on the Network's activities and described the use of regional webinars, training tools and best practice exchanges, and reported on a website being developed on illegal waste trafficking.

Referring to their Green Customs Initiative, INTERPOL called for funding support, underscoring that it has the mandate to address illegal trade of hazardous wastes, but lacks funding.

Delegates adopted the draft decision without amendment, pending budgetary approval.

Final Decision: In the decision on ENFORCE (UNEP/CHW.12/16), BC COP12, *inter alia*:

- expresses appreciation to parties and others for financial and in-kind contributions to ENFORCE;
- encourages ENFORCE members to continue collaborating by exchanging experiences, providing relevant information and undertaking capacity-building activities to prevent and combat illegal traffic;
- elects five representatives from the five UN regions to serve as ENFORCE members; and
- requests the Secretariat, subject to available resources, to organize annual ENFORCE meetings and to report to COP13 on the activities of ENFORCE.

ESM of household waste: On Monday, 11 May, Mauritius presented a proposal, submitted with Uruguay, on creating innovative solutions for the ESM of household waste. Mauritius explained that the proposal has a focus on circular-economy principles, and suggested establishing an informal group to develop a draft work programme for the next OEWG. Uruguay called for a focus on prevention and suggested working with local governments, the private sector and civil society, including NGOs and informal waste pickers.

Many countries expressed support. GRULAC and others noted public health concerns associated with the release of dioxins and furans. Egypt described a fluorescent lamp recycling

programme with partners from the Republic of Korea and called for training courses for civil society to address the health effects of hazardous wastes, such as batteries.

IPEN cautioned against promoting waste-to-energy as ESM, noting the release of toxins, such as dioxins, furans, acid gases, and nanoparticles into the air in the form of fly ash.

President Jagusiewicz suggested the issue be discussed later in the week and asked the Secretariat to revise the CRP, taking in account the minor textual suggestions made during the discussion.

On Tuesday, 12 May, the COP adopted the draft decision on creating innovative solutions through the BC for the ESM of household waste, pending budgetary approval.

Final Decision: In its decision on creating innovative solutions for the ESM of household waste (UNEP/CHW.12/CRP.22), COP12, *inter alia*:

- emphasizes that measures should be undertaken to achieve the prevention and minimization of hazardous and other wastes generated at source, to enable the decoupling of economic growth and environmental impacts associated with waste generation and to improve the collection, separation, recycling, recovery and final disposal of such wastes, including sound handling of hazardous objects or substances contained in household waste;
- agrees to include in the OEWG work programme the development of a workplan on the ESM of household waste with a focus on the needs of developing countries and countries with economies in transition, and agrees that such a workplan could include, but not be limited to, developing guidance documents on, *inter alia*, best practices, business models and innovative solutions for the circular economy in various socio-economic contexts, and partnerships to assist municipalities;
- invites parties and others to indicate to the Secretariat by 30 September 2015 their interest in actively participating in an informal group to develop the workplan;
- requests the informal group to develop a workplan for consideration by OEWG10; and
- requests the Secretariat to facilitate work on the matter, subject to available funds, and to report on progress in the implementation of the decision to COP13.

Environmentally sound dismantling of ships: This issue was first taken up in plenary on Saturday, 9 May. The Secretariat introduced the document and decision (UNEP/CHW.12/17), noting collaboration with the Marine Environment Division of the International Maritime Organization (IMO) on a project funded by Norway to assist Bangladesh in the safe and environmentally-sound recycling of ships.

The EU and Liberia welcomed the draft decision. Pakistan noted his country's MoU with the BC and expressed hope that work on dismantling of ships in his region would be scaled up. India drew attention to his country's legislation in the ship-breaking sector.

Delegates adopted the draft decision with no amendments.

Final Decision: In its final decision (UNEP/CHW.12/17), the COP, *inter alia*, requests the Secretariat: to continue, subject to the availability of funding, its work and to develop further the programmes for sustainable ship recycling in conjunction with other bodies, including the IMO and International Labour

Organization; and to continue to follow developments in relation to the Hong Kong Convention and to report on these developments to COP13; and to transmit this decision to the IMO.

Cooperation with the IMO: On Monday, 11 May, the Secretariat introduced the report on cooperation between the BC and the IMO (UNEP/CHW.12/18) and an assessment on the BC TGs and International Convention for the Protection of Pollution from Ships (MARPOL) (UNEP/CHW.12/INF/29).

The EU noted the potential for duplication of work between the guidance to be developed on the sea-land interface and the IMO's manual on port-reception facilities, with Canada suggesting text to clarify that existing work will be taken into account. The Secretariat clarified that the guidance is meant to complement the IMO's work by addressing issues that are less developed in the IMO's manual, such as downstream waste management. The Dominican Republic and Argentina outlined domestic challenges and experiences handling waste from ships.

On Tuesday, 12 May, delegates adopted the decision on cooperation between the BC and IMO.

Final Decision: In the decision (UNEP/POPS/COP.6/CRP.21), the COP, *inter alia*:

- requests the Secretariat to transmit the assessment on the cooperation between the BC and MARPOL to the IMO;
- requests the Secretariat, *inter alia*: to prepare a first draft of the guidance manual on how to improve the sea-land interface, taking into account the revised version of the IMO's Comprehensive Manual on Port Reception Facilities to be made available on the BC website by 31 December 2015; to invite parties and others to comment on the draft guidance manual by 31 March 2016; to submit a revised draft guidance manual with the comments received to OEWG10; to keep the IMO informed of developments on the subject of the present decision arising in the BC and to monitor consideration by the Marine Environment Protection Committee and the Maritime Safety Committee of the IMO of issues of relevance to the BC; and to continue its cooperation with the International Organization for Standardization;
- requests OEWG10 to finalize the guidance manual on how to improve the sea-land interface for consideration at COP13; and
- requests the Secretariat to report on the implementation of the present decision to COP13.

Other international cooperation and coordination: This agenda item is summarized under the joint sessions of the COPs (see page 5).

FINANCIAL RESOURCES: This agenda item is summarized in the joint sessions of the COPs (see page 5).

OPERATIONS AND WORK PROGRAMME OF THE OEWG FOR 2016-2017: On Saturday, 9 May, the Secretariat introduced the documents (UNEP/CHW.12/21 and INF/35) and outlined three options for the operation of the OEWG: Option A, to have full interpretation; Option B, to have plenary with interpretation for two days, and contact groups in English for two days; and Option C, to dissolve the OEWG and create a scientific and technical committee.

Argentina, Mexico, Cuba, Venezuela, Russia, China, Brazil, Gabon, Pakistan and Kyrgyzstan supported Option A. Japan, the EU, Tunisia and Switzerland, underscored support for Option B,

with Tunisia calling for ruling out Option C. Emphasizing that there is a difference between "what we wish to have and what we can have," Tonga said that Option A is preferred, but Option B will suffice. Underscoring the need for flexibility, Armenia expressed support for Options A or B. Delegates agreed to address the issue in the contact group on strategic matters.

On Thursday, 14 May, the Secretariat reported on discussions regarding duration of the OEWG meeting and options for official interpretation, noting that the budget group had recommended a four-day duration for the OEWG and 1.5-2.5 days of interpretation, to be applied flexibly. The COP tasked the Secretariat with drafting a decision for consideration on Friday. The Secretariat also presented the original proposed work programme and the EU's proposed changes (UNEP/CHW.12/CRP.26 and CRP.35).

On Saturday, 16 May, the Secretariat reported on proposed changes, reflecting comments made during the meeting, and highlighted text inviting parties and others to submit comments and experiences to the Secretariat within two months of the OEWG meeting.

On interpretation for the OEWG, Argentina, on behalf of GRULAC, called for four days with full interpretation, and opposed the suggestion of only 2.5 days. Seeking compromise, Japan offered to make a voluntary contribution, therein resulting in "up to three days" of interpretation, to be applied in a flexible manner. Mexico, Argentina, the EU, Uruguay and Switzerland lauded Japan's offer.

Noting that no discussions on the work programme had been held during the meeting, Argentina called for transparency in the process and, on behalf of GRULAC, suggested work related to incineration, landfilling and physical chemical treatment TGs to the work programme. The EU questioned this "late submission" and highlighted possible budget implications. President Jagusiewicz suggested that interested parties discuss the issue informally. Following informal consultations, the EU, supported by Argentina, agreed to inclusion of text stating that the OEWG should "consider whether the TGs on incineration on land, especially engineered landfills and physical chemical treatment, should be updated," underscoring that this has no cost implications, and suggested that the OEWG could decide if the guidelines should be updated.

The COP adopted the work programme and operations of the OEWG for the biennium 2016-2017.

Final Decision: In its final decision (UNEP/CHW.12/CRP.36), the COP, *inter alia*:

- adopts the work programme of the OEWG for the biennium 2016-2017;
- decides that the OEWG10 will be of four days' duration, with simultaneous interpretation provided for up to three days, to be applied flexibly by the Executive Secretary;
- decides to consider whether the TGs on incineration on land, especially engineered landfills and physical chemical treatment, should be updated;
- invites parties and others to submit to the Secretariat, by 31 October 2016, comments on experiences gained with regard to the arrangements for OEWG10; and
- recommends that COP13 adopt a decision on future institutional arrangements for the operations of the OEWG,

taking into account the comments received from parties and others.

The annex to the final decision on the work programme of the OEWG for the biennium 2016-2017 contains activities for the OEWG categorized as: strategic issues, scientific and technical matters, legal governance and enforcement matters, international cooperation and coordination, and the programme of work and budget, all including the mandates and priorities for the activities under each of the five sections.

PROGRAMME OF WORK AND BUDGET

This item was addressed in the joint session of the COPs on Monday, 4 May, and considered in a budget group which met throughout the meeting. In plenary on Saturday, 16 May, Budget Group Co-Chair Hernaus announced the programme budget for 2016 as US\$4,800,854 and US\$4,603,990 for 2017. Delegates then adopted the programme of work and proposed budget for the biennium 2016-2017 of the BC.

Final Decision: In its final decision (UNEP/CHW.12/CRP.42), the COP, *inter alia*:

- takes note of the recommendation of Office of Internal Oversight Services to establish a single operational account for staff costs, and in this regard invites the UNEP Executive Director to provide additional information on the practical implications of such a measure as well as on establishing a single joint general trust fund for the BRS Conventions and to make proposals on any required changes to the financial rules, which will inform a decision at the next meetings of the COPs;
- invites the UNEP Executive Director to explore the possibility of establishing a single joint voluntary trust fund for the BRS Conventions and to present proposals to the next meetings of the COPs;
- approves the programme budget for the BC for the biennium 2016-2017 of US\$4,800,854 for 2016 and US\$4,603,990 for 2017;
- decides, with regard to contributions due from 1 January 2010 onwards, that no representative whose contributions are in arrears for two or more years shall be eligible to become a member of the COP or a member of any COP subsidiary body; this shall not apply to parties that are LDCs, SIDS or to parties that have agreed on and are respecting a schedule of payments in accordance with the financial rules; and
- recalls rule 5 of the financial rules on outstanding contributions due from 1 January 2001 onwards, and decides that no representative whose contributions are in arrears for four or more years and that has not agreed on or is not respecting a schedule of payments shall be eligible to receive financial support to attend intersessional workshops and other informal meetings.

OTHER MATTERS

Draft MoU between UNEP and the BC COP: On Tuesday, 5 May, the MoU between the BC and UNEP (UNEP/CHW.12/25, INF/56) was introduced in the joint session.

On Thursday, 14 May, the COP adopted the draft decision.

Final Decision: In the decision (UNEP/CHW.12/CRP.6), the COP, *inter alia*:

- welcomes the establishment by the UNEP Executive Director of the task team on the effectiveness of administrative

arrangements and programmatic cooperation between the Special Programme and the MEAs for which the Programme provides the secretariat functions;

- requests the Executive Secretary to continue to actively engage in the work of the task team and inform and consult the Bureaux of the COPs on the work of the task team during the intersessional period;
- invites the UNEP Executive Director to keep the Bureaux of the COPs informed when preparing meeting documents for UNEA's second session on the relationship between the Special Programme and the BRS Conventions; and
- requests the BRS Executive Secretary to prepare, in consultation with the UNEP Executive Director and taking into account the outcome of the deliberations of UNEA's second session on the relationship between the Programme and MEAs, for consideration and possible adoption at COP13, a revised draft MoU between the COP to the BC and the UNEP Executive Director concerning the provision of secretariat functions for the BC by the Special Programme.

ADOPTION OF THE REPORT

On Tuesday, 12 May, Luca Arnold, BC Rapporteur, introduced the meeting report (UNEP/CHW.12/L.1/Add.1) and delegates adopted it with minor amendments.

CLOSURE OF THE MEETING

COP12 President Jagusiewicz commended parties for their substantial progress, while underscoring that much work remains, including improving the guidelines on e-waste. He declared the meeting closed at 3:37 am on Saturday, 16 May.

ROTTERDAM CONVENTION COP7

COP7 President Mohammed Khashashneh, Jordan, opened the meeting on Monday, 4 May, to adopt the agenda. The meeting continued on 12-14 May and reopened briefly on 15-16 May to adopt outstanding decisions.

RULES OF PROCEDURE FOR THE COP

On Tuesday, 12 May, the Secretariat introduced its note on this agenda item (UNEP/FAO/RC/COP.7/3), recalling that a decision on lifting the brackets in rule 45 to allow majority voting when efforts to achieve consensus fail had been considered at every COP. President Khashashneh suggested that COP7 leave the brackets in place and instead use the time for discussion of substantive matters.

Colombia, saying the option of last resort to voting is necessary to prevent a single party from blocking listing, supported lifting the brackets, as did the EU, Switzerland and Namibia. Argentina, Cuba, the Russian Federation and Kyrgyzstan supported decision-making by consensus. Noting disagreement about removing the brackets, President Khashashneh closed the agenda item.

MATTERS RELATED TO THE IMPLEMENTATION OF THE ROTTERDAM CONVENTION

STATUS OF IMPLEMENTATION: On Wednesday, 13 May, President Khashashneh requested that parties first discuss information on implementation, then a proposal to increase notifications of final regulatory action (FRA) and finally, exchange of information on exports and export notifications.

The Secretariat introduced information on implementation (UNEP/FAO/RC/COP.7/INF/5), underscoring that many countries have not provided import responses on one or more chemicals listed in Annex III. The EU requested the Secretariat to inform parties on their implementation status and suggested the use of a survey to do so. President Khashashneh proposed that the COP take note of the information document in the meeting report and accommodate the EU request to conduct a survey on the matter.

The Secretariat then introduced a proposal to increase notifications of FRA (UNEP/FAO/RC/COP.7/4), noting that the number of parties that have submitted notifications remains low. The EU called upon parties to submit as many notifications as possible to avoid slow listing and suggested amendments including requesting the Secretariat to inform parties about the existence of various definitions and the implications of using different definitions for implementation. Switzerland urged support for developing countries to submit notifications. President Khashashneh suggested that the Secretariat prepare a draft decision, taking into consideration amendments suggested by the EU. COP7 agreed to discuss this item later in the week.

On exchanging information on exports and export notifications, the Secretariat introduced the documents (UNEP/FAO/RC/COP.7/5 and INF/13). The EU expressed concern about the lack of acknowledgement of receipt of the export notification, saying that this led the EU to resend 1,400 notifications in 2014. She suggested that the decision be amended to request the Secretariat, within available resources, to facilitate exchange of information and to report to each meeting of the COP on implementation. With that amendment, COP7 adopted the decision.

On Thursday, 14 May, RC COP7 adopted, without amendment, the draft decision on the proposal for activities to increase notifications of final regulatory action.

Final Decision: In the decision on exchanging information on exports and export notifications (UNEP/FAO/RC/COP.7/5), the COP, *inter alia*:

- takes notes of the Secretariat's report;
- urges parties to ensure implementation, including on exchanging information on exports and export notifications;
- requests the Secretariat to provide assistance to parties, upon request, in implementing paragraph 2(c) of Articles 11 and 12 of the convention; and
- requests the Secretariat, within available resources, to facilitate information exchange on exports and export notifications and report to each meeting of the COP.

Final Decision: In the decision on final regulatory actions (UNEP/FAO/RC/COP.7/CRP.12), the COP, *inter alia*:

- urges parties to exchange information in accordance with the provisions of the RC, by submitting notifications of FRA for banned or severely restricted chemicals;
- encourages parties to provide the Secretariat with texts of national legislation and other measures adopted to implement the RC; and
- requests the Secretariat to collect information that may assist parties in preparing notifications of final regulatory action and make it available to parties and other stakeholders in a user-friendly format; scientific and technical information for risk

assessment and decision-making; and national legislation and other measures adopted by parties to implement the RC.

The COP also requests the Secretariat, *inter alia*, to:

- provide assistance to parties to facilitate the increase in the number of notifications of FRA;
- follow up with parties to ensure their notifications meet the information requirements of Annex I to the RC;
- provide assistance to developing country parties and parties with economies in transition aimed at increasing the number of proposals for the listing of severely hazardous pesticide formulations;
- carry out a survey on the FRAs adopted by parties, and make the results of the survey available to all parties on the RC website;
- include in its technical assistance programme activities to support parties in strengthening national coordination mechanisms for decision-making and activities to advise parties on the use of risk evaluations and exposure assessments completed in other countries or of international risk evaluations as bridging information to support their submissions; and
- identify the main constraints faced by parties when implementing procedures for banned or severely restricted substances.

CONSIDERATION OF CHEMICALS FOR INCLUSION IN ANNEX III TO THE CONVENTION:

Issues under this agenda item included membership and election of the CRC Chair as well as the listing of the chemicals chrysotile asbestos, methamidophos, paraquat, fenthion ULV, and trichlorfon. These issues were first raised in plenary on Wednesday, 13 May and referred to the contact group, co-chaired by David Kapindula (Zambia) and Bjorn Hansen (EU), on the listing of chemicals, which met 13-14 May. On 14 May, plenary agreed to consider intersessional work on how to proceed for chemicals that are recommended by the CRC, but not in the RC due to an inability to reach consensus. This issue was also addressed in the contact group. Decisions on listing or deferring the chemicals and intersessional work were made Tuesday, 12 May and Friday, 15 May. On Friday, after three chemicals were deferred to COP8 for further consideration, the EU and Norway read for the meeting record a joint declaration expressing "deep concern" that three pesticides and chrysotile asbestos had not been listed due to the objection or just one party or small number of parties, citing reasons which the declarants considered not relevant to Convention listing criteria. They urged opponents of listing the chemicals to reconsider, and declared their intent to "pursue further action under the Convention" to ensure that export of such chemicals only occurs with PIC. They invited other parties to subscribe to their declaration.

CRC: On Wednesday, 13 May, the Secretariat introduced the document on the CRC and developments for action by the COP (UNEP/FAO/RC/COP.7/6) including: rotation of membership; election of the Chair; cooperation and coordination with other subsidiary bodies; effective participation; and procedural aspects. Jurgen Helbig (Spain), CRC Chair, reported on the work of the committee, including that CRC10 agreed that notifications for tributyltin and short-chained chlorinated paraffins meet the Annex II criteria and that four new notifications of final regulatory action will be reviewed at CRC11.

On Wednesday, 13 May, RC COP7 adopted the decision pending budgetary approval.

Final Decision: In its decision (UNEP/FAO/RC/COP.7/6), the COP, *inter alia*:

- appoints the 17 designated experts to serve as members of the CRC;
- adopts the list of 14 parties to nominate CRC members for terms of office commencing 1 May 2016;
- elects Jürgen Helbig (Spain) as CRC Chair;
- welcomes guidance to assist parties to the RC and members of the CRC in their work when a chemical under consideration is a POP listed under the SC;
- welcomes the handbook of working procedures and policy guidance for the CRC; and
- takes note of the holding of an orientation workshop for new members and requests the Secretariat to continue, subject to available resources, to organize such workshops and to report on the results of that activity to COP8.

Chrysotile asbestos: The Secretariat introduced the documents (UNEP/FAO/RC/COP.7/11 and Add.1) on Wednesday, 13 May, noting this issue had been debated by COPs 3-6, without achieving consensus. President Khashashneh reminded parties that listing a chemical does not prohibit trade, but provides countries with relevant information to make informed decisions.

Zimbabwe, Kyrgyzstan, Kazakhstan, the Russian Federation and Cuba opposed listing. India also opposed listing, but suggested “controlled use” of chrysotile asbestos. Belarus, a non-party, opposed listing. The International Alliance of Trade Union Organizations “Chrysotile” also opposed listing, arguing instead for controlled use under International Labour Organization Convention 162. Pakistan said that the matter required further scientific evaluation.

Jordan, Nepal, Georgia, Benin, Peru, Colombia, Malaysia, Norway, Honduras, Serbia, Liberia, Nigeria, the Republic of Korea, Moldova, Saudi Arabia, Maldives, Argentina, Uruguay, Dominican Republic, Niger, Switzerland, Mongolia, the Republic of Congo, the Democratic Republic of Congo, Israel, Cameroon, Kenya, Equatorial Guinea, Panama, Tonga and El Salvador supported listing. While recognizing the challenges it would pose to specific sectors in its country, Brazil said sound scientific evidence on health and environmental impacts had led it to support listing. The US, a non-party, also urged listing.

Australia, cited “bitter experience” with health, environmental and economic impacts of chrysotile asbestos long after it had been banned and, supported by New Zealand, the Cook Islands, Switzerland and Tonga, said it was time to ask if the RC’s objectives were being met when the only chemicals allowed to be listed are those no longer traded. He introduced a CRP (UNEP/FAO/RC/COP.7/CRP.10) that, *inter alia*, suggests intersessional work on a possible framework that enables information flows for those substances that meet the listing criteria but remain unlisted. The EU concurred that, if chrysotile asbestos was not listed at COP7, it was time for a “frank discussion about the credibility of the RC.”

Women in Europe for a Common Future, on behalf of the Rotterdam Convention Alliance, said listing was being blocked to protect industry interests. She introduced an Indian worker who, after working with chrysotile asbestos for 40 years, suffers

from asbestosis, and who pleaded for listing of the chemical. IPEN asked how developing countries can be expected to cope without information if a developed country like Australia has had problems with this.

Noting that he has attended COPs for 15 years and has never heard such participation, RC President Khashashneh proposed, and delegates agreed, to refer the matter to the contact group on listing of chemicals rather than suspend discussion until COP8.

On Wednesday night the chemicals listing contact group considered chrysotile asbestos, and listing opponents reiterated their objections. COP7 agreed to defer consideration of this issue to COP8.

Methamidophos: On Tuesday, 12 May, the Secretariat introduced the documents (UNEP/FAO/RC/COP.7/7, Add.1, and INF/6-7), noting the CRC’s recommendation that methamidophos be listed in Annex III.

Many countries said the review criteria had been met and supported inclusion of the chemical in Annex III. Mexico called for time for consultations, noting that they are not necessarily opposed to the listing of methamidophos, but are not in a position yet to make a final decision. As a result, RC President Khashashneh deferred further debate. On Wednesday, 13 May, Mexico announced its support for listing the substance in Annex III. The COP adopted the decision.

Final Decision: In its decision (UNEP/FAO/RC/COP.7/7), the COP, *inter alia*:

- amends Annex III to the RC to list methamidophos;
- deletes the existing entry in Annex III for “methamidophos (soluble liquid formulations of the substance that exceed 600 g active ingredient/l)”;
- decides that this amendment shall enter into force for all parties on 15 September 2015; and
- approves the draft decision guidance document on methamidophos.

Paraquat: On Tuesday, 12 May, the Secretariat introduced the documents (UNEP/FAO/RC/COP.7/10 and Add.1). President Khashashneh reminded delegates that COP6 had determined that paraquat meets the listing requirements, so the COP only had to decide whether to list the substance.

The African Group, the EU, Panama, Norway, Indonesia, Jamaica, Switzerland, Serbia, the Cook Islands, Uruguay, Brazil, Ukraine and Malaysia supported listing, while Guatemala opposed. When India questioned whether paraquat met the listing criteria, President Khashashneh asked the Secretariat to read the COP6 decision that states that the requirements for listing have been met.

Emphasizing that workers often do not have a choice regarding what pesticides they apply, the International Union of Food Workers urged parties to list the paraquat formulation in Annex III to protect the health and safety of farm workers.

The issue was referred to the chemicals listing contact group, where many supported listing but three developing countries opposed, two of these countries said that paraquat does not meet the listing requirements for a severely hazardous pesticide formulation (SHPF). Several developing countries said that they use paraquat and supported listing.

On Friday, 15 May, plenary twice considered listing paraquat. Guatemala and India opposed listing. Indonesia indicated that, as a new party, it faced certain difficulties in accepting the listing of

paraquat at this time. The African Group, EU, Peru, Nicaragua, El Salvador and Panama supported listing. Ecuador asked that the meeting report reflect its declaration that it had been approached by private sector representatives seeking to persuade countries to oppose listing, which Ecuador found “unacceptable.”

The COP agreed to defer further consideration of listing paraquat until COP8.

Fenthion: On Tuesday, 12 May, the Secretariat introduced the listing of fenthion (ultra-low volume (ULV) formulations at or above 640 g active ingredient/L) in Annex III of the RC as a SHPF, including the rationale and decisions adopted by the CRC (UNEP/FAO/RC/COP.7/8, Add.1, and INF/8-9).

Chad, the EU, Thailand, Mexico and many others supported listing fenthion ULV in Annex III. Niger underscored that this listing would provide better controls for imports. Nigeria and Mauritania supported the listing, calling for technical and financial assistance, as well as research on alternatives. Uruguay underscored the importance of ensuring not just food security, but safe food sources.

Sudan opposed listing fenthion ULV in Annex III, underscoring that there are no available alternatives to protect certain crops from migratory birds.

CropLife International called for setting aside the listing recommendation, saying it is difficult to conclude that the use of the formulation resulted in the reported effects documented in the SHPF proposal.

IPEN supported the listing, stating that stronger PIC procedures can reduce health and environmental risks.

President Khashashneh noted general agreement on the listing of fenthion ULV in Annex III. Sudan reiterated its objection.

In the contact group, one developing country characterized the pesticide incident report on which the CRC recommendation has been based as “very weak,” and said that the pesticide was vital to his country for combatting grain-eating migratory birds and had not been found to be harmful. Some developing country parties welcomed the information associated with listing, saying that their countries will continue using fenthion ULV at 600g active ingredient/L.

On Friday, 15 May, plenary reconsidered the issue. President Khashashneh introduced two revised listing decisions: one that would delay entry into force until 15 September 2017 (UNEP/FAO/RC/COP.7/CRP.18); and the other requesting the Secretariat to provide specific technical assistance to Sudan to identify alternatives to the use of the formulations against granivorous birds (UNEP/FAO/RC/COP.7/CRP.17).

Jamaica asked about the significance of the date chosen to entry into force for the listing, and President Khashashneh explained it was intended to provide sufficient time to identify alternatives to fenthion ULV. Nigeria, Niger, Mali, Burkina Faso, Kenya, Cameroon, Guinea and Yemen indicated interest in receiving the technical support proposed for Sudan. President Khashashneh explained that any information gathered during the support to Sudan would be shared with other countries facing similar problems.

Switzerland and the EU indicated opposition to singling out one country for technical assistance, with Switzerland suggesting deletion of the reference to Sudan or only using the reference as an example of a country needing this type of assistance.

President Khashashneh asked the COP if, with the delayed entry into force and technical assistance provision, it could agree to the listing of fenthion ULV as a SHPF. Sudan said that it “categorically refused” to list fenthion ULV in Annex III.

The COP agreed to defer further consideration of listing fenthion ULV until COP8.

Trichlorfon: On Tuesday, 12 May, the Secretariat introduced the documents for trichlorfon (UNEP/FAO/RC/COP.7/9, 9/Add.1, and INF10-11). The EU, Cook Islands, Yemen, the African Group, Switzerland, Mexico, Uruguay, Jordan, Brazil, Georgia, Colombia, and Thailand said the listing criteria had been met and procedures followed correctly, but India disagreed. President Khashashneh suspended discussions on trichlorfon.

In the contact group, one developing country said that the listing requirements had not been met. The parties that submitted the FRAs on which the CRC recommendation was based explained that their notifications did meet the criteria.

On Friday, 15 May, plenary reconsidered the issue. India expressed its opposition to listing, emphasizing that listing requirements had not been met.

The COP agreed to defer further consideration of listing trichlorfon until COP8.

Intersessional work: President Khashashneh also proposed establishing an intersessional working group composed of parties and observers to explore the means by which the objectives of the RC could be achieved in instances in which the COP is unable to reach consensus on listing of chemicals recommended by the CRC. President Khashashneh tasked the listing contact group with drafting a decision to establish an intersessional group and its work plan, and asked the contact group to consider Australia’s CRP on the operation of the RC.

On Wednesday night, the chemicals listing contact group considered the President’s proposal on intersessional work, reviewed the related Australian proposal and drafted a decision (UNEP/FAO/RC/CRP.13) merging elements of the two.

On Thursday, 14 May, COP7 discussed the draft decision on intersessional work on the process of listing chemicals in Annex III. Ukraine, supported by the Russian Federation, suggested establishing two intersessional groups, one with expertise on pesticides and another with expertise on chrysotile asbestos. President Khashashneh responded that parties can nominate individuals with various expertise to discuss the chemicals that have been recommended by the CRC but not listed in the RC.

Sudan suggested deleting references to observers, saying that the small intersessional group should only be composed of parties and that observers should be consulted but not part of the decision-making process. President Khashashneh emphasized that the intersessional group will report to COP8 and will not take decisions.

Guatemala suggested removing the qualifier “small” from the description of the intersessional group to leave open the option for all interested parties to participate. The EU noted that increasing the size of the group will have budgetary implications that may impede the likelihood of a face-to-face meeting.

Ukraine, supported by the Russian Federation, Gabon and Costa Rica, suggested removing a reference to Articles 5, 6 and 7 (procedures for listing chemicals), saying that intersessional work should focus on the effectiveness of the RC, which may

involve considering other parts of the convention. Argentina said the group should look more broadly at difficulties arising from the “actual process” for listing chemicals.

Australia, supported by Switzerland, suggested referring to documents from COP4 to guide intersessional work (UNEP/FAO/RC/COP.4/CRP.12 and 4/CRP.13).

The COP adopted the decision, taking into account oral amendments regarding deletion of references to specific RC articles and inserting references to COP4 CRPs, as well as deletion of the qualifier “small.”

Final Decision: In its decision (UNEP/FAO/RC/CRP.13), the COP decides to establish an intersessional working group composed of interested parties and observers to undertake work on: a review of cases in which the COP was unable to reach consensus on the listing of a chemical by identifying the reasons for and against listing and, based on that and other information, to develop options for improving the effectiveness of the process; and on proposals for enabling information flows that support the PIC procedure for those chemicals.

This work would be facilitated by a lead country if one volunteers, or failing that, by the Secretariat, and would be underpinned by a workshop, subject to availability of resources. The intersessional working group is to report to COP8.

NON-COMPLIANCE: This agenda item (UNEP/FAO/RC/COP.7/12 and INF/12) was introduced during the joint session of the COPs on Tuesday, 6 May, in conjunction with discussion of non-compliance under the SC (see page 4).

The contact group on compliance under the RC met throughout the first and second week of the COPs, focusing on the two paragraphs regarding decision-making and triggers. On 14-15 May, a small “Friends of the Co-Chairs” group met. On Friday evening, plenary considered a Co-Chairs’ proposal for a draft decision and annexed the negotiated text on the mechanism and procedures (UNEP/FAO/RC/COP.7/CRP.20) to the draft decision.

The Co-Chairs’ proposal included adoption of the procedures and mechanism on compliance building on COP6 work on this issue. It included that the provisions in draft article 19 of the compliance mechanism (possible measures to address compliance issues), such as issuing a statement of concern regarding current or possible future non-compliance or requesting the Executive Secretary to make public cases of non-compliance, would only be available if COP10 decided after reviewing implementation of the procedures and mechanism. Among other things, the draft compliance mechanism would have allowed for a four-fifths majority vote by the Compliance Committee if efforts to reach consensus failed, and modified the so-called “committee trigger.”

India opposed adoption of the Co-Chairs’ proposal. The Russian Federation, EU, the African Group, Switzerland, Colombia, Argentina, Australia, Brazil, Jamaica, Canada, Japan, Cook Islands, New Zealand and Norway supported the Co-Chairs’ proposal and urged its adoption. India stated that it could not agree to the compliance mechanism. President Khashashneh suspended plenary discussion to allow for further consultations.

When the COP reconvened early Saturday morning, 16 May, President Khashashneh submitted his own proposal for draft decision (UNEP/FAO/RC/COP.7/CRP.22), which annexed

draft text of the Co-Chairs’ proposal, and deferred further consideration of this issue until COP8. The COP adopted the President’s proposal.

Final Decision: In its decision (UNEP/FAO/RC/COP.7/CRP.22), the COP decides to consider further at COP8 the procedures and mechanisms on compliance required under Article 17 of the RC, using the annexed draft text as the basis for further work. The decision also invites the Bureau to facilitate intersessional consultations to promote a policy dialogue on outstanding issues with a view to resolving them in a way to facilitate possible adoption by COP8.

TECHNICAL ASSISTANCE: This issue was discussed in a joint session of the BRS Convention COPs on Monday, 4 May, and in a joint contact group on technical assistance and financial resources (see page 6). Delegates adopted a decision on technical assistance without amendment on Friday, 15 May.

Final Decision: In the final decision on technical assistance (UNEP/FAO/RC/COP.7/CRP.14), the COP, *inter alia*:

- welcomes the development of a database for the collection of information pertaining to the needs of parties for the implementation of the Convention, as well as information on available assistance;
- invites developing-country parties and parties with economies in transition to provide information to the Secretariat on their needs in terms of technical assistance and their difficulties in implementing the Convention;
- invites developed-country parties and others with the capacity to do so to continue to provide information to the Secretariat on technical assistance to developing-country parties and parties with economies in transition;
- requests the Secretariat to continue to collect information through tailored electronic questionnaires, and also requests the Secretariat to analyze such information and to identify the gaps and barriers regarding technical assistance and to propose recommendations and take action to address those problems;
- welcomes the technical assistance programme, and requests the Secretariat to implement it in cooperation with relevant actors and to take into account the elements when carrying out work to facilitate the delivery of technical assistance and capacity building for the implementation of the conventions, and urges parties and others in a position to do so to provide funding and other resources to support the implementation of the activities contained in the technical assistance programme;
- requests the Secretariat, when implementing the technical assistance programme, to take into account the specific needs for technical assistance resulting from the listing of new chemicals in Annex III;
- authorizes the Secretariat to contract independent financial audits of capacity-building and technical assistance projects and other related activities undertaken at the regional and/or national level in the implementation of the conventions;
- emphasizes the key role of the regional centres as contained in the provisions of the BC and SC, as well as the regional and subregional offices of the FAO, in delivering technical assistance upon request at the regional level regarding the implementation of the technical assistance programme and facilitating technology transfer to eligible parties; and

- requests the Secretariat to, among others, prepare a technical assistance programme for the biennium 2018-2019, taking into account the synergies process as well as the evaluation of the technical assistance programme.

FINANCIAL RESOURCES: This agenda item was discussed in the joint session of the COPs (see page 5).

INTERNATIONAL COOPERATION AND

COORDINATION: This agenda item was discussed in the joint session of the COPs (see page 5).

PROGRAMME OF WORK AND BUDGET

This item was addressed in the joint session of the COPs on Monday, 4 May, and considered in a budget group throughout the meeting. In plenary on Saturday, 16 May, Budget Group Co-Chair Hernaus announced the RC programme budget for 2016 as US\$4,169,819 and US\$3,976,959 for 2017. Delegates then adopted the RC Programme of work and proposed budget for the biennium 2016-2017.

Final Decision: In its final decision (UNEP/FAO/RC/COP.7/CRP.21), the COP, *inter alia*:

- takes note of the recommendation of Office of Internal Oversight Services to establish a single operational account for staff costs, and in this regard invites the UNEP Executive Director to provide additional information on the practical implications of such a measure as well as on establishing a single joint general trust fund for the BRS Conventions and to make proposals on any required changes to the financial rules, which will inform a decision at the next meeting of the COPs;
- invites the UNEP Executive Director to explore the possibility of establishing a single joint voluntary trust fund for the BRS Conventions and to present proposals to the next meetings of the COPs;
- approves the RC programme budget for the biennium 2016-2017 of US\$4,169,819 for 2016 and US\$3,976,959 for 2017;
- invites the governing body of the FAO at its 39th session to consider establishing the staff position of a senior coordinator within its programme of work and budget for the biennium 2018-2019;
- decides, with regard to assessed and host country contributions due from 1 January 2005 onwards, that no representative whose contributions are in arrears for two or more years shall be eligible to become a member of the COP Bureau or a member of any COP subsidiary body. This shall not apply to parties that are LDCs or SIDS or to parties that have agreed on and are respecting a schedule of payments in accordance with the financial rules; and
- also decides that no representative of any party whose contributions are in arrears for four or more years and that has not agreed on or is not respecting a schedule of payments shall be eligible to receive financial support to attend intersessional workshops and other informal meetings.

OTHER MATTERS

On Tuesday, 5 May, the Secretariat introduced the documents on the MoU between the RC, FAO and UNEP (UNEP/FAO/RC/COP.7/19). This issue was discussed in the joint session and forwarded to the contact group on technical assistance and financial resources.

On Thursday, 14 May, the Secretariat introduced the draft decision (UNEP/FAO/RC/COP.7/CRP.4). RC COP7 adopted the decision without amendment.

Final Decision: In the decision (UNEP/FAO/RC/COP.7/CRP.4), the COP, *inter alia*:

- welcomes the establishment by the UNEP Executive Director of the task team on the effectiveness of administrative arrangements and programmatic cooperation between the Programme and the Convention Secretariats for which the Programme provides the secretariat functions;
- requests the Secretariat to continue to engage in the work of the task team and to provide information to the Bureaux of the COPs to the BRS Conventions on the work of the task team during the intersessional period;
- invites the UNEP Executive Director to keep the Bureaux of the COPs to the BRS Conventions informed when preparing documents for the second session of the UNEA on the relationship between the Programme and the BRS Conventions; and
- requests the Executive Secretaries to prepare, in consultation with the FAO Director General and the UNEP Executive Director, based on the outcome of UNEA's second session on the relationship between the Programme and MEAs, a draft tripartite MoU between the COP to the RC, asking the FAO Director General and the UNEP Executive Director on the provision of secretariat functions for the RC that takes into account the MoU and, if not possible to prepare in consultation with the UNEP Executive Director on the outcome of UNEA's second session on the relationship between the Programme and MEAs for COP8 and a revised draft MoU between the RC COP and the Executive Director of the Programme on the RC Secretariat functions.

ADOPTION OF THE REPORT

On Tuesday, 12 May, Luca Arnold, BC Rapporteur, introduced the first part of the meeting report (UNEP/CHW.12/L.1/Add.1) and delegates adopted it with minor amendments.

CLOSURE OF THE MEETING

In closing, President Khashashneh welcomed the listing of methamidophos but lamented that decisions on listing other chemicals and agreement on compliance could not be reached. He gaveled COP7 to a close at 3:41 am on Saturday, 16 May.

A BRIEF ANALYSIS OF THE MEETINGS

Life is a puzzle. Putting it together is a challenge. - Mahatma Gandhi.

Putting together the pieces presented by the three conventions, each designed differently to achieve distinct goals, is a delicate art performed by the science-based Basel, Rotterdam and Stockholm (BRS) Conventions at the 2015 "Triple COP." At the first Triple COP in 2013, synergies stood center stage, as for the first time a joint BRS Secretariat administered the COPs. Some questioned if discussions on implementing synergies at the administrative level took too much of the limelight, drawing time and attention away from the substantive work of the conventions. This year, synergies were for several "the way that we work now." It had a taken-for-granted quality, no longer

just an experiment in multilateral environmental governance. This normalcy, however, belies considerable work remaining to put the conventions together, manage interactions between them and bring the benefits of cooperation to on-the-ground implementation.

BROADENING SYNERGIES

Efforts to broaden synergies from finding administrative efficiencies to facilitating the substantive work and bringing the conventions closer together were evident at this Triple COP, albeit bumping against the limits imposed by the singularities of each convention. For many, including those outside the process, the relevance of a convention is indicated by its ability to take decisions on matters of current, real world significance. By this measure, synergies have aided the work of the conventions in some areas, but also potentially contributed to a more difficult decision-making process in other areas.

Unlike in 2013, when many complained that there was too little time for the substantive work of the conventions, synergies as practiced in 2015 provided much needed time for difficult technical work to be completed. The joint session of the three conventions discussed issues of mutual interest to two or more conventions. Early consideration of some items such as compliance and POPs waste extended the time beyond that available at an ordinary COP. That the Rotterdam Convention came very near consensus on a compliance mechanism, save for one holdout country, was a surprise to many. Many credited the adoption, albeit on an interim basis, of the e-waste technical guidelines to the time provided to clear the contentious outstanding issues under the POPs waste guidelines. Yet, that additional time did not always yield the hoped for results.

The Stockholm Convention is supposed to collaborate with the Basel Convention on issues related to wastes containing or contaminated with POPs. In practice, this collaboration is more of a request, as the Basel Convention undertakes the work without much consultation with the Stockholm Convention. For several, this technical work requires more collaboration, and a strengthening of the link between the Basel and Stockholm conventions' subsidiary bodies. The technical experts in the Basel Convention did what many viewed as sound work, yet there were questions on whether a principle aim of the Basel Convention—to manage waste in an environmentally-sound manner—is fundamentally at odds with the Stockholm Convention's objective to eliminate POPs. For these observers, "management" is insufficient to avoid releases of POPs through waste recycling or repurposing. For others, pushing for low-POPs content limits below what can be realistically monitored or separated from the waste stream, would delay meaningful action, leading to further releases of POPs from wastes.

There were different proposals to rectify this potential mismatch in the conventions' underlying approaches in future work, including asking the Basel Convention's intersessional working group to report to the Persistent Organic Review Committee (POPRC), the Stockholm Convention's scientific subsidiary body. The Basel Convention COP encouraged more involvement of POPRC members in the Basel Convention's work on this issue. This solution avoids the potential slowdown of progress that could be created if the two subsidiary bodies had to address the same guidelines, but it relies on POPRC experts

to carry the goals of the Stockholm Convention with them, and persuade Basel experts to uphold the Stockholm Convention's objectives. The review of the POPs waste guidelines and potential future work on waste from decaBDE, which is used in plastics for electronic and electrical equipment, may be a test of whether synergies can deliver on two conventions' objectives at once.

Synergies bought time for progress on key issues, but as a veteran delegate commented, "time and political will are two very distinct beasts." This was evident as some parties used the two weeks to find compromises in informal negotiations and other parties used the time to stifle progress on several fronts.

Across conventions, India attempted to block seven items, either alone or in conjunction with a few other parties. Many commented on the rising number of issues with a few holdouts, and the apparent diminished spirit of cooperation at this year's COPs. The efforts taken by parties to overcome these challenges varied depending on the convention, but these efforts rippled throughout the three synergized conventions. A long-time delegate wondered "now that the same delegates attend the same COPs, maybe they've learned from Rotterdam and behaved the same way for Stockholm and Basel."

Parties learned how to handle the growing sense of frustration building over the course of the two weeks of negotiations. That one party was involved in dissent against so many items across the conventions multiplied frustrations of most of the others. One delegate commented that "it seemed to be [the one party] at every turn," expressing that, across conventions, the level of frustration seemed above what would be present if one COP was held at a time, months apart from the others. The Stockholm and Basel Conventions could overcome these objections through compromise or voting, but the Rotterdam Convention was hamstrung by its own rules, leaving a mounting backlog of deferred chemicals.

The rules of the Stockholm and Basel Conventions provide options to accommodate or to overrule what some viewed as "intransigence" that are not available under the Rotterdam Convention. The Stockholm COP found compromises for PCNs and HCBD. For PCP, parties resorted to a vote, the first in the Stockholm Convention's history and an extremely rare event among the post-1992 conventions. Some welcomed the precedent set by voting because it created a new "viable" option to list more chemicals. Others considered other long-term consequences, given that several chemicals currently produced and used by several states, could be considered at COP8.

After resorting to a vote in the Stockholm Convention, there was less appetite to vote in the Basel Convention just minutes later to pass the e-waste technical guidelines. Unlike agreeing to eliminate production and use of PCP, the non-binding e-waste guidelines were adopted on an interim basis and updated to address outstanding issues. Although acknowledging the limitations of the "weak guidelines negotiated," the sentiment for many in favor of adoption was that "something is better than nothing," after seven years of negotiations. However, a few did wonder if "nothing was better than the something being put forward, full of holes." In the end, the Basel Convention COP adopted, on an interim basis, the technical guidelines, with India's reservations noted, a unique case of "consensus doesn't mean unanimity." This precedent caused for some consternation,

by a few who felt that the Basel Convention had achieved a “false consensus” that was only possible because a few parties disassociated themselves from the decision-making procedure.

The Stockholm Convention vote also could have spillover effects for the adoption of the Rotterdam Convention’s rules of procedure, especially the voting provisions. Due to the synergized meeting arrangements, delegates may be learning “the wrong” lessons, as some expressed concern that the parties may never agree to voting in the Rotterdam Convention now that they know that their colleagues are willing to use and organize a vote. Yet others worried that without the option of voting, the backlog of chemicals may remain, a situation that prompted many to openly question the credibility of the Rotterdam Convention. The inability of the Rotterdam Convention to list chemicals approved by its scientific subsidiary body means that, as one delegate lamented “the right to prior informed consent (PIC) is being blocked by very few countries.” Parties agreed to intersessional work to discuss how to list obstructed chemicals. Some options suggested for overcoming these impasses included additional annexes for a voluntary PIC procedure for some chemicals, opt-in or opt-out processes, or a revision of the listing criteria. Many placed great weight on this intersessional work, as summarized by one observer: “if this doesn’t work, the Rotterdam Convention is sunk.”

DEEPENING SYNERGIES

Away from the achievement of synergies at the substantive and procedural level, it was clear that from the outset, many parties were looking to deepen synergies by enhancing cooperation on implementation. The dynamics of deepening synergies differs from broadening synergies. Parties tried to strengthen or create linkages among the conventions, sometimes using synergies as a pretext for discussions that were already underway.

Armed with the 2013 omnibus decision text on enhancing synergies at the national and regional levels, several developing country parties called for more joint work and activities between the Basel and Stockholm Conventions’ regional centres to eliminate overlaps, enhance learning and experience sharing and best practice. To operationalize this idea they suggested more joint meetings and strengthening the connections between the networks of regional and subregional or coordinating centres. Noting the additional technical and financial resources required for this, some developed countries pushed back, invoking the separate mandates of the conventions, and that it is the primary responsibility of the centres’ host countries to ensure their “sustainability, efficiency and effectiveness.” This brought out the frustrations of some developing countries, with Egypt and Iran both lamenting that “synergies are only implemented if they are convenient,” referencing the “easy” streamlining of the BRS Secretariat vs. the more difficult work needed at the regional level. The COP did ultimately request more information on this from the Secretariat, and countries will have to wait at least three years to see any progress.

Enhancing synergies was also used to reintroduce discussions on joint guidance to the GEF raised in 2013. However, the same obstacle remains: the GEF only serves as the interim financial mechanism for the SC. It can therefore only fund Stockholm-related activities and projects. At this meeting, it was clear that

the discussion is quickly evolving from doubts that the GEF can fund activities related to the Basel and Rotterdam Conventions, to when it will begin to, given all the joint activities envisioned to further embed synergies into the BRS Conventions. Countries across the developed-developing country divide proposed joint guidance to the GEF, from all three conventions, pointing to the growing relationship between the Stockholm, Basel and Minamata Conventions—notably not the RC—in work on POPs waste and mercury waste, for example.

Informal discussions on this growing relationship raised some muted comments that perhaps the donors (through the GEF) had “favorite children” among the chemicals and wastes cluster, relegating the concerns of developing countries represented under the Basel and Rotterdam Conventions to the sidelines. Calls for increasing the level of GEF involvement in these two conventions were tempered by two considerations: the establishment of the Special Programme to support institutional strengthening at the national level for the implementation of the BRS Conventions, the Minamata Convention and SAICM, which will consider all three BRS Conventions; and the fact that the Rotterdam Convention does not need a financial mechanism, as its central tenet is information exchange among parties. Eventually, the GEF and the Secretariat were tasked with identifying guidance from the Stockholm Convention that addresses relevant priorities of the other two conventions. Many felt this will largely benefit the Basel Convention, and discussion of this item at the next COPs is highly anticipated.

To further deepen synergies, two regional groups proposed the establishment of a joint general trust fund to finance activities under the three conventions. One participant pointed to the fact that increased savings created by having a joint trust fund would be channeled towards implementation, while another stressed that this will simplify staffing implications for the synergized BRS Secretariat. Those who were less sure of the operation of such a trust fund raised questions on its legal implications, with one country expressing concern that as “not all countries are party to all three conventions, who will be paying for what?” The COPs passed further work on this to UNEP, giving all countries time to consider whether the rules of the various conventions could accommodate such an arrangement.

SOLVING THE PUZZLE

The benefits of synergies for back-to-back meetings of the COPs are evident: there is adequate time to discuss interlinked issues, but the need for political will for any negotiation to be worthwhile and successful is just as important. The conventions’ capacity to deal with obstacles placed in their paths lies wholly in their own rules and functions, and this was tested to unprecedented limits at this meeting. Under this synergistic arrangement of the BRS Conventions, the ramifications of developments within one convention, such as the vote on the listing of PCP, may have spillover effects for another convention. Although many parties lamented that listing PCP had to come to a vote, countries party to the Basel and Stockholm Conventions seen to be blocking progress in future will likely be more cautious to avoid being isolated in discussions across the conventions.

Now that synergies are here to stay, the number of gains expected to be made have tripled—each convention wants to see tangible benefits, but only two are directly suited to each other to do so. In the synergized arrangements, the Basel and Stockholm Conventions seem able to thrive, albeit not without considerable challenges, while the Rotterdam Convention still struggles. The Basel and Stockholm Conventions can find ways to use their provisions to further their goals in terms of taking decisions, but also in terms of finding the necessary resources for implementation. The Rotterdam Convention remains, for reasons related to its rules and lack of institutions on the ground, such as regional centres, and not the will of parties, on the outside of synergies arrangements. The fit among the conventions is imperfect, something recognized by many as attention turned to broadening and deepening synergies. What remains is to find opportunities for all three conventions to thrive in the synergized environment.

UPCOMING MEETINGS

48th Meeting of the GEF Council: The GEF Council meets twice per year to approve new projects with global environmental benefits in the GEF's focal areas, provide guidance to the GEF Secretariat and agencies, and discuss its relations with the conventions for which it serves as the financial mechanism, such as the Stockholm and Minamata Conventions. **dates:** 2-4 June 2015 **location:** Washington D.C., US **contact:** GEF Secretariat **phone:** +1-202-473-0508 **fax:** +1-202-522-3240/3245 **email:** secretariat@thegef.org **www:** <https://www.thegef.org/gef/meetingdocs/97/1370>

12th International Conference on Mercury as a Global Pollutant (ICMGP): Since its inception in 1990, the ICMGP has provided a forum for researchers and policy makers to explore important advances in mercury research and to facilitate collaborations. As the first conference to be held after the adoption of the Minamata Convention, ICMGP 2015 will focus on challenges relating to the implementation of the Convention. **dates:** 14-19 June 2015 **location:** Jeju City, Republic of Korea **contact:** Conference Secretariat **phone:** +82-70-8796-1052 **fax:** +82-2-579-2662 **email:** info@mercury2015.com **www:** <http://mercury2015.com/>

29th Session of the ECOSOC Sub-Committee of Experts on the Globally Harmonized System of Classification and Labeling of Chemicals: The UN Economic and Social Council's (ECOSOC) Sub-Committee of Experts on the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) will discuss issues in classification criteria and related hazard communication, further rationalization of precautionary statements, and GHS implementation. **dates:** 29 June -1 July 2015 **location:** Geneva, Switzerland **contact:** Rosa Garcia Couto **phone:** +41-22-917-2435 **fax:** +41-22-917-0039 **email:** rosa.garcia.couto@unece.org **www:** <http://www.unece.org/trans/main/dgdb/dgsubc4/activities.html>

36th Meeting of the Open-Ended Working Group of the Parties to the Montreal Protocol: This meeting will consider issues related to the implementation of the Montreal Protocol in preparation for the 27th Meeting of the Parties (MOP27), including whether to consider proposals to amend the Protocol regarding hydrofluorocarbons (HFCs) management. **dates:** 20-24

July 2015 **location:** Paris, France **contact:** Ozone Secretariat **phone:** +254-20-762-3851 **fax:** +254-20-762-0335 **email:** ozoneinfo@unep.org **www:** <http://conf.montreal-protocol.org/meeting/oweg/oweg-36/preession/default.aspx>

ICCM4: The Fourth International Conference on Chemicals Management (ICCM4) will consider the Overall Orientation and Guidance, progress in achieving the objectives of the Strategic Approach to International Chemicals Management's (SAICM) Overarching Policy Strategy, existing emerging policy issues, the nomination of environmentally persistent pharmaceutical pollutant as a new EPI, highly hazardous pesticides, and chemicals management beyond 2020. **dates:** 28 September - 2 October 2015 **location:** Geneva, Switzerland **contact:** SAICM Secretariat **phone:** +41-22-917-8532 **fax:** +41-22-797-3460 **email:** saicm.chemicals@unep.org **www:** <http://www.saicm.org>

POPRC11: The eleventh meeting of the Persistent Organic Pollutants Review Committee (POPRC11) will review possible listing for short-chain chlorinated paraffins (SCCPs), dicofol and decaBDE, and may consider the issue of including HCB in Annex C. **dates:** 19-23 October 2015 **location:** Rome, Italy **contact:** BRS Secretariat **phone:** +41-22-917-8729 **fax:** +41-22-917-8098 **email:** ssc@pops.int **www:** <http://www.pops.int>

49th Meeting of the GEF Council: The GEF Council meets twice per year to approve new projects with global environmental benefits in the GEF's focal areas, provide guidance to the GEF Secretariat and agencies, and discuss its relations with the conventions for which it serves as the financial mechanism, such as the Stockholm and Minamata Conventions. **dates:** 20-22 October 2015 **location:** Washington D.C., US **contact:** GEF Secretariat **phone:** +1-202-473-0508 **fax:** +1-202-522-3240/3245 **email:** secretariat@thegef.org **www:** <http://www.thegef.org/gef/node/10108>

Eleventh Meeting of the Rotterdam Convention Chemical Review Committee: The Chemical Review Committee (CRC) is a subsidiary body of the Rotterdam Convention that reviews chemicals and pesticide formulations according to the criteria set out by the Convention in Annexes II and IV, respectively, and makes recommendations to the COP for listing these chemicals in Annex III. **dates:** 26-30 October 2015 **location:** Rome, Italy **contact:** BRS Secretariat **phone:** +41-22-917-8296 **fax:** +41-22-917-8082 **email:** pic@pic.int **www:** <http://www.pic.int/>

Tenth International Conference on Waste Management and Technology (ICWMT10): Organized by the Basel Convention Coordinating Centre for Asia and the Pacific, and sponsored by UNEP, the Stockholm Convention Regional Centre for Capacity-Building and the Transfer of Technology in Asia and the Pacific, China's Ministry of Environmental Protection and others, ICWMT10 aims to promote exchange and cooperation on management policy, technology and experiences on solid and hazardous waste. Under the theme of "Towards Environmental Quality Improvement," participants will discuss, *inter alia*, e-waste management policy, POPs waste management and disposal, mercury waste management, hazardous waste management, and regional and subregional chemicals management. **dates:** 28-30 October 2015 **location:** Mianyang, Sichuan Province, China **contact:** Chen Yuan, BCRC for Asia and the Pacific **phone:** + 86-10-62794351 **fax:** + 86-10-62772048 **email:** cwmt@tsinghua.edu.cn **www:** <http://2015.icwmt.org>

27th Meeting of the Parties to the Montreal Protocol:

MOP27 is scheduled to consider a number of issues, including HFC management, implementation, and nominations for critical- and essential-use exemptions. **dates:** 1-5 November 2015 **location:** Dubai, United Arab Emirates **contact:** Ozone Secretariat **phone:** +254-20-762-3851 **fax:** +254-20-762-4691 **email:** ozoneinfo@unep.org **www:** <http://ozone.unep.org>

Global Summit on Chemical Safety and Security

(ChemSS): Organized by the International Centre for Chemical Safety and Security (ICCSS) in cooperation with the Ministry of Economy of Poland, the ChemSS will be the first global multi-stakeholder event dedicated to addressing chemical safety and security solutions in the supply chain of raw materials, production, infrastructure, transportation and use of chemicals in areas of chemical activity. **dates:** 16-18 November 2015 **location:** Kielce, Poland **contact:** Amb. Krzysztof Paturej, ICCSS President of the Board **phone:** +48-22-4362044 **email:** k.paturej@iccss.eu **www:** www.chemss2015.org

Seventh Session of the Intergovernmental Negotiating

Committee on Mercury (INC7): This is intended as the last meeting of the INC and will prepare for the first COP. **dates:** 7-11 March 2016 **location:** Jordan **contact:** Interim Secretariat **fax:** +41-22-797-34 60 **email:** mercury.chemicals@unep.org **www:** <http://www.mercuryconvention.org>

Thirteenth Meeting of the COP to the Basel Convention, the eighth meeting of the COP to the Rotterdam Convention and the eighth meeting of the COP to the Stockholm Convention:

These meetings are tentatively scheduled to convene back-to-back in 2017. **dates:** 23 April - 5 May 2017 **location:** Geneva, Switzerland **contact:** BRS Secretariat **phone:** +41-22-917-8729 **fax:** +41-22-917-8098 **email:** brs@unep.org **www:** www.basel.int, www.pic.int, www.pops.int

For additional meetings, go to <http://chemicals-l.iisd.org/>

GLOSSARY

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| BAN | Basel Action Network |
| BAT/BEP | Best Available Techniques/Best Environmental Practices |
| BC | Basel Convention |
| BRS | Basel, Rotterdam and Stockholm |
| CHM | Clearinghouse mechanism |
| CLI | Country-led initiative |
| CNs | Chlorinated naphthalenes |
| COP | Conference of the Parties |
| CRC | Chemical Review Committee |
| ESM | Environmentally-sound management |
| E-waste | Electrical and electronic waste |
| FAO | UN Food and Agriculture Organization |
| FRA | Final regulatory action |
| GEF | Global Environment Facility |
| GRULAC | Latin American and Caribbean Group |
| HBCD | Hexabromocyclododecane |
| HCBD | Hexachlorobutadiene |
| ICCM | International Conference on Chemicals Management |
| IMO | International Maritime Organization |
| IPEN | International POPs Elimination Network |
| LDCs | Least-developed countries |
| MEA | Multilateral environmental agreement |
| MoU | Memorandum of Understanding |
| NIP | National Implementation Plan |
| OEWG | Open-ended Working Group |
| PAN | Pesticide Action Network |
| PCBs | Polychlorinated biphenyls |
| PCP | Pentachlorophenol |
| PCNs | Polychlorinated naphthalenes |
| PEN | PCBs Elimination Network |
| PFOA | Perfluorooctanoic acid |
| PFOS | Perfluorooctane sulfonic acid |
| PFOSF | Perfluorooctane sulfonyl fluoride |
| POPRC | POPs Review Committee |
| POPs | Persistent Organic Pollutants |
| PIC | Prior Informed Consent |
| RC | Rotterdam Convention |
| SAICM | Strategic Approach to International Chemicals Management |
| SC | Stockholm Convention |
| SCCPs | Short-chained chlorinated paraffins |
| SHPF | Severely hazardous pesticide formulation |
| SIDS | Small island developing states |
| SIWG | Small Intersessional Working Group |
| TGs | Technical guidelines |
| ToRs | Terms of reference |
| ULV | Ultra low volume |
| UNEA | United Nations Environment Assembly |
| UNEP | United Nations Environment Programme |
| WHO | World Health Organization |