

## **Briefing note on the work under the Basel, Rotterdam and Stockholm Conventions as it relates to sustainable consumption and production in a circular economy**

1. With the present briefing note, the Secretariat of the Basel, Rotterdam and Stockholm Conventions wishes to contribute to the negotiations of a draft resolution on *Stepping up efforts for accelerating a circular economy transition domestically, regionally and globally* for possible adoption by the sixth session of the United Nations Environment Assembly, by providing an overview on its work as it relates to the promotion of sustainable consumption and production in a circular economy.
2. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal promotes the application of the waste hierarchy whereby Parties are committed to actively promote and implement more efficient waste prevention and minimization strategies and prioritize re-use and recycling over disposal. Waste prevention and minimization are key to the implementation of a circular economy.
3. The trade control mechanism of the Basel Convention provides for the application of the prior informed consent (PIC) procedure which allows controlling and monitoring of trade of wastes by the environmental authorities in line with the Convention's obligations. Parties have the right to impose additional requirements to those of the Basel Convention at the national level, for instance to prohibit totally or partially the import of hazardous wastes or other wastes into their jurisdiction. Additionally, over 103 Parties have ratified the Ban Amendment which requires Parties that are OECD members to prohibit export of hazardous wastes to developing countries. This amendment does not prevent non-OECD countries from exporting hazardous wastes to other countries which have consented to the import and will dispose the wastes in accordance with the principles of environmentally sound management. Provided that the environmental and other authorities and other stakeholders effectively implement procedures, the Basel Convention facilitates a sustainable trade of wastes in line with circular economy approaches while protecting developing countries from unwanted wastes that they cannot safely manage.
4. The Basel Convention, the Rotterdam Convention on the Prior Informed Consent Procure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants together represent a life-cycle approach to the management of hazardous chemicals and wastes.
5. Numerous activities and guidance documents developed under the Basel, Rotterdam, and Stockholm conventions assist Parties in implementing the waste hierarchy and non-toxic material cycles, with a view to establishing a circular economy.
6. In accordance with its mandates, the BRS Secretariat cooperates and collaborates with partners, including other UN entities, on the issue of promoting circularity. For instance, the Secretariat cooperates with relevant organizations, such as the 10-Year Framework of Programmes on Sustainable Consumption and Production Patterns and its One Planet Network, and attend relevant initiatives such as the World Circular Economy Forum<sup>1</sup>.

### **I. Basel Convention**

7. The overarching objective of the Basel Convention is to protect human health and the environment against the adverse effects of hazardous wastes and "other wastes" requiring special consideration, namely household waste, incinerator ash and plastic wastes. The Convention includes a definition of "wastes" and of other key terms associated with the management of wastes

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<sup>1</sup> <https://www.sitra.fi/en/projects/wcef/>

throughout their life-cycle, and lists the specific waste streams and waste constituents falling within its scope.

8. The Convention provides measures to reduce the generation and promote the environmentally sound management of hazardous wastes and other wastes requiring special consideration, to restrict transboundary movements of such wastes except where it is perceived to be in accordance with the principles of environmentally sound management; and sets up a regulatory system (the PIC procedure) applying to cases where transboundary movements are permissible.

9. In a global integrated economy, trade takes place at all stages of a broad range of value chains from raw materials, final consumer products to remanufactured goods, to secondary raw materials. This includes the trade of wastes. Through the Basel Convention, transboundary movements of hazardous and other wastes are controlled and developing countries are protected from unwanted wastes that they cannot safely manage.

10. In recent years, two important developments have taken place under the Convention to address two wastes streams recognized to pose some of the most serious global environmental problems:

(a) New types of plastic wastes namely those that are difficult to recycle (listed in Annex II) or are hazardous (listed in Annex VIII) became subject to the Convention's provisions on waste minimization, environmentally sound management, and the PIC procedure as of 1 January 2021. The technical guidelines on environmentally sound management of plastic waste were adopted by the Conference of the Parties at its sixteenth meeting in May 2023;

(b) All types of electronic and electrical wastes, whether hazardous or not, will be subject to the Convention's trade control regime, i.e. the PIC procedure, as of 1 January 2025.

11. Those two recent developments under the Convention make global trade in plastic wastes and e-wastes more transparent and better regulated and increase their environmentally sound management worldwide. This contributes to sustainable global trade and circularity approaches across value-chains.

12. As highlighted above, over the year, Parties to the Convention put a stronger emphasis on the application of the waste hierarchy and committed to actively promote and implement more efficient waste prevention and minimization strategies. Waste prevention and minimization are key to the implementation of a circular economy. Diverting waste from final disposal to recycling and other recovery also means significant cuts in greenhouse gas emissions through reducing the generation of methane gas at landfills or uncontrolled dumping, and through reducing the need for fossil fuels and extracting raw materials.

13. The following global policies and tools under the Basel Convention assist Parties in implementing waste prevention, minimization and recovery policies:

(a) Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes,<sup>2</sup> and the related road map for action;<sup>3</sup>

(b) Technical guidelines on the environmentally sound management of various wastes, which include waste-stream-specific information on waste prevention, minimization, and recovery;<sup>4</sup>

(c) The ESM Framework and other guidance documents on waste prevention and minimization;<sup>5</sup>

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<sup>2</sup> Adopted at the tenth meeting of the Conference of the Parties in 2011.

<sup>3</sup> Adopted by decision BC-12/2.

<sup>4</sup> Available at

<http://www.basel.int/Implementation/TechnicalMatters/DevelopmentofTechnicalGuidelines/TechnicalGuidelines/tabid/8025/Default.aspx>

<sup>5</sup> Available at

<http://www.basel.int/Implementation/CountryLedInitiative/EnvironmentallySoundManagement/ESMToolkit/Guidanceonwasteprevention/tabid/5844/Default.aspx>.

(d) Practical manuals on promoting the environmentally sound management of wastes.<sup>6</sup>

14. The framework for the environmentally sound management (ESM) of hazardous wastes and other wastes was adopted by the COP in its decision BC-11/1. Intended as a practical guide for all stakeholders, the Framework identifies what can be done to address the challenges of implementing the ESM of hazardous wastes and other wastes. The Framework is composed of three sections:

- (a) A common understanding of what ESM encompasses;
- (b) Tools to support and promote the implementation of ESM;
- (c) Strategies to implement ESM.

15. The ESM Framework is supplemented by the ESM Toolkit which provides guidance to Parties and others on practical approaches to implementing ESM, with specific guidance on aspects such as Extended Producer Responsibility, wastes prevention and minimization, waste recycling and recovery, and on how to address ESM in the informal sector.<sup>3</sup>

16. The Conference of the Parties has a long-standing practice of establishing public-private partnerships to collectively address issues. There are currently four such Partnerships under the Convention that are relevant to promoting environmentally sound management of wastes and preventing and minimizing waste generation:<sup>4</sup>

- (a) Plastic Waste Partnership;<sup>7</sup>
- (b) Partnership for Action on Challenges Relating to E-waste (PACE II);<sup>8</sup>
- (c) Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE);<sup>9</sup>
- (d) Household Waste Partnership.<sup>10</sup>

17. The Conference of the Parties has launched a process to review, among others, Annex IV to the Convention which lists disposal operations, with a view to improving legal clarity. Some of the options under consideration aim at supporting circular economy approaches.

18. At its 2023 meeting, the Conference of the Parties to the Basel Convention has triggered two new tracks of work with the objective of improving the functioning of the PIC procedure under the Basel Convention, as follows:

(a) The first track is the establishment of a small intersessional working group which is tasked to identify the challenges in the implementation of the procedure as well as best practices, possible approaches, initiatives and views to improve the functioning of the procedure, and prepare recommendations;

(b) The second track is the continuation of the work by a small intersessional working group to prepare recommendations on electronic approaches to the notification and movement documents, with the expectation that the digitalization of the control procedures under the Basel Convention would make these procedures more effective. Further, Parties and stakeholders are encouraged to implement pilot projects on electronic approaches to the notification and movement documents.

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<sup>6</sup> Available at <http://basel.int/Implementation/CountryLedInitiative/EnvironmentallySoundManagement/ESMToolkit/Practicalmanuals/tabid/5847/Default.aspx>.

<sup>7</sup> <http://www.basel.int/Implementation/Plasticwaste/PlasticWastePartnership/tabid/8096/Default.aspx>

<sup>8</sup> <http://www.basel.int/Implementation/TechnicalAssistance/Partnerships/FollowuptoPACE/Overview/tabid/8089/Default.aspx>

<sup>9</sup> <https://www.basel.int/Implementation/TechnicalAssistance/Partnerships/ENFORCE/Overview/tabid/4526/Default.aspx>

<sup>10</sup> <http://www.basel.int/Implementation/HouseholdWastePartnership/Overview/tabid/5082/Default.aspx>

19. At its 2025 meeting, the Conference of the Parties to the Basel Convention is expected to consider the outcomes of the work described in the paragraph 18 above as well as to consider other ongoing work, such as the review of annexes under the Convention, which aim at continuously improving the convention's operations to tackle new challenges.

## **II. Rotterdam Convention**

20. The Rotterdam Convention aims to promote shared responsibility and cooperative efforts in the international trade of certain hazardous pesticides and industrial chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use, by facilitating information exchange about their characteristics and by providing a mechanism for informed decision making regarding their import and export.

21. The following activities under the Rotterdam Convention assist Parties in the trade and use segments of the life-cycle approach to the management of hazardous pesticides and chemicals for improved sustainable consumption and production:

(a) The Prior Informed Consent procedure, a mechanism for formally obtaining and disseminating the decisions of Parties as to whether they wish to receive future imports of those chemicals listed in Annex III of the Convention;

(b) The Final Regulatory Action Evaluation Toolkit (FRAE Toolkit), aimed at assisting and enhancing the efforts by national authorities to take scientifically sound final regulatory decisions on hazardous chemicals;<sup>11</sup>

(c) The PIC Circular, as an early warning system of national bans or severe restriction of hazardous pesticides and industrial chemicals, including the provision of information on health and environmental risks.<sup>12</sup>

## **III. Stockholm Convention**

22. The Stockholm Convention aims to protect human health and the environment from persistent organic pollutants (POPs). An essential part of the work under the Convention consists in supporting actions targeting the reduction or elimination of releases of POPs through the application of best available techniques and best environmental practices and the transition to POP-free alternatives. By eliminating the use of hazardous chemicals in products and articles, the Convention increases the recyclability of products and then reduces the demand for extraction of new raw materials. The efforts of the Stockholm Convention, focused on eliminating hazardous chemicals from products and articles, contribute to the design of toxic-free products. In collaboration with the Basel Convention, the Stockholm Convention also promotes sustainable materials cycles by restricting the recycling of POPs.

23. Examples of POPs relevant to products and the circular economy include polybrominated diphenyl ethers (PBDEs), which is a group of brominated flame retardants that include substances listed in the Stockholm Convention for global elimination such as PentaBDE, OctaBDE, and DecaBDE, hexabromocyclododecane (HBCD) which is a brominated flame retardant primarily used in polystyrene building insulation, perfluorooctane sulfonate (PFOS) which is used in a wide variety of applications, often to supply a surfactant function. In relation to PentaBDE and OctaBDE, Parties agreed to an exemption that permits recycling of materials such as foam and plastics that contain these substances until 2030.

24. The following activities under the Stockholm Convention assist Parties in substituting listed POPs and minimizing or eliminating releases of POPs:

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<sup>11</sup> Available at <http://www.pic.int/Implementation/FinalRegulatoryActions/FRAEvaluationToolkit/Introduction/tabid/4976/language/en-US/Default.aspx>.

<sup>12</sup> Available at <http://www.pic.int/Implementation/PICCircular/tabid/1168/language/en-US/Default.aspx>.

(a) Guidance and additional work on alternatives and substitution to listed POPs developed by the POPs Review Committee (POPRC) and the Secretariat;<sup>13,14</sup>

(b) Guidance on Best Available Techniques (BAT) and Best Environmental Practices (BEP) to minimize the releases of POPs, developed by the experts on BAT and BEP;<sup>15</sup>

(c) The work of the POPs Review Committee which was mandated by the COP at its eleventh meeting in May 2023, in decision SC-11/12, to consider options for identifying POPs in stockpiles, products and articles in use and in wastes and issues related to the production, import and export of products and articles containing POPs for consideration by the COP at its next meeting in 2025.

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<sup>13</sup> <http://chm.pops.int/Implementation/Alternatives/Guidance/tabid/5833/Default.aspx>;

<sup>14</sup> <http://chm.pops.int/Implementation/NationalImplementationPlans/Guidance/tabid/7730/Default.aspx>;  
<http://chm.pops.int/Convention/POPsReviewCommittee/POPRCMeetings/POPRC4/Intersessionalworkinggroups/tabid/487/Default.aspx>.

<sup>15</sup> See information available at:

<http://chm.pops.int/Implementation/BATandBEP/Guidance/Overview/tabid/5121/Default.aspx>.