

# **BASEL CONVENTION OEWG-13**

## **EXECUTIVE SUMMARY**

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## EXECUTIVE SUMMARY

Green Cognition participated in the [Thirteenth Meeting of the Open-Ended Working Group of the Basel Convention](#) (OEWG-13), held in Geneva from February 21-23, 2023.

At OEWG-13, Parties and stakeholders advanced discussions on several priorities critical to the private sector and made recommendations to the Sixteenth Meeting of the Conference of Parties (COP-16) to the Basel Convention. At COP-16 this May, Basel Parties – the 190 global governments that have ratified the Convention and have implemented its provisions via national legislation – can take formal action to amend the Convention. The United States is the only industrialized nation that is not a Basel Party.

Overall, the actions taken at OEWG-13 were in concert with the preferences of the private sector.

- The European Union signaled it is open to refining its proposal to add a new operation to Annex IV of the Convention: “R20: Preparing for reuse (e.g., checking, cleaning, repair, refurbishment).” The EU delegation clarified during our Contact Group on Legal Clarity that it only intends to apply this operation to used products that (a) have already been classified as wastes, and (b) can be recovered for reuse. Basel Annex IV defines waste operations, and some Basel Parties – joined by the United States and the private sector – raised concerns that this language could inadvertently lead global governments to classify reuse and refurbishment as controlled waste operations.
- Parties committed to undertaking a focused update of the Technical Guidelines on E-Waste with an eye towards approving them at COP-16. The document must be updated to reflect the 2022 adoption of the Basel WEEE Amendments, which added non-hazardous WEEE to the Basel control system. Despite calls from civil society to close the so-called “repair loophole,” there was no appetite among Parties to re-open the waste/non-waste paragraphs of the TGs. Green Cognition is participating in the Expert Working Group on the TGs on E-Waste.
- Parties and stakeholders universally supported action to drive reform of the Prior Informed Consent (PIC) procedure and recommended that COP-16 form a new small inter-sessional working group to advance those efforts. The PIC procedure – a government-to-government notice and consent process – forms the backbone of the Basel Convention. During OEWG-13, Parties and stakeholders noted myriad challenges with the operation of the PIC procedure. Updating the PIC procedure has taken on new urgency given the 2021 entry into force of the Basel Plastic Waste Amendments and the pending entry into force (1 January 2025) of the 2022 Basel WEEE Amendments.

- Parties and stakeholders made progress on the Technical Guidelines on Plastic Wastes, specifically regarding:
  - Waste prevention and minimization;
  - Identification of hazardous and non-hazardous plastic wastes;
  - The status of chemical recycling; and,
  - Environmental impacts of recycling (e.g., water resources).

Substantive work remains before the TGs on Plastic Wastes can be considered for adoption. There will likely be one more set of negotiations on these TGs between now and COP-16. There is strong momentum to adopt these TGs at COP-16 to inform the next meeting of the [Intergovernmental Negotiating Committee \(INC\) on Plastic Pollution](#).

## NEXT STEPS

Parties may take formal action at COP-16 to amend the Convention's Annexes and to launch key work streams that will impact the circular economy. COP-16 is set for May 2023 in Geneva. Green Cognition will again participate.

Leading up to Basel COP-16, Green Cognition will also:

- Participate in the ongoing deliberations of the Expert Working Group on the TGs on E-Waste.
- Continue to engage directly with key Parties and stakeholders to advance the preferred outcomes of the private sector on Annex IV, PIC reform and the TGs on E-Waste.
- Track parallel efforts, including the ongoing OECD process to consider Japan's objection to the automatic incorporation of the Basel WEEE Amendments into the OECD Council Decision.

Please contact me at [rick@greencognition.com](mailto:rick@greencognition.com) with any questions or comments.