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**Information on the work undertaken within the framework of Basel,
Rotterdam and Stockholm conventions as it relates to the fourth
session of the Environment Assembly**

The present note sets out information on the mandates and activities undertaken within the framework of Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants as they relate to items on the provisional agenda of the fourth session of the United Nations Environment Assembly of the United Nations Environment Programme. The information has been submitted by the Secretariat of the Basel, Rotterdam and Stockholm Conventions. The present note, including its annex, has not been formally edited.

Information on the work undertaken within the framework of the Basel, Rotterdam and Stockholm conventions as it relates to the fourth session of the Environment Assembly

I. Introduction

1. From 29 April to 10 May 2019, the conferences of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants will meet back-to-back in Geneva for the fourth time. The present document provides an overview on developments under the conventions of relevance to the implementation of:

- (a) Resolution 3/4 on environment and health;
- (b) Resolution 3/6 on managing soil pollution to achieve sustainable development;
- (c) Resolution 3/7 on marine litter and microplastics;
- (d) Resolution 3/9 on eliminating exposure to lead paint and promoting environmentally sound management of waste lead-acid batteries.

II. Overall mandates for programmatic cooperation with UNEP

2. The Secretariat of the Basel, Rotterdam and Stockholm has a general mandate for programmatic cooperation with the United Nations Environment Programme, which was adopted by their conferences of the Parties in a joint decision in 2017.¹

3. During their 2019 meetings, each Conference of the Parties will consider for possible adoption a memorandum of understanding with the United Nations Environment Programme² (and with the Food and Agriculture Organization of the United Nations for the Rotterdam Convention) concerning the arrangements for the provision of secretariat functions for the respective convention which includes a section on programmatic cooperation.

III. Progress in the implementation of resolution 3/4 on environment and health

4. In resolution 3/4 on environment and health, the Environment Assembly, among other things, urged Parties to the Basel Convention, the Rotterdam Convention, and the Stockholm Convention to implement those conventions and invited non-Parties to consider joining them.

5. Two States have become Parties to two out of the three conventions since the third meeting of the Environment Assembly:

(a) The State of Palestine deposited its instrument of accession to the Rotterdam and Stockholm conventions on 29 December 2017 and the conventions entered into force for this Party on 29 March 2018;

(b) Vanuatu deposited its instruments of accession to the Basel and Rotterdam conventions on 16 October 2018 and the conventions entered into force for this Party on 14 January 2019.

6. During their 2019 meetings, the conferences of the Parties will consider a range of possible decisions to enhance the implementation and effectiveness of the three conventions.

7. The fourteenth Conference of the Parties to the Basel Convention will consider, among other things:

(a) Recommendations prepared by the expert working group on the review of annexes for revisions to Annex IV and Annex IX (B1110) to the Convention, as well as extensions of the expert working group's mandate;³

¹ See decisions BC-13/16, RC-8/10, and SC-8/20.

² See documents UNEP/CHW.14/26, UNEP/FAO/RC/COP.9/22 and UNEP/POPS/COP.9/30

³ UNEP/CHW.14/14 and document UNEP/CHW.14/INF/23

(b) A proposal to amend Annexes II, VIII and IX to the Convention submitted by Norway on 12 October 2018, followed by a corrigendum on 19 November 2018, which proposes to distinguish between three categories of plastic waste under the Basel Convention – single polymer uncontaminated plastic waste, plastic waste requiring special consideration, and hazardous plastic waste, the two latter categories falling under the prior informed consent procedure.⁴

8. Under the Rotterdam Convention, among other things, the following matters of relevance to the implementation of resolution 3/4 will be discussed at the upcoming ninth Conference of the Parties:

(a) The inclusion of seven new chemicals and severely hazardous pesticide formulations in Annex III to the Convention, namely acetochlor,⁵ hexabromocyclododecane,⁶ phorate,⁷ carbosulfan,⁸ chrysotile asbestos,⁹ fenthion (ultra-low-volume (ULV) formulations at or above 640g active ingredient/L),¹⁰ and liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L;¹¹

(b) A range of recommendations to enhance the effectiveness of the Rotterdam Convention¹² as well as proposals to amend Articles 16 and 22 of the Convention, submitted on 11 October 2016 by Botswana, Cameroon, Ghana, Kenya, Lesotho, Malawi, Mozambique, Namibia, Nigeria, South Africa, Swaziland, the United Republic of Tanzania, Zambia and Zimbabwe in the case of Article 16, and by Botswana, Cameroon, Ghana, Kenya, Lesotho, Malawi, Mozambique, Namibia, Nigeria, Swaziland, the United Republic of Tanzania and Zambia in the case of Article 22, and discussed at the eighth meeting of the Conference of the Parties, but consideration of the agenda sub-item was not completed.¹³ The proposals provide for, respectively, the possibility to list new substances in Annex III by a three-fourth majority vote of the Parties present and voting at the meeting, if all efforts at consensus have been exhausted, and the provision of technical and financial assistance through the Global Environment Facility so as to enable eligible Parties to take informed decisions to list chemicals;¹⁴

(c) A proposal for the adoption of a new annex to the Convention entitled “Procedures and mechanisms on compliance with the Rotterdam Convention”, submitted by Canada, Colombia, Costa Rica, Ghana, Jordan, Mali, Nigeria, Peru, Switzerland, Thailand, the United Republic of Tanzania and Zambia on 22 October 2018 and subsequently co-sponsored by the European Union and its member States, which provides for the adoption of a facilitative compliance mechanism in a new Annex VII to the Convention.¹⁵

9. The ninth Conference of the Parties to the Stockholm Convention will, among other things, consider:

(a) The inclusion of dicofol in Annex A to the Convention,¹⁶ and perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds in Annex A to the Convention;¹⁷

(b) Amendments of the perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF) entry in Annex B to the Convention that were recommended by the Persistent Organic Pollutants Review Committee;

(c) The revised framework for effectiveness evaluation prepared by the Secretariat;¹⁸

⁴ The proposals are set out in annex I to document UNEP/CHW.14/27. An explanatory note from Norway is set out in document UNEP/CHW.14/INF/18.

⁵ UNEP/FAO/RC/COP.9/6 and UNEP/FAO/RC/COP.9/6/Add.1.

⁶ UNEP/FAO/RC/COP.9/7 and UNEP/FAO/RC/COP.9/7/Add.1.

⁷ UNEP/FAO/RC/COP.9/8 and UNEP/FAO/RC/COP.9/8/Add.1.

⁸ UNEP/FAO/RC/COP.9/9 and UNEP/FAO/RC/COP.9/9/Add.1.

⁹ UNEP/FAO/RC/COP.9/10 and UNEP/FAO/RC/COP.9/10/Add.1.

¹⁰ UNEP/FAO/RC/COP.9/11 and UNEP/FAO/RC/COP.9/11/Add.1.

¹¹ UNEP/FAO/RC/COP.9/12 and UNEP/FAO/RC/COP.9/12/Add.1.

¹² UNEP/FAO/RC/COP.9/13

¹³ UNEP/FAO/RC/COP.8/27, para. 124.

¹⁴ The proposals are set out in annex I to document UNEP/FAO/COP.9/13/Add.1. An explanatory note from the Parties proposing the amendments may be found in document UNEP/FAO/RC/COP.8/INF/40.

¹⁵ The proposal is set out in annex I to document UNEP/FAO/RC/COP.9/14/Add.1. An explanatory note by the Parties proposing the new annex VII is reproduced in document UNEP/FAO/RC/COP.9/INF/41.

¹⁶ UNEP/POPS/COP.9/13.

¹⁷ UNEP/POPS/COP.9/14.

¹⁸ UNEP/POPS/COP.9/20.

(d) A proposal to amend Article 8 and Annex D to the Stockholm Convention, submitted by the Russian Federation on 26 October 2018.¹⁹

IV. Progress in the implementation of resolution 3/6 on managing soil pollution to achieve sustainable development

10. In resolution 3/6 on managing soil pollution to achieve sustainable development, the Environment Assembly, among other things, requested the United Nations Environment Programme:

(a) In collaboration with other United Nations entities and relevant global and regional initiatives with expertise related to soil and soil pollution, including the Food and Agriculture Organization of the United Nations, the Global Soil Partnership, the United Nations Convention to Combat Desertification, the World Health Organization, the Stockholm Convention on Persistent Organic Pollutants, the Minamata Convention on Mercury and the International Committee on Contaminated Land, to cooperate as appropriate in efforts geared at preventing, reducing and managing soil pollution;

(b) In consultation with member States, to invite, within their respective mandates and available resources, the United Nations Convention to Combat Desertification, the World Health Organization, the Food and Agriculture Organization of the United Nations and other relevant United Nations entities, in collaboration with partners, including academia, research and scientific institutions, to work with the United Nations Environment Programme:

- (i) To promote research and development that contributes to controlling and managing soil pollution;
- (ii) To strengthen the science-policy interface to inform policymaking on soil pollution, as appropriate, at the national, regional and international levels;
- (iii) To raise awareness and improve the dissemination of knowledge on soil pollution;
- (iv) To promote a coordinated approach for combating soil pollution, including the promotion of coherent and coordinated data collection and management, and information-sharing on soil pollution.

11. At its upcoming meeting, the Conference of the Parties to the Basel Convention will consider the following new and updated technical guidelines of relevance to the prevention and minimization of soil pollution:

(a) Draft updated general technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants;²⁰

(b) Draft technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with short-chain chlorinated paraffins;²¹

(c) Draft updated technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexabromodiphenyl ether and heptabromodiphenyl ether, and tetrabromodiphenyl ether and pentabromodiphenyl ether or decabromodiphenyl ether;²²

(d) Draft updated technical guidelines on the environmentally sound management of wastes containing or contaminated with unintentionally produced polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans, hexachlorobenzene, polychlorinated biphenyls, pentachlorobenzene or polychlorinated naphthalenes, to include hexachlorobutadiene;²³

(e) Draft updated technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexachlorobutadiene;²⁴

¹⁹ The proposal is set out in annex I to document UNEP/POPS/COP.9/15. An explanatory note by the Parties proposing the new annex VII is reproduced in document UNEP/POPS/COP.9/INF/9.

²⁰ UNEP/CHW.14/7/Add.1.

²¹ UNEP/CHW.14/7/Add.2.

²² UNEP/CHW.14/7/Add.3.

²³ UNEP/CHW.14/7/Add.4.

²⁴ UNEP/CHW.14/7/Add.5.

(f) Draft updated technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention;²⁵

(g) Revised draft updated technical guidelines on incineration on land (D10);²⁶

(h) Revised draft updated technical guidelines on specially engineered landfill (D5).²⁷

12. At its upcoming meeting, the Conference of the Parties to the Stockholm Convention would consider welcoming the new or updated technical guidelines pertaining to persistent organic pollutants if adopted by the Conference of the Parties to the Basel Convention which are mentioned in paragraph 11 (a) to (e), and consider:

(a) Draft updated guidance on the global monitoring plan for persistent organic pollutants;²⁸

(b) Draft guidance on best available techniques and best environmental practices for the production and use of pentachlorophenol, its salts and esters listed with specific exemptions under the Stockholm Convention.²⁹

13. The Global Symposium on Soil Pollution, held in Rome from 2 to 4 May 2018, was co-organized by the Secretariat of the Basel, Rotterdam and Stockholm Convention, the Food and Agriculture Organization of the United Nations, the Global Soil Partnership, the Intergovernmental Technical Panel on Soils, UN Environment and the World Health Organization. The symposium was attended by 525 participants from 100 countries, including policy-makers, representatives of the private sector and civil society, as well as scientists working on soil pollution and related fields. The overall aim of the symposium was to gather available information and scientific knowledge on soil pollution.

V. Progress in the implementation of resolution 3/7 on marine litter and microplastics

14. In resolution 3/7 on marine litter and microplastics, the Environment Assembly, among other things, invited relevant international and regional organizations and conventions, including the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Stockholm Convention on Persistent Organic Pollutants, the International Maritime Organization and its conventions, the Food and Agriculture Organization of the United Nations, regional fisheries management organizations and arrangements, regional seas conventions and programmes, the Organization for Economic Cooperation and Development and the Strategic Approach to International Chemicals Management, as appropriate within their mandates, to increase their action to prevent and reduce marine litter and microplastics and their harmful effects and to coordinate where appropriate to achieve that end.

15. Accordingly, the upcoming fourteenth meeting the Conference of the Parties to the Basel Convention will discuss several proposals to increase action on marine litter and microplastics under the Basel Convention, namely:

(a) The establishment of a partnership on plastic waste that also addresses marine plastic litter and microplastics;³⁰

(b) The adoption of further actions on marine plastic litter and microplastics on the basis of a set of draft elements agreed by the eleventh meeting of the Open-ended working group. Those elements, amongst other things, provide for a process to update the technical guidelines for the identification and environmentally sound management of plastic wastes and for their disposal adopted in 2002, inter alia, to address the challenges of marine plastic litter and microplastics and establish a group for this purpose; request the Household Waste Partnership to coordinate closely with the new partnership on plastic wastes to be established; and invite the expert working group on the review of

²⁵ UNEP/CHW.14/7/Add.6.

²⁶ UNEP/CHW.14/7/INF/11.

²⁷ UNEP/CHW.14/7/INF/12.

²⁸ UNEP/POPS/COP.9/INF/36.

²⁹ UNEP/POPS/COP.9/INF/16.

³⁰ See decision OEWG-11/8, para 7, recommending to the Conference of the Parties at its fourteenth meeting the establishment of a partnership under the Basel Convention on plastic wastes that also addresses marine plastic litter and microplastics.

annexes to consider whether any additional constituents or characteristics should be added to Annex I or Annex III to the Convention;³¹

(c) A proposal to amend Annexes II, VIII and IX to the Basel Convention submitted by Norway on 12 October 2018, followed by a corrigendum on 19 November 2018, which proposes to distinguish between three categories of plastic waste under the Basel Convention – single polymer uncontaminated plastic waste, plastic waste requiring special consideration, and hazardous plastic waste, the two latter categories falling under the prior informed consent procedure.³²

16. A detailed report on the contribution of the Basel Convention to the work on marine plastic litter is set out in the annex to the present note.

VI. Progress in the implementation of resolution 3/9 on eliminating exposure to lead paint and promoting environmentally sound management of waste lead-acid batteries

17. At its fourteenth meeting, the Conference of the Parties to the Basel Convention will consider the invitation by resolution 3/9 to revise the technical guidelines on the environmentally sound management of waste lead-acid batteries regarding the application of new technologies in different aspects of environmentally sound management systems.³³

³¹ See decision OEWG-11/8, annex.

³² The proposals are set out in annex I to document UNEP/CHW.14/27. An explanatory note from Norway is set out in document UNEP/CHW.14/INF/18.

³³ A draft decision is set out in para 49 of document UNEP/CHW.14/7.

Annex

Marine plastic litter and microplastics: The contribution of the Basel Convention

I. Introduction

1. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal entered into force in 1992. It has three principal aims: minimizing the generation of hazardous wastes and other wastes, controlling their transboundary movements and promoting their environmentally sound management. There are 187 Parties to the Convention.

2. The thirteenth meeting of the Conference of the Parties (COP), held in 2017, included in the work programme of one of its subsidiary bodies – the Basel Convention Open-ended Working Group (OEWG) - a remit to consider relevant options available under the Convention to further address marine plastic litter and microplastics, taking into account, inter alia, the assessment requested by the United Nations Environment Assembly of the United Nations Environment Programme in its resolution 2/11, any relevant resolution adopted by the Environment Assembly at its third session and existing guidance documents and activities under the Basel Convention that address issues related to marine plastic litter and microplastics. The OEWG was further requested to develop a proposal for possible further action, within the scope of the Convention and avoiding duplication with activities relating to the matter in other forums, for consideration by the COP at its fourteenth meeting.

3. The OEWG met in September 2018. It agreed on draft elements, set out in the annex to its decision OEWG-11/18, to be taken as a basis for decisions by the COP on further actions on marine plastic litter and microplastics. These elements include, for example, emphasizing that work under the Basel Convention can and will play an important role in addressing marine plastic litter and microplastics, the need to avoid duplication with work undertaken in other international forums, and the need to update the technical guidelines on plastic wastes adopted in 2002. Specifically, the OEWG recommended that the COP should establish a Basel Convention Partnership on Plastic Wastes. The draft decisions for consideration by COP-14 are currently being finalized by the Secretariat in the light of further comments submitted by Parties and others by 17 December 2018.

4. The OEWG also recommended that the COP consider whether to amend entry B3010 on solid plastic waste in Annex IX to the Convention and, if so, in what form, and noted the intention of the Government of Norway to submit a proposal to amend Annex II to the Convention.

5. The COP will consider these issues at its fourteenth meeting, to be held from 29 April to 10 May 2019, in Geneva. At that time, the COP will also have before it any relevant decisions of the fourth meeting of the United Nations Environment Assembly.

6. Decisions OEWG-11/8 and OEWG-11/7 are reproduced in the appendix to the present annex. The report of the eleventh meeting of the OEWG is available on the website of the Basel Convention.³⁴

II. Basel Convention Partnership on Plastic Wastes

7. The Basel Convention has considerable experience with partnership approaches bringing together a wide range of actors to promote environmentally sound management of wastes – for example on computing equipment, and most recently on household waste.

8. The OEWG recommended that the COP should establish a new partnership to address plastic wastes, with the objective “to improve and promote the environmentally sound management of plastic wastes and minimize their generation so as to reduce significantly, and in the long-term eliminate, the discharge of plastic and microplastics into the environment and in particular the marine environment”.

9. The partnership would aim to promote dialogue amongst governments, regional and local authorities, Regional Seas Programmes, intergovernmental organizations, private sector, non-governmental organizations and academia; foster best practice solutions and make recommendations; and coordinate and cooperate, as appropriate, with other bodies involved in activities concerning the management of plastic wastes, to build on the body and knowledge currently existing on best practices, successes and challenges.

³⁴ <http://www.basel.int/tabid/6258/Default.aspx>.

10. At the OEWG meeting, not only Parties but also other stakeholders, including trade associations and NGOs, expressed support for establishing a partnership along those lines.
11. Parties and others were invited to submit their comments on the draft terms of reference of the partnership and suggestions on the draft work programme of the partnership for the biennium 2020-2021. As of 14 February 2019, comments have been received from Canada, Côte d'Ivoire, the European Union and its member States, Japan, Norway, the United States of America, the American Chemistry Council and the World Plastics Council.
12. Taking into account the discussions at OEWG-11 and the comments and suggestions received from Parties and others, the Secretariat revised the draft terms of reference of the partnership and prepared a draft work programme, as set out in document UNEP/CHW.14/INF/16.³⁵
13. The relevant draft decision on the Partnership on Plastic Waste is set out in document UNEP/CHW.14/11,³⁶ for consideration and possible adoption at COP-14.

III. Possible amendments to the Convention

14. At its fourteenth meeting, the COP will also consider proposals to amend Annexes II, VIII and IX to the Convention submitted by the Government of Norway. The aim of the proposed amendments, as described by Norway, is to clarify the distinction between:
 - (a) Hazardous plastic waste already covered by the Basel Convention (Annex I - wastes);
 - (b) Problematic streams of plastic waste that should fall under the Basel Convention, for instance due to a mixture of different plastics, a mixture with other wastes, or contamination to an extent which prevents recycling in an environmentally sound manner (Annex II - wastes);
 - (c) Uncontaminated, pre-sorted plastic materials for recycling, prepared to a specification and suitable for immediate recycling (Annex IX - wastes).
15. The two first categories would fall under the prior informed consent procedure of the Basel Convention (PIC procedure); the third category would not. According to Norway, the rationale for the proposed amendments is that a lot of plastic waste is currently exported to operators unable to manage it in an environmentally sound manner, which substantially increases the risk of plastic waste being discharged into the environment and ultimately becoming marine litter. The changes would also create an incentive for stakeholders to prepare plastic waste in a way that it can be more readily recycled, contributing thereby to establishing a circular economy.
16. The proposed amendments are currently open to comments by Parties and will be carefully considered by the COP; the final outcome of this consideration could therefore be different from the current text of the proposed amendments.
17. Norway has provided the following informal summary description of the effects of the proposed amendments:
 18. The amendment to Annex II would bring certain plastic wastes subject to transboundary movement within the scope of the PIC procedure. The procedure already applies to plastic wastes which meet the hazardous waste criteria set out in Annexes I, III and VIII. Annex II lists further categories of waste which, although not hazardous wastes according to the convention, require special consideration. By adding plastic wastes to Annex II, the basic obligations of the convention regarding "other wastes" would apply to them – for example, Parties would be required to ensure that their generation is reduced to a minimum, that adequate disposal facilities for environmentally sound management located if possible within Parties' territories are available, and that transboundary movements are minimized consistent with environmentally sound and efficient management of such wastes.
 19. The second amendment concerns Annex VIII. This Annex lists specific wastes which are presumed to be 'hazardous' under the convention, unless it can be shown that they do not in fact have hazardous properties. If adopted, the amendment would add to Annex VIII plastic wastes containing certain hazardous constituents listed in Annex I. According to Norway this second amendment is only consequential in nature and does not intend to change the definition of hazardous plastic waste under the convention.

³⁵ <http://www.basel.int/tabid/7520/Default.aspx>.

³⁶ Ibid.

20. The third amendment concerns Annex IX. This Annex lists categories of waste which are not regarded as ‘hazardous wastes’, unless they arise from Annex I waste streams or contain hazardous substances to the extent that they show hazardous properties. The Convention thus gives plastic wastes listed in Annex IX a ‘green light’, in the form of a presumption that they fall outside the PIC procedure. Currently, Annex IX includes an entry covering a wide range of solid plastic waste.³⁷ The proposed amendment would limit the scope of plastic waste covered by Annex IX, to include only consignments of plastic waste, which are not mixed or contaminated to an extent which prevents recovery in an environmentally sound manner. Clean, sorted batches of waste, which are suitable for recycling, would however continue to fall outside the PIC procedure.³⁸

21. The amendment to Annex IX was discussed at OEWG, which recommended that the COP should, at its fourteenth meeting, consider whether Annex IX should be amended and, if so, in what form.

22. The different amendments proposed by Norway would potentially bring a wider range of plastic wastes within the scope of the Convention as “other wastes requiring special consideration” and thus subject those wastes to the obligations of the convention, including on prior informed consent. Uncontaminated and sorted plastic wastes for recycling, prepared to a specification and suitable for immediate recycling would remain outside the scope of the PIC procedure. The COP will need to consider whether these changes are desirable, and, if so, precisely define the categories of plastic wastes to be covered by the Convention.

23. The amendments have been communicated to the Parties and signatories to the Convention on 26 October 2018. In the same communication, in order to facilitate discussions at the fourteenth meeting of the Conference of the Parties, Parties have been invited to submit to the Secretariat and the Government of Norway any comments relating to the amendment proposals by 31 December 2018. As of 14 February 2019, comments were received from the European Union and its member States, Japan, Lebanon, Malaysia, Mexico, Qatar and Singapore.³⁹ The proposals to amend the annexes to the Basel Convention are set out in document UNEP/CHW.14/27,⁴⁰ for consideration and possible adoption at COP-14.

24. If adopted by the COP, any amendment to the annexes would come into effect six months after the depositary has communicated it to Parties, except for those Parties that, within the deadline, declare that they cannot accept it.

IV. Technical guidelines on plastic wastes

25. The COP adopted “Technical guidelines for the identification and environmentally sound management of plastic wastes and for their disposal” in 2002.⁴¹ These guidelines focus mainly on the technical aspects of the management of plastics once they become waste, with particular emphasis on their recycling. The environmental and health impacts of plastic waste are not addressed, nor is the reduction of hazard potential of plastic products and waste.

26. The OEWG agreed that the COP consider updating these guidelines and that arrangements should be made for an expert group to undertake this work. It also agreed that the COP consider inviting Parties to provide information on their experiences in using the technical guidelines.

V. Technical assistance and capacity-building

27. The OEWG noted that the technical assistance plan for the implementation of the Basel Convention, the Rotterdam Convention⁴² and the Stockholm Convention⁴³ provides opportunities for capacity-building by Parties including on marine plastic litter and microplastics.

³⁷ Entry B3010 of Annex IX to the Basel Convention.

³⁸ Clean, sorted batches of plastic waste, which are suitable for recycling, would not be regarded as hazardous wastes and would neither fall under the new entry for plastics in Annex II.

³⁹ <http://www.basel.int/tabid/7906/Default.aspx>.

⁴⁰ <http://www.basel.int/tabid/7520/Default.aspx>.

⁴¹ Decision VI/21 and document UNEP/CHW.6/21.

⁴² The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

⁴³ The Stockholm Convention on Persistent Organic Pollutants.

28. In particular the regional centres of the Basel and Stockholm Conventions have already undertaken extensive work to address pollution by marine plastics and microplastics. The OEWG agreed that the COP should consider inviting them to continue this work.⁴⁴

29. The OEWG also agreed that the COP should consider asking the Secretariat to use the clearing house mechanism of the Basel, Rotterdam and Stockholm conventions to gather information about regional and national initiatives on marine plastic litter and microplastics and to make such information readily available, taking into account and in cooperation with other initiatives.

VI. Other issues

30. Plastics may contain potentially hazardous substances, including additives such as plasticizers and flame retardants, or may be contaminated by hazardous substances. As a result, plastic wastes may, as marine litter and microplastics, pose a risk to human health and marine. The OEWG therefore agreed to invite the COP to consider welcoming the work of the Stockholm Convention to eliminate or control the production or use of persistent organic pollutants, and the work of the Strategic Approach to International Chemicals Management, in particular in relation to nanomaterials and to chemicals in products.

31. The OEWG further agreed that the COP should consider addressing public awareness, education and information exchange, and in particular how Parties can most effectively make relevant technical, social and economic information and expertise available by building on existing work, taking into account the scope of the new partnership on plastic waste, and the work of the United Nations Environment Programme and other agencies, in order to achieve maximum impact and avoid duplication.

32. It also invited the COP to consider what data should be gathered, and by whom, related to the generation, disposal of, and transboundary movement of plastic wastes in different waste streams; the environmental, economic and social impact of plastic wastes; and national policies and progress towards the environmentally sound management of plastic wastes.

33. Finally, it agreed that the COP should consider whether, how and when it should assess the effectiveness of the measures taken under the convention to address plastic waste contributing to marine plastic litter and microplastics.

VII. Next steps

34. The Basel Convention COP, at its fourteenth meeting will consider adopting a comprehensive set of decisions addressing plastic wastes, with the aim of preventing pollution by marine plastic litter and microplastics. The draft decisions are set out in the following documents and are available on the website of the Basel Convention:⁴⁵

- (a) Marine plastic litter and microplastics (UNEP/CHW.14/11);
- (b) Basel Convention Partnership Programme (UNEP/ CHW.14/18);
- (c) Technical assistance and capacity-building for the implementation of the Basel, Rotterdam and Stockholm conventions (UNEP/CHW.14/16–UNEP/FAO/RC/COP.9/15–UNEP/POPS/COP.9/16);
- (d) Basel Convention regional and coordinating centres (UNEP/CHW.14/17);
- (e) Stockholm Convention regional and subregional centres for capacity-building and the transfer of technology (UNEP/POPS/COP.9/17);
- (f) International cooperation and coordination (UNEP/CHW.14/20–UNEP/FAO/RC/COP.9/16–UNEP/POPS/COP.9/23);
- (g) Clearing-house mechanism for information exchange (UNEP/CHW.14/21–UNEP/FAO/RC/COP.9/17–UNEP/POPS/COP.9/24).

35. Many of the actions will fall within the existing programmes under the Convention – for example, the work on technical assistance – or the development of existing technical guidelines. Other activities would be new, such as the creation of a new partnership to deal with plastic wastes.

⁴⁴ UNEP/CHW/OEWG.11/INF/23.

⁴⁵ <http://www.basel.int/tabid/7520/Default.aspx>.

The recommendations also reflect the importance of working closely with other organisations and initiatives, in order to achieve maximum impact and to avoid duplication.

Appendix

Decisions OEWG-11/8 and OEWG-11/7

OEWG-11/8: Marine plastic litter and microplastics

The Open-ended Working Group

1. *Welcomes* the report on possible options available under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal to further address marine plastic litter and microplastics⁴⁶ and takes note of the information on activities related to marine plastic litter and microplastics undertaken by Basel Convention regional and coordinating centres;⁴⁷
2. *Agrees* that the draft elements set out in the annex to the present decision should be a basis for a decision by the Conference of the Parties at its fourteenth meeting on further actions on marine plastic litter and microplastics;
3. *Invites* Parties and observers to submit comments on those draft elements to the Secretariat by 31 October 2018;
4. *Requests* the Secretariat to prepare a draft decision based on those draft elements, taking into account the comments received pursuant to paragraph 3 of the present decision, for consideration by the Conference of the Parties at its fourteenth meeting;
5. *Also requests* the Secretariat to reflect the elements set out in sections 7, 8 and 9 of the annex to the present decision in the draft decisions on relevant agenda items to be considered by the Conference of the Parties at its fourteenth meeting;
6. *Welcomes with appreciation* the proposal submitted by the Government of Norway on the establishment of a plastic waste partnership;
7. *Recommends* to the Conference of the Parties at its fourteenth meeting the establishment of a partnership under the Basel Convention on plastic wastes that also addresses marine plastic litter and microplastics;
8. *Invites* Parties and others to provide comments on the draft terms of reference of the partnership set out in the annex to document UNEP/CHW/OEWG.11/INF/39 and suggestions on elements of the work programme of the partnership for the biennium 2020–2021 by 17 December 2018;
9. *Requests* the Secretariat to revise the draft terms of reference of the partnership and prepare a draft work programme of the partnership for the biennium 2020–2021, taking into account the discussions at the eleventh meeting of the Open-ended Working Group and comments and suggestions received pursuant to paragraph 8 of the present decision, and to submit the revised draft terms of reference and the draft work programme to the Conference of the Parties at its fourteenth meeting for its consideration and possible adoption;
10. *Takes note* of decision OEWG-11/7 on amendments to Annex IX to the Convention and the intention of the Government of Norway, as expressed at the eleventh meeting of the Open-ended Working Group, to submit a proposal to amend Annex II to the Convention for consideration and possible adoption by the Conference of the Parties at its fourteenth meeting;
11. *Requests* the Secretariat to communicate the present decision to the open-ended ad hoc expert group referred to in paragraph 10 of resolution 3/7 of the United Nations Environment Assembly and to the United Nations Environment Assembly at its fourth session.

⁴⁶ UNEP/CHW/OEWG.11/INF/22.

⁴⁷ UNEP/CHW/OEWG.11/INF/22/Add.1.

Annex to decision OEWG-11/8

Draft elements as a basis for a decision on marine plastic litter, to be considered at the fourteenth meeting of the Conference of the Parties, on which Parties and others are invited to comment

Note: Some of the elements may be in preambular paragraphs.

1. General

(a) Reconfirm that marine plastic litter and microplastics are an issue of serious global concern;

(b) Emphasize that work under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal can and will play an important role in addressing this problem;

2. Preventing and minimizing the generation of plastic wastes

(a) Recognize the relevance of the Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes (decision BC-12/2) and the importance of the activities identified in the road map for action on its implementation in addressing plastic wastes, including challenges related to marine plastic litter;

(b) Emphasize the need to adopt a lifecycle approach and the importance of the waste management hierarchy;

(c) Encourage Governments, industry and consumers to make efforts to prevent and minimize the generation of plastic wastes (e.g. relation to single-use plastics) and improve the environmentally sound management of plastic wastes, in particular in order to prevent plastics from entering the marine environment from land-based sources;

(d) Welcome the many initiatives that countries, industry, regional centres and civil society have taken in response to the challenge of marine plastic litter and microplastics, including regulatory action, financial and other incentives, extended producer responsibility, public awareness and voluntary action, and encourage further efforts;

3. Removing hazardous constituents from plastic wastes

(a) Note that plastics may contain potentially hazardous substances, including additives such as plasticizers and flame retardants, or may be contaminated by hazardous substances, and as such may pose a risk to human health and marine ecosystems as marine plastic litter and microplastics;

(b) Welcome the work of the Stockholm Convention on Persistent Organic Pollutants to eliminate or control the production or use of persistent organic pollutants that may reduce the risk associated with marine plastic litter and microplastics at the global level;

(c) Welcome the work of the Strategic Approach to International Chemicals Management, in particular in relation to nanomaterials and to chemicals in products that may reduce the risk associated with marine plastic litter and microplastics at the global level;

4. Scope of the Basel Convention: definition of wastes covered

Consider whether any additional constituents or characteristics should be added to Annex I or Annex III, respectively, to the Convention through the ongoing work by the expert working group on review of annexes;

5. Technical and policy guidance

(a) Decide to update the technical guidelines for the identification and environmentally sound management of plastic wastes and for their disposal adopted in 2002, inter alia to address the challenge of marine plastic litter and microplastics and establish a group for this purpose; invite Parties to indicate their interest in leading the group; and request the Secretariat to support the group;

(b) Invite Parties to provide information on their experiences in using the technical guidelines on plastic wastes;

6. Household Waste Partnership

Request the Household Waste Partnership to coordinate closely with the new partnership on plastic wastes to be established;

7. Capacity-building, regional centres and the clearing house mechanism⁴⁸

(a) Note that the technical assistance plan for the implementation of the Basel Convention, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants provides opportunities for capacity-building by Parties;

(b) Welcome the extensive work that the regional centres of the Basel and Stockholm conventions have already done, and invite them to continue their activities;⁴⁹

(c) Request the Secretariat to utilize the clearing house mechanism to gather information about regional and national initiatives, including those on marine plastic litter and microplastics, taking into account and in cooperation with other initiatives, and to make such information readily available;

8. Financial support⁵⁰

(a) Welcome the voluntary contributions by Governments and the support that the Global Environment Facility and the United Nations Environment Programme special programme on institutional strengthening⁵¹ have provided;

(b) Encourage them, according to their mandates and the priorities that have been established, to continue to support in particular projects that will help to address the problem of plastic wastes, including marine plastic litter and microplastics;

(c) Encourage further voluntary contributions to support work on those issues;

9. Cooperation with other international organizations and initiatives⁵²

Welcome the engagement of the Secretariat with other international organizations and encourage the Secretariat to continue to work closely with such organizations;

10. Public awareness, education and information exchange

Consider how the Parties to the Convention can most effectively make relevant technical, social and economic information and expertise available by building on existing work, taking into account the scope of the new partnership on plastic wastes, and the work of the United Nations Environment Programme and other agencies in order to achieve maximum impact and avoid duplication;

11. Data collection and progress assessment

(a) Consider what data should be gathered, and by whom, related to the generation, disposal of, and transboundary movement of plastic wastes in different waste streams; the environmental, economic and social impact of plastic wastes; and national policies and progress towards the environmentally sound management of plastic wastes;

(b) Consider whether, how and when the Conference of the Parties should assess the effectiveness of the measures taken under the Convention to address plastic wastes contributing to marine plastic litter and microplastics.

⁴⁸ To be considered under the agenda item on technical assistance of the fourteenth meeting of the Conference of the Parties to the Basel Convention.

⁴⁹ UNEP/CHW/OEWG.11/INF/23.

⁵⁰ To be considered under the agenda item on financial resources of the fourteenth meeting of the Conference of the Parties to the Basel Convention.

⁵¹ Special programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention on Mercury and the Strategic Approach to International Chemicals Management.

⁵² To be considered under the agenda item on international cooperation and coordination of the fourteenth meeting of the Conference of the Parties to the Basel Convention.

OEWG-11/7: Amendment to Annex IX to the Basel Convention

The Open-ended Working Group

1. *Takes note* of the proposed amendment to Annex IX to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal submitted by the Government of Norway for consideration by the Conference of the Parties at its fourteenth meeting;⁵³

2. *Recommends* that the Conference of the Parties consider at its fourteenth meeting whether to amend entry B3010 on solid plastic waste in Annex IX to the Convention and, if so, in what form;

3. *Takes note* of the intention of the Government of Norway to submit a proposal to amend Annex II to the Convention for consideration by the Conference of the Parties at its fourteenth meeting

⁵³ UNEP/CHW/OEWG.11/INF/36.