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**INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN  
INTERNATIONAL LEGALLY BINDING INSTRUMENT  
FOR IMPLEMENTING INTERNATIONAL ACTION ON  
CERTAIN PERSISTENT ORGANIC POLLUTANTS**

Fifth session

Johannesburg, 4-9 December 2000

**REPORT OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN  
INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR IMPLEMENTING  
INTERNATIONAL ACTION ON CERTAIN PERSISTENT ORGANIC  
POLLUTANTS ON THE WORK OF ITS FIFTH SESSION**Introduction

1. In its decision 19/13 C of 7 February 1997, the Governing Council of the United Nations Environment Programme (UNEP) requested the Executive Director of UNEP, together with relevant international organizations, to prepare for and convene, by early 1998, an intergovernmental negotiating committee with a mandate to prepare an international legally binding instrument for implementing international action on certain persistent organic pollutants (POPs), initially beginning with 12 specified POPs. <sup>1/</sup> The intergovernmental negotiating committee was also requested, at its first session, to establish an expert group for the development of science-based criteria and a procedure for identifying additional POPs as candidates for future international action.

2. In accordance with the above mandate, the first, second, third and fourth sessions of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants were held in Montreal from 29 June to 3 July 1998, in Nairobi from 25 to 29 January 1999, in Geneva from 6 to 11 September 1999 and in Bonn from 20 to 25 March 2000. The reports of those meetings are contained in documents UNEP/POPS/INC.1/7, UNEP/POPS/INC.2/6, UNEP/POPS/INC.3/4 and UNEP/POPS/INC.4/5 respectively. The Criteria Expert Group, which was established by the Intergovernmental Negotiating Committee at its first session, held two sessions, in Bangkok from 26 to 30 October 1998 and in Vienna from 14 to 18 June 1999. The reports of those meetings are contained in documents UNEP/POPS/INC/CEG/1/3 and UNEP/POPS/INC/CEG/2/3.

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<sup>1/</sup> aldrin, chlordane, dieldrin, DDT, endrin, heptachlor, hexachlorobenzene, mirex, toxaphene, PCBs, dioxins and furans.

3. The fifth session of the Intergovernmental Negotiating Committee was held in Johannesburg, from 4 to 9 December 2000, at the invitation of the Government of South Africa.

## I. ORGANIZATION OF THE SESSION

### A. Opening of the session

4. The session was opened at 10.25 a.m. on Monday, 4 December 2000, by Mr. John Buccini the Chair of the Committee.

5. Ms. Rejoice Mabudafhasi, Deputy Minister of Environmental Affairs and Tourism of the Republic of South Africa welcomed all participants to South Africa. She underscored the importance of reaching an agreement at that session that would guarantee the right to an environment that was not harmful to the well-being of the peoples of the world. She also encouraged participants to keep up the momentum of the many international conventions on human health and the environment that targeted the long-term goal of sustainable development.

6. The key challenge facing the negotiations was to ensure the implementation of the agreement. She therefore urged participants to give particular consideration to the integration of national priorities in the implementation plans, with a focus on capacity-building, the establishment of a clear financial mechanism and provision of technical assistance to developing countries and countries with economies in transition. It was essential, she said, to take into account the different challenges that faced developing and developed countries as they inevitably dictated a differentiated approach to the elimination of POPs. Those challenges had necessitated South Africa's reintroduction of DDT for malaria control. In that regard, she called for high priority to be given, in the implementation plans, to public information and awareness-raising on the use of POPs. She also expressed appreciation to the Government of Denmark for its financial support for POPs-related activities in South Africa and, in particular, the current session of the Intergovernmental Negotiating Committee.

7. Mr. Klaus Töpfer, Executive Director of UNEP, expressed appreciation to the Governments of South Africa and Denmark for hosting and funding the current and final negotiating session. Noting that there were still some difficult issues to be dealt with, he called for a spirit of compromise to ensure the finalization of the negotiation. There was an urgent need, he said, for a convention to fight against POPs which had disastrous consequences on both human health and the environment. Mr. Töpfer acknowledged the enormous interest shown in the need to secure a POPs treaty, reflected in the number of contributions made by countries to the POPs Club, and expressed thanks to both intergovernmental and non-governmental organizations for their contribution to the protection of the environment and public health.

8. Taking stock of the current status of the POPs negotiations, the Chair stressed that the current meeting of the Committee was, under the mandate conferred by the UNEP Governing Council, to be its final meeting. The Committee was required, in addition to concluding the text of the convention, to prepare documents for the diplomatic conference and to consider ways of assisting countries to ratify the convention. He suggested that the master list of actions elaborated by the secretariat in document UNEP/POPS/INC.5/INF/5 could grow into a global POPs action plan, preparing countries for ratification.

9. The issues to be dealt with by the Committee fell into three main categories: financial and technical assistance to developing countries and countries with economies in transition (articles J, J bis and K), control provisions (article D), and a number of other unresolved matters. The Chair urged the Committee to work in a spirit of compromise and stressed the need for openness, transparency, inclusiveness and accountability, stating his hope that the multi-stakeholder approach which had always marked the POPs negotiations would lead to a successful outcome. In conclusion, he reminded representatives that they were all agents of change with the opportunity to make their mark on history.

## B. Attendance

10. The session was attended by representatives of the following countries: Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bangladesh, Belarus, Belgium, Belize, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Guinea, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lebanon, Lesotho, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Saudi Arabia, Senegal, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Spain, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Viet Nam, Venezuela, Yemen, Yugoslavia, Zambia.

11. The following United Nations bodies, specialized agencies and convention secretariats were represented: Food and Agriculture Organization of the United Nations (FAO), Global Environment Facility (GEF), United Nations Industrial Development Organization (UNIDO), United Nations Institute for Training and Research (UNITAR), World Bank, World Health Organization (WHO), secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, secretariat of the Convention on Biological Diversity, secretariat of the United Nations Convention to Combat Desertification.

12. The following intergovernmental organizations were represented: European Commission, South Pacific Regional Environment Programme (SPREP).

13. The following non-governmental organizations and other bodies were represented: 92 Group, Abaco Mosquito Control Product, Africa Fighting Malaria, African Malaria Vaccine Testing Network, Alaska Community Action on Toxics, Albert Beim Institute of Ecological Toxicology, Alianza por una Mejor Calidad de Vida de Chile/Red de Accion en Plagucidas de America Latina, American Chemistry Council, Arizona Toxics Information, Armenian Women for Health and a Healthy Environment, Asociación Argentina de Médicos por el Medio Ambiente, Avima (Pty) Ltd., Canadian Arctic Indigenous Peoples Against POPs, Canadian Arctic Resources Committee, Center For Health, Environment and Justice, Center for International Environmental Law, Centre for Independent Ecological Expertise, Centro de Derecho Ambiental del Sur, AC-Dassur, Chemical Weapons Working Group, Children of the Earth, Climate and Development Initiatives, CNIID National Centre for Independent Information on Waste, Comisiones Obreras, Commonweal, Communities Against Toxics, Council of Canadians, Council of Yukon First Nations, Development Bank of Southern Africa, Earth Rights International, Eco-Accord Centre for Environment and Sustainable Development, EnerWise International, Environmental Health Fund, Environmental Justice Network Forum (Anti Incinerator Alliance), Essential Action, European Chemical Industry Council, European Environmental Bureau, Global Crop Protection Federation (GCPF), Great Lakes United, Green and Gold Forum, Greenpeace International, Groundwork, Gwich'in Nation Steering Committee, Harvard University Centre for International Development, Health Care Without Harm, Homeopath Practice, Indian Chemical Manufacturers Association, Indigenous Environmental Network, International Council of Chemical Associations (ICCA), International Council of Environmental Law (ICEL), International POPs Elimination Network, International Union for the Conservation of Nature (IUCN), Inuit Circumpolar Conference, Japan Chemical Industry Association, Japan Offspring Fund, Jetro, Kenya Association of Physicians and Medical Workers for Social Responsibility, Leefmilieu, London School of Hygiene And Tropical Medicine, Mama 86, McGill University, Medium et Sanitas Association, Mossville Environmental Action Now, Mouvement pour les Droits et le Respect des Générations Futures, N.D. Zelinsky Institute of Organic Chemistry at the Russian Academy of Sciences, National Council for Cement and Building Materials (India), National Toxics Network, New York Medical College, Oekometric GmbH, People's Association on Countermeasures of Dioxin and Endocrine Disruptors, Physicians for Social

Responsibility, Port Graham Village Council, Poslec Seta, Red Sun C. C., Rongead, Russian Association of Indigenous Peoples of the North, South African Institute for Medical Research (SAIMR), Sierra Club, Sierra Club of Canada, Sustainable Villages Africa, Thanal Conservation Action and Information Network, Tokyo University of Agriculture and Technology, University of Arctic Circumpolar Coordination Office, University of California, University of Copenhagen, Volgograd-Ecopress, W. Alton Jones Foundation, Women In Europe for a Common Future, Women's Environment and Development Organization, Women's Environmental Network, Women's Voices for the Earth, World Alliance for Breastfeeding Action, World Chlorine Council (WCC), World Federation of Public Health Associations, World Haematologists for Children, World Wide Fund for Nature (WWF), Yale University.

## II. ORGANIZATIONAL MATTERS

14. The elected members of the Bureau of the Intergovernmental Negotiating Committee continued in office, as follows:

<u>Chair:</u>	Mr. John Buccini (Canada)
<u>Vice-Chairs:</u>	Ms. Maria Cristina Cardenas Fischer (Colombia) Mr. Mir Jafar Ghaemieh (Islamic Republic of Iran) Ms. Darka Hamel (Croatia) Mr. Ephraim Buti Mathebula (South Africa)

In accordance with rule 8 of the Committee's rules of procedure, Ms. Hamel, Vice-Chair, also agreed to act as rapporteur.

### A. Adoption of the agenda

15. The Intergovernmental Negotiating Committee adopted the following agenda for the session, as contained in document UNEP/POPS/INC.5/1:

1. Opening of the session.
2. Organizational matters:
  - (a) Adoption of the agenda;
  - (b) Organization of work;
  - (c) Report by the secretariat on inter-sessional work requested by the Committee.
3. Review of ongoing international activities relating to the work of the Committee.
4. Preparation of an international legally binding instrument for implementing international action on certain persistent organic pollutants.
5. Other matters.
6. Adoption of the report.
7. Closure of the session.

## B. Organization of work

16. For the organization of the work of the session, the Committee decided to follow the scenario prepared by the Chair, as contained in document UNEP/POPS/INC.5/INF/1. It agreed to meet in full plenary session from Monday to Saturday inclusive.

17. The Committee agreed that the legal drafting group chaired by Mr. Patrick Széll (United Kingdom) would meet throughout the week as necessary, concurrently with the plenary, and that small contact groups could be set up to assist in the work of the Committee.

## C. Report by the secretariat on inter-sessional work requested by the Committee

18. The secretariat drew the Committee's attention to the documents that it had prepared in response to specific requests made by the Committee at its fourth session (UNEP/POPS/INC.5/2, 3, 4, 5, 5/Add.1 and 6 and UNEP/POPS/INC.5/INF/1-10). A full list of the documents available to the Committee, including both pre-session and in-session documentation, is provided in appendix VII to the present report.

## III. REVIEW OF ONGOING INTERNATIONAL ACTIVITIES RELATING TO THE WORK OF THE COMMITTEE

19. In its consideration of this agenda item, the Committee had before it a number of notes by the secretariat conveying information gathered by the secretariat in response to requests by the Committee at its fourth session, namely: related work on POPs under the Basel Convention (UNEP/POPS/INC.5/INF/3); related work on POPs under FAO (UNEP/POPS/INC.5/INF/4); master list of actions on the reduction and elimination of the releases of POPs (UNEP/POPS/INC.5/INF/5); related work on POPs under GEF (UNEP/POPS/INC.5/INF/6); schedule and financial needs for the completion of the negotiations for an international legally binding instruments on POPs (UNEP/POPS/INC.5/INF/7); selected sections of the final report of the third session of the Intergovernmental Forum on Chemical Safety (IFCS) (UNEP/POPS/INC.5/INF/8); and related work on POPs under WHO (UNEP/POPS/INC.5/INF/9).

20. The secretariat drew attention to the document on the master list of actions, which it had updated and which contained information dealing with activities at the global, regional and national levels, based on submissions received by the secretariat from 108 Governments, 18 intergovernmental organizations and 8 non-governmental organizations.

21. The secretariat also reported that UNEP had continued its capacity-building programme on POPs. Eight regional or subregional workshops had been held, with financial support from a number of donor countries and organizations. Several other awareness-raising and information activities were under way and a new coordinating group to address obsolete stocks of pesticides had been established under the Inter-Organization Programme for the Sound Management of Chemicals (IOMC), with FAO and UNEP acting as joint secretariat. The compilation of inventories of such stocks in Africa, the near East, Latin America and the Caribbean and in Central and Eastern European countries had been sponsored under that project.

22. The representative of FAO reported on relevant work by his organization, with particular reference to pesticides, and highlighted aspects of the report on FAO efforts in that area (UNEP/POPS/INC.5/INF/4).

23. The representative of the World Bank reported on efforts to work with countries to reduce persistent organic pollutants in the environment. The World Bank had worked with a number of countries to find viable alternatives to DDT in vector control without risking the health of affected populations. It had also worked with UNEP to develop a number of relevant projects. In addition, the Bank had signed a POPs Trust Fund agreement with the Government of Canada in which approximately U\$14 million would be allocated to support capacity-building in developing countries and countries with economies in transition. Several proposals had already been reviewed and resulting projects were moving forward, including the development of national action plans and best practice guidelines and assistance in the management or elimination of obsolete chemicals.

24. The representative of WHO emphasized that his organization favoured the eventual elimination of all POPs, including DDT, but recognized, at the same time, that some countries currently still needed this chemical to save lives from the scourge of malaria. WHO therefore favoured time-limited exemptions on the production and use of DDT for public health purposes, as well as financial resources to establish robust capacities to control malaria. To that end, WHO had developed a work plan to support countries currently reliant on DDT and had begun mobilizing resources to support the development and systematic evaluation of alternatives to DDT through the Roll Back Malaria Project.

25. Reporting on recent measures by GEF to support the POPs process, the representative of GEF conveyed the Facility's support for a systematic global effort to eliminate all releases of POPs and announced that, consequent to the Vevey meeting, the GEF Council and the participants at the third replenishment of the GEF Trust Fund had agreed to provide additional funds for POPs projects should GEF be designated as the financial mechanism, a role which GEF was well-suited to perform. It would be willing to initiate early action to fund enabling activities with existing resources. The Council also recognized the need to assist in capacity-building activities and underscored the importance of the inclusion of FAO, UNIDO and the regional development banks to help implement projects. The GEF Council had also reviewed the draft elements of an operational programme for reducing and eliminating releases of POPs, with assistance by UNEP, and viewed these elements as the basis for a future operational programme, subject to the decisions reached by the Committee at the current session.

#### IV. PREPARATION OF AN INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR IMPLEMENTING INTERNATIONAL ACTION ON CERTAIN PERSISTENT ORGANIC POLLUTANTS

26. In its consideration of this agenda item, the Committee had before it notes by the secretariat on draft proposals for article B - "Objectives" (UNEP/POPS/INC.5/2), reference to the Basel Convention in the future POPs convention (UNEP/POPS/INC.5/3), and the inter-sessional meeting on financial resources and mechanisms held in Vevey, Switzerland (UNEP/POPS/INC.5/4). It also had the draft text of the articles prepared by the Chair and his commentary thereon (UNEP/POPS/INC.5/5 and Add.1).

27. In the ensuing debate, representatives commended the secretariat on the inter-sessional work it had conducted and the Committee agreed to use the Chair's draft text as the basis for negotiations.

28. All representatives taking the floor expressed gratitude to the Government of South Africa for hosting the fifth session of the Committee. Appreciation was also expressed to the Government of Denmark for its financial assistance for the event. All representatives said that the future convention should be straightforward, workable and realistic and take into account the different circumstances of countries. It was also noted that provisions in the convention should ensure the broadest possible participation and set effective and achievable goals.

29. All representatives said that technical and financial assistance should be provided for developing countries and countries with economies in transition to take effective measures to deal comprehensively with the obligations of the convention. One representative drew attention to the problem of obsolete technology and stressed the need to maintain certain exemptions until financial assistance had been provided for the replacement of that technology.

30. Some representatives welcomed the efforts of the GEF Council to streamline its procedures and commended its move to identify new and additional resources at the next replenishment. They felt that GEF would serve as a good basis for a financial mechanism. Some representatives expressed their concern about the ability of GEF to meet fully the criteria described in the report of the Vevey meeting. Some representatives supported the creation of a capacity action network. One representative noted the benefits of bilateral financial assistance programmes that would ensure savings in administrative costs.

31. With reference to Principle 15 of the Rio Declaration, some representatives felt that criteria and factors to add new POPs to the convention should be based on the precautionary approach embodied in that Principle. Others expressed a concern that a new, ambiguous text on a precautionary approach that was not based on sound science would be unacceptable. Some representatives suggested that, in the interests of clarity, the text of the Rio Principle should be quoted in the preamble.

32. Some representatives requested the inclusion of a separate article on liability and compensation following draft article N on settlement of disputes.

33. Many representatives, particularly of African countries, noted that the issue of DDT still needed further discussion and believed that its vital importance in malaria control should not be overlooked.

34. With reference to different articles, the need was stressed for a strict limitation on exemptions, for a ban on the production, use, export and import of intentionally produced POPs, and for a move towards the elimination of by-products.

35. The representative of Canada noted that his country had donated Can\$ 20 million to the World Bank for use in country activities related to POPs management and Can\$ 100,000 towards developing country participation at the current session.

36. The articles as approved by the Committee are contained in appendix I to the present report, and the process of their adoption, including any concerns expressed by representatives at the time, are reflected in paragraphs 38 to 84 below.

37. Throughout the session, the legal drafting group reviewed and made proposals to the Committee for streamlining and clarifying the language of the successive drafts of the articles and annexes.

#### Article A Preamble

38. The preamble was approved, with amendments, by the Committee, on the basis of the text submitted by the Chair.

#### Article B (Objective)

39. Article B was approved, with amendments, by the Committee, on the basis of the text of draft article B submitted by the Chair.

#### Article C (Definitions)

40. Article C was approved by the Committee on the basis of the text of draft article C submitted by the Chair.

#### Article D (Measures to reduce or eliminate releases; exemption)

41. Article D was approved, with amendments, by the Committee, on the basis of the text of draft article D submitted by the Chair and with the assistance of several contact groups.

42. One representative expressed regret that Governments had not been able to agree on the total prohibition of production and use of new persistent organic pollutants. Another representative agreed to approval of the article on the understanding that, in the Committee's view, the term "feasible", as used in paragraph 3 of the article, included both technical and economic considerations.

43. The Committee agreed that the cross-references in its paragraph 1 bis to paragraph 4 of draft article D did not create any conflict with the Basel Convention.

44. The contact group on paragraphs 1 and 2 of the draft article in the text submitted by the Chair noted that some countries eliminated production and use of chemicals by banning sale and distribution in commerce or by withdrawing registration, which could result in small quantities of persistent organic pollutants remaining with end-users, for example, in “the farmer’s barn”. The contact group acknowledged that banning such sale and distribution in commerce or withdrawing registration would satisfy the requirements of Article D, paragraphs 1 and 2. The contact group encouraged Parties to promote programmes aimed at collecting such small quantities, for example, through domestic “clean sweep” programmes where end-users could turn in these small quantities of persistent organic pollutants for appropriate disposal.

45. Paragraphs 1 and 2 of Article D, were merged into a single paragraph, paragraph 1 of Article D, in the final convention text approved by the Committee.

46. The contact group discussed the meaning of “unintentional trace” contamination, focusing on the example of DDT in dicofol to illustrate the meaning intended. DDT, it noted, was used as a starting material in the manufacture of dicofol and the appearance of low or de minimis levels of DDT in dicofol, notwithstanding all control measures put in place, was to be considered “unintentional trace contamination.”

47. The Committee also agreed to texts for resolutions proposed by contact groups on paragraphs 3 and 4 of Article D for consideration by the Conference of Plenipotentiaries to be held from 22 to 23 May 2001 in Stockholm, Sweden. The texts are included in appendix II to the present report.

#### Article E (Implementation plans)

48. Article E was approved, with amendments, by the Committee, on the basis of the text of draft article E submitted by the Chair.

#### Article F (Listing of chemicals in Annexes A, B and C)

49. Article F was approved, with amendments, by the Committee, with the assistance of a contact group, on the basis of the text of draft article F submitted by the Chair.

#### Article G (Information exchange)

50. Article G was approved, with amendments, by the Committee, on the basis of the text of draft article G submitted by the Chair.

#### Article H (Public information, awareness and education)

51. Article H was approved, with amendments, by the Committee, on the basis of the text of draft article H submitted by the Chair.

#### Article I (Research, development and monitoring)

52. Article I was approved, with amendments, by the Committee, on the basis of the text of draft article I submitted by the Chair.

#### Article J (Technical assistance)

53. Article J was approved, with amendments, by the Committee, on the basis of the text of draft article J submitted by the Chair with the assistance of a contact group.

54. One representative proposed that the amended article J should be complemented with a resolution on technical assistance for consideration by the Conference of the Plenipotentiaries and offered to expediently provide draft text of such a resolution to the secretariat. The Committee accepted the offer.



Article K (Financial resources and mechanisms)

55. Article K was approved, with amendments, by the Committee, on the basis of the text of draft article K submitted by the Chair, with the assistance of a contact group.

56. Several countries with economies in transition expressed their concern regarding paragraph 4 of article K indicating that the interests of developing countries are reflected but the interests of countries with economies in transition are not. They noted that this was not consistent with the principle accepted throughout the negotiations that both groups of countries should be treated in an equally favourable manner.

Article K bis (Interim financial arrangements)

57. Article K bis was approved, with amendments, by the Committee, on the basis of the draft text of article K submitted by the Chair and with the assistance of a contact group.

58. The Committee agreed on the text of a draft resolution on interim financial arrangements for consideration by the Conference of Plenipotentiaries that was proposed by a contact group. The text is included in appendix II to the present report.

Article L (Reporting)

59. Article L was approved, with amendments, by the Committee, on the basis of the text of draft article L submitted by the Chair.

Article L bis (Effectiveness evaluation)

60. Article L bis was approved, with amendments, by the Committee on the basis of the text of draft article L bis submitted by the Chair.

61. One representative, while agreeing to the text, emphasized that, where possible within the capabilities of the Parties, monitoring should be continuous.

Article M (Non-compliance)

62. Article M was approved by the Committee on the basis of the text of draft article M submitted by the Chair.

Article N (Settlement of disputes)

63. Article N was approved by the Committee on the basis of the text of draft article N submitted by the Chair.

Article O (Conference of the Parties)

64. Article O was approved, with amendments, by the Committee, on the basis of the text of draft article O submitted by the Chair.

Article P (Secretariat)

65. Article P was approved, with amendments, by the Committee, on the basis of the text of draft article P submitted by the Chair.

Article Q (Amendments to the Convention)

66. Article Q was approved, with amendments, by the Committee, on the basis of the text of draft article Q submitted by the Chair.

Article R (Adoption and amendment of annexes)

67. Article R was approved, with amendments, by the Committee, on the basis of the text of draft article R submitted by the Chair.

Article R bis (Register of specific exemptions and acceptable purposes)

68. Article R bis was approved, with amendments, by the Committee on the basis of the text of draft article D and annexes A and B submitted by the Chair and with the assistance of a contact group.

69. The Committee developed a list of requests from countries for specific exemptions in Annex A and Annex B and acceptable purposes in Annex B that were received prior to the conclusion of its fifth session. This is included in appendix VI to the present report. The Committee agreed to accept any additional country requests prior to the commencement of the Conference of Plenipotentiaries on 22 May 2001.

Article S (Right to vote)

70. Article S was approved by the Committee on the basis of the text of draft article S submitted by the Chair.

Article T (Signature)

71. Article T was approved, with amendments, by the Committee, on the basis of the text of draft article T submitted by the Chair.

Article U (Ratification, acceptance, approval or accession)

72. Article U was approved, with amendments, by the Committee, on the basis of the text of draft article U submitted by the Chair.

Article V (Entry into force)

73. Article V was approved by the Committee on the basis of the text of draft article V submitted by the Chair.

Article W (Reservations)

74. Article W was approved by the Committee on the basis of the text of draft article W submitted by the Chair.

Article X (Withdrawal)

75. Article X was approved by the Committee on the basis of the text of draft article X submitted by the Chair.

Article Y (Depositary)

76. Article Y was approved by the Committee on the basis of the text of draft article Y submitted by the Chair.

Article Z (Authentic texts)

77. Article Z was approved, with amendments, by the Committee, on the basis of the text of draft article Z submitted by the Chair.

Annex A (Elimination)

78. Annex A was approved, with amendments, by the Committee, on the basis of the text of draft annex A submitted by the Chair with the assistance of a contact group.

Annex B (Restriction)

79. Annex B was approved, with amendments, by the Committee, on the basis of the text of draft annex B submitted by the Chair and with the assistance of a contact group.

80. Noting that dicofol could have agricultural or human health uses, one representative stressed that it was important for Parties to know the intended uses of the substance when exemptions were being sought for DDT as a contaminant in dicofol.

Annex C (Persistent organic pollutants subject to release reduction)

81. Annex C was approved, with amendments, by the Committee, on the basis of the text of draft annex C submitted by the Chair with the assistance of a contact group.

Annex D (Information requirements and screening criteria)

82. Annex D was approved, with amendments, by the Committee, on the basis of the text of draft annex D submitted by the Chair.

Annex E (Information requirements for the risk profile)

83. Annex E was approved, with amendments, by the Committee, on the basis of the text of draft annex E submitted by the Chair.

Annex F (Information on social and economic considerations)

84. Annex F was approved, with amendments, by the Committee, on the basis of the text of draft annex F submitted by the Chair.

## V. OTHER MATTERS

### A. Draft resolutions for submission to the diplomatic conference

85. Following the approval of the draft articles, the Committee considered the matter of resolutions for submission to the Conference of Plenipotentiaries to be convened for the adoption of the convention. The Committee noted that a number of resolutions for submission to the Conference of Plenipotentiaries had been agreed in the course of the week while approving articles (included in appendix II to the present report), and one resolution concerning the secretariat had been agreed at its fourth session (included in appendix III to the present report). The Committee noted that time did not allow for the approval of other resolutions tabled at its fifth session (included in appendix IV to the present report) and requested the secretariat to arrange an appropriate process to complete the text of the resolutions for adoption by the Conference of Plenipotentiaries.

B. Future activities and offers by Governments

86. The secretariat introduced the schedule and financial needs for the completion of the POPs negotiations and further activities with regard to the POPs Convention (UNEP/POPS/INC.5/INF/7) and informed the meeting of the current status of financial contributions and the timetable for future meetings.

87. The Committee welcomed the offer of the Government of the Kingdom of Sweden to host and fully fund the Conference of Plenipotentiaries for the adoption of the Convention from 22 to 23 May 2001. The Committee agreed to name the text the "Stockholm Convention".

C. Finalization of the text

88. The secretariat reported that, under the guidance of the Chair, it would review the text for minor editorial adjustments, such as correcting typographical errors, adjusting numbering and cross-references, ensuring the accuracy of document citations, and otherwise correcting any unintended errors that might exist in the text. It also noted that it would verify all language versions to prepare equally authentic texts. The secretariat sought the inputs of representatives to assist in the above process by 28 February 2001. That approach was agreed upon by the Committee.

**VI. ADOPTION OF THE REPORT**

89. The Committee adopted the report on the work of its fifth session on Sunday, 10 December 2000, on the basis of the draft report that had been circulated under the symbols UNEP/POP/INC.5/L.1 and L.1/Add.1, on the understanding that finalization of the report would be entrusted to the Rapporteur, working in consultation with the secretariat.

**VII. CLOSURE OF THE SESSION**

90. At the closing session, representatives commended the Chair and his Bureau on the smooth conduct of the session and the secretariat on its hard work in preparing the session. In his closing remarks, the Chair expressed his appreciation to both the secretariat and the representatives, in particular the Chairs of the various groups that had been established, for their contribution to the success of the negotiating process. After the customary exchange of courtesies, the Chair declared the session closed at 8.20 a.m. on Sunday, 10 December 2000.

Appendix I

## DRAFT STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS:

A. Preamble

The Parties to this Convention,

Recognizing that persistent organic pollutants possess toxic properties, resist degradation, bioaccumulate and are transported, through air, water and migratory species, across international boundaries and deposited far from their place of release, where they accumulate in terrestrial and aquatic ecosystems,

Aware of the health concerns, especially in developing countries, resulting from local exposure to persistent organic pollutants, in particular impacts upon women and, through them, upon future generations,

Acknowledging that the Arctic ecosystems and indigenous communities are particularly at risk because of the biomagnification of persistent organic pollutants and that contamination of their traditional foods is a public health issue,

Conscious of the need for global action on persistent organic pollutants,

Mindful of decision 19/13 C of 7 February 1997 of the Governing Council of the United Nations Environment Programme to initiate international action to protect human health and the environment through measures which will reduce and/or eliminate emissions and discharges of persistent organic pollutants,

Recalling the pertinent provisions of the relevant international environmental conventions, especially the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal including the regional agreements developed within the framework of its Article 11,

Recalling also the pertinent provisions of the Rio Declaration on Environment and Development and Agenda 21,

Acknowledging that precaution underlies the concerns of all the Parties and is embedded within this Convention,

Recognizing that this Convention and other international agreements in the field of trade and the environment are mutually supportive,

Reaffirming that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Taking into account the circumstances and particular requirements of developing countries, in particular the least developed among them, and countries with economies in transition, especially the need to strengthen their national capabilities for the management of chemicals, including through the transfer of technology, the provision of financial and technical assistance and the promotion of cooperation among the Parties,

Taking full account of the Programme of Action for the Sustainable Development of Small Island Developing States, adopted in Barbados on 6 May 1994,

Noting the respective capabilities of developed and developing countries, as well as the common but differentiated responsibilities of States as set forth in Principle 7 of the Rio Declaration on Environment and Development,

Recognizing the important contribution that the private sector and non-governmental organizations can make to achieving the reduction and/or elimination of emissions and discharges of persistent organic pollutants,

Underlining the importance of manufacturers of persistent organic pollutants taking responsibility for reducing adverse effects caused by their products and for providing information to users, Governments and the public on the hazardous properties of those chemicals,

Conscious of the need to take measures to prevent adverse effects caused by persistent organic pollutants at all stages of their life cycle,

Reaffirming Principle 16 of the Rio Declaration on Environment and Development which states that national authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment,

Encouraging Parties not having regulatory and assessment schemes for pesticides and industrial chemicals to develop such schemes,

Recognizing the importance of developing and using environmentally sound alternative processes and chemicals,

Determined to protect human health and the environment from the harmful impacts of persistent organic pollutants,

Have agreed as follows:

#### B. Objective

Mindful of the precautionary approach as set forth in Principle 15 of the Rio Declaration on Environment and Development, the objective of this Convention is to protect human health and the environment from persistent organic pollutants.

#### C. Definitions

For the purposes of this Convention:

(a) "Party" means a State or regional economic integration organization that has consented to be bound by this Convention and for which the Convention is in force;

(b) "Regional economic integration organization" means an organization constituted by sovereign States of a given region to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention;

(c) "Parties present and voting" means Parties present and casting an affirmative or negative vote.

D. Measures to reduce or eliminate releasesIntentional production and use

## 1. Each Party shall:

- (a) Prohibit and/or take the legal and administrative measures necessary to eliminate:
  - (i) Its production and use of the chemicals listed in Annex A subject to the provisions of that Annex; and
  - (ii) Its import and export of the chemicals listed in Annex A in accordance with the provisions of paragraph 1 bis of Article D; and
- (b) Restrict its production and use of the chemicals listed in Annex B in accordance with the provisions of that Annex.

1 bis. Each Party shall take measures to ensure:

- (a) That a chemical listed in Annex A or Annex B is imported only:
  - (i) For the purpose of environmentally sound disposal; or
  - (ii) For a use or purpose which is permitted for that Party under Annex A or Annex B;
- (b) That 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, taking into account any relevant provisions in existing international prior informed consent instruments, is exported only:
  - (i) For the purpose of environmentally sound disposal;
  - (ii) To a Party which is permitted to use that chemical under Annex A or Annex B; or
  - (iii) To a State not Party to this Convention which has provided an annual certification to the exporting Party. Such certification shall specify the intended use of the chemical and include a statement that, with respect to that chemical, the importing State is committed to:
    - a. Protect human health and the environment by taking the necessary measures to minimize or prevent releases;
    - b. Comply with the provisions of paragraph 4 of Article D; and
    - c. Comply, where appropriate, with the provisions of paragraph 2 of Part II of Annex B.

The certification shall also include any appropriate supporting documentation, such as legislation, regulatory instruments, or administrative or policy guidelines. The exporting Party shall transmit the certification to the Secretariat within sixty days of receipt.
- (c) That a chemical listed in Annex A, for which production and use specific exemptions are no longer in effect for any Party, is not exported from that Party except for the purpose of environmentally sound disposal;

(d) For the purposes of this paragraph, the term “State not Party to this Convention” shall include, with respect to a particular chemical, a State or regional economic integration organization that has not agreed to be bound by the Convention with respect to that chemical.

2 bis. Each Party that has one or more regulatory and assessment schemes for new pesticides or new industrial chemicals shall take measures to regulate with the aim of preventing the production and use of new pesticides or new industrial chemicals which, taking into consideration the criteria in paragraph 1 of Annex D, exhibit the characteristics of persistent organic pollutants.

2 ter. Each Party that has one or more regulatory and assessment schemes for pesticides or industrial chemicals shall, where appropriate, take into consideration within these schemes the criteria in paragraph 1 of Annex D when conducting assessments of pesticides or industrial chemicals currently in use.

5. Except as otherwise provided in this Convention, paragraphs 1 and 1 bis shall not apply to quantities of a chemical to be used for laboratory-scale research or as a reference standard.

6. Any Party that has a specific exemption in accordance with Annex A or a specific exemption or an acceptable purpose in accordance with Annex B shall take appropriate measures to ensure that any production or use under such exemption or purpose is carried out in a manner that prevents or minimizes human exposure and release into the environment. For exempted uses or acceptable purposes that involve intentional release into the environment under conditions of normal use, such release shall be to the minimum extent necessary, taking into account any applicable standards and guidelines.

#### Unintentional production

3. Each Party shall at a minimum take the following measures to reduce the total releases derived from anthropogenic sources of each of the chemicals listed in Annex C, with the goal of their continuing minimization and, where feasible, ultimate elimination:

(a) Develop an action plan or, where appropriate, a regional or subregional action plan within two years of the date of entry into force of this Convention for it, and subsequently implement it as part of its implementation plan specified in Article E designed to identify, characterize and address the release of the chemicals listed in Annex C and to facilitate implementation of (b) to (e). The action plan shall include the following elements:

- (i) An evaluation of current and projected releases, including the development and maintenance of source inventories and release estimates, taking into consideration the source categories identified in Annex C;
- (ii) An evaluation of the efficacy of the laws and policies of the Party relating to the management of such releases;
- (iii) Strategies to meet the obligations of this paragraph, taking into account the evaluations in (i) and (ii);
- (iv) Steps to promote education and training with regard to, and awareness of, those strategies;
- (v) A review every five years of those strategies and of their success in meeting the obligations of this paragraph; such reviews shall be included in reports submitted pursuant to Article L;



- (vi) A schedule for implementation of the action plan, including for the strategies and measures identified therein;
- (b) Promote the application of available, feasible and practical measures that can expeditiously achieve a realistic and meaningful level of release reduction or source elimination;
- (c) Promote the development and, where it deems appropriate, require the use of substitute or modified materials, products and processes to prevent the formation and release of the chemicals listed in Annex C, taking into consideration the general guidance on prevention and release reduction measures in Annex C and guidelines to be adopted by decision of the Conference of the Parties;
- (d) Promote and, in accordance with the implementation schedule of its action plan, require the use of best available techniques for new sources within source categories which a Party has identified as warranting such action in its action plan, with a particular initial focus on source categories identified in Part II of Annex C. The requirement to use best available techniques for new sources in the categories listed in Part II of that Annex shall be phased in as soon as practicable but no later than four years after the entry into force of the Convention for that Party. For the identified categories, Parties shall promote the use of best environmental practices. When applying best available techniques and best environmental practices, Parties should take into consideration the general guidance on prevention and release reduction measures in that Annex and guidelines on best available techniques and best environmental practices to be adopted by decision of the Conference of the Parties;
- (e) Promote, in accordance with its action plan, the use of best available techniques and best environmental practices:
  - (i) For existing sources, within the source categories listed in Part II and within source categories such as those in Part III of Annex C; and
  - (ii) For new sources, within source categories such as those listed in Part III of Annex C which a Party has not addressed under subparagraph (d).

For applying best available techniques and best environmental practices, Parties should take into consideration the general guidance on prevention and release reduction measures in Annex C and guidelines on best available techniques and best environmental practices to be adopted by decision of the Conference of the Parties;

- (f) For the purposes of this paragraph and Annex C:
  - (i) "Best available techniques" means the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for release limitations designed to prevent and, where that is not practicable, generally to reduce releases of chemicals listed in Part I of Annex C and their impact on the environment as a whole. In this regard:
  - (ii) "Techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;
  - (iii) "Available" means those techniques that are accessible to the operator and that are developed on a scale that allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages; and
  - (iv) "Best" means most effective in achieving a high general level of protection of the environment as a whole;

- (v) "Best environmental practices" means the application of the most appropriate combination of environmental control measures and strategies;
- (vi) "New source" means any source of which the construction or substantial modification is commenced at least one year after the date of:
  - a. Entry into force of this Convention for the Party concerned; or
  - b. Entry into force for the Party concerned of an amendment to Annex C where the source becomes subject to the provisions of this Convention only by virtue of that amendment.

(f bis) Release limit values or performance standards may be used by a Party to fulfill its commitments for best available techniques under this paragraph.

#### Stockpiles and wastes

4. In order to ensure that stockpiles consisting of or containing chemicals listed either in Annex A or Annex B and wastes, including products and articles upon becoming wastes, consisting of, containing or contaminated with a chemical listed in Annex A, B or C, are managed in a manner protective of human health and the environment, each Party shall:

- (a) Develop appropriate strategies for identifying:
  - (i) Stockpiles consisting of or containing chemicals listed either in Annex A or Annex B; and
  - (ii) Products and articles in use and wastes consisting of, containing or contaminated with a chemical listed in Annex A, B or C;
- (b) Identify, to the extent practicable, stockpiles consisting of or containing chemicals listed either in Annex A or Annex B on the basis of the strategies referred to in subparagraph (a);
- (c) Manage stockpiles, as appropriate, in a safe, efficient and environmentally sound manner. Stockpiles of chemicals listed either in Annex A or Annex B, after they are no longer allowed to be used according to any specific exemption specified in Annex A or any specific exemption or acceptable purpose specified in Annex B, except stockpiles which are allowed to be exported according to paragraph 1 bis of Article D, shall be deemed to be waste and shall be managed in accordance with subparagraph (d);
- (d) Take appropriate measures so that such wastes, including products and articles upon becoming wastes, are:
  - (i) Handled, collected, transported and stored in an environmentally sound manner;
  - (ii) Disposed of in such a way that the persistent organic pollutant content is destroyed or irreversibly transformed so that they do not exhibit the characteristics of persistent organic pollutants or otherwise disposed of in an environmentally sound manner when destruction or irreversible transformation does not represent the environmentally preferable option or the persistent organic pollutant content is low, taking into account international rules, standards, and guidelines, including those that may be developed pursuant to paragraph 4 bis, and relevant global and regional regimes governing the management of hazardous wastes;

- (iii) Not permitted to be subjected to disposal operations that may lead to recovery, recycling, reclamation, direct reuse or alternative uses of persistent organic pollutants; and
- (iv) Not transported across international boundaries without taking into account relevant international rules, standards and guidelines;

(e) Endeavour to develop appropriate strategies for identifying sites contaminated by chemicals listed in Annex A, B or C; if remediation of those sites is undertaken it shall be performed in an environmentally sound manner.

4 bis. The Conference of the Parties shall cooperate closely with the appropriate bodies of the Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal to, inter alia:

- (i) Establish levels of destruction and irreversible transformation necessary to ensure that the characteristics of persistent organic pollutants as specified in paragraph 1 of Annex D are not exhibited;
- (ii) Determine what they consider to be the methods that constitute environmentally sound disposal referred to above; and
- (iii) Work to establish, as appropriate, the concentration levels of the chemicals listed in Annexes A, B and C in order to define the low persistent organic pollutant content referred to in (d)(ii) of paragraph 4.

#### R bis. Register of specific exemptions

1. A Register is hereby established for the purpose of identifying the Parties that have specific exemptions listed in Annex A or Annex B. It shall not identify Parties that make use of the provisions in Annex A or Annex B that may be exercised by all Parties. The Register shall be maintained by the Secretariat and shall be available to the public.

2. The Register shall include:

- (a) A list of the types of specific exemptions reproduced from Annex A and Annex B;
- (b) A list of the Parties that have a specific exemption listed under Annex A or Annex B; and
- (c) A list of the expiry dates for each registered specific exemption.

3. Any State may, on becoming a Party, by means of a notification in writing to the Secretariat, register for one or more types of specific exemptions listed in Annex A or Annex B.

4. Unless an earlier date is indicated in the Register by a Party, or an extension is granted pursuant to paragraph 7, all registrations of specific exemptions shall expire five years after the date of entry into force of this Convention with respect to a particular chemical.

5. At its first meeting, the Conference of the Parties shall decide upon its review process for the entries in the Register.

6. Prior to a review of an entry in the Register, the Party concerned shall submit a report to the Secretariat justifying its continuing need for registration of that exemption. The report shall be circulated by the Secretariat to all Parties. The review of a registration shall be carried out on the basis of all available information. Thereupon, the Conference of the Parties may make such recommendations to the Party concerned as it deems appropriate.

7. The Conference of the Parties may, upon request from the Party concerned, decide to extend the expiry date of a specific exemption for a period of up to five years. In making its decision, the Conference of the Parties shall take due account of the special circumstances of the developing country Parties and Parties with economies in transition.

8. A Party may, at any time, withdraw an entry from the Register for a specific exemption upon written notification to the Secretariat. The withdrawal shall take effect on the date specified in the notification.

9. When there are no longer any Parties registered for a particular type of specific exemption, no new registrations may be made with respect to it.

#### E. Implementation plans

1. Each Party shall:

(a) Develop and endeavour to implement a plan for the implementation of its obligations under this Convention;

(b) Transmit its implementation plan to the Conference of the Parties within two years of the date on which this Convention enters into force for it; and

(c) Review and update, as appropriate, its implementation plan on a periodic basis and in a manner to be specified by a decision of the Conference of the Parties.

2. The Parties shall, where appropriate, cooperate directly or through global, regional and subregional organizations, and consult their national stakeholders, including women's groups and groups involved in the health of children, in order to facilitate the development, implementation and updating of their implementation plans.

3. The Parties shall endeavour to utilize and, where necessary, establish the means to integrate national implementation plans for persistent organic pollutants in their sustainable development strategies where appropriate.

#### F. Listing of chemicals in Annexes A, B and C

1. A Party may submit a proposal to the Secretariat for listing a chemical in Annexes A, B and/or C. The proposal shall contain the information specified in Annex D. In developing a proposal, a Party may be assisted by other Parties and/or by the Secretariat.

2. The Secretariat shall verify whether the proposal contains the information specified in Annex D. If the Secretariat is satisfied that the proposal contains the information so specified, it shall forward the proposal to the Persistent Organic Pollutants Review Committee.

3. The Committee shall examine the proposal and apply the screening criteria specified in Annex D in a flexible and transparent way, taking all information provided into account in an integrative and balanced manner.

3 bis. If the Committee decides that:

(a) It is satisfied that the screening criteria have been fulfilled, it shall, through the Secretariat, make the proposal and the evaluation of the Committee available to all Parties and observers and invite them to submit the information specified in Annex E; or

(b) It is not satisfied that the screening criteria have been fulfilled, it shall, through the Secretariat, inform all Parties and observers and make the proposal and the evaluation of the Committee available to all Parties and the proposal shall be set aside.

3 ter. Any Party may resubmit a proposal to the Committee that has been set aside by the Committee pursuant to paragraph 3 bis. The resubmission may include any concerns of the Party as well as a justification for additional consideration by the Committee. If, following this procedure, the Committee again sets the proposal aside, the Party may challenge the decision of the Committee and the Conference of the Parties shall consider the matter at its next session. The Conference of the Parties may decide, based on the screening criteria in Annex D and taking into account the evaluation of the Committee and any additional information provided by any Party or observer, that the proposal should proceed.

4. Where the Committee has decided that the screening criteria have been fulfilled, or the Conference of the Parties has decided that the proposal should proceed, the Committee shall further review the proposal, taking into account any relevant additional information received, and shall prepare a draft risk profile in accordance with Annex E. It shall, through the Secretariat, make that draft available to all Parties and observers, collect technical comments from them and, taking those comments into account, complete the risk profile.

5. If, on the basis of the risk profile conducted in accordance with Annex E, the Committee decides that:

(a) The chemical is likely as a result of its long-range environmental transport to lead to significant adverse human health and/or environmental effects such that global action is warranted, the proposal shall proceed. Lack of full scientific certainty shall not prevent the proposal from proceeding. The Committee shall, through the Secretariat, invite information from all Parties and observers relating to the considerations specified in Annex F. It shall then prepare a risk management evaluation that includes an analysis of possible control measures for the chemical in accordance with that Annex; or

(b) The proposal should not proceed, it shall, through the Secretariat, make the risk profile available to all Parties and observers and set the proposal aside.

6 bis. For any proposal set aside pursuant to paragraph 6, a Party may request the Conference of the Parties to consider instructing the Committee to invite additional information from the proposing Party and other Parties during a period not to exceed one year. After that period and on the basis of any information received, the Committee shall reconsider the proposal pursuant to paragraph 4 with a priority to be decided by the Conference of the Parties. If, following this procedure, the Committee again sets the proposal aside, the Party may challenge the decision of the Committee and the Conference of the Parties shall consider the matter at its next session. The Conference of the Parties may decide, based on the risk profile prepared in accordance with Annex E and taking into account the evaluation of the Committee and any additional information provided by any Party or observer, that the proposal should proceed. If the Conference of the Parties decides that the proposal shall proceed, the Committee shall then prepare the risk management evaluation.

7. The Committee shall, based on the risk profile referred to in paragraph 4 and the risk management evaluation referred to in paragraph 5, recommend whether the chemical should be considered by the Conference of the Parties for listing in Annexes A, B and/or C. The Conference of the Parties, taking due account of the recommendations of the Committee, including any scientific uncertainty, shall decide, in a precautionary manner, whether to list the chemical, and specify its related control measures, in Annexes A, B and/or C.

#### G. Information exchange

1. Each Party shall facilitate or undertake the exchange of information relevant to:

(a) The reduction or elimination of the production, use and release of persistent organic pollutants; and

(b) Alternatives to persistent organic pollutants, including information relating to their risks as well as to their economic and social costs.

2. The Parties shall exchange the information referred to in paragraph 1 directly or through the Secretariat.

3. Each Party shall designate a national focal point for the exchange of such information.

4. The Secretariat shall serve as a clearing-house mechanism for information on persistent organic pollutants, including information provided by Parties, intergovernmental organizations and non-governmental organizations.

5. For the purposes of this Convention, information on health and safety of humans and the environment shall not be regarded as confidential. Parties that exchange other information pursuant to this Convention shall protect any confidential information as mutually agreed.

#### H. Public information, awareness and education

1. Each Party shall, within its capabilities, promote and facilitate:

(a) Awareness among its policy and decision makers with regard to persistent organic pollutants;

(b) Provision to the public of all available information on persistent organic pollutants, taking into account paragraph 5 of Article G;

(c) Development and implementation, especially for women, children and the least educated, of educational and public awareness programmes on persistent organic pollutants, as well as on their health and environmental effects and on their alternatives;

(d) Public participation in addressing persistent organic pollutants and their health and environmental effects and in developing adequate responses, including opportunities for providing input at the national level regarding implementation of this Convention;

(e) Training of workers, scientists, educators and technical and managerial personnel;

(f) Development and exchange of educational and public awareness materials at the national and international levels; and

(g) Development and implementation of education and training programmes at the national and international levels.

2. Each Party shall, within its capabilities, ensure that the public has access to the public information referred to in paragraph 1 and that the information is kept up-to-date.

3. Each Party shall, within its capabilities, encourage industry and professional users to promote and facilitate the provision of the information referred to in paragraph 1 at the national level and, as appropriate, subregional, regional and global levels.

4. In providing information on persistent organic pollutants and their alternatives, Parties may use safety data sheets, reports, mass media and other means of communication, and may establish information centres at national and regional levels.

5. Each Party shall give sympathetic consideration to developing mechanisms, such as pollutant release and transfer registers, for the collection and dissemination of information on estimates of the annual quantities of the chemicals listed in Annex A, B or C that are released or disposed of.

#### I. Research, development and monitoring

1. The Parties shall, within their capabilities, at the national and international levels, encourage and/or undertake appropriate research, development, monitoring and cooperation pertaining to persistent organic pollutants and, where relevant, to their alternatives and to candidate persistent organic pollutants, including on their:

- (a) Sources and releases into the environment;
- (b) Presence, levels and trends in humans and the environment;
- (c) Environmental transport, fate and transformation;
- (d) Effects on human health and the environment;
- (e) Socio-economic and cultural impacts;
- (f) Release reduction and/or elimination; and
- (g) Harmonized methodologies for making inventories of generating sources and analytical techniques for the measurement of releases.

2. In undertaking action under paragraph 1, the Parties shall, within their capabilities:

- (a) Support and further develop, as appropriate, international programmes, networks and organizations aimed at defining, conducting, assessing and financing research, data collection and monitoring, taking into account the need to minimize duplication of effort;
- (b) Support national and international efforts to strengthen national scientific and technical research capabilities, particularly in developing countries and countries with economies in transition, and to promote access to, and the exchange of, data and analyses;
- (c) Take into account the concerns and needs, particularly in the field of financial and technical resources, of developing countries and countries with economies in transition and cooperate in improving their capability to participate in the efforts referred to in subparagraphs (a) and (b);
- (d) Undertake research work geared towards alleviating the effects of persistent organic pollutants on reproductive health;
- (e) Make the results of their research, development and monitoring activities referred to in this paragraph accessible to the public on a timely and regular basis; and
- (f) Encourage and/or undertake cooperation with regard to storage and maintenance of information generated from research, development and monitoring.

#### J. Technical assistance

1. The Parties recognize that rendering of timely and appropriate technical assistance in response to requests from developing country Parties and Parties with economies in transition is essential to the successful implementation of this Convention.

2. The Parties shall cooperate to provide timely and appropriate technical assistance to developing country Parties and Parties with economies in transition, to assist them, taking into account their particular needs, to develop and strengthen their capacity to implement their obligations under this Convention.
3. In this regard, technical assistance to be provided by developed country Parties, and other Parties in accordance with their capabilities, shall include, as appropriate and as mutually agreed, technical assistance for capacity-building relating to implementation of the obligations under this Convention. Further guidance in this regard shall be provided by the Conference of the Parties.
4. The Parties shall establish, as appropriate, arrangements for the purpose of providing technical assistance and promoting the transfer of technology to developing country Parties and Parties with economies in transition relating to the implementation of this Convention. These arrangements shall include regional and subregional centres for capacity-building and transfer of technology to assist developing country Parties and Parties with economies in transition to fulfil their obligations under this Convention. Further guidance in this regard shall be provided by the Conference of the Parties.
5. The Parties shall, in the context of this Article, take full account of the specific needs and special situation of least developed countries and small island developing states in their actions with regard to technical assistance.

#### K. Financial resources and mechanisms

1. Each Party undertakes to provide, within its capabilities, financial support and incentives in respect of those national activities that are intended to achieve the objective of this Convention in accordance with its national plans, priorities and programmes.
2. The developed country Parties shall provide new and additional financial resources to enable developing country Parties and Parties with economies in transition to meet the agreed full incremental costs of implementing measures which fulfill their obligations under this Convention as agreed between a recipient Party and an entity participating in the mechanism described in paragraph 6. Other Parties may also on a voluntary basis and in accordance with their capabilities provide such financial resources. Contributions from other sources should also be encouraged. The implementation of these commitments shall take into account the need for adequacy, predictability, the timely flow of funds and the importance of burden sharing among the contributing Parties.
3. Developed country Parties, and other Parties in accordance with their capabilities and in accordance with their national plans, priorities and programmes, may also provide and developing country Parties and Parties with economies in transition avail themselves of financial resources to assist in their implementation of this Convention through other bilateral, regional and multilateral sources or channels.
4. The extent to which the developing country Parties will effectively implement their commitments under this Convention will depend on the effective implementation by developed country Parties of their commitments under this Convention relating to financial resources, technical assistance and technology transfer. The fact that sustainable economic and social development and eradication of poverty are the first and overriding priorities of the developing country Parties will be taken fully into account, giving due consideration to the need for the protection of human health and the environment.
5. The Parties shall take full account of the specific needs and special situation of the least developed countries and the small island developing states in their actions with regard to funding.
6. A mechanism for the provision of adequate and sustainable financial resources to developing country Parties and Parties with economies in transition on a grant or concessional basis to assist in their implementation of the Convention is hereby defined. The mechanism shall function under the authority, as appropriate, and guidance of, and be accountable to the Conference of the Parties for the purposes of this Convention. Its operation shall be entrusted to one or more entities, including existing international entities,



as may be decided upon by the Conference of the Parties. The mechanism may also include other entities providing multilateral, regional and bilateral financial and technical assistance. Contributions to the mechanism shall be additional to other financial transfers to developing country Parties and Parties with economies in transition as reflected in, and in accordance with, paragraph 2.

7. Pursuant to the objectives of this Convention and paragraph 6, the Conference of the Parties shall at its first meeting adopt appropriate guidance to be provided to the mechanism and shall agree with the entity or entities participating in the financial mechanism upon arrangements to give effect thereto. The guidance shall address, *inter alia*:

(a) The determination of the policy, strategy and programme priorities, as well as clear and detailed criteria and guidelines regarding eligibility for access to and utilization of financial resources including monitoring and evaluation on a regular basis of such utilization;

(b) The provision by the entity or entities of regular reports to the Conference of the Parties on adequacy and sustainability of funding for activities relevant to the implementation of this Convention;

(c) The promotion of multiple-source funding approaches, mechanisms and arrangements;

(d) The modalities for the determination in a predictable and identifiable manner of the amount of funding necessary and available for the implementation of this Convention, keeping in mind that the phasing out of persistent organic pollutants might require sustained funding, and the conditions under which that amount shall be periodically reviewed; and

(e) The modalities for the provision to interested Parties of assistance with needs assessment, information on available sources of funds and on funding patterns in order to facilitate coordination among them.

8. The Conference of the Parties shall review, not later than its second meeting and thereafter on a regular basis, the effectiveness of the mechanism established under this Article, its ability to address the changing needs of the developing country Parties and Parties with economies in transition, the criteria and guidance referred to in paragraph 7, the level of funding as well as the effectiveness of the performance of the institutional entities entrusted to operate the financial mechanism. It shall, based on such review, take appropriate action, if necessary, to improve the effectiveness of the mechanism, including by means of recommendations and guidance on measures to ensure adequate and sustainable funding to meet the needs of the Parties.

#### K bis. Interim Financial Arrangements

The institutional structure of the Global Environment Facility, operated in accordance with the Instrument for the Establishment of the Restructured Global Environment Facility, shall, on an interim basis, be the principal entity entrusted with the operations of the financial mechanism referred to in Article K, for the period between the date of entry into force of this Convention and the first meeting of the Conference of the Parties, or until such time as the Conference of the Parties decides which institutional structure will be designated in accordance with Article K. The institutional structure of the Global Environment Facility should fulfill this function through operational measures related specifically to persistent organic pollutants taking into account that new arrangements for this area may be needed.

#### L. Reporting

1. Each Party shall report to the Conference of the Parties on the measures it has taken to implement the provisions of this Convention and on the effectiveness of such measures in meeting the objectives of the Convention.

2. Each Party shall provide to the Secretariat:

(a) Statistical data on its total quantities of production, import and export of each of the chemicals listed in Annex A and Annex B or a reasonable estimate of such data; and

(b) To the extent practicable, a list of the States from which it has imported each such substance and the States to which it has exported each such substance.

3. Such reporting shall be at periodic intervals and in a format to be decided by the Conference of the Parties at its first meeting.

L bis. Effectiveness evaluation.

1. Commencing four years after the date of entry into force of this Convention, and periodically thereafter at intervals to be decided by the Conference of the Parties, the Conference shall evaluate the effectiveness of this Convention.

2. In order to facilitate such evaluation, the Conference of the Parties shall, at its first meeting, initiate the establishment of arrangements to provide itself with comparable monitoring data on the presence of the chemicals listed in Annexes A, B and C as well as their regional and global environmental transport. These arrangements:

(a) Should be implemented by the Parties on a regional basis when appropriate, in accordance with their technical and financial capabilities, using existing monitoring programmes and mechanisms to the extent possible and promoting harmonization of approaches;

(b) May be supplemented where necessary, taking into account the differences between regions and their capabilities to implement monitoring activities; and

(c) Shall include reports to the Conference of the Parties on the results of the monitoring activities on a regional and global basis at intervals to be specified by the Conference of the Parties.

3. The evaluation described in paragraph 1 shall be conducted on the basis of available scientific, environmental, technical and economic information, including:

(a) Reports and other monitoring information provided pursuant to paragraph 2;

(b) National reports submitted pursuant to Article L; and

(c) Non-compliance information provided pursuant to the procedures established under Article M.

M. Non-compliance

The Conference of the Parties shall, as soon as practicable, develop and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Convention and for the treatment of Parties found to be in non-compliance.

N. Settlement of disputes

1. Parties shall settle any dispute between them concerning the interpretation or application of this Convention through negotiation or other peaceful means of their own choice.

2. When ratifying, accepting, approving or acceding to the Convention, or at any time thereafter, a Party that is not a regional economic integration organization may declare in a written instrument submitted to the depositary that, with respect to any dispute concerning the interpretation or application of the Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

(a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties in an annex as soon as practicable;

(b) Submission of the dispute to the International Court of Justice.

3. A Party that is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2 (a).

4. A declaration made pursuant to paragraph 2 or paragraph 3 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the depositary.

5. The expiry of a declaration, a notice of revocation or a new declaration shall not in any way affect proceedings pending before an arbitral tribunal or the International Court of Justice unless the parties to the dispute otherwise agree.

6. If the parties to a dispute have not accepted the same or any procedure pursuant to paragraph 2, and if they have not been able to settle their dispute within twelve months following notification by one party to another that a dispute exists between them, the dispute shall be submitted to a conciliation commission at the request of any party to the dispute. The conciliation commission shall render a report with recommendations. Additional procedures relating to the conciliation commission shall be included in an annex to be adopted by the Conference of the Parties no later than at its second meeting.

#### O. Conference of the Parties

1. A Conference of the Parties is hereby established.

2. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme no later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be decided by the Conference.

3. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party provided that it is supported by at least one third of the Parties.

4. The Conference of the Parties shall by consensus agree upon and adopt at its first meeting rules of procedure and financial rules for itself and any subsidiary bodies, as well as financial provisions governing the functioning of the Secretariat.

5. The Conference of the Parties shall keep under continuous review and evaluation the implementation of this Convention. It shall perform the functions assigned to it by the Convention and, to this end, shall:

(a) Establish, further to the requirements of paragraph 6, such subsidiary bodies as it considers necessary for the implementation of the Convention;

(b) Cooperate, where appropriate, with competent international organizations and intergovernmental and non-governmental bodies; and

(b bis) Regularly review all information made available to the Parties pursuant to Article L, including consideration of the effectiveness of 1 bis (iii) of Article D;

(c) Consider and undertake any additional action that may be required for the achievement of the objectives of the Convention.

6. The Conference of the Parties shall, at its first meeting, establish a subsidiary body to be called the Persistent Organic Pollutants Review Committee for the purposes of performing the functions assigned to that Committee by this Convention. In this regard:

(a) The members of the Persistent Organic Pollutants Review Committee shall be appointed by the Conference of the Parties. Membership of the Committee shall consist of government-designated experts in chemical assessment or management. The members of the Committee shall be appointed on the basis of equitable geographical distribution;

(b) The Conference of the Parties shall decide on the terms of reference, organization and operation of the Committee; and

(c) The Committee shall make every effort to adopt its recommendations by consensus. If all efforts at consensus have been exhausted, and no consensus reached, such recommendation shall as a last resort be adopted by a two-thirds majority vote of the members present and voting.

7. The Conference of the Parties shall, at its third meeting, evaluate the continued need for the procedure contained in subparagraph 1 bis (b) of Article D, including consideration of its effectiveness.

8. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in matters covered by the Convention, and which has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

#### P. Secretariat

1. A Secretariat is hereby established.

2. The functions of the Secretariat shall be:

(a) To make arrangements for meetings of the Conference of the Parties and its subsidiary bodies and to provide them with services as required;

(b) To facilitate assistance to the Parties, particularly developing country Parties and Parties with economies in transition, on request, in the implementation of this Convention;

(c) To ensure the necessary coordination with the secretariats of other relevant international bodies;

(d) To prepare and make available to the Parties periodic reports based on information received pursuant to Article L and other available information;

(e) To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and

(f) To perform the other secretariat functions specified in this Convention and such other functions as may be determined by the Conference of the Parties.

3. The secretariat functions for this Convention shall be performed by the Executive Director of the United Nations Environment Programme, unless the Conference of the Parties decides, by a three-fourths majority of the Parties present and voting, to entrust the secretariat functions to one or more other international organizations.

#### Q. Amendments to the Convention

1. Amendments to this Convention may be proposed by any Party.
2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to this Convention and, for information, to the depositary.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting.
4. The amendment shall be communicated by the depositary to all Parties for ratification, acceptance or approval.
5. Ratification, acceptance or approval of an amendment shall be notified to the depositary in writing. An amendment adopted in accordance with paragraph 3 shall enter into force for the Parties having accepted it on the ninetieth day after the date of deposit of instruments of ratification, acceptance or approval by at least three-fourths of the Parties. Thereafter, the amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits its instrument of ratification, acceptance or approval of the amendment.

#### R. Adoption and amendment of annexes

1. Annexes to this Convention shall form an integral part thereof and, unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to any annexes thereto.
2. Any additional annexes shall be restricted to procedural, scientific, technical or administrative matters.
3. The following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention:
  - (a) Additional annexes shall be proposed and adopted according to the procedure laid down in paragraphs 1, 2 and 3 of Article Q;
  - (b) Any Party that is unable to accept an additional annex shall so notify the depositary, in writing, within one year from the date of communication by the depositary of the adoption of the additional annex. The depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous notification of non-acceptance in respect of any additional annex, and the annex shall thereupon enter into force for that Party subject to subparagraph (c); and
  - (c) On the expiry of one year from the date of the communication by the depositary of the adoption of an additional annex, the annex shall enter into force for all Parties that have not submitted a notification in accordance with the provisions of subparagraph (b).
4. The proposal, adoption and entry into force of amendments to Annex A, B or C shall be subject to the same procedures as for the proposal, adoption and entry into force of additional annexes to this Convention,

except that an amendment to Annex A, B or C shall not enter into force with respect to any Party that has made a declaration with respect to amendment to those Annexes in accordance with paragraph 4 of Article U, in which case any such amendment shall enter into force for such a Party on the ninetieth day after the date of deposit with the depositary of its instrument of ratification, acceptance, approval or accession with respect to such amendment.

5. The following procedure shall apply to the proposal, adoption and entry into force of an amendment to Annex D, E or F:

- (a) Amendments shall be proposed according to the procedure in paragraphs 1 and 2 of Article Q;
- (b) The Parties shall take decisions on an amendment to Annex D, E or F by consensus; and
- (c) A decision to amend Annex D, E or F shall forthwith be communicated to the Parties by the depositary. The amendment shall enter into force for all Parties on a date to be specified in the decision.

6. If an additional annex or an amendment to an annex is related to an amendment to this Convention, the additional annex or amendment shall not enter into force until such time as the amendment to the Convention enters into force.

#### S. Right to vote

1. Each Party to this Convention shall have one vote, except as provided for in paragraph 2.
2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

#### T. Signature

This Convention shall be open for signature at Stockholm by all States and regional economic integration organizations on 23 May 2001, and at the United Nations Headquarters in New York from 24 May 2001 to 22 May 2002.

#### U. Ratification, acceptance, approval or accession

1. This Convention shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. It shall be open for accession by States and by regional economic integration organizations from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.
2. Any regional economic integration organization that becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to this Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.
3. In its instrument of ratification, acceptance, approval or accession, a regional economic integration organization shall declare the extent of its competence in respect of the matters governed by this Convention. Any such organization shall also inform the depositary, who shall in turn inform the Parties, of any relevant modification in the extent of its competence.

4. In its instrument of ratification, acceptance, approval or accession, any Party may declare that, with respect to it, any amendment to Annex A, B or C shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.

#### V. Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.
2. For each State or regional economic integration organization that ratifies, accepts or approves this Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.
3. For the purpose of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of that organization.

#### W. Reservations

No reservations may be made to this Convention.

#### X. Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the depositary.
2. Any such withdrawal shall take effect upon the expiry of one year from the date of receipt by the depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

#### Y. Depositary

The Secretary-General of the United Nations shall be the depositary of this Convention.

#### Z. Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Stockholm on this twenty-second day of May, two thousand and one.

Annex A: Elimination  
Part I

Chemical	Activity	Specific exemption
Aldrin* CAS No: 309-00-2	Production	None
	Use	Local ectoparasiticide Insecticide
Chlordane* CAS No: 57-74-9	Production	As allowed for the Parties listed in the Register
	Use	Local ectoparasiticide Insecticide Termiticide Termiticide in buildings and dams Termiticide in roads Additive in plywood adhesives
Dieldrin* CAS No: 60-57-1	Production	None
	Use	In agricultural operations
Endrin* CAS No: 72-20-8	Production	None
	Use	None
Heptachlor* CAS No: 76-44-8	Production	None
	Use	Termiticide Termiticide in structures of houses Termiticide (subterranean) Wood treatment In use in underground cable boxes
Hexachlorobenzene CAS No: 118-74-1	Production	As allowed for the Parties listed in the Register
	Use	Intermediate Solvent in pesticide Closed system site limited intermediate
Mirex* CAS No: 2385-85-5	Production	As allowed for the Parties listed in the Register
	Use	Termiticide
Toxaphene* CAS No: 8001-35-2	Production	None
	Use	None



Chemical	Activity	Specific exemption
Polychlorinated Biphenyls (PCB)*	Production	None
	Use	Articles in use in accordance with the provisions of Part II of this Annex

Notes:

- (i) Except as otherwise specified in this Convention, quantities of a chemical occurring as unintentional trace contaminants in products and articles shall not be considered to be listed in this Annex;
- (ii) This note shall not be considered as a production and use specific exemption for purposes of Article D.1 bis. Quantities of a chemical occurring as constituents of articles manufactured or already in use before or on the date of entry into force of the relevant obligation with respect to that chemical, shall not be considered as listed in this Annex, provided that a Party has notified the Secretariat that a particular type of article remains in use within that Party. The Secretariat shall make such notifications publicly available;
- (iii) This note, which does not apply to a chemical that has an asterisk following its name in the Chemical column in Part I of this Annex, shall not be considered as a production and use specific exemption for purposes of paragraph 1 bis of Article D. Given that no significant quantities of the chemical are expected to reach humans and the environment during the production and use of a closed-system site-limited intermediate, a Party, upon notification to the Secretariat, may allow the production and use of quantities of a chemical listed in this Annex as a closed-system site-limited intermediate that is chemically transformed in the manufacture of other chemicals that, taking into consideration the criteria in paragraph 1 of Annex D, do not exhibit the characteristics of persistent organic pollutants. This notification shall include information on total production and use of such chemical or a reasonable estimate of such information and information regarding the nature of the closed-system site-limited process including the amount of any non-transformed and unintentional trace contamination of the persistent organic pollutant-starting material in the final product. This procedure applies except as otherwise specified in this Annex. The Secretariat shall make such notifications available to the Conference of the Parties and to the public. Such production or use shall not be considered a production or use specific exemption. Such production and use shall cease after a ten-year period, unless the Party concerned submits a new notification to the Secretariat, in which case the period will be extended for an additional ten years unless the Conference of the Parties, after a review of the production and use decides otherwise. The notification procedure can be repeated;
- (iv) All the specific exemptions in this Annex may be exercised by Parties that have registered exemptions in respect of them in accordance with Article R bis with the exception of the use of polychlorinated biphenyls in articles in use in accordance with the provisions of Part II of this Annex, which may be exercised by all Parties.

Part II

Polychlorinated biphenyls

Each Party shall:

(a) With regard to the elimination of the use of polychlorinated biphenyls in equipment (e.g. transformers, capacitors or other receptacles containing liquid stocks) by 2025, subject to review by the Conference of the Parties, take action in accordance with the following priorities:

- (i) Make determined efforts to identify, label and remove from use equipment containing greater than 10 per cent polychlorinated biphenyls and volumes greater than 5 litres;
- (ii) Make determined efforts to identify, label and remove from use equipment containing greater than 0.05 per cent polychlorinated biphenyls and volumes greater than 5 litres;
- (iii) Endeavour to identify and remove from use equipment containing greater than 0.005 percent polychlorinated biphenyls and volumes greater than 0.05 litres;

(b) Consistent with the priorities in subparagraph (a), promote the following measures to reduce exposures and risk to control the use of polychlorinated biphenyls:

- (i) Use only in intact and non-leaking equipment and only in areas where the risk from environmental release can be minimised and quickly remedied;
- (ii) Not use in equipment in areas associated with the production or processing of food or feed;
- (iii) When used in populated areas, including schools and hospitals, all reasonable measures to protect from electrical failure which could result in a fire, and regular inspection of equipment for leaks;

(c) Notwithstanding paragraph 1 bis of Article D, ensure that equipment containing polychlorinated biphenyls, as described in subparagraph (a), shall not be exported or imported except for the purpose of environmentally sound waste management;

(d) Except for maintenance and servicing operations, not allow recovery for the purpose of reuse in other equipment of liquids with polychlorinated biphenyls content above 0.005 per cent;

(e) Make determined efforts designed to lead to environmentally sound waste management of liquids containing polychlorinated biphenyls and equipment contaminated with polychlorinated biphenyls having a polychlorinated biphenyls content above 0.005 per cent, in accordance with paragraph 4 of Article D, as soon as possible but no later than 2028, subject to review by the Conference of the Parties;

(f) In lieu of note (ii) in Part I of this Annex, endeavour to identify other articles containing more than 0.005 per cent polychlorinated biphenyls (e.g. cable-sheaths, cured caulk and painted objects) and manage them in accordance with paragraph 4 of Article D;

(g) Provide a report every five years on progress in eliminating polychlorinated biphenyls and submit it to the Conference of the Parties pursuant to Article L;

(h) The reports described in subparagraph (g) shall, as appropriate, be considered by the Conference of the Parties in its reviews relating to polychlorinated biphenyls. The Conference of the Parties shall review progress towards elimination of polychlorinated biphenyls at five year intervals or other period, as appropriate, taking into account such reports.

Annex B: RestrictionPart I

Chemical	Activity	Acceptable purpose or specific exemption
DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane) CAS No.: 50-29-3	Production	<u>Acceptable purpose:</u> Disease vector control use in accordance with Part II of this Annex <u>Specific exemptions:</u> Intermediate in production of dicofol Intermediate
	Use	<u>Acceptable purpose:</u> Disease vector control in accordance with Part II of this Annex <u>Specific exemptions:</u> Production of dicofol Intermediate

Notes:

- (i) Except as otherwise specified in this Convention, quantities of a chemical occurring as unintentional trace contaminants in products and articles shall not be considered to be listed in this Annex;
- (ii) This note shall not be considered as a production and use acceptable purpose or specific exemption for purposes of paragraph 1 bis of Article D. Quantities of a chemical occurring as constituents of articles manufactured or already in use before or on the date of entry into force of the relevant obligation with respect to that chemical, shall not be considered as listed in this Annex, provided that a Party has notified the Secretariat that a particular type of article remains in use within that Party. The Secretariat shall make such notifications publicly available;
- (iii) This note shall not be considered as a production and use specific exemption for purposes of paragraph 1 bis of Article D. Given that no significant quantities of the chemical are expected to reach humans and the environment during the production and use of a closed-system site-limited intermediate, a Party, upon notification to the Secretariat, may allow the production and use of quantities of a chemical listed in this Annex as a closed-system site-limited intermediate that is chemically transformed in the manufacture of other chemicals that, taking into consideration the criteria in paragraph 1 of Annex D, do not exhibit the characteristics of persistent organic pollutants. This notification shall include information on total production and use of such chemical or a reasonable estimate of such information and information regarding the nature of the closed-system site-limited process including the amount of any non-transformed and unintentional trace contamination of the persistent organic pollutant-starting material in the final product. This procedure applies except as otherwise specified in this Annex. The Secretariat shall make such notifications available to the Conference of the Parties and to the public. Such production or use shall not be considered a production or use specific exemption. Such production and use shall cease after a ten-

year period, unless the Party concerned submits a new notification to the Secretariat, in which case the period will be extended for an additional ten years unless the Conference of the Parties, after a review of the production and use decides otherwise. The notification procedure can be repeated;

- (iv) All the specific exemptions in this Annex may be exercised by Parties that have registered in respect of them in accordance with Article R bis.

## Part II

### DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane)

1. The production and use of DDT shall be eliminated except for Parties that have notified the Secretariat of their intention to produce and/or use it. A DDT Register is hereby established and shall be available to the public. The Secretariat shall maintain the DDT Register.
2. Each Party that produces and/or uses DDT shall restrict such production and/or use for disease vector control in accordance with the World Health Organization recommendations and guidelines on the use of DDT and when locally safe, effective and affordable alternatives are not available to the Party in question.
3. In the event that a Party not listed in the DDT Register determines that it requires DDT for disease vector control, it shall notify the Secretariat as soon as possible in order to have its name added forthwith to the DDT Register. It shall at the same time notify the World Health Organization.
4. Every three years, each Party that uses DDT shall provide to the Secretariat and the World Health Organization information on the amount used, the conditions of such use and its relevance to that Party's disease management strategy, in a format to be decided by the Conference of the Parties in consultation with the World Health Organization.
5. With the goal of reducing and ultimately eliminating the use of DDT, the Conference of the Parties shall encourage:
  - (a) Each Party using DDT to develop and implement an action plan as part of the implementation plan specified in Article E. That action plan shall include:
    - (i) Development of regulatory and other mechanisms to ensure that DDT use is restricted to disease vector control;
    - (ii) Implementation of suitable alternative products, methods and strategies, including resistance management strategies to ensure the continuing effectiveness of these alternatives;
    - (iii) Measures to strengthen health care and to reduce the incidence of the disease.
  - (b) The Parties, within their capabilities, to promote research and development of safe alternative chemical and non-chemical products, methods and strategies for Parties using DDT, relevant to the conditions of those countries and with the goal of decreasing the human and economic burden of disease. Factors to be promoted when considering alternatives or combinations of alternatives shall include the human health risks and environmental implications of such alternatives. Viable alternatives to DDT shall pose less risk to human health and the environment, be suitable for disease control based on conditions in the Parties in question and be supported with monitoring data.
6. Commencing at its first meeting, and at least every three years thereafter, the Conference of the Parties shall, in consultation with the World Health Organization, evaluate the continued need for DDT for disease vector control on the basis of available scientific, technical, environmental and economic information, including:
  - (a) The production and use of DDT and the conditions set out in paragraph 2;
  - (b) The availability, suitability and implementation of the alternatives to DDT; and

(c) Progress in strengthening the capacity of countries to transfer safely to reliance on such alternatives.

7. A Party may, at any time, withdraw its name from the DDT Registry upon written notification to the Secretariat. The withdrawal shall take effect on the date specified in the notification.

Annex CPart I: Persistent organic pollutants subject to the requirements of paragraph 3 of Article D

This Annex applies to the following persistent organic pollutants when formed and released unintentionally from anthropogenic sources:

Chemical
Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) Hexachlorobenzene (HCB) (CAS No: 118-74-1) Polychlorinated biphenyls (PCB)

Part II: Source categories

Polychlorinated dibenzo-p-dioxins and dibenzofurans, hexachlorobenzene and polychlorinated biphenyls are unintentionally formed and released from thermal processes involving organic matter and chlorine as a result of incomplete combustion or chemical reactions. The following industrial source categories have the potential for comparatively high formation and release of these chemicals to the environment:

- (a) Waste incinerators, including co-incinerators of municipal, hazardous or medical waste or of sewage sludge;
- (b) Cement kilns firing hazardous waste;
- (c) Production of pulp using elemental chlorine or chemicals generating elemental chlorine for bleaching;
- (d) The following thermal processes in the metallurgical industry:
  - (i) Secondary copper production;
  - (ii) Sinter plants in the iron and steel industry;
  - (iii) Secondary aluminium production;
  - (iv) Secondary zinc production.

Part III: Source categories

Polychlorinated dibenzo-p-dioxins and dibenzofurans, hexachlorobenzene and polychlorinated biphenyls may also be unintentionally formed and released from the following source categories, including:

- (a) Open burning of waste, including burning of landfill sites;
- (b) Thermal processes in the metallurgical industry not mentioned in Part II;
- (c) Residential combustion sources;
- (d) Fossil fuel-fired utility and industrial boilers;
- (e) Firing installations for wood and other biomass fuels;

- (f) Specific chemical production processes releasing unintentionally formed persistent organic pollutants, especially production of chlorophenols and chloranil;
- (g) Crematoria;
- (h) Motor vehicles, particularly those burning leaded gasoline;
- (i) Destruction of animal carcasses;
- (j) Textile and leather dyeing (with chloranil) and finishing (with alkaline extraction);
- (k) Shredder plants for the treatment of end of life vehicles;
- (l) Smouldering of copper cables;
- (m) Waste oil refineries.

#### Part IV: Definitions

1. For the purposes of this Annex:

(a) "Polychlorinated biphenyls" means aromatic compounds formed in such a manner that the hydrogen atoms on the biphenyl molecule (two benzene rings bonded together by a single carbon-carbon bond) may be replaced by up to ten chlorine atoms; and

(b) "Polychlorinated dibenzo-p-dioxins" and "polychlorinated dibenzofurans" are tricyclic, aromatic compounds formed by two benzene rings connected by two oxygen atoms in polychlorinated dibenzo-p-dioxins and by one oxygen atom and one carbon-carbon bond in polychlorinated dibenzofurans and the hydrogen atoms of which may be replaced by up to eight chlorine atoms.

2. In this Annex, the toxicity of polychlorinated dibenzo-p-dioxins and dibenzofurans is expressed using the concept of toxic equivalency which measures the relative dioxin-like toxic activity of different congeners of polychlorinated dibenzo-p-dioxins and dibenzofurans and coplanar polychlorinated biphenyls in comparison to 2,3,7,8-tetrachlorodibenzo-p-dioxin. The toxic equivalent factor values to be used for the purposes of this Convention shall be consistent with accepted international standards, commencing with the World Health Organization 1998 mammalian toxic equivalent factor values for polychlorinated dibenzo-p-dioxins and dibenzofurans and coplanar polychlorinated biphenyls. Concentrations are expressed in toxic equivalents.

#### Part V: General guidance on best available techniques and best environmental practices

This Part provides general guidance to Parties on preventing or reducing releases of the chemicals listed in Part I.

##### A. General prevention measures relating to both best available techniques and best environmental practices

Priority should be given to the consideration of approaches to prevent the formation and release of the chemicals listed in Part I. Useful measures could include:

- (a) The use of low-waste technology;
- (b) The use of less hazardous substances;



- (c) The promotion of the recovery and recycling of waste and of substances generated and used in a process;
- (d) Replacement of feed materials which are persistent organic pollutants or where there is a direct link between the materials and releases of persistent organic pollutants from the source;
- (e) Good housekeeping and preventive maintenance programmes;
- (f) Improvements in waste management with the aim of the cessation of open and other uncontrolled burning of wastes, including the burning of landfill sites. When considering proposals to construct new waste disposal facilities, consideration should be given to alternatives such as activities to minimize the generation of municipal and medical waste, including resource recovery, reuse, recycling, waste separation and promoting products that generate less waste. Under this approach, public health concerns should be carefully considered;
- (g) Minimization of these chemicals as contaminants in products;
- (h) Avoiding elemental chlorine or chemicals generating elemental chlorine for bleaching.

#### B. Best available techniques

The concept of best available techniques is not aimed at the prescription of any specific technique or technology, but at taking into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions. Appropriate control techniques to reduce releases of the chemicals listed in Part I are in general the same. In determining best available techniques, special consideration should be given, generally or in specific cases, to the following factors, bearing in mind the likely costs and benefits of a measure and consideration of precaution and prevention:

- (a) General considerations:
  - (i) The nature, effects and mass of the releases concerned: techniques may vary depending on source size;
  - (ii) The commissioning dates for new or existing installations;
  - (iii) The time needed to introduce the best available technique;
  - (iv) The consumption and nature of raw materials used in the process and its energy efficiency;
  - (v) The need to prevent or reduce to a minimum the overall impact of the releases to the environment and the risks to it;
  - (vi) The need to prevent accidents and to minimize their consequences for the environment;
  - (vii) The need to ensure occupational health and safety at workplaces;
  - (viii) Comparable processes, facilities or methods of operation which have been tried with success on an industrial scale;
  - (ix) Technological advances and changes in scientific knowledge and understanding.
- (b) General release reduction measures: When considering proposals to construct new facilities or significantly modify existing facilities using processes that release chemicals listed in this Annex, priority consideration should be given to alternative processes, techniques or practices that have similar usefulness

but which avoid the formation and release of such chemicals. In cases where such facilities will be constructed or significantly modified, in addition to the prevention measures outlined in section A of Part V the following reduction measures could also be considered in determining best available techniques:

- (i) Use of improved methods for flue-gas cleaning such as thermal or catalytic oxidation, dust precipitation, or adsorption;
- (ii) Treatment of residuals, wastewater, wastes and sewage sludge by, for example, thermal treatment or rendering them inert or chemical processes that detoxify them;
- (iii) Process changes that lead to the reduction or elimination of releases, such as moving to closed systems;
- (iv) Modification of process designs to improve combustion and prevent formation of the chemicals listed in this Annex, through the control of parameters such as incineration temperature or residence time.

C. Best environmental practices

The Conference of the Parties may develop guidance with regard to best environmental practices.

Annex D

## INFORMATION REQUIREMENTS AND SCREENING CRITERIA

1. A Party submitting a proposal to list a chemical in Annexes A, B and/or C shall identify the chemical in the manner described in subparagraph (a) and provide the information on the chemical, and its transformation products where relevant, relating to the screening criteria set out in subparagraphs (b) to (e):

- (a) Chemical identity:
  - (i) Names, including trade name or names, commercial name or names and synonyms, Chemical Abstracts Service (CAS) Registry number, International Union of Pure and Applied Chemistry (IUPAC) name; and
  - (ii) Structure, including specification of isomers, where applicable, and the structure of the chemical class;
- (b) Persistence:
  - (i) Evidence that the half-life of the chemical in water is greater than two months, or that its half-life in soil is greater than six months, or that its half-life in sediment is greater than six months; or
  - (ii) Evidence that the chemical is otherwise sufficiently persistent to justify its consideration within the scope of this Convention;
- (c) Bio-accumulation:
  - (i) Evidence that the bio-concentration factor or bio-accumulation factor in aquatic species for the chemical is greater than 5,000 or, in the absence of such data, that the log  $K_{ow}$  is greater than 5;
  - (ii) Evidence that a chemical presents other reasons for concern, such as high bio-accumulation in other species, high toxicity or ecotoxicity; or
  - (iii) Monitoring data in biota indicating that the bio-accumulation potential of the chemical is sufficient to justify its consideration within the scope of this Convention;
- (d) Potential for long-range environmental transport:
  - (i) Measured levels of the chemical in locations distant from the sources of its release that are of potential concern;
  - (ii) Monitoring data showing that long-range environmental transport of the chemical, with the potential for transfer to a receiving environment, may have occurred via air, water or migratory species; or
  - (iii) Environmental fate properties and/or model results that demonstrate that the chemical has a potential for long-range environmental transport through air, water or migratory species, with the potential for transfer to a receiving environment in locations distant from the sources of its release. For a chemical that migrates significantly through the air, its half-life in air should be greater than two days; and

- (e) Adverse effects:
  - (i) Evidence of adverse effects to human health or to the environment that justifies consideration of the chemical within the scope of this Convention; or
  - (ii) Toxicity or ecotoxicity data that indicate the potential for damage to human health or to the environment.

2. The proposing Party shall provide a statement of the reasons for concern including, where possible, a comparison of toxicity or ecotoxicity data with detected or predicted levels of a chemical resulting or anticipated from its long-range environmental transport, and a short statement indicating the need for global control.

3. The proposing Party shall, to the extent possible and taking into account its capabilities, provide additional information to support the review of the proposal referred to in paragraph 4 of Article F. In developing such a proposal, a Party may draw on technical expertise from any source.

Annex E

## INFORMATION REQUIREMENTS FOR THE RISK PROFILE

The purpose of the review is to evaluate whether the chemical is likely, as a result of its long-range environmental transport, to lead to significant adverse human health and/or environmental effects, such that global action is warranted. For this purpose, a risk profile shall be developed that further elaborates on, and evaluates, the information referred to in Annex D and includes, as far as possible, the following types of information:

- (a) Sources, including as appropriate:
  - (i) Production data, including quantity and location;
  - (ii) Uses; and
  - (iii) Releases, such as discharges, losses and emissions;
- (b) Hazard assessment for the endpoint or endpoints of concern, including a consideration of toxicological interactions involving multiple chemicals;
- (c) Environmental fate, including data and information on the chemical and physical properties of a chemical as well as its persistence and how they are linked to its environmental transport, transfer within and between environmental compartments, degradation and transformation to other chemicals. A determination of the bio-concentration factor or bio-accumulation factor, based on measured values, shall be available, except when monitoring data are judged to meet this need;
- (d) Monitoring data;
- (e) Exposure in local areas and, in particular, as a result of long-range environmental transport, and including information regarding bio-availability;
- (f) National and international risk evaluations, assessments or profiles and labelling information and hazard classifications, as available; and
- (g) Status of the chemical under international conventions.

Annex F

## INFORMATION ON SOCIO-ECONOMIC CONSIDERATIONS

An evaluation should be undertaken regarding possible control measures for chemicals under consideration for inclusion in this Convention, encompassing the full range of options, including management and elimination. For this purpose, relevant information should be provided relating to socio-economic considerations associated with possible control measures to enable a decision to be taken by the Conference of the Parties. Such information should reflect due regard for the differing capabilities and conditions among the Parties and should include consideration of the following indicative list of items:

- (a) Efficacy and efficiency of possible control measures in meeting risk reduction goals:
  - (i) Technical feasibility; and
  - (ii) Costs, including environmental and health costs;
- (b) Alternatives (products and processes):
  - (i) Technical feasibility;
  - (ii) Costs, including environmental and health costs;
  - (iii) Efficacy;
  - (iv) Risk;
  - (v) Availability; and
  - (vi) Accessibility;
- (c) Positive and/or negative impacts on society of implementing possible control measures:
  - (i) Health, including public, environmental and occupational health;
  - (ii) Agriculture, including aquaculture and forestry;
  - (iii) Biota (biodiversity);
  - (iv) Economic aspects;
  - (v) Movement towards sustainable development; and
  - (vi) Social costs;
- (d) Waste and disposal implications (in particular, obsolete stocks of pesticides and clean-up of contaminated sites):
  - (i) Technical feasibility; and
  - (ii) Cost;
- (e) Access to information and public education;
- (f) Status of control and monitoring capacity; and
- (g) Any national or regional control actions taken, including information on alternatives, and other relevant risk management information.

## Appendix II

### RESOLUTIONS AGREED TO BY THE COMMITTEE AT ITS FIFTH SESSION FOR CONSIDERATION BY THE CONFERENCE OF Plenipotentiaries

#### A. Resolution on interim financial arrangements

##### The Conference of Plenipotentiaries,

Noting that Article K bis on interim financial arrangements designates the Global Environment Facility on an interim basis to serve as the principal entity entrusted with the operations of the financial mechanism defined in Article K of the Stockholm Convention on Persistent Organic Pollutants,

Taking note of the desire of the Global Environment Facility to commit to the objectives of the Convention as enunciated at the sixteenth meeting of its Council,

1. Requests the Assembly of the Global Environment Facility to consider establishing a new focal area through amendment of the Instrument for the Establishment of the Restructured Global Environment Facility in order to support the implementation of the Convention;
2. Further requests the Council of the Global Environment Facility to establish as soon as possible and implement an operational programme for persistent organic pollutants, taking into account future decisions of the Intergovernmental Negotiating Committee for an Internationally Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants;
3. Further requests the Global Environment Facility to report to the Conference of the Parties at its first session on the measures it has taken to ensure the transparency of the Global Environment Facility project approval process and that the procedures for accessing funds are simple, flexible and expeditious;
4. Further requests donors to the Global Environment Facility Trust Fund to contribute adequate additional financial resources through the third replenishment of the Global Environment Facility Trust Fund, in order to enable the Global Environment Facility effectively to perform its mandate in terms of this Convention;
5. Requests the interim secretariat to invite relevant funding institutions to provide information on ways in which they can support the Convention, and to submit a report on the basis of such information to the Conference of the Parties at its first session;
6. Requests the Conference of the Parties at its first session to review the availability of financial resources additional to those provided through the Global Environment Facility and the ways and means for mobilizing and channeling these resources in support of the objectives of the Convention.

#### B. Resolution on issues related to the Basel Convention

##### The Conference

1. Welcomes the work undertaken by the bodies of the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal on issues related to the management of persistent organic pollutant wastes, including the initiation of work to prepare technical guidelines for the environmentally sound management of persistent organic pollutant wastes;
2. Encourages the bodies of the Basel Convention to continue to make this work a priority;

3. Invites the bodies of the Basel Convention to cooperate closely on the items referred to in paragraph 4 (d) of Article D, and in particular to prepare appropriate technical guidelines for the environmentally sound management of persistent organic pollutant wastes;
4. Requests the Intergovernmental Negotiating Committee and the interim secretariat to cooperate with the secretariat and the bodies of the Basel Convention on issues related to the management of persistent organic pollutant wastes;
5. Invites the secretariat of the Basel Convention to report to the Committee on issues related to the management of persistent organic pollutant wastes, including the preparation of technical guidelines for their environmentally sound management of persistent organic pollutant wastes.

C. Text to be inserted in the draft resolution on interim arrangements

5 bis Requests the interim secretariat to prepare a scoping document on the items referred to in subparagraph 4 (d) of Article D for consideration by the Committee;

D. Text to be inserted in the draft resolution on interim arrangements

4 bis. Decides that the Committee shall develop provisional guidance on the evaluation of current and projected releases of chemicals in Annex C, including the development and maintenance of source inventories, in order to facilitate interim work under subparagraph 3 (a) (i) of Article D, for consideration by the Conference of the Parties upon the entry into force of the Convention;

4 ter. Decides also that the Committee shall develop provisional guidance on best environmental practices relevant to the provisions of paragraph 3 of Article D, for consideration by the Conference of the Parties upon the entry into force of the Convention;



Appendix III

RESOLUTIONS AGREED TO BY THE COMMITTEE AT ITS FOURTH SESSION FOR  
CONSIDERATION BY THE CONFERENCE OF PLENIPOTENTIARIES

Resolution concerning the secretariat

The Conference,

Having met in Stockholm on 22 and 23 May 2001,

1. Welcomes with appreciation the generous offers to host the secretariat of the Stockholm Convention received from Germany and from Switzerland and invites the said countries to provide full and detailed information on their proposals;
2. Notes that paragraph 3 of Article P of the Convention provides for the Executive Director of the United Nations Environment Programme to perform the secretariat functions specified in the Convention;
3. Calls upon the Executive Director of the United Nations Environment Programme to consider the offers received from Germany and Switzerland, as well as any other offers, and to provide a comparative analysis of those offers regarding the physical location of the secretariat for consideration and decision by the Conference of the Parties at its first meeting. The preparation of such analyses should be carried out in consultation with the Intergovernmental Negotiating Committee.

Appendix IV

RESOLUTIONS FOR CONSIDERATION BY THE CONFERENCE OF PLENTIPOTENTIARIES  
TABLED AT THE FIFTH SESSION OF THE COMMITTEE THAT THE COMMITTEE  
DID NOT HAVE ADEQUATE TIME TO CONSIDER

A. Resolution on interim arrangements

The Conference,

Having adopted the text of the Stockholm Convention on Persistent Organic Pollutants (hereinafter referred to as the "Convention"),

Considering that interim arrangements are required in order expeditiously to implement international action to protect human health and the environment from certain persistent organic pollutants pending the entry into force of the Convention and to prepare for its effective operation once it enters into force,

Recalling decisions 18/32 of 25 May 1995, 19/13 C of 7 February 1997 and 20/24 of 4 February 1999 of the Governing Council of the United Nations Environment Programme on persistent organic pollutants,

I

1. Calls upon States and regional economic integration organizations entitled to do so, to consider signing, ratifying, accepting, approving or acceding to the Convention with a view to bringing it into force as soon as possible;

II

2. Invites the Executive Director of the United Nations Environment Programme to convene such further sessions of the Intergovernmental Negotiating Committee (hereinafter referred to as the "Committee"), during the period between the date on which the Convention is opened for signature and the date of the opening of the first meeting of the Conference of the Parties, as are necessary to oversee the implementation, during the interim period, of international action to protect human health and the environment from persistent organic pollutants within the scope of the Convention and to prepare for and service the Conference of the Parties until the end of the fiscal year in which the first meeting of the Conference of the Parties takes place;

3. Invites the Committee to establish an interim subsidiary body [to discharge, during the interim period, the functions entrusted to] [to prepare for a prompt start of] the subsidiary body to be established under Article [O], paragraph [5 bis], of the Convention;

4. Decides that [in order to enable the prompt start for the subsidiary body referred to in paragraph 4 above] the Committee shall decide, between the date on which the Convention is opened for signature and the date of its entry into force, [on its interim composition, rules of procedure and operational guidelines] [on the interim listing of any additional chemicals under the Convention in accordance with the provisions of Articles [F], [O] and [R] and annexes D, E and F to, the Convention;]<sup>2</sup>

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<sup>2</sup> To enable it to develop paragraphs 3, 4 and 5, the legal drafting group requires policy guidance on what interim procedure, if any, is envisaged. Delegations will need to give consideration to the details of the mechanisms that may be applied with respect to the operation of an interim procedure. The issues may include:

- the procedures for the operation of an interim subsidiary body;
- the possible interim listing of any additional chemicals;
- the appropriate body to administer any interim listing process;

5. Calls on States and regional economic integration organizations to submit proposals for the listing of chemicals [in accordance with the provisions of article [F [paragraph 1]] of the Convention] [and for the interim subsidiary body to initiate the screening process and prepare them for consideration by the subsidiary body when it is established];

[5 bis. Invites the Committee to focus its efforts during the interim period on activities that will be necessary for the effective implementation of the Convention upon its entry into force [e.g. steps to enable a prompt start of the capacity assistance networks, development of modalities and procedures relating to non-compliance and development of rules and procedures for adoption by the first Conference of the Parties.]]

6. Appeals to States and regional economic integration organizations to participate in and apply in full the provisions of the Convention during the interim period on a voluntary basis;

7. Requests the Executive Director of the United Nations Environment Programme to provide, during the interim period, secretariat services for the operation of the interim activities;

8. Appeals to States and regional economic integration organizations to make voluntary contributions to the trust fund established by the United Nations Environment Programme in order to support the interim activities and the operation of the Conference of the Parties until the end of the fiscal year in which the first meeting of the Conference of the Parties takes place, and to ensure the full and effective participation of developing countries and countries with economies in transition in the further work of the Committee;

9. Calls on States and regional economic integration organizations with more advanced programmes for regulating chemicals to provide financial and technical assistance, including training, to other States and regional economic integration organizations in developing their infrastructure and capacity to reduce, with the aim of eliminating, where feasible, the uses and releases of persistent organic pollutants, as specified in the Convention, throughout their life cycle, particularly in view of the urgent need for such other States and regional economic integration organizations to participate in the effective operation of the Convention once it enters into force.<sup>3</sup>

#### B. Resolution on a capacity assistance network

Convinced that the technical functions of the Capacity Assistance Network would most efficiently and effectively be performed by UNEP as the Secretariat provided for in paragraph 3 of Article P of the Convention, and that its financial functions would most efficiently and effectively be performed by the Global Environment Facility,

Desiring, therefore, that United Nations Environment Programme as the Secretariat provided for in paragraph 3 of Article P of the Convention and the Global Environment Facility will, acting in cooperation, carry out the functions of the Capacity Assistance Network,

Calls on the Chair of the Intergovernmental Negotiating Committee to request, without delay, the governing bodies of United Nations Environment Programme and the Global Environment Facility to consider and decide whether they will take on the functions of the Capacity Assistance Network until the first meeting of the Conference of the Parties of this Convention, with the aim of them being appointed at that meeting to carry out these functions on a continuing basis,

- 
- the intended legal effect, if any, of any such interim listings; and
  - the relationship between any interim listings and subsequent action by the Conference of the Parties relating to the amendment of the Convention's annexes.

<sup>3</sup> The legal drafting group will need to revisit this paragraph when article B has been finalized.

Requests the Chair of the Committee to report on this matter to the Conference of the Plenipotentiaries to be held in Stockholm from 22 to 23 May 2001.

[C. Resolution on liability and redress concerning the use and intentional introduction into the environment of persistent organic pollutants

The Conference,

Conscious of the risk posed by persistent organic pollutants to human health and the environment,

Acknowledging that persistent organic pollutants are transported across international boundaries and deposited far from their place of release through air water and migratory species,

Recognizing that the time is appropriate for further discussions on the need for the elaboration of international rules in the field of liability and redress resulting from the production use and intentional release into the environment of persistent organic pollutants,

Welcoming the willingness of Austria to host a workshop on liability and redress,

1. Invites Governments and relevant international organizations to provide the secretariat with information on national, regional and international measures and agreements on liability and redress, especially on persistent organic pollutants;
2. Requests the secretariat in cooperation with one or more States to organize a workshop on liability and redress in the context of the Convention on persistent organic pollutants and related matters, no later than 2002;
3. Decides to consider at its first Conference of the Parties the report of the workshop with a view to deciding what further action should be taken.]

D. Tribute to the Government of the Kingdom of Sweden

The Conference,

Having met in Stockholm on 22 and 23 May 2001 at the gracious invitation of the Government of the Kingdom of Sweden,

Convinced that the efforts made by the Government of the Kingdom of Sweden and by the authorities of the city of Stockholm in providing facilities, premises and other resources contributed significantly to the smooth conduct of the proceedings,

Deeply appreciative of the courtesy and hospitality extended by the Government of the Kingdom of Sweden and the city of Stockholm to the members of the delegations, observers and the secretariat of the United Nations Environment Programme attending the Conference,

Expresses its sincere gratitude to the Government of the Kingdom of Sweden, to the authorities of the city of Stockholm and, through them, to the people of Sweden, for the cordial welcome which they accorded to the Conference and to those associated with its work and for their contribution to the success of the Conference.

Appendix V

## VIEWS EXPRESSED BY NON-GOVERNMENTAL ORGANIZATIONS

1. Representatives of indigenous peoples', women's health and environmental non-governmental organizations noted that POPs constituted a great threat to health, particularly for indigenous peoples, children and pregnant women. They caused deformities in foetuses and cancers in both adults and children. One representative stressed that women should participate fully in relevant decision-making processes, at every level. Particular stress was placed on the peril of dioxins and representatives called for their elimination. An indigenous people's representative said that the experience of indigenous communities with POPs should serve as an early warning for humankind - early for most members of the international community but, sadly, too late for many indigenous people. Some representatives noted the importance of creating a forward-looking convention that could be expanded to cover new substances and stressed the need for substantial financial resources to be made available to developing countries and countries with economies in transition to enable them to implement the provisions of the future convention.
2. Representatives of health non-governmental organizations pointed out that malaria constituted the greatest threat to health in a large number of developing countries, particularly in Africa: having discontinued DDT-based malaria control in 1969, Africa currently accounted for 90 per cent of the world's malaria cases. Accordingly, while DDT should be banned in agriculture, its use for malaria control should remain permitted because it saved millions of lives.
3. The representative of an industry organization reported on cooperation between his organization and FAO in Africa in the destruction of obsolete pesticide stockpiles and on relevant activities in Latin America, Asia and the Middle East. The representative of another industry organization stressed the need for the future convention to be realistic.

# Appendix VI

## LIST OF REQUESTS FOR SPECIFIC EXEMPTIONS IN ANNEX A AND ANNEX B AND ACCEPTABLE PURPOSES IN ANNEX B RECEIVED PRIOR TO THE CLOSE OF THE FIFTH SESSION OF THE COMMITTEE

Country	Specific exemption or acceptable purpose
Algeria	Use of chlordane as additive in plywood adhesives Use of chlordane as termiticide Use of DDT for vector control according to part II of the Annex Use of heptachlor as termiticide Use of PCBs in electrical equipment
Angola	Use of PCBs in transformers and other materials containing PCBs still in service
Australia	Use of mirex as a termiticide
Bangladesh	Use of DDT for vector control
Botswana	Use of chlordane in roads
Brazil	Use of heptachlor in wood treatment
China	Production of chlordane as a termiticide Use of chlordane as a termiticide in buildings and dams Production of hexachlorobenzene as an intermediate Use of hexachlorobenzene as an intermediate Production of Mirex as a termiticide Production of DDT as an intermediate Use of DDT as an intermediate Production of DDT for disease vector use in accordance with Part II of Annex B of the Stockholm Convention on Persistent Organic Pollutants
Comoros	Use of aldrin as a local ectoparasiticide and insecticide Use of chlordane as a local ectoparasiticide and insecticide Use of DDT for disease vector use in accordance with Part II of Annex B of the Stockholm Convention on Persistent Organic Pollutants
Costa Rica	Use of DDT for disease vector use in accordance with Part II of Annex B of the Stockholm Convention on Persistent Organic Pollutants
Croatia	Use of identifiable PCBs in equipment containing PCBs in volumes greater than 5dm <sup>3</sup> and having a concentration of 0.05 % PCBs or greater, as soon as possible, and no later than 31 December 2015.
Ecuador	Use of DDT for disease vector use in accordance with Part II of Annex B of the Stockholm Convention on Persistent Organic Pollutants
Ethiopia	Use of DDT for vector control for public health purposes in line with the WHO guidelines

Country	Specific exemption or acceptable purpose
India	Production of DDT for use in vector control and as an intermediate in the production of dicofol. Use of DDT for vector control and in production of dicofol (contained in dicofol as a contaminant (maximum concentration 0.1%)) Use of PCBs in articles in use in accordance with Part II of Annex A of the Stockholm Convention on Persistent Organic Pollutants Use of dieldrin in agricultural operations (2 years required for exhausting the residual stocks)
Jamaica	Use of PCBs in PCB oil containing transformers
Japan	Use of heptachlor as a termiticide in the structures of houses
Kenya	Use of DDT in public health for vector control according to WHO guidelines
Lesotho	Use of PCBs in transformers
Macedonia (the former Yugoslav Republic of)	Use of identifiable PCBs in equipment containing PCBs in volumes greater than 5dm <sup>3</sup> and having a concentration of 0.05 % PCBs or greater, as soon as possible, and no later than 31 December 2015.
Madagascar	Use of DDT for vector control according to Part II of Annexes A and B ( date of expiry /review: 10 years) Use of hexachlorobenzene Use of PCBs in electrical equipment
Malawi	Use of DDT for malaria control Use of PCBs in PCB-containing oil in old transformers
Mauritius	Use of DDT for disease vector use in accordance with Part II of Annex B of the Stockholm Convention on Persistent Organic Pollutants
Morocco	Use of DDT for vector control Use of chlordane as a termiticide Use of PCBs in electrical equipment
Mozambique	Use of DDT in the public health sector for malaria control. Use of PCBs in transformers
Nigeria	Use of PCBs in PCB-containing transformers Use of heptachlor as solvent in pesticides
Panama	Use of DDT for vector control for protection of human health
Papua New Guinea	Use of heptachlor as a subterranean termiticide Use of DDT for disease vector use in accordance with Part II of Annex B of the Stockholm Convention on Persistent Organic Pollutants
Poland	Use of PCBs in electrical equipment Use of hexachlorobenzene in closed system site limited intermediate
Republic of Korea	Use of chlordane as an additive in plywood adhesives Use of DDT as a de minimis contaminant in dicofol (max. conc. 0.1%) Use of heptachlor in articles in use in general Use of hexachlorobenzene as de minimis contaminant in chlorothalonil (max. conc. 0.05%) Use of PCBs in articles in use in accordance with Part II of the present Annex

Country	Specific exemption or acceptable purpose
Russian Federation	Use of PCBs in dielectric solvents for industrial electric equipment Production of heptachlor for use in underground cable boxes and for solvent in pesticides Use of heptachlor in underground cable boxes and as solvent in pesticides Use of hexachlorobenzene as an intermediate and as a solvent in pesticides Production of DDT for disease vector use in accordance with Part II of Annex B of the Stockholm Convention on Persistent Organic Pollutants Use of DDT for disease vector use in accordance with Part II of Annex B of the Stockholm Convention on Persistent Organic Pollutants
Saudi Arabia	Use of DDT for vector control for public health purposes
Slovenia	Use of identifiable PCBs in equipment containing PCBs in volumes greater than 5dm <sup>3</sup> and having a concentration of 0.05 % PCBs or greater, as soon as possible, and no later than 31 December 2015.
South Africa	Use of PCBs in PCB-containing transformers Use of DDT for disease vector use in accordance with Part II of Annex B of the Stockholm Convention on Persistent Organic Pollutants
Sudan	Use of DDT for vector control in public health in line with the WHO guidelines Use of PCBs in transformers
Swaziland	Use of DDT in the public health sector for malaria control.
Uganda	Use of DDT for disease vector control/public health purposes in accordance with WHO guidelines Continued use of articles containing PCBs in accordance with Annexes A and B.
United Republic of Tanzania	Use of DDT for public health protection (Removal of the United Republic of Tanzania for use of hexachlorobenzene in Annex A)
United States of America	Use of heptachlor in use in underground cable boxes.
Yemen	Use of DDT for vector control in line with the WHO guidelines
Zambia	Use of chlordane in roads Use of DDT for disease vector use in accordance with Part II of Annex B of the Stockholm Convention on Persistent Organic Pollutants



# Appendix VII

## DOCUMENTS BEFORE THE COMMITTEE AT ITS FIFTH SESSION

SYMBOL	TITLE
UNEP/POPS/INC.5/1	Provisional Agenda
UNEP/POPS/INC.5/2	Draft article B – “Objective”
UNEP/POPS/INC.5/3	Reference in the future convention on persistent organic pollutants to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal
UNEP/POPS/INC.5/4	Inter-sessional meeting on financial resources and mechanisms held in Vevey, Switzerland from 19-21 June 2000: Report by the Chair
UNEP/POPS/INC.5/5	An international legally binding instrument for implementing international action on certain persistent organic pollutants: Draft text by the Chair
UNEP/POPS/INC.5/5/Add.1	An international legally binding instrument for implementing international action on certain persistent organic pollutants: Draft text by the Chair
UNEP/POPS/INC.5/6	Proposal for preliminary draft resolutions for possible adoption by the Conference of Plenipotentiaries
UNEP/POPS/INC.5/INF/1	Scenario note for the fifth session of the Intergovernmental Negotiating Committee
UNEP/POPS/INC.5/INF/2	Costing of capacity assistance network described in article J <u>bis</u> of the draft convention text
UNEP/POPS/INC.5/INF/3	Related work on persistent organic pollutants under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal
UNEP/POPS/INC.5/INF/4	Related work on persistent organic pollutants under the Food and Agriculture Organization of the United Nations
UNEP/POPS/INC.5/INF/5	Master list of actions on the reduction and/or elimination of the releases of persistent organic pollutants
UNEP/POPS/INC.5/INF/6	Related work on persistent organic pollutants under the Global Environment Facility
UNEP/POPS/INC.5/INF/7	Schedule and financial needs for the completion of the negotiations for an international legally binding instrument for implementing international action on certain persistent organic pollutants
UNEP/POPS/INC.5/INF/8	Third session of the Intergovernmental Forum on Chemical Safety: Final report

SYMBOL	TITLE
UNEP/POPS/INC.5/INF/9	Related work on persistent organic pollutants under the World Health Organization
UNEP/POPS/INC.5/INF/10	Documents before the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants at its fifth session
UNEP/POPS/INC.5/INF/11 /Rev.1	Provisional list of participants
UNEP/POPS/INC.5/INF/12 /Rev.1	List of requests for country specific exemptions in Annex A and Annex B during the fifth session of the Committee
UNEP/POPS/INC.4/5/Corr.1	Report of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants at its fourth session: Corrigendum

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