**Small Intersessional Working Group for the Update of the Technical Guidelines on Specially Engineered landfill (D5) and on Incineration on land (D10)**

**Teleconference of June 13, 2018**

**Co-leads’ summary**

For the list of attendees, please see Annex I of this document.

1. **Adoption of the agenda**

Participants agreed to organize the teleconference on the basis of the draft agenda proposed by the co-leads:

1. Progress on technical guidelines
   1. Specially engineered landfill (D5)
   2. Incineration on land (D10)
2. Discussion on the comments from SIWG on specially engineered landfill
3. Discussion on the programme of work of the SIWG
4. Discussions at the OEWG-11
   1. Contact group on technical matters
      1. Overarching discussion on both technical guidelines
      2. Prepare a revised decision
5. Next steps
6. Other matters
7. **Introductory remarks guidelines**

The representatives of the co-leading countries and the Secretariat recalled the objectives of the meeting, i.e. to have a short discussion on the status of the work on both technical guidelines before the OEWG-11 meeting. The representative of Canada explained that Ms. Jacinthe Seguin has changed positions in the ministry and will be no longer part of this group. She also indicated that Mr. Maxime Dubé as joined the Canadian team and will be working on these and other technical guidelines under the Basel Convention.

1. **Progress on technical guidelines**

Co-lead Croteau presented progress made for the update of the technical guidelines on specially engineered landfill (D5) and incineration on land (D10).

With respect to the D5 technical guidelines, a first draft was circulated for the review of the SIWG members on April 10, 2018. Comments were received by the European Union and Palestine. The co-leads prepared a table of comments to allow the members to track the integration of the comments. This table was distributed to the SIWG before the teleconference.

The first draft of the technical guidelines on D10 was distributed to the SIWG before the teleconference. In the ensuing dicussions, members highlighted that more time was needed to review these technical guidelines. The group raised a few details that would need to be improved in the document for the OEWG-11 meeting, including the replacement of the use of “shall” by options such as “should” or “has to”, etc, paragraph numbering should be added and a small explanation where it should say that the SIWG did not have a chance to revise the document yet.

1. **Discussion on the comments from SIWG on specially engineered landfill**

Co-lead Croteau highlighted that terminology refering to engineered landfills for hazardous wastes, other wastes or both of them was agreed upon and reflected throughout the document. She explained the various outstanding issues, notably on the scope of the document and the need to set, or not, quantitative norms for what is considered environmentally sound. Members expressed that they were generally pleased that most comments were agreed upon by the co-leads and integrated in the draft technical guidelines. A member suggested that acceptance criteria at the entrance of specially engineered landfills be added to the guidelines. Co-lead Croteau agreed with this proposal but clarified that a new draft of the document would not be issued prior the OEWG-11 meeting. Co-lead Croteau specified that the co-leads have not integrated guidance related to permanent storage (D12) in the draft technical guidelines and it was considered outside the scope of the guidelines and the mandate received from the Conference of the Parties. It was also mentionned that the concurrent review of the Annexes of the Basel Convention, more specifically Annex IV, could impact the structure of the technical guidelines. Mindful that some members have expressed their interest in seeing such guidance added, it was agreed that discussions on the inclusion of guidance on D12 would need to take place at OEWG-11 and proceed to COP-14 for approval of the change of scope, if any.

Members agreed that it would be difficult to set quantitative norms for what is considered environmentally sound, because of diverging regulations between Parties. It was felt that reference to national regulations should be added in the technical guidelines. Co-lead Croteau invited the SIWG to send additional comments by email, but mentionned that these comments would not be addressed before OEWG-11.

1. **Discussion on the programme of work of the SIWG**

Co-lead Croteau gave the opportunity to the SIWG to comment on the programme of work.

As currently planned in the programme of work for the D5 technical guidelines, comments from Parties and others would be invited prior the OEWG-11 meeting. Mindful of the limited time available prior to the OEWG-11 meeting, it was agreed that comments from Parties and others on the D10 technical guidelines would not be invited but that a discussion on the document would still take place at the meeting. One member suggested that major comments on the incineration technical guidelines could be sent before OEWG-11, but it was agreed that the schedule would be too tight to integrate these comments before OEWG-11. Regarding the adoption of the two technical guidelines, it was recognized that both documents were still in the early stage of development and that adoption at the next COP was not realistic. Adoption could be planned for COP-15, in 2021. It was highlighted that this revised timeline would allow the SIWG to potentially take into account the discussions on the review of the Annexes. It was suggested that the programme of work be updated accordingly and that a way forward, similar to the one developed for the work of the Expert Working Group on the review of Annexes be prepared. Co-lead Croteau agreed.

The need for a face-to-face meeting was brought forward by one member. Co-lead Croteau agreed that such a meeting could take place after COP-14 and once the draft technical guidelines are more advanced. The importance of having more participation from Parties and others in the work of this group was also put forward. One member offered to organize a visit of a landfill or incineration plant during that meeting if it takes place in Europe.

1. **Discussions at the OEWG-11**

Co-lead Croteau mentionned that OEWG-11 will be an opportunity to get comments from additional Parties. She asked the Secretariat for information on the schedule at OEWG-11 and how much time in the technical contact group would be dedicated to this work. The Secretariat couldn’t provide such information at this point but clarified that this idea had already been indicated to the conference service group, responsible for the organization of the meeting. At this point, there is no guarantee on the amount of time each topic under discussion may have as it depens on plenary discussions, parallel contact groups and the number of items to be discussed.

Co-lead Croteau suggested that a session of three hours be allocated for the discussion. The Secretariat suggested that the SIWG should also use the OEWG-11 as an opportunity to hear comments on the contents of the technical guidelines. It was agreed to focus on key sections of the documents. Co-lead Croteau also highlighted that the two co-leading countries would like to give a short presentation about the two guidelines, at the technical matters contact group, as part of the OEWG-11 meeting.

It was mentionned that the technical contact group will work on a lot of different issues, and thus a high workload is to be expected. To make the best possible use of available time, a good procedural decision would need to be prepared. One member brought forward the need to prepare a CRP for a revised decision. Co-lead Croteau echoed this suggestion and identified that it was the intention of the co-leads to present the CRP. It was also mentionned that the CRP could invite new nominations from Parties and others to the SIWG.

1. **Next Steps**

Members felt that both technical guidelines needed to have the same structure before being submitted as INF documents for OEWG-11. Co-lead Croteau agreed. The two co-leading countries agreed to prepare a revised workplan of the group, to be circulated before the OEWG-11 meeting (Annex II to these notes).

1. **Other matters**

It was agreed that no other teleconference was needed before OEWG-11.

**Annex I – List of attendees**

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| **NAME** | | **REPRESENTING** |
|  | Ms. Alejandra Acosta | Argentina |
|  | Ms. Julie Croteau | Canada |
|  | Mr. Maxime Dube | Canada |
|  | Mr. Jorge Diaz | European Commission |
|  | Mr. Michael Ernst | Germany |
|  | Ms. Reem Musleh | State of Palestine |
|  | Mr. Alain Heidelberg | Hazardous Waste Europe |
|  | Mr. Peter Quicker | RWTH Aachen (consultant) |
|  | Ms. Nana Zhao | BCRC China |
| **BRS Secretariat** | | |
|  | Ms. Carla Valle-Klann | BRS Secretariat |
|  | Ms. Francesca Cenni | BRS Secretariat |

**Small Intersessional Working Group for the Update of the Technical Guidelines on Specially Engineered landfill (D5) and on Incineration on land (D10)  
Way forward to COP14 prepared by the Co-leads (Argentina and Canada)**

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| **oewg-11** | **public consultation** | **review of the technical guidelines by siwg** | **COP14** |
| **September 3-4-5-6, 2018** | **October & November 2018** | **D5: December-January 2018**  **D10: January-February 2019** | **April 29th-May 10th 2019** |
| **Objective**  Present progress made by the Co-leads, in consultation with the SIWG, on the update of the D5 and D10 technical guidelines  **Plenary**: Co-Leads to present a CRP for a revised decision  **Contact Group:**   * Co-leads to present draft updated D5 and D10 technical guidelines * Discuss draft updated D5 and D10 technical guidelines * Prepare decision (way forward) | **Objective**  Solicit comments from Basel Parties and observers to inform the preparations of revised draft updated D5 and D10 technical guidelines  If necessary, Co-leads to prepare revised drafts of D5 and D10 technical guidelines, **by October 8, 2018,** taking account comments made by Parties and others at the OEWG-11   * Comments on draft updated D5 technical guidelines: **November 13, 2018** * Comments on draft updated D10 technical guidelines: **November 27, 2018** | **Objective**  Solicit views from members of the SIWG to inform the preparations of revised draft updated D5 and D10 technical guidelines   * Consultation on D5 technical guidelines: Send draft on **December 19, 2018; comments due on January 23, 2019** * Consultation of D10 technical guidelines: Send draft on **January 16, 2019; comments due on February 13, 2019** * Submit draft updated D5 and D10 technical guidelines as INF documents for COP14:   **February 26, 2019** | **Objectives**  Present progress made by the Co-leads, in consultation with the SIWG, on the update of the D5 and D10 technical guidelines, renew SIWG mandate and discuss draft updated D5 and D10 technical guidelines  **Contact Group**:   * Co-leads to present draft updated D5 and D10 technical guidelines * Discuss draft updated D5 and D10 technical guidelines * Prepare decision (way forward and renew mandate of SIWG) |

**Possible Way forward to COP15\***

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| **OEWG-12** | **COP15** |
| **2020** | **2021** |
| D5 Technical Guidelines:  Draft is presented and discussed | D5 Technical Guidelines:  Adoption of the Technical Guidelines |
| D10 Technical Guidelines:  Draft is presented and discussed | D10 Technical Guidelines:  Adoption of the Technical Guidelines |

\*A face to face meeting of the Small Intersessional Working Group is expected to be organized between COP14 and COP15