



Distr.: General

11 June 2019

English only

**Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal**

Fourteenth meeting

Geneva, 29 April–10 May 2019

Agenda item 4 (b) (v)

**Matters related to the implementation of the Convention:
scientific and technical matters: marine plastic litter and
microplastics**

**Terms of reference for the Basel Convention Partnership on
Plastic Waste and workplan for the working group of the
Partnership on Plastic Waste for the biennium 2020–2021**

Note by the Secretariat

At its fourteenth meeting, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, in its decision BC-14/13, established a working group of the Basel Convention Partnership on Plastic Waste, adopted the terms of reference for the Partnership and requested the working group to implement the workplan for the biennium 2020–2021. The terms of reference and the workplan as referenced in decision BC-14/13 are set out in annexes I and II to the present note, respectively. The present note, including its annexes, has not been formally edited.

Annex I

Terms of reference for the Basel Convention Partnership on Plastic Waste

I. Goal

1. The goal of the Partnership is to improve and promote the environmentally sound management of plastic waste at the global, regional and national levels and prevent and minimize their generation so as to, among other things, reduce significantly and in the long-term eliminate the discharge of plastic waste and microplastics into the environment, in particular the marine environment.

II. Scope

2. The Partnership covers all plastic waste, including wastes containing plastics, generated nationally and disposed of at the national level as well as those which are imported or exported for disposal operations, taking into account the entire life cycle of plastics.

III. Overall tasks

3. The overall tasks of the Partnership are the following:

(a) Collect information and undertake analysis on environmental, health, economic and social impacts of global, regional and national policy frameworks and strategies relevant to prevention, minimization, collection and environmentally sound management of plastic waste;

(b) Identify the gaps and barriers to the prevention, minimization, collection and environmentally sound management of plastic waste and identify best practices, lessons learnt and possible solutions to the same;

(c) Promote the development of policy, regulation and strategies on the prevention and minimization of plastic waste, in particular in relation to single-use plastics, inter alia, via better design and innovation to improve durability, reusability, repairability and recyclability of plastics and to avoid hazardous substances in plastics and on environmentally sound management of plastic waste, taking into account the entire life cycle of plastics;

(d) Advance the prevention, minimization, collection and environmentally sound management of plastic waste;

(e) Undertake pilot projects which support the delivery of the other overall tasks;

(f) Collect, analyse and consider possibilities to improve information on transboundary movements of plastic waste;

(g) Facilitate knowledge sharing, capacity building, technical advice, and technology transfer to strengthen and implement policies, strategies, public-private initiatives for the prevention, minimization, collection and environmentally sound management of plastic waste;

(h) Undertake and/or contribute to outreach, education and awareness raising activities to widely disseminate the information and knowledge gathered and generated through the activities of the Partnership;

(i) Encourage and promote relevant innovation, research and development.

IV. Working principles

4. The working principles of the Partnership are the following:

(a) To promote action and dialogue among governments, regional and local authorities, Regional Seas Programmes, intergovernmental organizations, private sector, non-governmental organizations and academia on initiatives that could be carried out in different regions;

(b) To foster best practice solutions showing concrete and practical results consistent with the Basel Convention;

(c) To coordinate and cooperate as appropriate, in relation to the goal referred to above, with other activities under the Convention, including the Partnership on Household Waste and the

updating of the technical guidelines on plastic waste, as well as with bodies and activities outside the Convention such as the Global Partnership on Marine Litter and other initiatives, and build on the existing body of knowledge on best practices, successes and challenges, realized at the local, regional and global levels.

V. Duration

5. The Partnership working group shall be disbanded upon completion of the activities under its workplan approved by the Conference of the Parties to the Basel Convention unless the Conference of the Parties decides to extend the mandate. The Partnership working group may be disbanded by the Conference of the Parties at any time.

VI. Organization

6. The Partnership shall be organized as follows:

- (a) Working group of the Partnership established by the Conference of the Parties to the Basel Convention in its decision BC-14/13;
- (b) Project groups established by the working group.

VII. Working group

A. Operation of the working group

7. The working group of the Partnership shall operate under the guidance of and reports to the Open-ended Working Group and the Conference of the Parties to the Basel Convention, through the Secretariat.

8. The rules of procedure of the Conference of the Parties to the Basel Convention apply *mutatis mutandis* to the working group, unless otherwise provided in the present terms of reference.

9. The working group is responsible for overseeing organizational matters pertaining to the implementation of the activities of the Partnership, in particular the following:

- (a) Oversee and ensure timely implementation of the workplan approved by the Conference of the Parties to the Basel Convention;
- (b) Set priorities based on the workplan and prepare a draft workplan of the Partnership for the next biennium as needed;
- (c) Establish project groups as necessary, to work on specific tasks to assist in the undertaking of activities falling within the mandate of the working group;
- (d) Coordinate activities within the Partnership, in particular between the project groups and the working group;
- (e) Oversee activities of the project groups, and play an active role in conflict resolution;
- (f) Review and approve work products and reports prepared by project groups;
- (g) Take the lead in awareness raising, outreach, coordination and resource mobilization in relation to activities undertaken by the project groups;
- (h) Prepare appropriate and sustainable financial arrangement proposals for the Partnership;
- (i) Liaise with the Secretariat to provide financial reports on the Partnership funds retained in the Basel Convention Technical Cooperation Trust Fund and prepare an annual budget for the Partnership;
- (j) Liaise with the Secretariat to conclude relevant legal instruments with partners on financial arrangements as needed;
- (k) Report through the Secretariat progress on the implementation of the workplan of the Partnership to the Open-ended Working Group and the Conference of the Parties to the Basel Convention.

10. Members of the working group should meet at least once a year, face-to-face or by electronic means, subject to the availability of resources.

11. The working group coordinates and collaborates, as appropriate, on activities with other organizations and initiatives to establish synergies and prevent duplication.

B. Membership

12. Participation in the Partnership is voluntary. Membership of the working group is open to Parties to the Basel Convention and others dealing with the different aspects of prevention, minimization and management of plastic waste as well as the Basel and Stockholm Conventions Regional and Coordinating Centres and the Regional Seas Programmes, which have specific expertise and experience required for the activities of the Partnership, and which satisfy the following criteria:

- (a) Demonstrated commitment to the principles, practice and promulgation of the concept of environmentally sound management pursuant to the Basel Convention;
- (b) Demonstrated commitment to engage in meaningful and constructive dialogue and cooperation with other partners;
- (c) Demonstrated expertise or standing in the subject of the particular project or initiative;
- (d) Demonstrated disposition to be proactive, collaborative, and solution-oriented with respect to the goal of the Partnership;
- (e) Demonstrated commitment and ability to provide annual membership pledges in accordance with the financial arrangements in paragraph 30 below as a prerequisite for membership in the working group;
- (f) Demonstrated networking capacity and commitment to follow the procedures and practices provided in the present terms of reference.

13. Parties and others may nominate initial members of the working group fulfilling the above criteria to the Secretariat. Initial admission to the working group shall be subject to confirmation by the Secretariat that the criteria have been met. The Secretariat maintains the roster of membership and shall make it available on the website of the Convention.

14. Subsequently, admission and suspension of membership to the working group shall be decided by the working group. Any entity that is not a Party or an observer wishing to be admitted as a member of the working group should apply for observer status in accordance with the relevant procedure and be admitted as such.¹

15. Members of the working group should seek to achieve a membership that includes a diversity and balance of gender, stakeholders and geographic regions.

C. Officers

16. The working group elects among its members two co-chairs, one of which must come from a Party to the Convention, and such other officers as it deems necessary, with due regard to equitable geographical balance, gender balance and the diversity in the working group membership.

17. The responsibilities of the Officers include:

- (a) Prepare and conduct meetings of the working group, including deciding on the dates, form and venue of the meetings, prepare a draft agenda for consideration by the working group, decide whether experts should be invited to attend specific meetings and prepare minutes of meetings;
- (b) Prepare a draft list of tasks with timelines, based on the available resources, the terms of reference and the workplan adopted by the Conference of the Parties to the Basel Convention and the guidance from the Open-ended Working Group, for consideration and adoption by the working group;
- (c) Coordinate the working group's activities, including between the meetings of the working group;
- (d) Liaise between the working group and the project groups, and, if required, the Secretariat;
- (e) Assist the working group in its responsibilities as required by the working group;
- (f) Assist in attracting new members to the Partnership;

¹ <http://www.basel.int/Procedures/AdmissionofObservers/tabid/3658/Default.aspx>.

(g) Report at meetings of the Open-ended Working Group and the Conference of the Parties to the Basel Convention on the activities of the working group.

18. If an officer resigns or is otherwise unable to continue with its functions, the working group will consider the need to elect a replacement.

D. Invited experts and observers

19. Officers may decide to invite non-member experts possessing specialized technical knowledge on an issue to be discussed at a meeting to participate in that meeting, or parts thereof.

20. Non-member Parties or observers to the Basel Convention wishing to participate in meetings of the working group to observe meetings or parts thereof in consideration of joining the Partnership should address, through the Secretariat, a duly motivated request to the working group. The working group considers the request. Such non-members may be invited to participate in the working group as observers for a limited time up to six months.

21. Invited experts and observers are also be requested to comply with the terms of reference, as applicable to them.

VIII. Project groups

22. The working group may establish project groups, as necessary, to work on specific tasks to assist in the undertaking of activities falling within the mandate of the working group.

23. The working group will decide on the size, mandate, duration and terms of reference of the project groups on a case by case basis.

24. Project groups shall report on their work at each meeting of the working group, through the project group Chairs.

25. All work products prepared by project groups are subject to review and approval by the working group.

26. Once a project group has completed the objective assigned to it by and reported to the working group, the project group shall be disbanded, unless decided otherwise by the working group.

IX. Secretariat

27. The Secretariat of the Basel Convention shall be the secretariat of the Partnership.

28. The functions of the Secretariat shall be to facilitate the activities of the Partnership as necessary, in accordance with Article 16 of the Basel Convention and relevant decisions adopted by the Conference of the Parties to the Basel Convention.

X. Financial arrangements

29. Contributions from the members of the working group shall be held in trust for the Partnership in the Basel Convention Technical Cooperation Trust Fund.

30. Contributions from members of the working group shall be made promptly as follows, and at the latest, twelve months from the date of approval of the budget by the working group:²

(a) **Parties, signatories, other governments and governmental organizations:** Parties, signatories, other governments and governmental organizations could make voluntary contributions to the Basel Convention Technical Cooperation Trust Fund, and could target them towards the Partnership generally or towards specific projects of the Partnership;

(b) **Business/industry, non-governmental organizations, academia:** Individual companies, industry associations, non-governmental organizations and academia will provide an annual subscription based on proposed sliding scales of assessment set out in Table 1 below; representatives of industry bodies or associations, individual companies, and non-government organizations will be able to participate as partners in the Partnership meetings and teleconferences

² Participation of experts should be flexible enough to allow them to contribute to specific discussions at the project group level where their organization has not paid a membership fee. In such situations, the expert concerned should submit to the working group, through the Secretariat, a request for participation in writing. The working group decides on the participation of the expert on a case-by-case basis.

provided that their body has paid the appropriate annual subscription, based on the proposed sliding scale of assessment set out in Table 1 below.

(c) **Intergovernmental organizations, United Nations bodies and Regional Centres:** Intergovernmental organizations, United Nations bodies and Basel and Stockholm Conventions Regional and Coordinating Centres are welcome to make in-kind and financial contributions towards the Partnership generally or towards specific projects of the Partnership. No annual subscription would apply to these organisations;

(d) **Invited experts and observers:** Experts and observers invited by the Officers of the working group can participate in the working group for a limited time at no charge.

Table 1: Sliding scales of assessment for annual subscriptions to the Partnership

| Total asset or budget (USD) | Annual contribution (USD) |
|-----------------------------|---------------------------|
| Over 2 billion | 20,000 |
| 100 million to 2 billion | 10,000 |
| 1 million to 100 million | 5,000 |
| Below 1 million | 500 |

XI. Public information

31. Information released on behalf of the Partnership shall be agreed to by all members of the working group. Such information shall be released through the Secretariat.

XII. Intellectual property rights

32. Nothing in connection with the Partnership operations shall be construed as granting or implying rights to, or interest in, intellectual property of the members of the working group of the Partnership. However, in the event that the members foresee that intellectual property that can be protected shall be created in relation to a particular activity, project or programme to be carried out under this Partnership, the members shall negotiate and agree on terms of its ownership.

33. Existing intellectual property rights frameworks shall be respected in the conduct of the Partnership's tasks and activities.

XIII. Publications, names, emblems or logos

34. Members of the working group shall not use the names, emblems or logos, and any abbreviations thereof, of the Basel Convention, of the United Nations Environment Programme and of the United Nations in their own publications without the prior written authorization of each of those organizations in relation to each specific use.

35. In no event shall authorization to use the United Nations' or the United Nations Environment Programme's or the Basel Convention's respective names or emblems or logos be granted for commercial purposes; or be deemed to suggest an endorsement of any of the working group members' products, business practices or services by the United Nations, the United Nations Environment Programme or the Secretariat.

XIV. Liability

36. Each member of the working group will be responsible for dealing with any claims or demands arising out of its actions or omissions, and those of its respective personnel.

37. Neither the Partnership nor any of the members of the working group shall be held liable for any direct, incidental, consequential, indirect or punitive damages arising out of any activity, policy, and or other action undertaken by any party, including partners, in the context of the Partnership and its functioning.

38. The United Nations, the United Nations Environment Programme, the Conference of the Parties to the Basel Convention and the Secretariat, their officials, personnel and representatives, shall be held harmless and shall not be responsible for dealing with any legal action, suit, claim, demand and liability of any nature or kind, which may arise from or attributable to the operation of this Partnership or of the working group, or activities implemented there under.

39. Nothing under the Partnership shall be deemed a waiver of any privileges and immunities of the United Nations, of the United Nations Environment Programme, and of the Secretariat.

XV. Overriding authority of the Conference of the Parties to the Basel Convention

40. The Conference of the Parties to the Basel Convention shall have overriding authority over all activities under the Partnership.

Annex II

Workplan for the working group of the Partnership on Plastic Waste for the biennium 2020–2021

The following activities are to be undertaken by the working group of the Partnership on Plastic Waste and any project groups established thereunder, in close cooperation with other activities under the Basel Convention and other organizations, as appropriate, so as to enhance synergies, increase efficiency and avoid duplication of efforts:

| Topic | Activities |
|---|--|
| I. Policy and regulatory framework | <ol style="list-style-type: none"> 1. Collect information and undertake analysis on barriers, solutions, lessons learned and best practices for the prevention, minimization and environmentally sound management and controlling of transboundary movement of plastic waste at the national and regional levels; 2. Consider how information and data could be gathered, within the scope of the Convention, about the generation, disposal and, where relevant, transboundary movements of plastic waste, including the development of voluntary indicators relevant to all stakeholders; 3. Develop and undertake pilot projects and capacity-building activities on developing, improving and implementing policy, strategies and regulations for the prevention, minimization and environmentally sound management of plastic waste at the global, regional and national levels, taking into account the entire life cycle of plastics, for example relating to single-use plastics, fishing gear and recycling as well as better design and innovation to improve reusability, repairability and recyclability of plastics. |
| II. Environmentally sound management of plastic waste | <ol style="list-style-type: none"> 1. Develop and undertake pilot projects and capacity-building activities on the prevention, minimization, collection and environmentally sound management of plastic waste at the national and regional levels, including to enhance public participation; 2. Collect information and identify national, regional and international initiatives and actors that can provide capacity building, technical advice, and technology transfer on activities related to the prevention, minimization and environmentally sound management of plastic waste; 3. Examine the existing guidelines and guidance materials developed under the Basel Convention to identify gaps and to make suggestions to the OEWG or the COP on any relevant and appropriate guidance that might be necessary to ensure that issues concerning plastic waste are covered. |

| Topic | Activities |
|---|---|
| III. Private sector and others collaboration | <ol style="list-style-type: none"> 1. Collect information and explore options for increasing the durability, reusability, repairability and recyclability of plastics and objects constructed from or containing plastics, in particular in the design phase, addressing the lack of information about the specific composition of different sub-streams of plastic waste and identifying how technical and other barriers to recycling could be reduced; 2. Collect information and explore how the quality of recycled plastic could be maintained as high as possible through as many circular operations as possible and to explore how value chains could be established to improve the economic viability of separation, collection and recycling of plastic waste; 3. Collect information and explore the use of agreements and approaches between relevant competent authorities and the private sector (such as extended producer responsibility schemes) to prevent and minimise plastic waste and to improve the collection and recycling of plastic waste; 4. Develop and undertake pilot projects on engaging the private sector in the environmentally sound management of plastic waste, taking into account the entire lifecycle of plastics, for example to support technological and design solutions to improve durability, reusability, refurbishment and recyclability of plastics, drawing for example on the experience of producers, manufactures, retailers and scientific members of the Partnership. |
| IV. Outreach, education and awareness-raising | <ol style="list-style-type: none"> 1. Undertake or contribute to outreach, education and awareness-raising activities on prevention, minimization and environmentally sound management of plastic waste, in collaboration with other organisations, civil society organisations and the private sector and, where available, making use of the information materials referred to in point 2 below; 2. Develop information materials on the abovementioned areas, for example on: <ol style="list-style-type: none"> (i) Good practices with regard to prevention, minimization and environmentally sound management of plastic waste; (ii) Policy schemes established to deal with plastic waste, such as relevant extended producer responsibility schemes; (iii) Leakage of plastic waste including microplastics during the transport and the transboundary movements of wastes and from waste management facilities. (iv) Re-usable alternatives to single used plastic; (v) The impact of and possible solutions for littering, in particular on land; (vi) Approaches to incentivise responsible consumer behaviour in relation to single use plastic. |