



**Stockholm Convention
on Persistent Organic
Pollutants**

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**Conference of the Parties of the Stockholm
Convention on Persistent Organic Pollutants
Fourth meeting**

Geneva, 4–8 May 2009

Item 5 (a) (iii) of the provisional agenda*

**Matters for consideration or action by the Conference of the Parties:
measures to reduce or eliminate releases from intentional production and use;
evaluation of the continued need for the procedure under
paragraph 2 (b) of Article 3**

**Evaluation of the continued need for the procedure under
paragraph 2 (b) of Article 3****

Note by the Secretariat

1. Paragraph 7 of Article 19 of the Stockholm Convention on Persistent Organic Pollutants states:
“The Conference of the Parties shall, at its third meeting, evaluate the continued need for the procedure contained in paragraph 2 (b) of Article 3, including consideration of its effectiveness.”
2. In its decision SC-3/4, the Conference of the Parties:
 - (a) Concluded that information that had been gathered to date on the experience of using the procedure under paragraph 2 (b) of Article 3 of the Convention was insufficient as a basis for an evaluation of the continued need for the procedure;
 - (b) Requested the Secretariat to prepare a report for consideration by the Conference of the Parties at its fourth meeting based on Party reports received pursuant to Article 15 of the Convention, certifications from exporting Parties pursuant to paragraph 2 (b) of Article 3 and other relevant information;
 - (c) Decided to evaluate the procedure further at its fourth meeting.

* UNEP/POPS/COP.4/1.

** Mandate for the action described in the present note contained in: Stockholm Convention, Article 19, paragraph 7.

3. In response to decision SC-3/4 the Secretariat has prepared the report set out in the annex to the present note, which discusses information to be taken into account in the evaluation of the continued need for the procedure under paragraph 2 (b) of Article 3 of the Stockholm Convention.

Possible action by the Conference of the Parties

4. The Conference of the Parties may wish:
- (a) To take note of the report set out in the annex to the present note;
 - (b) To evaluate the continued need for the procedure set out in paragraph 2 (b) of Article 3, taking into account its effectiveness among other things;
 - (c) To urge Parties to include in their reports required under Article 15 of the Convention information on their imports and exports of chemicals listed in Annex A and Annex B to the Convention and in so doing to provide as much information as is practicable regarding the destinations of exported chemicals and the purposes for which chemicals are imported;
 - (d) To remind Parties that export chemicals listed in Annex A or Annex B to the Convention to any States not party to the Convention that the exporting Party is to transmit to the Secretariat the certifications from the importing States required by paragraph 2 (b) (iii) of Article 3 of the Convention;
 - (e) To request the Secretariat to provide a further report, based on Party reports submitted pursuant to Article 15, certifications from exporting Parties pursuant to paragraph 2 (b) (iii) of Article 3 and other relevant information, for consideration by the Conference of the Parties at its fifth meeting;
 - (f) To decide to evaluate further the continued need for the procedure set out in paragraph 2 (b) of Article 3 at its fifth meeting.

Annex

Report on information to be taken into account in the evaluation of the continued need for the procedure under paragraph 2 (b) of Article 3 of the Stockholm Convention

1. Paragraph 2 (b) of Article 3 of the Stockholm Convention allows a Party to export a chemical listed in Annex A for which any production or use specific exemption is in effect or a chemical listed in Annex B for which any production or use specific exemption or acceptable purpose is in effect in three situations: first, for the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6; second, to a Party which is permitted to use that chemical under Annexes A or B; and third, to a State which is not a Party to the Convention which has provided to the exporting Party an annual certification of the kind specified in paragraph 2 (b) (iii) of Article 3. In the latter case, an exporting Party receiving a certification from an importing Party must transmit the certification to the Secretariat within sixty days of receipt.
2. Paragraph 2 (c) of Article 3 states that Parties are not to export those chemicals listed in Annex A for which production and use specific exemptions are no longer in effect for any Party except for the purpose of environmentally sound disposal as set forth in paragraph 1 of Article 6.
3. In accordance with Article 4 of the Convention the Secretariat maintains a register of specific exemptions and the Parties that have them. Further information on the register of specific exemptions is set out in document UNEP/POPS/COP.4/7. The following Parties have had specific exemptions: Australia, for mirex use; Botswana, for chlordane use; China, for Chlordane production and use, DDT production and mirex production and use; and India, for DDT production and use. All Parties may use PCB in articles in use in accordance with part II of Annex A of the Convention without reporting such use to the Secretariat.
4. As noted above, paragraph 2 (b) of the Convention allows the export of a chemical for which an “acceptable purpose” is in effect under Annex B of the Convention. The only acceptable purpose presently specified in Annex B is the production and use of DDT for disease vector control, which is set out in Part II of Annex B. The following Parties have notified the Secretariat that they require DDT for disease vector control and are included in the DDT register established for that purpose: Botswana, for use; China, for production and use; Ethiopia, for production and use; India, for production and use; Madagascar, for use; Marshall Islands, for use; Mauritius, for use; Morocco, for use; Myanmar, for use; Senegal, for use; South Africa, for use; Swaziland, for use; Uganda, for use; and Yemen, for use.
5. In accordance with paragraph 4 of Article 4 of the Convention, specific exemptions for chlordane and mirex will no longer be in effect as of 17 May 2009 since they are due to expire on that date and no Party has requested their extension.
6. As of 31 December 2008, the Secretariat had received no certifications from exporting Parties pursuant to paragraph 2 (b) (iii) of Article 3.
7. As part of the reporting requirements under Article 15 of the Convention, each Party is to provide, among other things, statistical data on its exports and imports of each of the chemicals listed in Annex A and Annex B of the Convention or a reasonable estimate of such data and, to the extent practical, a list of the States to which it has exported the chemical. As of 31 December 2008 the Secretariat had received such reports from 42 Parties.
8. Table 1 below provides information from the Party reports received by the Secretariat regarding exported chemicals listed in Annex A or Annex B of the Convention, including the names of the exporting and importing countries where available.

Table 1. List of Parties that reported exports of chemicals listed in Annex A or Annex B of the Convention and the countries to which they were exported

Region	Party	Chemical	Destination
Africa	none		
Asia	Bahrain	PCBs	unspecified
	China	unspecified	unspecified
	Thailand	PCBs	unspecified
Eastern Europe	Croatia	PCBs	unspecified
	Moldova	PCBs	France
	Romania	PCBs	unspecified
	Slovenia	PCBs	France Germany
Latin America and the Caribbean	Argentina	PCBs	unspecified
	Brazil	PCBs	unspecified
	Chile	PCBs	France Spain
	Mexico	PCBs	unspecified
	Uruguay	DDT	France
Western Europe and other States	Austria	PCBs	Germany
	Belgium	PCBs	unspecified
	European Community	PCBs	unspecified
	Germany	PCBs	unspecified
	Netherlands	PCBs	unspecified
	Norway	PCBs	unspecified
	Switzerland	PCBs	Austria, Germany, Italy

9. As is evident from table 1, the only chemicals that Parties have reported on in their reports on their exports are PCBs and DDT. According to subparagraph (c) of part II of Annex A of the Convention, equipment containing PCBs may only be exported for the purpose of environmentally sound waste management. Few Parties have specified in their reports the destination countries for the chemicals they have exported.

10. Table 2 below provides information from the Party reports received by the Secretariat regarding imported chemicals listed in Annex A or Annex B of the Convention, including the names of exporting and importing countries where available.

Table 2. List of Parties that reported imports of chemicals listed in Annex A or Annex B of the Convention and the countries from which they were imported

Region	Party importing	Chemical	Country of origin
Africa	Gambia	PCBs	unspecified
	Madagascar	PCBs	unspecified
Asia	Cambodia	unspecified	unspecified
	China	PCBs	unspecified
	Sri Lanka	Aldrin, chlordane, dieldrin, DDT	unspecified
Eastern Europe	None		
Latin America and the Caribbean	Argentina	unspecified	unspecified
Western Europe and other States	Australia	Chlordane Dieldrin PCBs	Fiji Cook Islands, Tonga Micronesia, Samoa, Tuvalu, Nuie
	Austria	PCBs	Italy, Switzerland
	European Community	unspecified	unspecified
	Germany	PCBs	France, Italy,

			Netherlands, Norway, Spain, Turkey
	Finland	PCBs	Estonia, France, Greece, Mexico Norway, Philippines, Portugal, Zambia
	Netherlands	DDT PCBs	unspecified
	Switzerland	PCBs	Croatia, France, Mexico

11. As table 2 shows, Parties have reported imports of aldrin, chlordane, dieldrin, DDT and PCBs. Australia and Sri Lanka were the only Parties to report imports of chlordane and dieldrin, Sri Lanka was the only Party to report imports of Aldrin and the Netherlands and Sri Lanka were the only Parties to report imports of DDT. With the exception of PCBs in section C, the reporting form does not request information on the intended use of imported or exported chemicals. As mentioned above, Parties are permitted to export or import PCBs only for the purpose of their environmentally sound disposal.

12. The foregoing shows that only a relatively few Parties have to date reported information on exports and imports of chemicals listed in Annex A and Annex B to the Convention and that those Parties have reported relatively little information regarding the purpose of such exports and imports. It would appear that Party reports on exports and imports do not at present provide an adequate basis for a sound evaluation of the continued need for the procedure under paragraph 2 (b) of Article 3 of the Stockholm Convention. The Conference of the Parties may wish to consider whether, to enable such an evaluation, it will be necessary for more Parties to report on their exports and imports and for all reporting Parties to provide more information on their purpose.