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Your Reference: ICC
Our Reference: POPRC

File:
Date: 2 July 2008

Subject: Reply to information and comments on proceedings and deliberations of POPRC-3 and decision to defer EU notification concerning endosulfan to POPRC-4

Dear Mr. Shunmugam Ganesan,

I am referring to your letter dated 23 June 2008 concerning EU's notification on endosulfan and would wish to thank you for your interest in the work of the POPs Review Committee and the Stockholm Convention.

I would like to emphasize that the Secretariat is committed to servicing all Convention mechanisms in the best interest of all Parties and stakeholders and that the Committee operates on the basis of sound science procedures to support the Convention. I am sure that you and or your representatives have noticed the amount of time allocated to the observers for their deliberations during the Committee meeting. The Committee also showed its openness in sharing comments and information at the discussion sessions.

In accordance with the procedure laid down in paragraph 2 of Article 8 of the Convention, the Secretariat verifies whether the proposal contains the information specified in Annex D (UNEP/POPS/POPRC.3/INF/10) and, if satisfied, forwards the proposal to the Committee. In this process, the Secretariat only looks at the presence of the required information but does not evaluate its quality. We are confident that information provided in Annex D was included in the proposal submitted by the EU.

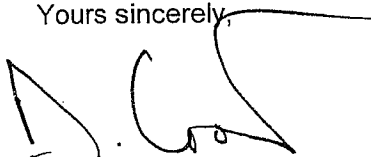
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I would also like to draw your attention to the fact that the official meeting presents the main facts and final decisions of the deliberations. I am sure you agree that it would not only be time consuming but unmanageable to reflect a week long detailed discussions in the report of the meeting in their totality.

I attach for your reference an Annex 1 with the responses to your specifically raised questions which, I hope, will be of help.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Cooper', with a long horizontal line extending to the right from the end of the signature.

Donald Cooper
Executive Secretary
Secretariat of the Stockholm Convention on
Persistent Organic Pollutants

Attachment

ANNEX 1

- (1) **p.5 (a), p.7 (a), and (b):** *Did any expert designated by the EC and its Member States present the EU proposal on Endosulfan before the review committee as earlier communicated by the Secretariat? Did EU authorize the POPRC member from Spain to speak on its behalf? (ref. p.5, "POPRC member (Dr. Jose V. Tarazona of Spain) acting as EU's spokes person tersely announced that the EU would like to withdraw its notification concerning Endosulfan.")*
- The EU is represented at the meetings of the COP and the POPRC by experts from the member countries. Therefore we can say that EU experts were present at POPRC3. The dossier on Endosulfan was not, however, introduced at the meeting for the reasons expressed and recalled in your letter. They would have like to have other supporting documents not available at the time of the meeting.
 - The POPRC member from Spain is one of the experts from the EU Member States. We consider that his intervention requesting that discussions on the proposal be deferred to POPRC-4 was mandated by the EU. The procedural approach in such case is that the Chair refers the request to the Committee, which was done.
- (2) **p.5 (b) and p.7 (c):** *Did POPRC-3 examine the EU notification applying the screening criteria specified in Annex-D of the Convention in a flexible and transparent way as mandated?*
- No, the Committee did not examine the notification but made a consensus decision to defer it. We are saying consensus as no member of the committee opposed the final decision.
- (3) **p.5 (c) and p.7 (d):** *Did POPRC-3 make available the report of its evaluation of EU notification?*
- No, because such evaluation was not done as explained above.
- (4) **p.7 (e), (f), (g), and (h):** *The POPRC-3 report reads "The Committee noted that vital information required for the consideration of Endosulfan had not been made available to it". Pray, who was the one in the Committee who decided (hopefully, after examining the EU notification) that some vital information required was not made available? What's that missing "vital information"? Did anyone make his/her observations in this regard to all those present over there at POPRC-3 in a transparent manner as mandated by the Convention? The Convention has not vested POPRC with powers to defer examining a notification placed before it. POPRC has to either accept a notification if valid or set aside the notification if found invalid. Is not, therefore, POPRC-3 decision in plain contravention of Article 8 of the Convention?*
- ▶ As also stated above, the decision on the quality and validity of information in a proposal is the privilege of POPRC members present at the meeting of the Committee. Therefore their decision seems to be legitimate since the Convention does not elaborate that it is an obligation of the POPRC to evaluate every proposal.