BRS Conventions bodies

INC-3 preparatory webinar
22 August 2023
The BRS Conventions:
Three legally autonomous agreements offering a framework for Life Cycle Management

**Title:** Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal  
**Entry into force:** 5 May 1992  
**Number of parties:** 190  
**Objective:** To protect human health and the environment against the adverse effects of hazardous wastes  
**Scope:** Hazardous wastes and other wastes  
**Key provisions:**  
(i) Minimization of generation  
(ii) Promotion of environmentally sound management  
(iii) Conditions and procedure for controlling transboundary movements

**Title:** Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade  
**Entry into force:** 24 February 2004  
**Number of parties:** 165  
**Objective:** To promote shared responsibility and cooperative efforts in international trade of certain chemicals  
**Scope:** 54 banned or severely restricted chemicals and SHPFs (annex III)  
**Key provisions:**  
(i) Prior Informed Consent procedure for export/import (annex III)  
(ii) Exchange of information on a broad range of potentially hazardous chemicals

**Title:** Convention on Persistent Organic Pollutants (POPs)  
**Entry into force:** 17 May 2004  
**Number of parties:** 186  
**Objective:** To protect human health and the environment from persistent organic pollutants  
**Scope:** 31 POPs  
**Key provisions:**  
(i) Elimination (POPs in annex A)  
(ii) Restriction (POPs in annex B)  
(iii) Reduction or elimination (unintentionally produced POPs in annex C)

Enhancing cooperation and coordination among the three Conventions  
Strengthening the implementation of the three conventions at the national, regional and global levels  
Providing coherent policy guidance  
Enhancing efficiency in the provision of support to Parties, reducing their administrative burden and maximizing the effective and efficient use of resources at all levels
Legal bases for mandates and operations

- BRS COPs decisions
- Decisions of subsidiary bodies (limited)
Types of governing bodies

• Conference of the Parties ("COP")

• Subsidiary bodies
  • Standing or ad hoc
  • Established by the convention text or by COP decision
  • Composition and mandate “fit for purpose”
Conference of the Parties

• Universal and open to observers
• General functions e.g. “keep under continuous review and evaluation the effective implementation of this Convention”
• Specific functions e.g.
  • International cooperation
  • Establishment of subsidiary bodies
  • Amendments
• Meets ordinarily every two years with a HLS every 4 years
• BRS COPs meet back to back with convention-specific and joint sessions
Subsidiary bodies under the Basel Convention

• Open-ended Working Group (OEWG):
  • Established by COP decision
  • Standing
  • Universal composition
  • Legal and technical mandate

• Committee Administering the Mechanism for Promoting Implementation and Compliance (ICC):
  • Established by COP decision
  • Standing
  • 15 members
  • Individual and general issues of implementation and compliance

• Working groups on thematic issues
  • Established by COP decision
  • Ad hoc
  • SIWG / EWG / Partnerships working groups
  • Fit for purpose e.g. development of technical guidelines, review of Annexes, strategic framework
Subsidiary bodies under the Rotterdam Convention

• Chemical Review Committee (CRC)
  • Established by Convention, additional ToRs adopted by COP
  • Standing
  • 31 members
  • Mandate: Review notifications of final regulatory action (FRA) taken by Parties on a chemical against Annex II criteria; Review proposals for listing severely hazardous pesticide formulations (SHPF) against Annex IV criteria; Recommend to the COP the listing of chemicals that meet the Convention criteria in Annex III to the Convention; Develop draft decision guidance documents for those chemicals recommended for listing under the Convention

• Compliance Committee (CC)
  • Established by Convention (Annex VII)
  • Standing
  • 15 members
  • Individual and general issues of implementation and compliance

• Working groups on thematic issues
  • Established by COP decision
  • Ad hoc and limited practice
  • Fit for purpose e.g. SIWG on enhancing the effectiveness of the RC
Subsidiary bodies under the Stockholm Convention

• Persistent Organic Pollutants Review Committee (POPRC)
  • Established by Convention, additional ToRs adopted by COP
  • Standing
  • 31 members
  • Mandate: Review chemicals proposed for listing in Annex A, B, and/or C; Process in Article 8; information requirements/ criteria in Annex D, E, F; Make recommendations to the COP; Undertake other technical work as assigned to it by the COP

• Compliance Committee
  • Established by Convention and COP decision (ToRs)
  • Standing
  • 15 members
  • Individual and general issues of implementation and compliance

• Effectiveness Evaluation Committee

• Working groups on thematic issues, established by COP decision and “fit for purpose” (e.g. DDT, BAT/BEP)
National commitments, monitoring and effectiveness

• Hard law (e.g. transmission of information and control of TBM) and soft law commitments (e.g. cooperation for TA, waste minimization)
• Differentiation, financial mechanism under SC (GEF), BCRCs and SCRCs
• Monitoring:
  • Mandatory transmission of information (e.g. country contacts, reports under BC and SC, FRAs and import responses under RC)
  • Information on websites and in reports by Secretariat to COPs
  • Compliance committees
• Effectiveness
  • Effectiveness evaluation (SC), Strategic framework (BC), Enhancing the effectiveness of the RC
Further development of the conventions

• Function of the COP
• Recommendations for listing by subsidiary bodies (CRC and POPRC)
• Recommendations by other bodies (e.g. SC EEC, BC EWG on review of Annexes)
• Initiated by individual Parties: amendment proposals to convention provisions or its annexes
• Link with international cooperation mandate of the COP
  • E.g. BRS synergies, cooperation with MC, MP, INC, UNEP
• Link with international cooperation/coordination mandate of the Secretariat
  • E.g. reports on cross linkages with other MEAs, participation in meetings, exchange of information
Lessons
Thank you