



**United Nations
Environment
Programme**

Distr.
GENERAL

UNEP/POPS/INC.7/28
18 July 2003

ORIGINAL: ENGLISH

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

Seventh session
Geneva, 14-18 July 2003

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 SEVENTH SESSION

I. OPENING OF THE SESSION

1. The seventh session of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Persistent Organic Pollutants was held at the Geneva International Conference Centre, Geneva, Switzerland, from 14 to 18 July 2003.
2. The session was opened by Mr. John Buccini (Canada), Chair of the Committee, at 10.15 a.m. on Monday, 14 July 2003.
3. Opening statements were made by Mr. Philippe Roch, State Secretary, Director of the Swiss Agency for the Environment, Forests and Landscape, and by Mr. Ahmed Djoghlaif, Assistant Executive Director of the United Nations Environment Programme (UNEP), speaking on behalf of the Executive Director of UNEP.
4. Mr. Roch described persistent organic pollutants (POPs) as a problem of a global dimension, since they were often found far from their sources of emission – in regions where they had never been used, or in countries where they had been prohibited for decades. Although national regulation would be able to reduce the problem, it would not solve it. Hence the need for coordinated efforts on a global scale.
5. He noted that the global dimension of the problem was now universally recognized and expressed appreciation in particular to non-governmental environmental organizations for raising the awareness of the problem. It was gratifying to note that the Stockholm Convention on Persistent Organic Pollutants, which had been signed by 151 States had already been ratified by 33 countries. Such a positive development augured well for the achievement of the goal set out in the World Summit on Sustainable Development Plan of Implementation, i.e., to ensure the entry into force of the Stockholm Convention by 2004.

6. In order to ensure the implementation of the Convention, it was vital to provide technical assistance for capacity-building and find an effective way to evaluate the specific needs of the different regions and subregions, as well as the technology transfer needed by the Parties to fulfil their obligations under the Convention. It was equally vital to accelerate the shift towards sustainable consumption and production patterns as agreed at the World Summit.

7. He noted that the Global Environment Facility (GEF) had established a new focal area for POPs and announced that Switzerland had increased its contribution to GEF by 40 per cent in order to reflect this enlargement of the focal areas of GEF. Lastly, Mr. Roch expressed the hope that the ratification process would advance swiftly and wished participants fruitful negotiations.

8. Mr. Djoghlafl welcomed participants and expressed the hope that countries would live up to the commitments agreed upon at the Johannesburg Summit and reaffirmed at the last meeting of the UNEP Governing Council, calling for the entry into force of the Stockholm Convention in 2004. He congratulated those countries that had ratified the Convention and called upon those that were in the process of doing so to expedite their internal process of ratification.

9. He noted that the current meeting offered a unique opportunity to contribute to the implementation of agreed commitments on POPs. The items on the agenda were geared towards ensuring the smooth preparation of the first meeting of the Conference of the Parties, contributing therefore to the early implementation of the provision of the Convention. Mr. Djoghlafl informed the Committee that, following consultations between the Governments of Switzerland and Uruguay, the first meeting of the Conference of the Parties would be held in Punta del Este, Uruguay, tentatively planned for early 2005.

10. He expressed appreciation for the support provided thus far by GEF in assisting countries to prepare their national implementation plans. More than 80 countries were now benefiting from such assistance through the support of implementing and/or executing agencies of GEF. In May 2003, the GEF Council had adopted the elements of a triennial strategic business plan with a financial allocation of \$250 million for POPs. He drew attention to the draft memorandum of understanding between the Council and the Conference of the Parties which was before the Committee for consideration and which would formalize the relationship between the Convention, its governing body and its financial mechanism.

II. ORGANIZATION OF THE SESSION

A. Attendance

11. The session was attended by representatives of the following Governments: Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kyrgyzstan, Lao (People's Democratic Republic), Latvia, Lesotho, Liechtenstein, Lithuania, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Niue, Norway, Oman, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Samoa, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

12. The representative of Palestine also attended the meeting.
13. The following United Nations bodies, specialized agencies and convention secretariats were represented: Food and Agriculture Organization of the United Nations (FAO), United Nations Development Programme (UNDP), United Nations Convention to Combat Desertification (UNCCD), United Nations Economic Commission for Europe (UNECE), United Nations Environment Programme (UNEP, Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, United Nations Industrial Development Organization (UNIDO), United Nations Institute for Training and Research (UNITAR), World Bank and the World Health Organization (WHO).
14. The following intergovernmental organizations were represented: European Commission (EC), Intergovernmental Forum on Chemical Safety (IFCS), International Road Transport Union (IRU) and South Pacific Regional Environment Programme (SPREP).
15. The following non-governmental organizations were represented: AFYA Health Partners, Arnika Association, Carnegie Council on Ethics and International Affairs, Centre of International Environmental Law, Commission Africaine des Promoteurs de la Santé et des Droits de l'Homme, Consumers Association of Penang, Crop Life International, ECO-ACCORD Centre for Environment and sustainable Development, ECOTOX, Environmental Health Fund, European Chemical Industry Council, Federation of Thai Industry, Fundación Natura, Greenpeace International, International Confederation of Free Trade Unions, International Council of Chemical Associations, International Council of Environmental Law, International HCH and Pesticide Association, International POPs Elimination Network, Japan Chemical Industry Association, Japan Offspring Fund, Mouvement pour les Droits et le Respect des Générations Futures Physicians for Social Responsibility, Red de Acción Sobre Plaguicidas y Alternativas en México, Thanal Conservation Action and Information Network, Trust for Free PCB Elimination, World Chlorine Council and the World Wide Fund for Nature International.

B. Officers

16. Introducing the item, the Chair informed the Committee that the Latin America and Caribbean region had nominated Ms. Mearle Barrett (Jamaica) to replace Mr. Tomás Guardia (Panama) on the Bureau. The Committee approved that nomination. The Asia and Pacific region had selected Mr. R-Bayat Mokhtari to substitute for Mr. Seyed Reza Tabatabaei on the Bureau for the seventh session of the Committee. The members of the Bureau of the Intergovernmental Negotiating Committee at its seventh session were as follows:

<u>Chair:</u>	Mr. John Buccini (Canada)
<u>Vice-Chairs:</u>	Mr. Mahi Boumediene (Algeria)
	Mr. Manfred Schneider (Austria)
	Mr. Yue Ruisheng (China)
	Ms. Darka Hamel (Croatia)
	Ms. Fatoumata Jallow Ndoeye (Gambia)
	Mr. R-Bayat Mokhtari (Iran, Islamic Republic of)
	Ms. Mearle Barrett (Jamaica)
	Ms. Natalia Karpova (Russian Federation)
	Mr. Gonzalo Casas (Uruguay)

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

C. Adoption of the agenda

17. The Committee agreed to introduce the following changes to its provisional agenda:

(a) The Committee would consider sub-item 5 (p) (ii) of the annotated agenda, Liability and redress, under item 7, Other matters, since all that was required under the sub-item was to provide information to the Committee on the workshop held on that subject in Vienna;

(b) Under item 7, Other matters, the Committee would discuss the issue of the possible participation of the Secretariat in the deliberations of the World Trade Organization with observer status;

(c) Under item 7, Other matters, the Committee would, time permitting, consider the issue of the strategic approach to international chemicals management and its link to the work of the Stockholm Convention.

18. Following these changes, the Committee adopted the agenda set out below on the basis of the provisional agenda, which had been circulated as document UNEP/POPS/INC.7/1:

1. Opening of the session.
2. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Organization of work;
 - (c) Report by the secretariat on intersessional work requested by the Committee;
 - (d) Bureau issues.
3. Review of ongoing international activities relating to the work of the Committee.
4. Activities of the secretariat and review of the situation as regards extrabudgetary funds.
5. Preparations for the Conference of the Parties.
6. Status of ratifications of the Convention.
7. Other matters.
8. Adoption of the report.
9. Closure of the session.

D. Organization of work

19. At its opening session, the Committee decided to work in plenary and to establish contact groups on an as-needed basis.

20. The Committee agreed that the legal drafting group would meet to consider the issues submitted to it by the Committee.

21. In pursuance of the agreement reached at the sixth session (UNEP/POPS/INC.6/22, para 190) to review the process for reporting on its work early on in the agenda of its seventh session, the Committee considered the issue of how to reflect statements made by government representatives on behalf of regional

economic integration organizations in the report of the meeting. It consequently agreed that it would continue with past practice when referring to such organizations.

E. Report by the Secretariat on intersessional work requested by the Committee or the Conference of Plenipotentiaries on the Stockholm Convention on Persistent Organic Pollutants

22. The Secretariat noted that, further to the decisions taken by the Committee at its sixth session, it had undertaken much of the intersessional work entrusted to it including producing documentation for the current session. A full list of the documents available to the Committee is provided in annex VII to the present report.

23. One of the mandates of the Committee had been the establishment of the Expert Group on Best Available Techniques (BAT) and Best Environmental Practices (BEP). The Secretariat had prepared documentation for and organized the Group's first meeting which had been hosted by the United States of America in March 2003.

24. Some of the work requested of the Secretariat could not, however, be completed due to lack of resources. This was the case, for instance, for the feasibility study on the regional and subregional centres of the Stockholm Convention as well as case studies on such centres. These studies were nevertheless expected to be completed well before the first meeting of the Conference of the Parties, since funding for this purpose was now forthcoming. In addition to the actions requested by the Committee at its sixth session (UNEP/POPS/INC.6/22), the Secretariat had also prepared a checklist for identifying the steps to be taken by a Government prior to lodging its instrument with the United Nations to become a Party.

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

25. Introducing the item, the Secretariat explained that the fifth edition of the master list of actions on the reduction and/or elimination of the release of POPs (UNEP/POPS/INC.6/INF.15), prepared by the Secretariat on the basis of information submitted by 31 May 2003, contained input from more than 100 countries, seven intergovernmental organizations and 11 non-governmental organizations. Due to the volume of the material, and for reasons of economy, the document was being made available only on CD-ROM. While the list showed that there had been an increase in the number of countries taking action on POPs, particularly from sub-Saharan Africa, there continued to be a lack of input from southern Asia. A total of 72 countries had reported on national monitoring and assessment activities, covering a wide range of POPS-specific activities, research and programmes. New or ongoing activities aimed at the reduction and/or elimination of POPs releases had been reported in 59 countries.

26. The representative of UNEP briefly summarized some of the numerous regional and subregional UNEP activities related to POPs occurring during the intersessional period. Activities comprised numerous regional and subregional awareness-raising and training workshops; assistance to 54 countries in preparing their national implementation plans with GEF funding; regional, subregional and national projects on specific POPs reduction or elimination issues; assistance in strengthening national infrastructures and for global monitoring and information exchange; and a number of ongoing GEF projects related to POPs. He noted that a total of over \$40 million had been available through GEF and donor contributions, including the Canada POPs Fund, for such activities.

27. The representative of the United Nations Institute for Training and Research (UNITAR) described the relevant activities of UNITAR, as set out in document UNEP/POPS/INC.7/INF/27. He drew particular attention to efforts by his organization related to the development of national chemicals management profiles (including new guidance, UNEP/POPS/INC.7/INF/26, which countries were requested to review), to the development of training and skills-building for the development of national action plans, and to the new Inter-Organization Programme for the Sound Management of Chemicals (IOMC) Coordinating Group on POPs.

28. The representative of the United Nations Industrial Development Organization (UNIDO) reported that GEF had approved 37 proposals from countries that had requested UNIDO assistance, of which 20 were in Africa. He outlined additional UNIDO efforts with regard to enabling activities, demonstration projects, capacity-building, and cooperation with other intergovernmental organizations.

29. The representative of the World Bank reported that her organization was actively assisting countries with GEF-funded activities, including the development of national implementation plans. The World Bank was also the implementing agency for the Africa Stockpiles Programme; organizing relevant workshops and studies, undertaken with the assistance of the Canada POPs Fund; working to ensure that its programmes, safeguards and other policies are developed and conducted in accordance with the Stockholm Convention; and working to raise awareness on the effects of POPs and other toxic substances on people living in poverty.

30. The representative of the Food and Agriculture Organization of the United Nations (FAO) reported on relevant initiatives under FAO's Pesticide Management Programme. He drew particular attention to the International Code of Conduct on the Distribution and Use of Pesticides, which had been recently revised; FAO's continuing work on alternatives to POPs and prevention and elimination of obsolete pesticides; FAO's role as co-host of the Secretariat of the Rotterdam Convention; and FAO's active partnership in the Africa Stockpiles Programme.

31. The representative of the World Health Organization (WHO) drew attention to document UNEP/POPS/INC.7/INF/25, which highlighted relevant WHO activities during the previous year. He highlighted work to facilitate the involvement of poisons centres in work related to the Stockholm Convention, development of poison information monographs on POPs chemicals, progress in implementing the WHO action plan for the reduction of reliance on DDT in disease vector control, development and implementation of alternative methods and approaches, management of public health pesticides, monitoring, and advocacy.

32. The representative of the Global Environment Facility (GEF) drew attention to document UNEP/POPS/INC.7/INF/11 which highlighted relevant GEF activities during the previous year. He drew special attention to the decision by the GEF Assembly in October 2002 to approve both the creation of a new focal area for persistent organic pollutants and the consequential amendment of the GEF Instrument. He noted that, to date, 103 proposals had been approved for the development of national implementation plans. GEF had also worked with the interim Secretariat to organize a series of subregional and interregional workshops, details of which could be found in document UNEP/POPS/INC.7/INF/24.

33. The representative of the United Nations Development Programme (UNDP) reported that under UNDP auspices, more than 20 country proposals for enabling activities had been prepared, submitted and approved by GEF. UNDP efforts had also focused on the development of projects that demonstrate technologies and best practices that reduce or eliminate POPs emissions. UNDP expected to work closely with eligible Governments, United Nations agencies, non-governmental organizations and others in the upstream identification and conceptualization of capacity-building and technical assistance projects related to the implementation of specific national implementation plans.

34. The representative of the South Pacific Regional Environment Programme (SPREP) reported on activities by SPREP to assist Pacific Island countries develop national implementation plans and on the high level of participation in the region in the Stockholm Convention. He drew attention to SPREP efforts to supply technical support and advice, to facilitate the removal of POPs chemicals from the region, and to the financial and technical support received from a number of sources, most prominently Australia and the Canada POPs Fund.

35. The representative of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal noted that her organization and the Basel regional centres continued to cooperate closely with UNEP Chemicals and the Secretariat on issues of mutual concern. Examples included: regional workshops that had been held on the prevention of pesticide use; the environmentally

sound management of pesticides; the environmentally sound management of PCBs; the development and implementation of the Africa Stockpiles Programme; and several regional projects including those developing an inventory of PCBs, obsolete pesticides and sources of dioxins and furans.

36. Many representatives reported on their activities relating to the work of the Committee and to the implementation of the Convention prior to its entry into force, and many also drew attention to what they viewed as further requirements to ensure its effective implementation. The points raised included: the signing and ratifying of the Convention; the development of national implementation plans, especially concerning national inventories and monitoring; legislative and regulatory measures; the need to ensure synergies between the Stockholm, Basel and Rotterdam Conventions; the need for new and additional funding for POPs-related activities; national, regional and subregional workshops and cooperation initiatives; the need for project activities to take account of the specificities of the host country; the costs of alternatives to POPs; the problems inherent in addressing stockpiles of obsolete POPs, particularly pesticides; the need for cooperation with the Africa Stockpiles Programme; the problems of countries with endemic malaria and other vector-borne diseases; how to address the illegal use or trafficking of POPs; and the need for the international community to assist the small island developing States and strengthen their human, technical and financial capacities to address the issues pertaining to POPs.

37. Many representatives expressed thanks to the Secretariat and to the Governments, intergovernmental organizations, and government bodies that had provided them with assistance in the undertaking of various POPs-related activities.

38. One representative, speaking on behalf of the Intergovernmental Forum on Chemical Safety (IFCS), drew attention to the launching of the web-based Information Exchange Network on Capacity-building for the Sound Management of Chemicals (INFOCAP), which aimed to facilitate the systematic exchange and public accessibility of information and experience relevant to capacity-building projects for sound management of chemicals. He invited participants to regularly use and contribute to INFOCAP.

39. A summary of the statements made by representatives of the non-governmental organizations is contained in annex VI to the present report.

IV. ACTIVITIES OF THE SECRETARIAT AND REVIEW OF THE SITUATION AS REGARDS EXTRABUDGETARY FUNDS

40. The Executive Secretary introduced the item, drew attention to the documentation prepared on the subject (see annex VII) and elaborated on the main points raised therein. He noted that at its sixth session the Committee had requested the Executive Secretary to request the Executive Director of UNEP to examine the possibility of retiring some or all of the outstanding debt to the United Nations Environment Programme Environment Fund reserve. Noting that the draft budget also required a 13 per cent overhead charge to be paid to UNEP, the Committee had called for an examination of the possibility of reducing those costs or of UNEP providing a Finance Officer under that allocation.

41. The Executive Secretary reported that he had made a request on behalf of the Committee. At the present time, the funding of a Finance Officer from overhead was being positively considered, but the possible retirement of past debt had not been accepted because of the depleted state of UNEP's Environment Fund reserve, and a reduction of the 13 per cent had not been accepted because that rate had been agreed by Governments through the UNEP Governing Council. The Executive Secretary reported that the entire US\$ 818,241 of the reserve had been repaid.

42. The Executive Secretary clarified that additional funding received recently from the Canada POPs Fund administered by the World Bank and from the Government of Italy would enable the feasibility study and case studies on the subregional and regional centres for technical assistance and technology transfer to be undertaken.

43. He further provided an update on the status of the budget for the current year noting that from the 2002 budget, US\$ 147,653 had been carried forward to 2003. Currently US\$ 2,301,965 had been received in pledges or contributions. A further US\$ 140,000 was expected from the Canada POPs Fund as well as contributions to date from the UNEP Environment Fund of US\$ 376,131. That would result in a total income of US\$ 2,965,749, leaving a negative balance of US\$ 778,947. He noted that for 2003, the staff had been budgeted at 15.5 persons but stood currently at 8.6 persons. He welcomed two additional pledges to the POPs Club from Jamaica for US\$ 1,000 and Australia for 27,500 Australian dollars. The representative of Switzerland pledged US\$ 60,000 in support of the case studies.
44. The two key issues that had influenced the proposed budgets for 2004 and 2005 were that there were no sessions of the Intergovernmental Negotiating Committee planned for 2004 and that the first meeting of the Conference of the Parties was tentatively planned for 2005.
45. Many representatives voiced their interest in participating in a budget group to be established and while expressing general satisfaction with the budget document, noted that their specific comments would be made in that group. It was stated that, especially with regard to the 2005 budget, funds to ensure developing country participation in the first meeting of the Conference of the Parties should be included. Concern was expressed at the financial shortfall and countries were encouraged to continue to make pledges and to pay those pledges rapidly in the crucial phase leading up to the entry into force of the Convention. It was noted that once the Convention entered into force, all Parties would be contributing and as such the budget should be affordable and reflect all views on priorities. The private sector was encouraged to form partnerships for funding purposes.
46. The budget group was established under the chairmanship of Mr. Fernando Lugris (Uruguay).
47. The Chair of the budget group reported on the outcome of the group's work, which was contained in a conference room paper containing a draft decision on the budgets for 2003, 2004 and 2005, which was before the Committee for its approval. The budget group had also agreed to a process to recommend a possible budget presentation and format to the first meeting of the Conference of the Parties.
48. The Secretariat explained that amendments to the budget would be incorporated to reflect the decision of the Committee concerning the clearing-house mechanism.
49. Decision INC-7/1 on the budget is contained in annex I to the present report.

V. PREPARATION FOR THE CONFERENCE OF THE PARTIES

A. Measures to reduce or eliminate releases from intentional production and use and Register of specific exemptions (Articles 3 and 4, and Annex A and Annex B)

DDT

50. The Committee had before it the documentation on the subject prepared by the Secretariat (see annex VII). Introducing the item, the Secretariat noted that it had worked closely with WHO to respond to the relevant decisions taken by the Committee at its sixth session and expressed appreciation to the staff of WHO for their great efforts and support in this work.
51. The Committee noted that the draft formats and questionnaires contained in the documents formed a solid and well-developed basis from which to proceed. It was acknowledged that the draft formats and questionnaires would require further modification based first on comments received from representatives during this session and then from the comments and experience gained during field-testing. Such revisions would have to take place in a timetable that allowed Parties to submit the required information six months prior to the first Conference of the Parties. It was agreed to change the title of the draft format contained in the annex to document UNEP/POPS/INC.7/3 to also cover Parties that are included in the DDT Register

only to be able to use DDT under exceptional circumstances. The issue of responsibility of reporting on obsolete stocks is to be addressed under Article 6 of the Convention.

52. Many representatives noted the current need for continued reliance on DDT for vector control in their countries. One reminded representatives of each Party's obligations under paragraph 5 (b) of part II of Annex B of the Stockholm Convention, including the promotion of research and development of safe alternative chemical and non-chemical products, methods and strategies for Parties using DDT. Several representatives expressed strong support for more research and information on the costs of alternative chemical and non-chemical products, methods and strategies. One representative stressed the need for strengthening monitoring and management of insecticide resistance. Another representative suggested that there be a link between the information requested through the questionnaire and the national implementation plans.

53. Decision INC-7/2 on DDT is contained in annex I to the present report.

Register of specific exemptions

54. The Secretariat introduced the item and drew the attention of the Committee to the relevant documentation (see annex VII).

55. Referring to the format for country reporting of requests for specific exemptions, one representative, speaking on behalf of a regional economic integration organization and its member States, considered that extensions to exemptions should only be granted in exceptional cases and with that in mind urged developed countries to make every effort to assist developing countries and countries with economies in transition to identify alternatives that were both technically feasible and environmentally sound. A few representatives noted their concern regarding the collection and release of confidential business information. The Committee agreed to change the title of the format to clarify that it referred to the extension of specific exemptions. Several specific comments were made to amend the format, which were incorporated in a revised format submitted to the Committee.

56. With regard to the possible review process for entries in the register of specific exemptions, lengthy discussions took place on the languages of submission of information relevant to the extension request report, on the circulation of extension request reports to observers and on the necessity to establish an expert group. One representative, speaking on behalf of a regional economic integration organization and its member States, while agreeing to the need for a process for review of entries, considered that there was no need to establish an expert group to review requests for specific exemptions at the present time. Other representatives suggested that that task could be carried out by the POPs Review Committee. It was noted that the Secretariat might need to make an evaluation of the time and cost impact of translating all submitted information and submit that evaluation to the Conference of Parties for its consideration.

57. Decision INC-7/3 on specific exemptions and decision INC-7/4 on exempted use are contained in annex I to the present report.

B. Measures to reduce or eliminate releases from unintentional production (Article 5 and Annex C)

Guidelines on best available techniques (BAT) and best environmental practices (BEP)

58. The Secretariat introduced the item and drew the attention of the Committee to the relevant documentation (see annex VII). It expressed appreciation to the Government of the United States of America for hosting the meeting of the Expert Group on BAT and BEP.

59. Mr. Sergio Vives (Chile), Co-chair of the Expert Group, noted the considerable progress made by the group at their first meeting. He noted in particular the outline for a possible structure of guidance on BEP and guidelines on BAT and draft elements for consideration in their development as well as the extensive work accomplished on cement kilns. He thanked the representatives of Argentina, Austria, Canada, Finland,

Germany, Kenya, United States of America and Environmental Health Fund and the International Council of Chemical Associations for taking the lead in the intersessional work. He noted the intent of the group to complete its work in time to submit recommendations to the first meeting of the Conference of the Parties. He was pleased to confirm the offer of his Government to host the next session of the Expert Group.

60. Several representatives reminded the Committee of the financial and technical difficulties facing developing countries and countries with economies in transition to implement new technologies and to undertake emissions controls and urged countries to identify assistance to enable those countries to proceed with implementation actions in order to avoid a situation of non-compliance. One representative noted the lack of ability of small and medium-size enterprises to adopt best practices. Another representative noted the importance of having regional consensus to promote goals in emissions control. Developing countries were encouraged to contribute to the guidelines and guidance on BAT and BEP. One representative noted the importance of examining less technologically developed techniques such as source separation, recycling and composting which were less capital intensive, had lower operational costs and were easier for developing countries to implement. One representative, speaking on behalf of a regional economic integration organization and its member States, noted the importance of considering alternative techniques and practices and encouraged all stakeholders to provide input into the BAT/BEP process.

61. Several representatives noted the need for full participation of experts nominated to participate in the group. To that end it was suggested that in the event of an expert being unable to participate in a session of the Expert Group the regional group to which that expert belonged could, through the Secretariat, nominate an alternative to attend that meeting. The Committee was reminded that the Expert Group was a closed group: experts on specific issues could be invited if needed to a session of the Expert Group.

62. Countries offering to host meetings such as the Expert Group were encouraged to ensure access to participants from all countries to attend the meetings.

63. In response to advice that additional funding would need to be identified to host the next meetings of the Expert Group, the offers of 30,000 Euros from the Government of Germany and of 50,000 Swiss Francs from the Government of Switzerland towards the holding of the next meeting of the Expert Group in Chile were gratefully acknowledged.

64. The Committee recognized the importance of the issue of BAT and BEP, thanked the Co-Chairs, Mr Vives and Mr Robert Kellam (United States of America), and noted the report of the first meeting of the Expert Group on BAT and BEP and the progress made therein.

Evaluation of current and projected releases of chemicals listed in Annex C

65. The Committee had before it the documentation on the subject prepared by the Secretariat (see annex VII). Introducing the item, the Secretariat pointed to the recently launched revised version of the Standardized Toolkit for Identification and Quantification of Dioxin and Furan Releases (UNEP/POPS/INC.7/INF/14) and indicated possible action by the Committee on the item.

66. Many representatives expressed appreciation for the extensive work undertaken to prepare the revised Toolkit, which represented a good methodology for addressing releases of Annex C chemicals. However, a number of representatives considered that the Toolkit in its current form showed gaps and shortcomings. One representative expressed the view that the Toolkit could need more work before it was submitted to the Conference of the Parties for approval.

67. Many representatives believed that, because it was based predominantly on data from the industrialized countries, the Toolkit was not directly applicable to conditions in the developing countries, where uncontrolled releases diverged widely and where there was often a large informal sector. Several representatives called for technical and financial assistance, as well as for pilot projects on the collection and verification of data on dioxins and furans in the developing countries. One representative considered that the funding for the preparation of the national implementation plans was insufficient to adequately address the issue.

68. Many representatives believed that the Toolkit should also contain guidance on other chemicals in Annex C, wherever such information and experience were available, as well as a strategy for identifying sources of dioxins and furans. It was also desirable for stakeholders with relevant expertise to be involved in the process of further developing the Toolkit. In that connection, it was acknowledged that upgrading the Toolkit would need to compete with resources for other priority activities within the Convention.

69. There was general agreement that the Toolkit represented an evolving document, which would need to be regularly updated and revised to take account of emerging information and experience.

70. Decision INC-7/5 on the Toolkit is contained in annex I to the present report.

C. Measures to reduce or eliminate releases from stockpiles and wastes (Article 6)

71. Introducing the item, the Secretariat pointed to the documentation prepared on the subject (see annex VII) and indicated possible action by the Committee on the item.

72. A number of representatives welcomed the progress in the development of the technical guidelines on the environmentally sound management of POPs as wastes, and expressed strong support and encouragement for the productive cooperation between the Secretariat and the Secretariat of the Basel Convention, which helped to avoid duplication and to conserve resources. Several representatives offered to participate actively in the further development of the guidelines. One representative considered that it was important to finalize the guidelines as soon as possible, to help in the preparation of the national implementation plans. Another representative considered that the guidelines on PCBs needed to be elaborated, to help ensure the implementation of economically viable alternatives.

73. The representative of Switzerland, stressing the importance of capacity-building to enable countries to address chemical waste issues and to meet their obligations under the Basel, Rotterdam and Stockholm Conventions, reiterated his Government's offer to provide funding for three further regional workshops on harmonization of the implementation of the chemicals conventions during 2003.

74. One representative, speaking on behalf of a regional economic integration organization and its member States, pointed to the need to clearly address the elements of Article 6 of the Convention and to continue to monitor the development and drafting of the guidelines, to ensure that they were at the required level. She observed that, if the technical guidelines have not been finalized by the time of the first meeting of the Conference of the Parties, an interim solution would need to be found, with Parties deciding on the concentration limits to be applied, at the very least for Annex A chemicals.

75. The representative of the Secretariat of the Basel Convention reported on the future work on the subject, particularly the urgent work to finalize the technical guidelines on the environmentally sound management of POPs wastes, and expressed thanks to the Government of Canada for acting as lead country in the preparation of those technical guidelines, and to the Government of Switzerland for supporting the capacity-building workshops. She said that cooperation with the Secretariat of the Stockholm Convention was an important mechanism in assisting the mutually supportive implementation of both Conventions, promoting awareness and saving resources.

76. Decision INC-7/6, on technical guidelines on the environmentally sound management of persistent organic pollutant wastes is contained in annex I to the present report.

D. Implementation plans (Article 7)

Interim guidance for the development of national implementation plans

77. The Committee had before it the documentation on the subject prepared by the Secretariat (see annex VII). The Secretariat noted that in response to the request by the Committee at its sixth session, it had prepared interim guidance to assist countries to develop their national implementation plans. The interim guidance had been circulated and subsequent comments on it had been incorporated. Over 80 countries had already initiated their national implementation plan development and were already using the draft guidance document.

78. Representatives commended the Secretariat on the interim guidance and endorsed its use in the interim period to assist countries in preparing national implementation plans. It was further stressed that the interim guidance should be flexible and not prescriptive, to allow for differences in country-specific capacities and local conditions. It was stressed also that the interim guidance should be a living document that would take into account experience gained by countries already in the process of preparing national implementation plans and should continue to be revised in a transparent manner. Some representatives noted that, having just received the CD-ROM they had not had sufficient time to examine the interim guidelines but would send any subsequent comments to the Secretariat.

79. One representative, speaking on behalf of a regional economic integration organization and its member States, said that the document should also contain guidance for national priority setting to ensure full implementation of the Convention control provisions as the first priority. Another representative found the guidance to be too detailed and reminded the Committee to take into consideration the resultant cost implications. He also suggested that methods to calculate base-line costs and indicators should be provided in the interim guidance. Further comments included the need to keep in mind regional aspects, alternatives and substitutes and the need to include multi-stakeholder participation at the outset of national implementation plan preparation.

Guidance for the review and updating of national implementation plans

80. The Secretariat introduced the item and drew attention to the relevant documentation (see annex VII). Article 7 paragraph 1(c) of the Convention referred to countries reviewing and updating their national implementation plans in a manner to be decided by the Conference of the Parties. The Committee at its sixth session had requested the Secretariat to prepare guidelines relevant to that review and update based on comments to be received from Governments. No comments had been received. He then drew attention to two broad issues: the periodicity of, or trigger for, updating and reviewing the national implementation plans, and the process for conducting the review.

81. All representatives who spoke proposed that the trigger for a review and updating process be event related and not governed by any specific timeframe. That trigger could be a change in the national circumstance or a change in the obligations under the Convention. It was also suggested that a review and update might be necessary as countries reached the goals and objectives set out in their national plans.

82. Decision INC-7/7 on interim guidance for development of national implementation plans and guidance for the review and updating of national implementation plans is contained in annex I to the present report.

E. Listing of chemicals in Annexes A, B and C (Article 8, Annexes D, E and F, and paragraph 6 of Article 19)

83. The Committee had before it the documentation on the subject prepared by the Secretariat (see annex VII). Introducing the item, the Secretariat noted that the text of the draft terms of reference before the Committee was based on the work of the open-ended contact group established at the sixth session.

Many representatives expressed general support for the draft terms of reference for the POPs Review Committee, noting that they were the product of extensive deliberation at the Committee's sixth session, although it was recognized that several editorial and substantive issues needed to be addressed. Representatives supported the appointment of members, and the election of officers, of the POPs Review Committee on the basis of equitable geographical distribution although there were diverse views on how to implement that principle. One representative requested the Secretariat to carry out an analysis of the regional distribution systems employed by FAO and the United Nations General Assembly and present that to the first Conference of the Parties for its consideration as part of its deliberations on the POPs Review Committee. There were also differences of opinion regarding the appropriate number of members as well as the number and type of officers. Several representatives expressed concern over the potentially open-ended participation of observers. In their view, the work of the Committee could suffer if attendance at meetings of the POPs Review Committee was too large or if a significant preponderance of observers originated from a particular Party or region.

84. Several representatives suggested the need for the Conference of the Parties to consider the possible working languages at the Committee which should be established within the framework of the United Nations. These representatives warned of the difficulty of holding discussions in English only given the technical nature of the subjects.

85. The Committee noted that it was Parties that would nominate particular experts as potential members of the POPs Review Committee and that the Conference of the Parties would then select members from among those nominees. The draft terms of reference in no way limited the desired expertise of potential members and indeed, required that due regard be given to a balance of expertise. It was important that Governments arrive at the first Conference of the Parties ready to nominate specific candidates, complete with copies of their curriculum vitae for distribution.

86. It was similarly important for the conflict of interest procedures to be decided upon so that Parties could employ the procedures during the first Conference of the Parties. To that end, it was deemed helpful for the Secretariat to prepare a document, for consideration at the first Conference of the Parties, that provided a review and evaluation of existing approaches to conflict of interest in similar international instruments and offer draft guidelines for such a procedure under the Stockholm Convention. One representative expressed the view that the relevant procedures developed under the Rotterdam Convention could provide helpful guidance in this regard.

87. The Committee noted the need for the Conference of the Parties to articulate a procedure for the replacement of members who, for whatever reason, were unable to attend a meeting of the POPs Review Committee.

88. The Committee agreed to forward the draft terms of reference for the POPs Review Committee to the legal drafting group for consideration, taking into account the comments made in the plenary.

89. Reporting to plenary, the Chair of the legal drafting group observed that her group had concentrated its efforts on: (a) responding to specific questions put to it by the Committee; (b) editing the draft to ensure legal clarity; and (c) highlighting, but in no terms addressing, remaining policy issues for the possible consideration by the committee or the Conference of Parties at its first meeting. Highlighting the changes made by the group as well as the outstanding policy issues, she observed that complex inter-relationships existed between the draft terms of reference, the text of the Stockholm Convention and the draft rules of procedure for the Conference of Parties.

90. The Committee considered a number of suggestions by representatives to amend particular aspects of the draft terms of reference for the POPs Review Committee. Many representatives also noted policy issues important to their delegation, including: creating the option for members of the POPs Review Committee to serve consecutive terms; ensuring representation by representatives of countries that are major producers of candidate chemicals under consideration by the POPs Review Committee; achieving gender and regional balance among members and officers of the POPs Review Committee; creating a procedure to fill vacancies

that may occur unexpectedly; the reliance on English as the working language for the POPs Review Committee; increasing clarity regarding the locus of responsibility for seeking a balance in expertise; limiting the participation, but not necessarily the number, of observers to facilitate the work of the POPs Review Committee; and the right by the Chair of the Committee to exercise his/her vote.

91. The Committee noted that several of the proposed amendments could be accepted without difficulty. Other issues would require more substantive attention in the drafting process and would likely still be subject to inclusion in square brackets as the Committee had not had time to view them in detail. The Secretariat was requested to develop a revised and annotated version of the draft terms of reference for the POPs Review Committee in consultation with the Chair of the legal drafting group on the basis of views expressed by representatives and to circulate it to governments and observers as soon as practicable.

92. The draft terms of reference for the POPs Review Committee as reviewed by the legal drafting group and as amended by the Committee are contained in annex V to the present report.

F. Information exchange (Article 9)

93. The Committee had before it the documentation on the subject prepared by the Secretariat (see annex VII).

94. All representatives speaking on this item noted the important function that an effective clearing-house mechanism for information exchange would have on the successful implementation of the Convention. Many welcomed the work done by the Secretariat in this regard but questioned a variety of specific details in the proposed workplan and budget as presented in document UNEP/POPS/INC.7/12. Concern was expressed, inter alia, over: the budgetary impacts of the proposal; year-to-year increases in expenditures; the lack of specific information in several areas; the need to maintain focus on issues related to the need for and provision of technical and financial assistance; the need to integrate information acquired through the proposed feasibility and case studies of regional and subregional centres; the absence of translation of information into the six official languages of the United Nations; possible methods for selecting countries for case studies related to the clearing house; and the importance of searching for synergies and efficiencies by coordinating with and linking to related initiatives.

95. The Secretariat noted that the existing financial resources allocated for the clearing-house mechanism did not allow for the improvement or expansion of current efforts nor even for the systematic analysis of current and future needs.

96. The Committee noted the importance of providing funds for a dedicated staff member to work on the clearing-house mechanism beginning in 2005 and to complete a phase one analysis of possible clearing house expanded functions in time for the first session of the Conference of the Parties and agreed to fund such work beginning in 2005.

G. Technical assistance (Article 12)

97. The Committee had before it documentation on the subject prepared by the Secretariat (see annex VII). Introducing the item, the Secretariat noted that the terms of reference for the feasibility study had been prepared in light of comments received from Governments but it had not been able to start the study due to lack of funds.

98. All representatives speaking on this item noted the very important role that technical assistance would play in assisting developing country Parties and Parties with economies in transition fulfil their obligations under the Stockholm Convention. Many also stressed the importance of effective technology transfer. The Committee took note of the list of some common elements of technical assistance needs and priorities provided in document UNEP/POPS/INC.7/13, viewing it as a good point of departure rather than an exhaustive list. Several representatives requested the addition of references to prominent barriers to technology transfer and to possible ways of overcoming them.

99. Representatives attached great importance to the completion of both the feasibility study on regional and subregional centres and the case studies on regional and subregional centres. Many noted the potential efficiencies and synergies that might be obtained by utilizing institutional arrangements already operating under other multilateral environmental institutions, including the regional and subregional centres created under the Basel Convention. The Committee noted that some representatives had stressed that, in their view, countries' needs with regard to technical assistance and technology transfer under the Stockholm Convention might not be fully addressed solely by existing regional and subregional centres. They considered that the feasibility study, once completed, would allow for the objective consideration of the potential abilities and the limitations of the centres, and permit countries to see whether any additional activities were needed. The Committee noted that extrabudgetary funds had recently been pledged for the studies and that work could begin as soon as the funds were received by the Secretariat.

100. Decision INC-7/8 on technical assistance is contained in annex I to the present report.

H. Financial resources and mechanisms (Article 13)

Guidance to the financial mechanism

101. The Secretariat introduced the item, drew the attention of the Committee to the relevant documentation (see annex VII) and noted that, with regard to the collection of information from relevant international financial institutions, no input had been received and lack of funds had prevented any follow-up. The Secretariat suggested to the Committee that they might wish to provide guidance to the financial mechanism at the current session because GEF is in the process of establishing an operational programme specific to POPs and many countries had started to prepare their national implementation plans and would be seeking funding for follow up actions.

102. It was proposed that only developing countries and countries with economies in transition that were eligible to borrow from the World Bank or to receive UNDP technical assistance through country-specific programmes and were Parties to the Convention should receive funding. For enabling activities, such countries signatory to the Convention or in the process of ratification would also be eligible.

103. Several representatives stressed the need for strong collaboration between the Convention and GEF at all levels including the Secretariat, the Conference of the Parties and the GEF Council, and the GEF implementing agencies. The strategic priorities identified in the GEF strategic business plan for 2004-2006 as set out in paragraph 5 (b) of UNEP/POPS/INC/7/17 received strong support. Actions should focus on obligations of the Convention and the priorities of national implementation plans. The view was expressed that the different mandates and responsibilities of the Conference of the Parties and of GEF should be kept in mind. Several representatives were also of the view that the guidance should be prepared at the first meeting of the Conference of the Parties. There was general agreement for the establishment of a process for developing draft guidance on the financial mechanism.

104. Several representatives expressed the need to ensure that the financial mechanism was flexible and effective. The needs of developing countries for effective financial resources required an adequate financial mechanism that could mobilize resources, taking into account socio-economic considerations, and assist in effective implementation of the Convention. Many representatives advocated the creation of an intersessional working group composed of regionally nominated representatives of donor and recipient countries as well as organizations represented in IOMC to draft guidance to the financial mechanism for submission to the first meeting of the Conference of the Parties. Many other representatives, while agreeing with the need for a working group, considered it could work in parallel with the Conference of the Parties at its first meeting and that prior to that time, the Secretariat in consultation with the Secretariat of GEF, could prepare a paper that would be circulated for comments and revision.

105. A contact group, co-chaired by Ms. Linda Brown (United Kingdom) and Mr. Ibrahim Sow (Senegal) was established to determine the modalities of the two options as well as the respective financial implications.

106. Following deliberations by the contact group, the co-chairs introduced a conference room paper containing a draft decision submitted by the contact group, emphasizing that the proposal to establish an open-ended working group on the financial mechanism to prepare the draft guidance as required under paragraph 7 of Article 13 of the Convention represented a delicate compromise.

107. Many representatives expressed support for the proposal, noting that the financial mechanism represented a vital cornerstone of the Convention. Many expressed the view that fulfilling the potential for a face-to-face meeting of the working group envisaged in the proposal was a very important issue and called on donor countries to facilitate such action. One representative suggested the period just prior to the first Conference of the Parties as the appropriate time for such a meeting. Several representatives noted that not all developing countries possessed the electronic communication capacity necessary to be full and active members of the working group and that this need should be addressed. Some noted the importance of placing issues related to financial assistance in an early and prominent position on the agenda of the Conference of Parties at their first meeting.

108. The Committee noted that the Secretariat would facilitate activities of the working group. The Chair of the Committee was entrusted to work in close consultation with the Bureau to select, on behalf of the Committee, co-chairs for the working group.

Draft terms of reference for the review of the financial mechanism

109. The Committee had before it the documentation on the subject prepared by the Secretariat (see annex VII).

110. Representatives expressed the view that the Committee and the Secretariat should focus on assisting the development of potential guidance to the financial mechanism rather than on preparing for the review of the financial mechanism, which could be left to the Conference of Parties at its first meeting. Such prioritization need not eliminate action, however. The documents prepared by the Secretariat provided a useful starting point for discussion. There was value therefore in Governments providing written comments on the draft elements of terms of reference contained in paragraph 3 of document UNEP/POPS/INC.7/24, as amended during the discussion, and in the Secretariat updating the draft elements taking into account those comments as well as consultations with the Secretariat of GEF and, where possible, with secretariats of other multilateral environmental agreements regarding similar reviews conducted under those regimes.

111. Decision INC-7/9, on the financial mechanism is contained in annex I to the present report.

I. Interim financial arrangements (Article 14)

112. The Committee had before it the documentation on the subject prepared by the Secretariat (see annex VII). Introducing the item, the Secretariat noted that it had worked closely with the Secretariat of GEF to respond to the relevant decision taken by the Committee at its sixth session and expressed appreciation to the staff of GEF for their efforts.

113. The Committee noted that the draft memorandum of understanding with GEF contained in the annex to document UNEP/POPS/INC.7/16 was a useful start. When revising the draft for consideration by the Conference of the Parties at its first meeting, the Secretariat should, in collaboration with the Secretariat of GEF, take into account comments made by the Committee, comments received in writing from Governments, and comments invited from the GEF Council. Some representatives expressed the view that the draft memorandum of understanding should include emphasis on the status of GEF as the interim financial mechanism. One representative noted that it would be helpful if the comments received from Governments and subsequent draft of the memorandum of understanding could be included in the process for developing guidance to the financial mechanism.

114. Decision INC-7/10 on the draft memorandum of understanding with the Global Environment Facility is contained in annex I to the present report.

J. Reporting (Article 15)

115. The Committee had before it the documentation on the subject prepared by the Secretariat (see annex VII). Introducing the item, the Secretariat briefly enumerated the contents of the note by the Secretariat (UNEP/POPS/INC.7/19) on the format and timing for reporting under Article 15, and pointed to possible action by the Committee on the item.

116. Many representatives expressed general agreement with the proposed format and timing for reporting, as set out in the Secretariat's note, which was considered to be well balanced and a good basis for decision-making on the subject. Some representatives offered to provide the Secretariat with specific comments to the suggested format contained in annex III of its note, and the Committee agreed that comments received by close of business at the current session would be taken into account in the preparation of a revised draft reporting format. There was general agreement with the recommendations contained in the note by the Secretariat (UNEP/POPS/INC.7/19) on the timing and periodicity for reporting by the Parties pursuant to Article 15 of the Convention.

117. Many representatives supported the proposal to conduct field testing of the draft reporting format, on the understanding that such testing should not be resource-intensive and should be conducted in a variety of countries having different economic conditions.

118. Some representatives questioned why the draft format contained provision for the reporting of current and projected PCDD/PCDF releases, since such reporting was not obligatory. In reply, it was explained that such information was useful in tracking progress in the obligatory reduction of such releases, and a format was provided to enable countries to report such information, where it was available. One representative pointed to the need for technical and financial support to enable countries to measure such releases.

119. Decision INC-7/11 on Party reporting under Article 15 is contained in annex I to the present report.

K. Effectiveness evaluation (Article 16)

120. Introducing the item, the Secretariat pointed to the documentation prepared on the subject (see annex VII) and indicated possible action by the Committee on the item.

121. Several representatives welcomed the progress made in developing guidance on the evaluation of the effectiveness of the Convention and considered the activities listed in paragraph 4 of document UNEP/POPS/INC.7/20 to be a valid programme of work leading up to the first meeting of the Conference of the Parties. However, while such effectiveness evaluation was considered to be a priority task, closely related to the issue of non-compliance, it was cautioned that, for the work to be sustainable, it needed to be simple and cost-effective, making full use of existing programmes and networks, wherever possible, to provide relevant data.

122. Several representatives underlined the need for a proven and approved scientific methodology for a truly global network for monitoring POPs, and one considered that the regional and subregional centres under the Basel Convention could be the focal points for evaluating the work of the regions.

123. One representative asked the Secretariat to include in its report a description of the relationship between environmental monitoring at the national level and efforts at the regional and global levels, as well as on how to define the regions for the effective conduct of global monitoring. Another representative believed that effectiveness evaluation should take into account the outcome of the GEF Regionally Based Assessment of Persistent Toxic Substances.

124. One representative, speaking on behalf of a regional economic integration organization and its member States, said that, while effectiveness evaluation was important, at the current time there were other priorities for the Convention. Moreover, to conduct the evaluation effectively it was first necessary to have an understanding of what information would be available at a later date under existing reporting

requirements, including the elements listed in paragraph 3 of Article 16, and resulting from the development of inventories of sources of dioxins and furans and other POPs.

125. Decision INC-7/12 on effectiveness evaluation is contained in annex I to the present report.

L. Non-compliance (Article 17)

126. In its deliberations, the Committee had before it the documentation on the subject prepared by the Secretariat (see annex VII). Introducing the item, the Secretariat recalled that Article 17 of the Convention stated that a non-compliance mechanism should be developed by the Conference of the Parties as soon as practicable. In its decision INC-6/18, the Committee invited Governments and secretariats of multilateral environmental agreements to submit their views on the issue to the Secretariat. It also requested the Secretariat to submit to the Committee at its seventh session a report including a compilation of the views submitted, a synthesis of those views, and a report on existing non-compliance regimes under other multilateral environmental agreements.

127. A number of representatives considered that the issue of non-compliance called for a global approach, as it was closely linked to other important issues, such as the financial mechanism and the transfer of technology. Since the matter required careful consideration at a policy level, it would be premature to begin to address it at the current session of the Committee and therefore it should be referred to the first meeting of the Conference of the Parties.

128. A number of other representatives, including the representative of a regional economic integration organization, speaking on behalf of its member States, considered that the issue of non-compliance was very important for the current session and for the future. Noting that the negotiation of non-compliance regimes under other multilateral environmental agreements had proven to be a lengthy process, they considered it important to begin to address the establishment of a non-compliance mechanism under the Stockholm Convention at an early stage, if possible during the current session.

129. One representative pointed to the recent establishment of a compliance mechanism under the Basel Convention and stressed the importance of keeping it in mind for the future establishment of a compliance mechanism under the Stockholm Convention.

130. Many representatives said that the issue of compliance was critically important and only full implementation would achieve the objective of the Convention to protect human health and the environment from POPs. They suggested that a compliance procedure would contribute significantly to the effective implementation of the Convention, provide a mechanism to foster common treaty interests and allow for the early identification of challenges encountered by Parties. To resolve such difficulties, a compliance procedure should be designed to formulate the most appropriate response, including the providing of advice and facilitating different types of assistance, such as technical assistance. Bearing that in mind, and the need to facilitate, promote and secure compliance with the Convention, they looked forward to a full and constructive discussion on the issue at the first meeting of the Conference of the Parties.

131. The Committee invited those delegations that wished to conduct an exchange of views on issues of a non-compliance regime to set up an informal group to that end.

M. Settlement of disputes (Article 18)

132. The Committee had before it the documentation on the subject prepared by the Secretariat (see annex VII). Introducing the item, the Secretariat recalled that at the sixth session of the Committee the legal drafting group had considered and agreed the draft rules on conciliation, except for one policy issue, as set out in paragraph 2 of document UNEP/POPS/INC.7/27. At the sixth session of the Committee, the legal drafting group had had insufficient time to consider the draft rules on arbitration.

133. The Committee requested the legal drafting group to consider the draft rules on arbitration as contained in, annex II to document UNEP/POPS/INC.6/22, and report to the Committee on the results of its deliberations.

134. At the suggestion of the Chair of the legal drafting group, the Committee agreed to consider the draft rules on conciliation and arbitration once the legal drafting group had completed its deliberations on the draft rules on arbitration and had reported to plenary on the outcome of its work.

135. The Chair of the legal drafting group introduced a conference room paper containing draft rules of arbitration and draft rules of conciliation. The Committee took note of some minor amendments. It was agreed that the word "interpretation" in article 16 of the rules of arbitration has the same meaning as the word "construction", which appears in some international precedents on dispute settlement.

136. The Committee decided to transmit the draft rules on arbitration and conciliation as contained in annex III to the present report to the first meeting of the Conference of the Parties.

N. Conference of the Parties (Article 19)

137. The Committee had before it the documentation on the subject prepared by the Secretariat (see annex VII).

Draft rules of procedure of the Conference of the Parties and its subsidiary bodies

138. Introducing the item, the Secretariat recalled that the legal drafting group had considered the draft rules of procedure for the Conference of the Parties at the sixth session of the Committee, and had identified several issues which required policy decisions by the Committee. Those issues were identified by footnotes or by square brackets in rule 6 (participation of United Nations, specialized agencies and non-Parties), rule 7 (Participation of other bodies or agencies), rule 22 (Election of officers), rule 31 (Voting in subsidiary bodies), rule 46 (Majority required) and rule 47 (Order of voting on proposals).

139. The Chair of the legal drafting group considered that the group should be given an opportunity to again review the draft rules of procedure to see if the outstanding issues could be resolved, prior to their consideration by the Committee in plenary. A number of representatives supported that view.

140. One representative drew attention to a written draft proposal prepared by his Government concerning the draft rule of procedure on decision-making by the Conference of the Parties.

141. The Committee requested the legal drafting group to review the draft rules of procedure, as contained in annex III to document UNEP/POPS/INC.6/22, and the written proposal submitted by one representative, with a view to clarifying the unresolved issues and reducing the footnotes and square brackets, where possible, on the understanding that any policy issues raised would be referred to the plenary for discussion.

142. Reporting back to the Committee, the Chair of the legal drafting group said that the group had succeeded in resolving a number of the outstanding issues and concerns, and those remaining involved policy issues in rules 6, 7, 22 and 46. Some footnotes had been retained for purposes of facilitating consideration of respective rules by the Conference of the Parties. She reminded the Committee that rule 31 was deleted. If the chair of the POPs Review Committee were to be permitted to vote, the terms of reference of the POPs Review Committee should allow for such an eventuality.

143. The Committee decided to submit the draft rules of procedure for the Conference of the Parties and its subsidiary bodies as contained in annex II to the present report to the first meeting of the Conference of the Parties .

Draft financial rules for the Conference of the Parties, its subsidiary bodies and the Convention secretariat

144. Introducing the item, the Secretariat recalled that the legal drafting group had carried out a first reading of the draft financial rules for the Conference of the Parties at the sixth session of the Committee, had noted some issues for review by the Committee at its seventh session, and had requested the expertise of a Finance Officer in conducting that review.

145. The Committee requested the legal drafting group, using the expertise of the Finance Officer provided, to review the financial rules for the Conference of the Parties, as contained in annex VI to document UNEP/POPS/INC.6/22, with a view to clarifying the unresolved issues and to report to the Committee on the results of its deliberations.

146. The Chair of the legal drafting group, in responding to the Committee, stated that a number of issues and questions, which were raised by the group at the sixth session of the Committee, had been resolved thanks to clarification and additional information provided by the representative of the Secretariat and its financial officer. She said that while the text had been cleared on many points where the issues were resolved, a small number of policy issues remained for further consideration by the Committee or the Conference of the Parties.

147. The Committee decided to submit the draft financial rules for the Conference of the Parties, its subsidiary bodies and the Convention Secretariat contained in annex IV of the present report to the first meeting of the Conference of the Parties.

O. Other issues for consideration by the Conference of the Parties at its first meeting

Location of the Secretariat (resolution 6 of the Conference of Plenipotentiaries)

148. The Committee had before it the documentation on the subject prepared by the Secretariat (see annex VII). Introducing the item, the Secretariat explained that resolution 6 of the Conference of Plenipotentiaries on the Stockholm Convention invited interested countries to provide information on their offers to host the permanent Secretariat of the Convention and requested the interim Secretariat to provide a comparative analysis of those offers to the first meeting of the Conference of the Parties. As of the deadline of 30 November 2002, which had been set by the Committee at its sixth session, offers had been received from the Governments of Germany, Italy and Switzerland.

149. The representatives of Germany, Italy and Switzerland, gave presentations on their countries' offers to host the permanent secretariat of the Stockholm Convention.

150. Decision INC-7/13 on offers to host the permanent Secretariat of the Stockholm Convention is contained in annex I to the present report.

VI. STATUS OF RATIFICATIONS

151. Owing to lack of time, the Committee did not address this agenda item.

VII. OTHER MATTERS

Liability and redress

152. The Secretariat introduced the item, drew the attention of the Committee to the documentation on the subject (see annex VII) and thanked the Government of Austria for its contribution towards the holding of the workshop on the issue.

153. Mr. Gerhard Loibl (Austria) co-chair of the workshop, speaking also on behalf of Ms Iman El-Banhawy (Egypt) thanked the participants for their cooperation and constructive collaboration during the workshop and expressed his gratitude to them for their support in finalizing the report of the workshop.

154. The Committee took note of the report of the workshop.

Committee on Trade and Environment of the World Trade Organization

155. The Committee addressed the issue of the possible participation of the Secretariat as an observer in the special session meetings of the Committee on Trade and Environment of the World Trade Organization. The Committee decided that until the Convention entered into force it would be premature for such a request to be made to the World Trade Organization.

Strategic approach to international chemicals management

156. The Committee addressed the issue of the strategic approach to international chemicals management (SAICM). One representative noted the on-going work by UNEP on this issue and highlighted the relevance of that work to the Stockholm Convention. Concerned that information on the issue was not reaching a broad audience, he requested the Secretariat to consider distributing to all participants of the Committee information received from the conveners of SAICM.

Memorandum of understanding between the World Health Organization and the United Nations Environment Programme

157. The Executive Secretary informed the Committee that a memorandum of understanding had been signed between WHO and UNEP aimed at formalizing and further strengthening coordinated support to malaria endemic countries. Under this memorandum, he said joint efforts would encourage and assist Parties in the development of strategies and national implementation plans, to build capacities for disease vector control, and to meet related obligations of the Convention.

VIII. ADOPTION OF THE REPORT

158. The Committee adopted its report on the basis of the draft report contained in documents UNEP/POPS/INC.7/L.1 and L.1/Add.1 which had been circulated during the meeting, as amended, and on the understanding that finalization of the report would be entrusted to the Rapporteur, working in conjunction with the Secretariat.

IX. CLOSURE OF THE SESSION

159. Following the customary exchange of courtesies, the Chair declared the session closed at 8 p.m. on Friday, 18 July 2003.

Annex I

DECISIONS ADOPTED BY THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR AN INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR IMPLEMENTING
INTERNATIONAL ACTION ON CERTAIN PERSISTENT ORGANIC POLLUTANTS AT
ITS SEVENTH SESSION, HELD IN GENEVA FROM 14 TO 18 JULY 2003

Decision INC-7/1: Budget for 2003 and 2004-2005

The Intergovernmental Negotiating Committee

1. Approves the staffing table and budget for 2003, and for 2004-2005, contained in annex I to the present decision;
2. Urges Governments and others to provide the funding necessary to fully implement the budget for 2003, and for 2004-2005, referred to in paragraph 1 above;
3. Notes that, in the event that insufficient resources are received, the Secretariat will follow the priorities listed in the programme of work and priorities contained in annex II to the present decision;
4. Notes the additional information in the form of a budget breakdown by general costs and outputs and the contributions table contained in annex III to the present decision;
5. Notes that, although the first session of the Conference of the Parties is tentatively planned and budgeted for 2005, its scheduling is determined by the pace of ratification, and agrees that the Secretariat should have the flexibility to shift the meeting if necessary;
6. Requests the Secretariat to develop a cost analysis of each of the proposals forwarded from the Committee to the Conference of the Parties, and to make those analyses available to the first meeting of the Conference of the Parties;
7. Requests the Secretariat to develop a model budget presentation and format for consideration by the first session of the Conference of the Parties. The presentation and format should be developed on the basis of the materials annexed to this decision, and should take into consideration the discussions of the budget group during the present session of the Committee as well as experience gained under other multilateral environmental agreements. It should also address how to provide a clear picture of total costs and revenues, as well as how to appropriately report any distribution of funds between general and special accounts. The Secretariat should circulate an initial draft of such a model to Governments by 31 January 2004 for comments and further input, with the request that Governments provide such comments and input by 30 June 2004.

ANNEX I

PROGRAMME STAFF: 2002 - 2005

Table 1: Programme staff

Staff category and level	2002 actual	2003 budgeted	2003 actual	2004 budget	2005 budget ^{1/}
A. Professional category					
D-1	1.0	1.0	1.0	1.0	1.0
P-5	2.0	2.0	2.0	2.0	2.0
P-4	2.0	3.0	1.0	3.0	3.5
P-3 ^{2/}	0.5	2.5	0.5	2.5	3.5
P-2 ^{3/}	0.1	1.0	1.0	1.0	0.0
Subtotal	5.6	9.5	5.5	9.5	10.0
B. General Service category	3.0	6.0	3.3	5.0	5.5
TOTAL (A + B)	8.6	15.5	8.8	14.5	15.5

^{1/} Further guidance may be provided by COP-1 in light of its deliberations

^{2/} One Finance Officer funded from Programme Support Costs

^{3/} JPO provided by German Government

Table 2: Standard Staff Costs

Staff category and level	2003*	2004 **	2005 ***
A. Professional category			
D-1	151,500	181,300	184,926
P-5	142,500	161,200	164,424
P-4	124,600	139,300	142,086
P-3	104,700	112,600	114,852
P-2	82,300	89,900	91,698
B. General Service category	72,700	74,300	75,786

* 2003 UN Standard Salary Costs for Geneva Version 06

** 2003 UN Standard Salary Costs for Geneva Version 13

*** Increase of 2% of 2004 Standard Salary costs

BUDGET FOR 2004 - 2005

		2002 Expenditure	2003 Budget	Expenditure as at 30.6.2003	Balance ¹	2004 Budget	2005 Budget
1100	Professional Staff						
1101	Total	718,124	1,059,600	595,671	463,930	1,293,000	1,413,057
1200	Consultants						
1201	PCB project	36,137	-	-	-	-	-
1202	NIP Guidelines	20,000	-	-	-	-	-
1203	Pilot Testing of the Clearing House Mechanism	-	-	-	-	-	-
1204	Design and development of information products	-	-	-	-	25,200	50,000
1205	Data collection, editing, formatting, report preparation	-	-	-	-	19,800	40,000
1206	Report editing/writing EGB3 and POPRC1	-	-	-	-	2,500	6,000
1207	Feasibility Study on Regional Centres	-	300,000	-	300,000	-	-
1208	INC Meeting Support	-	55,000	8,766	46,234	-	-
1299	Total	56,137	355,000	8,766	346,234	47,500	96,000
1300	General Service Staff						
1301	Total	230,425	415,443	163,498	251,945	371,500	416,828
	Conference servicing						
1321	INC 6th session	398,674	-	-	-	-	-
1322	INC 7th session	-	400,000	388,804	11,196	-	-
1323	Expert Group on BAT/BEP 1st session	-	40,000	6,157	33,843	-	-
1324	Expert Group on BAT/BEP 2nd session	-	-	-	-	-	-
1325	Expert Group on BAT/BEP 3rd session	-	-	-	-	60,000	-
1326	Conference of the Parties 1st session ^{2/}	-	-	-	-	-	605,000
1327	POPs Review Committee 1st session	-	-	-	-	-	70,000
1399	Total	398,674	440,000	394,961	45,039	60,000	675,000

¹ Budget less expenditures.

² Switzerland has offered to fund COP1 in a developing country (Uruguay).

1600	Travel on official business							
1601	Staff travel	33,020	90,000	22,312	67,688	98,500	98,500	
1699	Total	33,020	90,000	22,312	67,688	98,500	98,500	
1999	Component total	1,436,380	2,360,043	1,185,208	1,174,836	1,870,500	2,699,385	
20 Sub Contract Component								
2100	Sub-contracts (cooperation agencies)							
2101	Prior year adjustment	8,295	-	-	-	-	-	
2199	Total	8,295	-	-	-	-	-	
2200	Sub-contracts (supporting organizations)							
2210	Translation	-	-	-	-	6,000	6,000	
2299	Total	-	-	-	-	6,000	6,000	
2300	Sub-contracts (for commercial purposes)							
2310	Master List	20,000	-	-	-	-	-	
2302	INC 6 misc. costs	20,000	-	-	-	-	-	
2303	Unspecified	-	48,000	-	-	50,000	50,000	
2399	Total	48,295	48,000	-	-	50,000	50,000	
2999	Component Total	48,295	48,000			56,000	56,000	
30 Training Component								
3300	Meetings: participant travel and DSA							
3301	INC 6th Session	397,028	-	-	-	-	-	
3302	INC 7th Session	-	250,000	405,380	-155,380	-	-	
3303	Expert Group on BAT/BEP 1st session	-	60,000	66,158	-6,158	-	-	
3304	Expert Group on BAT/BEP 2nd session	-	-	-	-	-	-	
3305	Expert Group on BAT/BEP 3rd session	-	-	-	-	70,000	-	
3306	Conference of the Parties 1st session 2/	-	-	-	-	-	445,000	
3307	POPs Review Committee 1st session	-	-	-	-	-	80,000	
3308	Other meetings and workshops	-	350,000	-	350,000	-	150,000	
3399	Total	397,028	660,000	471,538	188,462	70,000	675,000	
3999	Component Total	397,028	660,000	471,538	188,462	70,000	675,000	

40 Equipment and Premises Component

4100	Expendable Equipment						
4101	Office equipment: Hardware and Software	8,295	40,000	6,076	33,924	20,000	20,000
4199	Total	8,295	40,000	6,076	33,924	20,000	20,000
4200	Non-expendable equipment						
4201	Office equipment: paper, toner, diskettes, CD-ROMs	13,938	10,000	6,077	3,923	8,500	8,500
4299	Total	13,938	10,000	6,077	3,923	8,500	8,500
4300	Premises (rent)						
4301	Office space, utilities	20,750	45,827	20,750	25,077	47,197	54,000
4399	Total	20,750	95,827	20,750	75,077	47,197	54,000
4999	Component Total	42,983	95,827	32,903	62,924	75,697	82,500

50 Miscellaneous Component

5100	Operation and maintenance of equipment						
5101	Maintenance of office equipment	10,428	30,000	-	30,000	55,190	57,354
5199	Total	10,428	30,000	-	30,000	55,190	57,354
5200	Reporting cost						
5201	Web publishing	-	-	-	-	1,500	1,500
5202	Other electronic media publishing	-	-	-	-	3,000	3,000
5203	Printing costs	20,112	20,000	10,473	9,527	3,000	3,000
5299	Total	20,112	20,000	10,473	9,527	7,500	7,500
5300	Sundry						
5301	Communications: Mailing/Dispatching	25,079	32,135	20,112	12,023	9,000	9,000
5302	Communications: Internet connection	-	25,000	25,079	-79	18,000	18,000
5303	Office supplies	-	-	-	-	1,000	1,000
5399	Total	25,079	57,135	45,191	11,944	28,000	28,000
5400	Hospitality and entertainment						
5401	INC6 briefings, related costs	1,962	2,000	-	2,000	-	-
5499	Total	1,962	2,000	-	2,000	-	-
5999	Component Total	57,581	109,135	55,664	53,471	90,690	92,854

99 TOTAL DIRECT COST	1,982,267	3,273,005	1,745,313	1,479,693	2,162,887	3,605,739
Programme Support Cost (13%)	257,695	425,491	226,891	192,360	281,175	468,746
TOTAL BUDGET	2,239,962	3,698,496	1,972,203	1,672,053	2,444,062	4,074,485
INCOME						
Carry Forward from Prior Year		147,653	-	-	-	-
Interest		0	-	-	-	-
Contributions and pledges received July 2003		2,509,474	-	-	-	-
In kind contribution from UNEP Environment Fund		376,131	-	-	-	-
Other Contributions			-	-	-	-
Contribution from Canadian Fund (Case Studies)		140,000	-	-	-	-
Contribution from the Government of Switzerland for COP		-	-	-	-	P.M.
TOTAL INCOME		3,173,258				

ANNEX II

Programme of work and priorities

The programme of work and priorities for the Secretariat for 2004-2005 comprises the following:

- (a) Ensuring effective functioning of the Conference of the Parties, including:
 - (i) Preparing for and convening sessions of the Conference of the Parties and meetings of any subsidiary bodies that it may establish, including providing legal, policy and technical support and analysis in all aspects of assessment and management of persistent organic pollutants and completing any intersessional work requested by the Conference of the Parties or the Committee prior to the first session of the Conference of the Parties;
 - (ii) Developing draft formats for reporting in pursuance of Convention requirements, for adoption by the Conference of the Parties;
 - (iii) Collecting, compiling and generating data needed for the first meeting of the Conference of the Parties, including information necessary to review the continued need for DDT in disease vector control, evaluating the effectiveness of the Convention and continuing to compile a master list of actions to address POPs; and
 - (iv) Providing support on matters relating to: financing of activities by the interim financial mechanism for the Convention; developing guidance for the financial mechanism established under the Convention, as well as decisions on the institutional structure of the mechanism and a process for its evaluation; and collecting information from relevant funding institutions on ways in which they can support Convention implementation;
- (b) Undertaking activities to assist countries in implementing the Convention, including:
 - (i) Supporting the development and updating of guidance or guidelines on how to estimate releases of unintentionally produced POPs, and on best available techniques and best environmental practices for reducing or eliminating releases from new and existing sources of these pollutants;
 - (ii) Supporting national focal points for the Convention;
 - (iii) Conducting studies requested by the Conference of the Parties or the Committee prior to the first session of the Conference of the Parties, with particular attention to the feasibility study and case studies related to regional centres;
 - (iv) Supporting training and capacity-building activities to assist developing countries and countries with economies in transition in their efforts to develop or strengthen capacities to implement the Convention; and
- (c) Enhancing and operating a clearing-house mechanism for information on POPs by maintaining the existing clearing-house mechanism at a level of activity determined by the Committee or the Conference of the Parties;
- (d) Other activities necessary to support implementation of decisions of the Conference of Plenipotentiaries or the Committee in such areas as coordination with secretariats of other relevant international bodies, including in the development of guidelines for the environmentally sound management of POPs wastes and other activities that may arise from interim work that is or will be conducted under the Stockholm Convention.

ANNEX III

Additional Information: Budget Breakdown by general costs and outputs

A. GENERAL COSTS

(in US dollars)

Item of expenditure	2004	2005
10 Staff Costs	662,400	784,587
12 Consultants	-	6,000
16 Official Travel	32,000	32,000
20 Sub-Contracts	-	-
13 Conference Servicing	-	-
30 Participants Travel	-	15,000
40 Equipment and Premises	47,197	48,000
50 Miscellaneous	62,190	14,354
EXPENDITURE SUBTOTAL	803,787	899,941
<i>Overhead charge</i>	104,492	116,991
TOTAL EXPENDITURE	908,279	1,016,932

B. OUTPUTS

(a) ENSURING EFFECTIVE FUNCTIONING OF THE CONFERENCE OF THE PARTIES

- (i) Preparing for and convening the first session of the Conference of the Parties (organization, documentation and meeting costs) (Priority a (i))

Item of expenditure	2004	2005
<i>Staff Costs</i>	-	-
<i>Consultants</i>	-	-
<i>Official Travel</i>	15,000	30,000
<i>Sub-Contracts</i>	-	-
<i>Conference Servicing</i>	-	605,000
<i>Participants Travel</i>	-	500,000
<i>Equipment and Premises</i>	-	6,000
<i>Miscellaneous</i>	-	50,000
Sub-Total	15,000	1,191,000
Support costs	1,950	154,830
TOTAL	16,950	1,345,830

- (ii) Holding the first meeting of POPRC

Item of expenditure	2004	2005
<i>Staff Costs</i>	-	-
<i>Consultants</i>	-	-
<i>Official Travel</i>	-	-
<i>Sub-Contracts</i>	-	-
<i>Conference Servicing</i>	-	70,000
<i>Participants Travel</i>	-	80,000
<i>Equipment and Premises</i>	-	-
<i>Miscellaneous</i>	-	-
Sub-Total	-	150,000
Support costs	-	19,500
TOTAL	-	169,500

- (iii) Collecting, compiling and generating data needed for the first meeting of the Conference of the Parties including information necessary to review the continued need for DDT in disease vector control, evaluate the effectiveness of the Convention, continue to compile a master list of actions to address persistent organic pollutants, develop reporting formats, etc.
(Priority a (ii) and a (iii))

Item of expenditure	2004	2005
<i>Staff Costs</i>	357,900	273,362
<i>Consultants</i>	-	-
<i>Official Travel</i>	-	-
<i>Sub-Contracts</i>	-	-
<i>Conference Servicing</i>	-	-
<i>Participants Travel</i>	-	-
<i>Equipment and Premises</i>	-	-
<i>Miscellaneous</i>	-	-
<i>Sub-Total</i>	357,900	273,362
Support costs	46,527	35,537
TOTAL	404,427	308,899

- (iv) Providing support on matters relating to: financing of activities by the interim financial mechanism for the Convention; developing guidelines to the financial mechanism established under the Convention, as well as decisions on the institutional structure of the mechanism and a process for its evaluation; and collecting information from relevant funding institutions on ways in which they can support Convention implementation
(Priority a (iv))

Item of expenditure	2004	2005
<i>Staff Costs</i>	88,225	89,989
<i>Consultants</i>	-	-
<i>Official Travel</i>	5,000	5,000
<i>Sub-Contracts</i>	-	-
<i>Conference Servicing</i>	-	-
<i>Participants Travel</i>	-	-
<i>Equipment and Premises</i>	-	-
<i>Miscellaneous</i>	-	-
<i>Sub-Total</i>	93,225	94,989
Support costs	12,119	12,349
TOTAL	105,344	107,338

(b) UNDERTAKING ACTIVITIES TO ASSIST COUNTRIES IN IMPLEMENTING THE CONVENTION

- (i) Supporting the development of guidance or guidelines on how estimate releases of unintentionally produced persistent organic pollutants, and on best available techniques and best environmental practices for reducing or eliminating releases from new and existing sources of these pollutants (Priority b (i))

Item of expenditure	2004	2005
<i>Staff Costs</i>	176,450	179,979
<i>Consultants</i>	-	-
<i>Official Travel</i>	10,000	10,000
<i>Sub-Contracts</i>	-	-
<i>Conference Servicing</i>	-	-
<i>Participants Travel</i>	-	20,000
<i>Equipment and Premises</i>	-	-
<i>Miscellaneous</i>	-	-
<i>Sub-Total</i>	186,450	209,979
Support costs	24,239	27,297
TOTAL	210,689	237,276

- (ii) Holding 3rd meeting of BAT/BEP Expert Group (Priority b (i))

Item of expenditure	2004	2005
<i>Staff Costs</i>	-	-
<i>Consultants</i>	-	-
<i>Official Travel</i>	15,000	-
<i>Sub-Contracts</i>	-	-
<i>Conference Servicing</i>	60,000	-
<i>Participants Travel</i>	70,000	-
<i>Equipment and Premises</i>	-	-
<i>Miscellaneous</i>	-	-
<i>Sub-Total</i>	145,000	-
Support costs	18,850	-
TOTAL	163,850	-

- (iii) Support training and capacity building activities to assist developing countries and countries with economies in transition in their efforts to develop or strengthen capacities to implement the Convention, supporting national focal points. (Priority b (ii) and b (iv))

Item of expenditure	2004	2005
<i>Staff Costs</i>	149,750	152,745
<i>Consultants</i>	-	-
<i>Official Travel</i>	10,000	10,000
<i>Sub-Contracts</i>	-	-
<i>Conference Servicing</i>	-	-
<i>Participants Travel</i>	-	60,000
<i>Equipment and Premises</i>	-	-
<i>Miscellaneous</i>	-	-
<i>Sub-Total</i>	159,750	222,745
Support costs	20,768	28,957
TOTAL	180,518	251,702

- (iv) Conducting studies requested by the Conference of the Parties or the Committee prior to the first session of the Conference of the Parties (Priority b (iii))

Item of expenditure	2004	2005
<i>Staff Costs</i>	-	-
<i>Consultants</i>	-	-
<i>Official Travel</i>	-	-
<i>Sub-Contracts</i>	50,000	50,000
<i>Conference Servicing</i>	-	-
<i>Participants Travel</i>	-	-
<i>Equipment and Premises</i>	-	-
<i>Miscellaneous</i>	-	-
<i>Sub-Total</i>	50,000	50,000
Support costs	6,500	6,500
TOTAL	56,500	56,500

- (c) DEVELOP AND OPERATE THE CLEARING HOUSE MECHANISM

Operating an enhanced clearinghouse mechanism for information on POPs (Priority c)

Item of expenditure	2004	2005
<i>Staff Costs</i>	130,600	248,064
<i>Consultants</i>	47,500	90,000
<i>Official Travel</i>	1,500	1,500
<i>Sub-Contracts</i>	6,000	6,000
<i>Conference Servicing</i>	-	-
<i>Participants Travel</i>	-	-
<i>Equipment and Premises</i>	28,500	28,500
<i>Miscellaneous</i>	28,500	28,500
<i>Sub-Total</i>	242,600	402,564
Support costs	31,538	52,333
TOTAL	274,138	454,897

(d) OTHER ACTIVITIES INCLUDED IN THE ABOVE PROGRAMME OF WORK, INCLUDING COORDINATION WITH OTHER RELEVANT BODIES

Coordinating with secretariats of other relevant international bodies, including in the development of guidelines for the environmentally sound management of persistent organic pollutant wastes and other activities that may arise from interim work that is or will be conducted under the Stockholm Convention (Priority d)

Item of expenditure	2004	2005
<i>Staff Costs</i>	99,175	101,159
<i>Consultants</i>	-	-
<i>Official Travel</i>	10,000	10,000
<i>Sub-Contracts</i>	-	-
<i>Conference Servicing</i>	-	-
<i>Participants Travel</i>	-	-
<i>Equipment and Premises</i>	-	-
<i>Miscellaneous</i>	-	-
<i>Sub-Total</i>	109,175	111,159
Support costs	14,193	14,452
TOTAL	123,368	125,611

TOTAL OUTPUTS	1,535,783	3,057,553
TOTAL GENERAL	908,279	1,016,932
TOTAL BUDGET	2,444,062	4,074,485

INCOME FOR POP NEGOTIATIONS 2003
As at 18 July 2003

Country	Pledge	Equivalent in US\$	Receipt	Unpaid Balance
Australia	AUS\$27,500	18,000	0	18,000
Belgium	US\$150,000	150,000	0	150,000
Canada	CAN\$115,000	77,591	77,591	
Denmark	DKK100,000	14,838	14,838	0
Germany	EUR 164,000	183,354	0	183,354
Germany (JPO Arlt)	US\$176,180	176,180	95,094	81,086
Iceland	US\$12,000	12,000	12,000	0
Inuit Circumpolar Conference	CAN\$1,000	710	0	710
Italy	EUR 250,000	289,550	0	289,550
Italy	US\$200,000	200,000	0	200,000
Jamaica	US\$1000	1,000	0	1,000
Mozambique	US\$2,000	2,000	0	2,000
Netherlands	EUR 90,756	99,332	99,332	0
Norway	NOK350,000	51,992	51,992	0
Norway	NOK 200,000	27,000	0	27,000
Sweden	SEK500,000	63,012	63,012	0
Sweden	SEK 300,000	37,340	0	37,340
Switzerland	US\$200,000	200,000	200,000	0
Switzerland	US\$60,000	60,000	0	60,000
Switzerland	CHF50,000	36,700	0	36,700
UK	£50,000	78,875	78,875	0
USA	US\$105,000	105,000	0	105,000
USA	US\$625,000	625,000	0	625,000
TOTAL in US\$		2,509,474	692,734	1,816,740

Decision INC-7/2: DDTThe Intergovernmental Negotiating Committee

1. Notes the draft format contained in the annex I to document UNEP/POPS/INC.7/3 for reporting by each Party that uses DDT for disease vector control;
2. Notes the draft questionnaire contained in annex II to document UNEP/POPS/INC.7/4 for reporting by each Party that uses, produces, imports and/or exports DDT for disease vector control;
3. Requests the Secretariat, in cooperation with the World Health Organization, to:
 - (a) Conduct field tests of the format referred to in paragraph 1 above and the questionnaire referred to in paragraph 2 above, in countries that use DDT for disease vector control;
 - (b) Consult with experts in forms design regarding how the format and the questionnaire could be modified to be more efficient and effective in collecting the required information;
 - (c) Develop a modified format and questionnaire taking into account the results of subparagraphs (a) and (b) above;
 - (d) Submit the modified format and questionnaire to the first meeting of the Conference of the Parties for its consideration and possible adoption, with any amendments;
4. Invites Parties that use, produce, import, export and/or maintain stocks of DDT to provide information on such activities using the draft format and questionnaire above to the Secretariat not later than six months before the first meeting of the Conference of the Parties;
5. Requests the Secretariat to collect such information from Parties and other relevant information and to prepare a report to assist the Conference of the Parties in evaluating at its first meeting the continued need for DDT for disease vector control;
6. Invites the World Health Organization and relevant countries to participate actively in the work referred to in paragraph 5 above and in any other manner in which they may support the Conference of the Parties in evaluating the continued need for DDT for disease vector control;
7. Decides to submit to the Conference of the Parties, for possible consideration at its first meeting, the possible initial list of information items needed for its evaluation of the continued need for DDT for disease vector control as required under paragraph 6 of part II of Annex B of the Convention that is contained in annex I to UNEP/POPS/INC.7/4.

Decision INC-7/3: Specific exemptionsThe Intergovernmental Negotiating Committee

1. Decides to submit the following to the Conference of the Parties for consideration and possible decision at its first meeting:
 - (a) The possible format for country reporting for requesting an extension of a specific exemption contained in annex I to the present decision;
 - (b) The possible options for the review process for entries in the register of specific exemptions contained in annex II to the present decision;

(c) The draft format for a register of specific exemptions contained in annex III to the present decision;

2. Requests the Secretariat to establish a provisional register following the format referred to in subparagraph 1 (c) above until such time as a decision is taken by the Conference of the Parties on the format of the register.

ANNEX I

**POSSIBLE FORMAT FOR COUNTRY REPORTING FOR REQUESTING AN EXTENSION OF A
SPECIFIC EXEMPTION**

General information:

- 1) Information on National Focal Point of the Stockholm Convention in the nominating Party:

Name: _____
 Institution: _____
 Address: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

- 2) Contact information for nominating Party:

Name of contact person: _____
 Ministry: _____
 Address: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

- 3) Date of request for exemption: _____ (day/month/year)

- 4) Date of expiration of exemption: _____ (day/month/year)

- 5) Identity of substance:

Common name: _____
 Chemical name: _____
 CAS number: _____

- 6) Type of chemical (pesticide, industrial chemical, intermediate):

- 7) Justification for the exemption: _____

- 8) Existing national regulatory controls:

- 9) Information on existing stockpiles of industrial chemicals and pesticides
- ¹⁾
- :

Quality: _____ Quantity (in kg): _____
 Quality: _____ Quantity (in kg): _____

- 10) Monitoring and inspection activities:

¹⁾ For pesticides quantities should be reported as active ingredient.

Information for requests concerning production:

11) Name of company(ies) / institution(s) authorized to produce:

- a) _____
- b) _____
- c) _____

Company / Facility	Production site(s)	Type of production (incl. formulation)	Commercial name(s) of product(s)	Envisaged annual production volume (in kg, active ingredient for pesticides)	Quality of the technical product (purity degree; impurities)	Expected duration of production	Estimated releases of the substance and other POPs into:			Category of persons exposed to the product
							Air	Water	Waste	
a)										
b)										
c)										

12) Export information:

Country of destination: _____ Volume / Quantity: _____ Product/Formulation information: _____
 Country of destination: _____ Volume / Quantity: _____ Product/Formulation information: _____

13) Applied and planned administrative and other control measures to prevent illegal production (e.g. specific permit system, recording of production):

14) Applied and planned administrative and other control measures to eliminate or reduce releases of the substances and other POPs (e.g. specific permit system):

15) Other measures that will be taken during the exemption period to limit the risks to health and the environment:

Information for requests concerning use (information to be provided for all intended uses):

16) Use for which exemption is requested: _____

17) Name if company(ies) / institution(s) authorized to use the substance: _____

18) Envisaged quantity (kg/year): _____

19) Country of origin: _____

20) Source and quality of substance or formulated product (e.g. percentage of POP, formulation type):

21) Importance of specific use to society, including consequences of not making use of the requested exemption:

22) Information on use: _____

(a) For pesticides:

Target organism: _____

Routine applications: YES: _____ NO: _____

Emergency applications: YES: _____ NO: _____

Application technique: _____

Anticipated frequency: _____

Application amount (e.g. kg a.i. per hectare): _____

Envisaged areas to be treated (in ha.) _____

(b) For industrial chemicals

(c) For intermediates:

Site of processing plant: _____

23) Category of persons exposed to the product:

Workers

Public

Consumers

Other: _____

24) Control measures to prevent or minimize environmental release, including measures to prevent illegal use and efficacy and efficiency information of release prevention controls:

25) Intended steps to minimize use, including activities for development and introduction of non-POPs alternatives:

26) (a) Information on alternatives and substitutes:

Alternative (incl. alternative methods)	Efficacy	Accessibility	Technical and economical feasibility	Regulatory status of the alternative	Reasons for not using alternatives

(b) Information on measures which could facilitate the withdrawal of the exemption.

27) Waste and disposal implications:

Management of contaminated material: _____

Costs: _____

28) Other measures that will be taken during the exemption period to limit the risks to health and the environment:

ANNEX II

POSSIBLE REVIEW PROCESS FOR ENTRIES IN THE REGISTER OF SPECIFIC EXEMPTIONS

Pursuant to paragraph 6 of article 4 of the Stockholm Convention on Persistent Organic Pollutants the review process for entries in the Register of Specific Exemptions will be as follows:

(a) A Party may submit a request for an extension of an entry in the Register by submitting a report to the Secretariat justifying its continuing need for registration of the exemption. The extension request report shall be submitted at least 12 months before the meeting of the Conference of Parties that takes place before the expiry date.¹

(b) The Secretariat shall circulate the extension request report to all Parties [and observers]² at least 11 months before the meeting of the Conference of Parties and request that they submit other available information relevant to the report, [as far as possible in the English language] at least 6 months before the meeting of the Conference of Parties.

(c) The Secretariat shall collect, translate as necessary, and submit all available information together with the extension request report to a [group of experts which is to be established by the Conference of Parties³] [and] [to all Parties], at least 5 months before the meeting of the Conference of the Parties.

[(d) The group of experts should meet at least 4 months before the meeting of the Conference of Parties to review the extension request report and any other available information relevant to it and develop recommendations to the Conference of Parties, taking into consideration technological and economic aspects including availability of alternatives and emissions control options. Wherever possible, consensus should be reached within the group on the final recommendation. If all endeavours for consensus fail, the different views shall be outlined in detail in a report to the Conference of the Parties.

(e) The Secretariat shall circulate the recommendation and any report of the group to all Parties [and observers] not later than 3 months before the meeting of the Conference of Parties.

(f) The Conference of Parties shall decide at its meeting on the request for an extension of an entry in the Register, prior to the expiry date of the entry.⁴

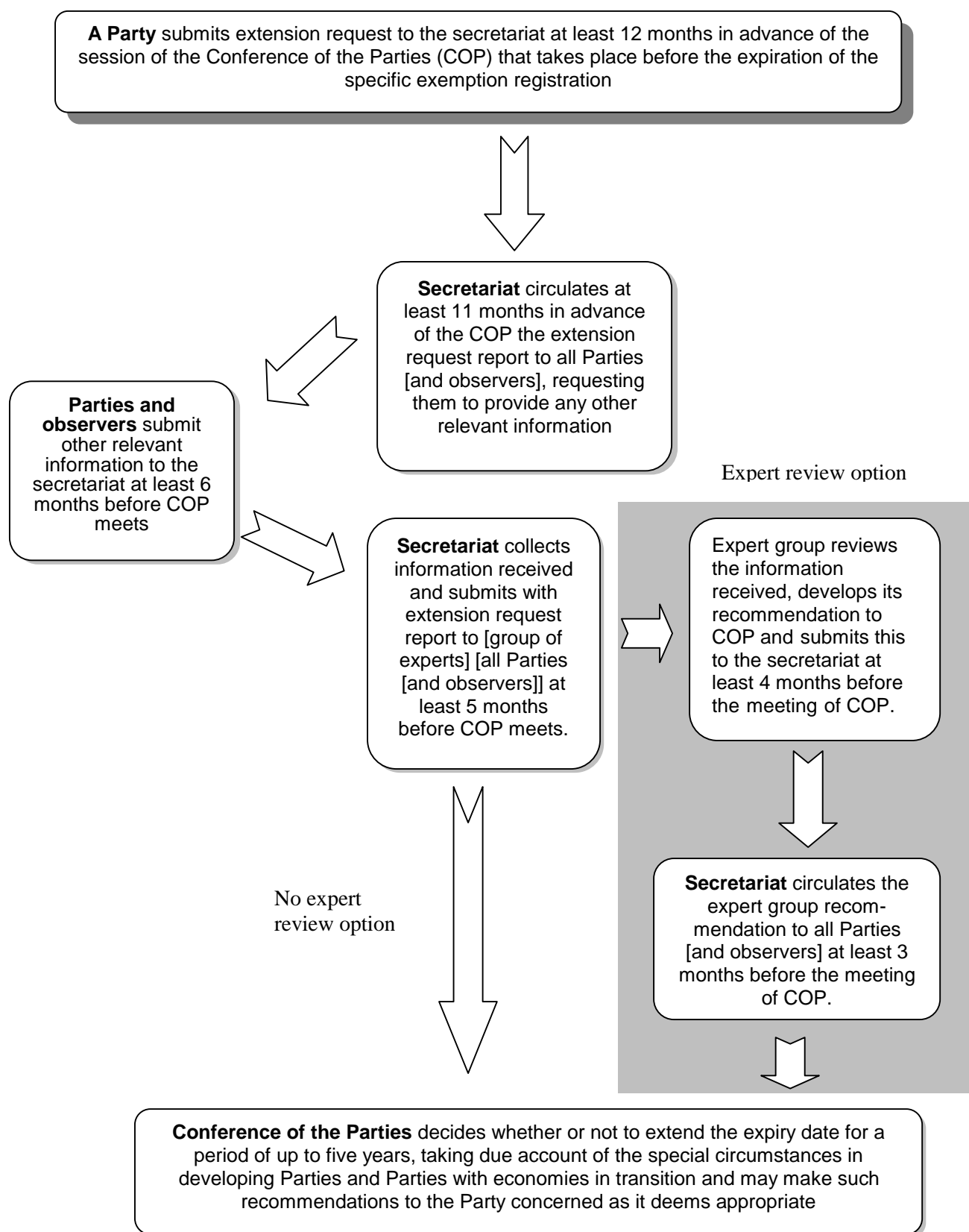
¹ Proposals for information items required in a Party's report justifying the continuing need for an exemption included: first, the type of exemption; second, the time period needed for the exemption; third, maximum quantities of the substance to be produced and used; fourth, the reason behind the application for the extension; fifth, an evaluation of possibilities to limit the existing exemption; sixth, an evaluation of alternatives (costs, environmental risk, technical feasibility and accessibility); seventh, a plan for phasing out the exemption; and, eighth, the suggestion that Annex F to the Convention, on information on socio-economic considerations, provided a good model for the types of information that should be provided in the country reports justifying the need for a specific exemption.

² Observers include Intergovernmental Organizations, Non-Governmental Organizations and Governments that are not parties to the Convention.

³ It was suggested that the Persistent Organic Pollutants Review Committee with any additional experts could also perform the function of a group of experts to review an extension request report and other available relevant information. This option could affect the timing of the process.

⁴ Different views were expressed regarding criteria for justifying extensions: first, criteria should be developed based on the experience and deliberations of the Conference of the Parties; second, criteria applied under the Montreal Protocol for the evaluation of essential use (included in UNEP/POPS/INC.6/4) should be used as the basis; third, proposals for specific criteria that would be required included: (a) use is necessary for health and safety [and essential for the functioning of society (including cultural and intellectual aspects)]; (b) there are no technically and economically feasible alternatives available that are acceptable from the standpoint of human health and environment; (c) all economically viable measures are taken to reduce the essential use to the minimum and any production or use are carried out in a manner that prevents or minimizes human exposure and release into the environment; (d) production exemptions would be justified only if the substance cannot be obtained in sufficient quantity and quality from the

Figure 1: Possible review process for entries in the Register of Specific Exemptions



reserves of existing or recycled stocks; and (e) Parties that have their exemptions extended should ensure that adequate legislative and administrative procedures are set so that the Government can control the production and use operations and should have to keep a record of the operations.

ANNEX III

REVISED DRAFT FORMAT OF THE REGISTER OF SPECIFIC EXEMPTIONS

Chemical	Activity	Specific exemption	Party	Expiry date	Remarks ¹
Aldrin CAS No: 309-00-2	Use	Local ectoparasiticide	<i>(Country name)</i>	<i>(Date)</i>	
		Insecticide	<i>(Country name)</i>	<i>(Date)</i>	
Chlordane CAS No: 57-74-9	Production	As allowed for Parties listed in the Register	<i>(Country name)</i>	<i>(Date)</i>	
	Use	Local ectoparasiticide	<i>(Country name)</i>	<i>(Date)</i>	
		Insecticide	<i>(Country name)</i>	<i>(Date)</i>	
		Termiticide	<i>(Country name)</i>	<i>(Date)</i>	
		Termiticide in buildings and dams	<i>(Country name)</i>	<i>(Date)</i>	
		Termiticide in roads	<i>(Country name)</i>	<i>(Date)</i>	
Additive in plywood adhesives	<i>(Country name)</i>	<i>(Date)</i>			
DDT ² CAS No: 50-29-3	Production	Intermediate in production of dicofol	<i>(Country name)</i>	<i>(Date)</i>	
		Intermediate	<i>(Country name)</i>	<i>(Date)</i>	
	Use	Production of dicofol	<i>(Country name)</i>	<i>(Date)</i>	
			<i>(Country name)</i>	<i>(Date)</i>	
		Intermediate	<i>(Country name)</i>	<i>(Date)</i>	

¹ The remarks column may be used to specify the reason for exemptions; further limitations in the scope of the specific exemption to be applied by the Party (e.g. area, timing and techniques of applications as well as target organisms in the case of pesticides); expected emissions from production; whether intermediates are to be further processed on or off-site; degree of purity of the chemical with type of impurities; and estimated quantity required per year. The number of extensions to the specific exemption that have been granted to a particular Party.

² Production and use of DDT for the acceptable purpose of disease vector control in accordance with part II of Annex B are registered in a separate DDT register.

Chemical	Activity	Specific exemption	Party	Expiry date	Remarks ¹
Dieldrin CAS No: 60-57-1	Use	In agricultural operations	(Country name)	(Date)	
Heptachlor CAS No: 76-44-8	Use	Termiticide	(Country name)	(Date)	
		Termiticide in structures of houses	(Country name)	(Date)	
		Wood treatment	(Country name)	(Date)	
		In use in underground cable boxes	(Country name)	(Date)	
Hexachloro-benzene CAS No: 118-74-1	Production	As allowed for the Parties listed in the Register	(Country name)	(Date)	
	Use	Intermediate	(Country name)	(Date)	
		Solvent in pesticide	(Country name)	(Date)	
		Closed system site limited intermediate ³	(Country name)	(Date)	
Mirex CAS No: 2385-85-5	Production	As allowed for the Parties listed in the Register	(Country name)	(Date)	
	Use	Termiticide	(Country name)	(Date)	

³ This request may be covered by note (iii) to Annex A.

Decision INC-7/4: Exempted useThe Intergovernmental Negotiating Committee

Noting that a key measure of the Convention is the elimination or reduction in the production and use of chemicals listed in Annex A or Annex B,

Noting also that on becoming a party to the convention, a Party may register for one or more types of specific exemptions listed in Annex A or B, but that a Party must request an extension of the exemption within 5 years should it wish to continue with the specified use,

Recognizing that some exempted uses pose unique challenges that will take time and innovation to overcome,

Noting the need for a streamlined and efficient formal exemption review process,

Acknowledging the work done by the Secretariat in preparing a draft procedure and a form as a means of documenting the exemption and evaluation process,

1. Encourages Parties to pursue voluntary initiatives to support, collaborate, and undertake work that will help reduce and eliminate the exempted use of POPs chemicals;
2. Encourages Parties with specific exemptions to take early steps to exchange information, seek technical assistance where appropriate, and by sharing information avoid duplication of effort;
3. Urges and encourages Parties with capacities to assist those with limited capabilities, wherever appropriate;
4. Requests that the Secretariat, where possible, identify needs and possible case studies on exempted uses utilizing appropriate mechanisms.

Decision INC-7/5: Standardized toolkit for identification and quantification of dioxin and furan releasesThe Intergovernmental Negotiating Committee:

1. Notes of the revised standardized toolkit for identification and quantification of dioxin and furan releases (Toolkit), as contained in document UNEP/POPS/INC.7/INF/14, as the guidance for undertaking release reporting pursuant to Article 5 and Annex C of the Convention;
2. Invites Governments and others to submit to the Secretariat, by 31 March 2004, their additional comments on the Toolkit, as well as information and methodologies on other chemicals under Article 5 and Annex C of the Convention;
3. Requests the Secretariat, taking into account the comments and information received, to prepare and issue a revised version of the Toolkit for submission to the first meeting of the Conference of the Parties. The revised Toolkit should be made available prior to the meeting of the Conference of the Parties, in sufficient time to allow for its adequate consideration;
4. Also requests the Secretariat to develop, for consideration by the first meeting of the Conference of the Parties, a proposal for the ongoing review and updating of the Toolkit.

Decision INC-7/6: Technical guidelines on the environmentally sound management of persistent organic pollutant wastes

The Intergovernmental Negotiating Committee

1. Notes of the progress made in the preparation of the technical guidelines on the environmentally sound management of persistent organic pollutant wastes under the Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal;
2. Requests the Secretariat to contribute actively with a view to expediting and facilitating the work involved in the process;
3. Encourages Governments and other interested stakeholders to participate actively in the development of the guidelines through their representatives in the Open-ended Working Group of the Basel Convention;
4. Urges the Basel Convention's Open-ended Working Group and the Conference of the Parties to the Basel Convention to complete their work on the guidelines before the first meeting of the Conference of the Parties to the Stockholm Convention.

Decision INC-7/7: Development of interim guidance to assist countries in the preparation of national implementation plans and guidance for reviewing and updating national implementation plans

The Intergovernmental Negotiating Committee,

Reaffirming the need for guidance that is flexible and non-prescriptive, and that takes into account the different situations, needs and experiences of countries,

1. Endorses the interim guidance provided in UNEP/POPS/INC.7/INF/20;
2. Invites Governments, in particular those with experience in using the interim guidance to prepare national implementation plans, and other relevant organizations to provide their comments to the Secretariat by 30 September 2003;
3. Requests the Secretariat to prepare by 31 December 2003, based on those comments, revised interim guidance;
4. Requests the Secretariat to submit a revised version of the interim guidance document for consideration by the Conference of the Parties at its first meeting;
5. Notes the elements of guidance relevant to the review and updating of national implementation plans required under Article 7 of the Stockholm Convention outlined in paragraph 3 of document UNEP/POPS/INC.7/10;
6. Requests the Secretariat to develop, for consideration and possible decision by the Conference of the Parties at its first meeting, draft guidance for a review and updating process that could be triggered by major changes in national circumstances, changes in obligations under the Convention, or if the existing plans proved to be insufficient during practice.

Decision INC-7/8: Technical assistanceThe Intergovernmental Negotiating Committee

1. Notes the list of some common elements of technical assistance needs and priorities provided in the annex to the present decision;
2. Invites Governments, when developing their implementation plans as called for in Article 7 of the Convention, to identify areas and issues in addition to those in the annex to the present decision for which they may require technical assistance, and to transmit this information to the Secretariat, by 31 December 2004;
3. Requests the Secretariat to prepare draft guidance pursuant to paragraphs 3 of Article 12 of the Convention, taking into account the information provided in document UNEP/POPS/INC.7/13, the comments received pertaining to technical assistance provided in document UNEP/POP/INC.7/INF/16, comments provided by the Committee at its seventh session and any further comments received from Governments including in response to paragraph 2 above, for consideration and possible decision by the Conference of the Parties at its first meeting;
4. Notes the terms of reference for the feasibility study on the regional and subregional centres of the Stockholm Convention on Persistent Organic Pollutants as contained in the annex to document UNEP/POPS/INC.7/14;
5. Requests the Secretariat to present a report on the results of the study to the Conference of the Parties at its first meeting;
6. Requests the Secretariat to present a report on the case studies on Stockholm Convention regional and subregional centres to the Conference of the Parties at its first meeting;
7. Notes the desirability of including one centre per region in the case studies on regional and subregional centres, subject to the availability of financial resources;
8. Notes that the Secretariat will undertake the feasibility study referred to in paragraph 4 above as well as the case studies referred to in paragraph 6 above subject to receipt of funds.

ANNEX

Some common elements of technical assistance needs and priorities

- (a) Development of national implementation plans as called for in Article 7 of the Convention;
- (b) Review of available infrastructure, capacity and institutions at the national and local levels, and the potential to strengthen them in light of the Convention;
- (c) Training for decision makers, managers and personnel who are responsible for issues related to the Convention in:
 - (i) Persistent organic pollutants (POPs) identification;
 - (ii) Technical assistance needs identification;
 - (iii) Project proposal writing;
 - (iv) Legislation development and enforcement;
 - (v) POPs inventory development;
 - (vi) Risk assessment and management of PCBs, dioxins and furans;
- (d) Development and strengthening of research capacity at the national, subregional and regional levels:
 - (i) Development and introduction of alternatives to POPs;
 - (ii) Training of technical personnel;
- (e) Development and establishment of laboratory capacity, including promotion of standard sampling and analysis procedures for the validation of inventories;
- (f) Development, implementation and enforcement of regulatory controls and incentives for the sound management of POPs;
- (g) Identification and disposal of POPs wastes, including technology transfer for the destruction of such wastes;
- (h) Identification and promotion of best available techniques and best environmental practices;
- (i) Identification and remediation of POPs-contaminated sites;
- (j) Promotion of awareness-raising and information-dissemination programmes;
- (k) Identification of the obstacles and barriers that exist in the transfer of technology and identification of the means to overcome them.

Decision INC-7/9: Financial mechanismThe Intergovernmental Negotiating Committee:

1. Requests the Global Environmental Facility to note the view of the Intergovernmental Negotiating Committee that eligibility for financial support for activities under the Stockholm Convention on Persistent Organic Pollutants should follow the following principles:
 - (a) Support should be available to developing countries and countries with economies in transition that are Parties;
 - (b) However, for enabling activities developing countries and countries with economies in transition that are signatories or in the process of becoming Parties should also be eligible;
 - (c) In considering paragraphs (a) and (b) above, developing countries and countries with economies in transition are those countries which are eligible according to current Global Environment Facility criteria;
2. Welcomes the strategic priorities for persistent organic pollutants identified in the Global Environment Facility strategic business plan for 2004-2006 as set out in paragraph 5(b) of UNEP/POPS/INC.7/17;
3. Requests the Global Environment Facility to maintain the focus of actions on the obligations of the Convention and the priorities identified in national implementation plans;
4. Initiates the process defined in the annex to the present decision to prepare, for consideration and decision at the first meeting of the Conference of the Parties, the draft guidance to the financial mechanism required under paragraph 7 of Article 13 of the Stockholm Convention;
5. Notes the elements of the terms of reference for the review of the financial mechanism under paragraph 8 of Article 13 of the Convention provided in paragraph 3 of document UNEP/POPS/INC.7/24, as amended by the Committee;
6. Requests Governments and observers to provide additional comments on these elements to the Secretariat by 31 December 2003;
7. Requests the Secretariat, in consultation with the Secretariat of the Global Environment Facility, taking into account the comments received in response to paragraph above, to develop draft terms of reference for the review of the financial mechanism for consideration and possible decision by the Conference of the Parties at its first meeting.

ANNEX

Process for developing guidance to the financial mechanism

1. The Committee decides to establish an open-ended Working Group on the financial mechanism to prepare the draft guidance required under paragraph 7 of Article 13 of the Convention for consideration by the Conference of the Parties at its first meeting. The Working Group will be open to POPs related intergovernmental organizations, industry and non-governmental organizations in accordance with the rules of the Economic and Social Council. The output of the Working Group shall take the form of a draft decision on items listed in paragraph 7 of Article 13.
2. The Working Group shall start its work on the basis of a paper to be prepared by the Secretariat by 31 October 2003 in close cooperation with the Secretariat of the Global Environment Facility and drawing on the experience of international organizations active in the field of chemicals management, as well as the Secretariats of the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change and the Montreal Protocol on Substances that Deplete the Ozone Layer.
3. Members of the Working Group shall provide comments on the initial paper through electronic and other means by 28 February 2004 to enable the Secretariat to prepare a revised paper by 31 May 2004. Such comments shall be posted on the Stockholm Convention web site. This will then be circulated for further comments by 30 September 2004.
4. Depending on the degree of consensus on the revised paper, further rounds of consultation may be required. A document on the results of the Working Group until that time shall be distributed in all languages of the United Nations at least six weeks before the first meeting of the Conference of the Parties.
5. After the electronic consultation phase, subject to available funding, there may be a face-to-face meeting of the Working Group, the time and venue of which will be decided by the Working Group.
6. The Committee invites countries and organizations that are in a position to do so to provide funding for the activities of the Working Group, including assistance to enable representatives of developing countries and countries with economies in transition to participate in the work of the Group.

Decision INC-7/10. Draft memorandum of understanding with the Global Environment FacilityThe Intergovernmental Negotiating Committee:

1. Notes the draft memorandum of understanding between the Conference of the Parties of the Stockholm Convention and the Council of the Global Environment Facility contained in the annex to document UNEP/POPS/INC.7/16;
2. Invites Governments to provide comments on the draft memorandum to the Secretariat by 31 December 2003;
3. Invites the Council of the Global Environment Facility to provide any comments on the draft memorandum of understanding to the Secretariat by 31 December 2003.
4. Requests the Secretariat, in collaboration with the Secretariat of the Global Environment Facility, to:
 - (a) Prepare a revised draft memorandum of understanding taking into account the comments received from Governments and the Council of the Global Environment Facility in response to paragraphs 2 and 3 above, respectively;
 - (b) Submit the revised draft to the Conference of the Parties for possible consideration and decision at its first meeting.
 - (c) Submit the revised draft to the Council of the Global Environment Facility for possible consideration and decision.

Decision INC-7/11: Party reporting under Article 15The Intergovernmental Negotiating Committee

1. Notes the draft model format contained in annex III to document UNEP/POPS/INC.7/19 and the comments submitted to the Committee at its seventh session;
2. Requests the Secretariat to revise the draft model format in the light of those comments and to field test it and to submit a report on the experience to the Conference of the Parties at its first meeting;
3. Invites Governments to volunteer for such field tests in order to minimize budget implications;
4. Further requests the Secretariat to submit to the Conference of the Parties at its first meeting for possible consideration and decision a revised draft model format that takes into account the experience gained from the field test.

Decision INC-7/12: Effectiveness evaluation

The Intergovernmental Negotiating Committee

1. Notes the progress report on Secretariat activities in response to Committee decision INC-6/17 contained in the annex to document UNEP/POPS/INC.7/20;
2. Confirms the need to provide comparable data on the chemicals listed in Annexes A, B and C of the Stockholm Convention on Persistent Organic Pollutants, and requests the Secretariat and countries to continue to focus on actions that would most effectively contribute to the effectiveness evaluation;
3. Requests the Secretariat, taking into account the comments given by the Committee at its seventh session, to prepare a report on effectiveness evaluation of the Stockholm Convention, including possible arrangements, for consideration and decision by the Conference of the Parties at its first meeting, in order to provide the Conference of the Parties with comparable monitoring data on the presence of the chemicals listed in Annexes A, B and C as well as their regional and global transport.

Decision INC-7/13: Offers to host the permanent Secretariat of the Stockholm Convention

The Intergovernmental Negotiating Committee

1. Welcomes the offers to host the permanent Secretariat of the Stockholm Convention by the Governments of Germany, Italy and Switzerland including the detailed information associated with these offers provided by these Governments in documents UNEP/POPS/INC.7/INF/3, UNEP/POPS/INC.7/INF/5, and UNEP/POPS/INC.7/INF/4, respectively;
2. Decides to submit to the Conference of the Parties for possible consideration at its first meeting the offers and detailed information associated with them referred to in paragraph 1 above;
3. Requests the Secretariat to prepare a comparative analysis of the offers referred to in paragraph 1 above. The analysis shall be limited to presenting the information submitted by Germany, Italy and Switzerland as received, in a table format, according to the categories of information that might be requested from countries interested in hosting the permanent Secretariat and found in the appendix to decision INC.6/19.

Annex IIDRAFT RULES OF PROCEDURE OF THE CONFERENCE OF THE PARTIES
AND ITS SUBSIDIARY BODIES

I. INTRODUCTION

Scope¹Rule 1

The present rules of procedure shall apply to any meeting of the Conference of the Parties to the Convention convened in accordance with Article 19 of the Convention.

DefinitionsRule 2

For the purposes of the present rules:

- (a) "Convention" means the Stockholm Convention on Persistent Organic Pollutants, adopted at Stockholm, on 22 May 2001;
- (b) "Party" means a Party as defined in Article 2 (a) of the Convention;
- (c) "Conference of the Parties" means the Conference of the Parties established by Article 19 of the Convention;
- (d) "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties convened in accordance with article 19 of the Convention;
- (e) "Regional economic integration organization" means an organization as defined in Article 2 (b) of the Convention;
- (f) "President" means the President of the Conference of the Parties elected in accordance with rule 22, paragraph 1;
- (g) "Secretariat" means the Secretariat established by paragraph 1 of Article 20 of the Convention.
- (h) "Subsidiary body" means the body established pursuant to paragraph 6 of Article 19 of the Convention, as well as any body established pursuant to article 19, paragraph 5 (a) of the Convention.
- (i) "Parties present and voting" means Parties present at the meeting in which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.

¹ The underlined subheadings are included in the draft rules for the convenience of work of the Committee and, consistent with rules of procedure of other multilateral environmental agreements, will not be included in the draft rules of procedure to be adopted by the Conference of the Parties.

II. MEETINGS

Place of meetings

Rule 3

The meetings of the Conference of the Parties shall take place at the seat of the Secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the Secretariat in consultation with the Parties.

Dates of meetings

Rule 4

1. Unless otherwise decided by the Conference of the Parties, the second and third ordinary meetings of the Conference of the Parties shall be held yearly and, thereafter, ordinary meetings shall be held every two years.

2. At each ordinary meeting, the Conference of the Parties shall decide on the date and duration of the next ordinary meeting. The Conference of the Parties should endeavour not to hold such meetings at a time that would make the attendance of a significant number of delegations difficult.

3. Extraordinary meetings of the Conference of the Parties shall be held at such times as may be decided either by the Conference of the Parties at an ordinary meeting or at the written request of any Party, provided that, within ninety days of the request being communicated to the Parties by the Secretariat, it is supported by at least one third of the Parties.

4. In the case of an extraordinary meeting held at the written request of a Party, it shall be held not more than ninety days after the date on which the request is supported by at least one third of the Parties in accordance with paragraph 3.

Notification of meetings

Rule 5

The Secretariat shall notify all Parties of the dates and venue of ordinary and extraordinary meetings at least sixty days before the meeting in question is due to commence.

III. OBSERVERS

Participation of United Nations, specialized agencies and non-Parties

Rule 6

1. The United Nations, its specialized agencies, the International Atomic Energy Agency, as well as any State not Party to the Convention, as well as any entity operating the mechanism referred to in paragraph 6 of Article 13 of the Convention, may be represented at meetings as observers. [At least 30 days before the meeting the Secretariat shall notify the Parties of those who have indicated they will be so represented.]

2. Such observers may, upon invitation of the President, participate in the proceedings of any meeting without the right to vote, unless at least one third of the Parties present at the meeting object.

Participation of other bodies or agenciesRule 7

1. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the Secretariat of its wish to be represented at a meeting as an observer may be so admitted. [At least 30 days before the meeting the Secretariat shall notify the Parties of those who have indicated they will be so represented. Those bodies or agencies should be entitled as observers unless at least one third of the parties present at the meeting object.]
2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent, unless at least one third of the Parties present at the meeting object.

Notification by SecretariatRule 8

The Secretariat shall notify those entitled to be observers and those which have informed the Secretariat of their wish to be represented, pursuant to rules 6 and 7, of the dates and venue of the next meeting.

IV. AGENDA

Preparation of provisional agendaRule 9

In agreement with the President, the Secretariat shall prepare the provisional agenda for each meeting.

Items on provisional agenda for ordinary meetingRule 10

The provisional agenda for each ordinary meeting shall include, as appropriate:

- (a) Items arising from the articles of the Convention, including those specified in its article 19;
- (b) Items the inclusion of which has been decided at a previous meeting;
- (c) Items referred to in rule 16;
- (d) The proposed budget as well as all questions pertaining to the accounts and financial arrangements;
- (e) Any item proposed by a Party and received by the Secretariat before the provisional agenda is circulated.

Distribution of provisional agenda

Rule 11

For each ordinary meeting, the provisional agenda, together with supporting documents, shall be distributed in the official languages by the Secretariat to the Parties at least six weeks before the opening of the meeting.

Supplementary items

Rule 12

The Secretariat shall, in agreement with the President, include any item that is proposed by a Party and has been received by the Secretariat after the provisional agenda for an ordinary meeting has been produced, but before the opening of the meeting, in a supplementary provisional agenda.

Addition, deletion, deferment or amendment of items

Rule 13

When adopting the agenda for an ordinary meeting, the Conference of the Parties may decide to add, delete, defer or amend items. Only items that are considered by the Conference of the Parties to be urgent and important may be added to the agenda.

Agenda for extraordinary meeting

Rule 14

The agenda for an extraordinary meeting shall consist only of those items proposed for consideration by the Conference of the Parties at an ordinary meeting or in the request for the holding of the extraordinary meeting. It shall be distributed to the Parties at the same time as the notification of the extraordinary meeting.

Report on administrative and budgetary implications

Rule 15

The Secretariat shall report to the Conference of the Parties on the administrative and budgetary implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the Conference of the Parties decides otherwise, no such substantive agenda item shall be considered until at least forty-eight hours after the Conference of the Parties has received a report of the Secretariat on its administrative and budgetary implications.

Incomplete consideration of item

Rule 16

Any item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the provisional agenda of the next ordinary meeting, unless otherwise decided by the Conference of the Parties.

V. REPRESENTATION AND CREDENTIALS

Composition of delegationRule 17

Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

Alternates and advisersRule 18

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Submission of credentialsRule 19

The credentials of representatives as well as the names of alternate representatives and advisers shall be submitted to the Secretariat if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

Examination of credentialsRule 20

The Bureau of any meeting shall examine the credentials and submit its report to the Conference of the Parties.

Provisional participationRule 21

Representatives shall be entitled to participate provisionally in the meeting, pending a decision by the Conference of the Parties to accept their credentials.

VI. OFFICERS

Election of officersRule 22²

1. At the first ordinary meeting of the Conference of the Parties, a President and [nine][four] Vice - Presidents, one of whom shall act as Rapporteur, shall be elected from among the representatives of the Parties present at the meeting. These officers shall serve as the Bureau of the Conference of the Parties. Each of the five United Nations regional groups shall be represented by [one.] [two] Bureau member[s]. The Bureau shall remain in office until the closure of the second ordinary meeting of the Conference of the Parties, including for any intervening extraordinary meeting.
2. At the second and subsequent ordinary meetings of the Conference of the Parties, the election of officers from among the Parties to serve as the Bureau for the following meeting of the Conference of the Parties shall take place before the end of the meeting. These officers shall commence their term of office at the closure of the meeting and shall serve until the closure of the following ordinary meeting of the Conference of the Parties, including for any intervening extraordinary meeting.
3. The offices of the President and Rapporteur shall normally be subject to rotation among the United Nations regional groups. No elected officer may serve on the Bureau for more than two consecutive terms.

² Consideration may be given to staggered terms of office, where the term of office of the President runs from the beginning of the Conference of the Parties to the beginning of the next Conference of the Parties, and the term of office of the Vice-Presidents runs from the closure of the Conference of the Parties to the closure of the next Conference of the Parties. This approach would accommodate the situations where offers to host the Conference of the Parties are made intersessionally or where the host country Party changes during the intersessional period. The Committee may also wish to consider whether to stagger the terms of office of the Vice-Presidents of the Conference of the Parties to enhance continuity and expertise.

If staggering is adopted (two suggestions below), this will result in six or eleven members of the bureau to ensure equitable geographic representation.

Full staggered terms for the Bureau members

At the first ordinary meeting of the Conference of the Parties a President and [5][10] Vice-Presidents, [1][2] from each of the five United Nations regional groups, one of whom shall act as Rapporteur, shall be elected from among the representatives of the Parties present at the meeting. These officers shall serve as the Bureau of the Conference of the Parties, and for any intervening extraordinary meeting.

Bureau with 10 Vice-Presidents (including staggered terms for Vice-Presidents)

The President shall remain in office until a new President is elected at the commencement of the next ordinary meeting. Of the 10 Vice-Presidents elected at the first ordinary meeting of the Conference of the Parties, five members, one from each of the five United Nations regional groups, shall remain in office until the closure of the third ordinary meeting of the Conference of the Parties, and five shall remain in office until the closure of the second ordinary meeting of the Conference of the Parties. At the second and subsequent ordinary meetings of the Conference of the Parties, the Conference of the Parties shall elect for a full term of office new members to replace those whose term of office is to expire at the end of that meeting. For the purpose of this rule, a full term of office commences at the end of an ordinary meeting of the Conference of the Parties and runs until the closure of the second meeting of the Conference of the Parties thereafter.

Bureau with five Vice-Presidents (without staggered terms for Vice-Presidents)

The President shall remain in office until a new President is elected at the commencement of the next ordinary meeting, and the Vice-Presidents shall remain in office until the closure of the next ordinary meeting.

4. The President shall participate in meetings of the Conference of the Parties in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative who shall be entitled to represent the Party in the meetings and to exercise the right to vote.
5. The Chairpersons of the Persistent Organic Pollutants Review Committee and any other subsidiary bodies shall be members ex-officio of the Bureau.

General powers of the President

Rule 23

1. In addition to exercising the powers conferred upon the President elsewhere by the present rules, the President shall declare the opening and closing of the meeting, preside at the meetings, ensure the observance of the present rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to the present rules, shall have complete control of the proceedings and over the maintenance of order thereat.
2. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.
3. The President, in the exercise of the functions of that office, remains under the authority of the Conference of the Parties.

Acting President

Rule 24

1. The President, if temporarily absent from a meeting or any part thereof, shall designate a Vice-President to act as President. The President so designated shall not at the same time exercise the rights of a representative of a Party.
2. A Vice-President acting as President shall have the powers and duties of the President.

Replacement of an officer

Rule 25

If an officer of the Bureau resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, a representative of the same Party shall be named by the Party concerned to replace the said officer for the remainder of that officer's term.

VII. SUBSIDIARY BODIES

Application of rules to subsidiary bodies

Rule 26³

Save as provided in rules 28 to 32, the present rules shall apply, mutatis mutandis, to the proceedings of any subsidiary bodies, subject to any modifications decided by the Conference of the Parties.

Establishment of subsidiary bodies

Rule 27

1. The Conference of the Parties may establish, in accordance with paragraph 5 (a) of Article 19 of the Convention, such subsidiary bodies, as it considers necessary for the implementation of the Convention, in addition to the subsidiary body established under Article 19, paragraph 6.
2. Meetings of subsidiary bodies shall be held in public unless the Conference of the Parties or the subsidiary body concerned decides otherwise.

Quorum for non open-ended subsidiary bodies

Rule 28

In the case of a subsidiary body that is not open-ended, a simple majority of the Parties designated by the Conference of the Parties to participate therein shall constitute a quorum.

Dates of meetings

Rule 29

The Conference of the Parties shall decide on the dates of the meetings of the subsidiary bodies, taking note of any proposals to hold such meetings in conjunction with the meetings of the Conference of the Parties.

Election of officers for subsidiary bodies

Rule 30

The Chairperson of the Persistent Organic Pollutants Review Committee shall be elected by the Conference of the Parties. Unless the Conference of the Parties decides otherwise, the Chairperson of any other subsidiary body shall be elected by the Conference of the Parties. Each subsidiary body shall elect its own officers other than the Chairperson. The officers of such subsidiary bodies shall be elected with due regard to the principle of equitable geographical representation and shall not serve for more than two consecutive terms.

[draft rule 31 deleted]

³ The following additional rule 26 bis was suggested for further consideration by the legal drafting group:

“Unless otherwise decided by the Conference of the Parties, the present rules shall apply, mutatis mutandis, to the proceedings of any working group or committee established by the Conference of the Parties or by a subsidiary body.”

Matters for considerationRule 32

Subject to paragraph 6 (b) of Article 19 of the Convention, the Conference of the Parties shall determine the matters to be considered by each subsidiary body and the President may, upon the request of the Chair of the subsidiary body concerned, adjust the allocation of work.

VIII. SECRETARIAT

Duties of the head of the SecretariatRule 33

1. The head of the Secretariat, or the representative of the head of the Secretariat, shall exercise the functions of that office in all meetings of the Conference of the Parties and of its subsidiary bodies.
2. The head of the Secretariat shall arrange for the provision of staff and services required by the Conference of the Parties and its subsidiary bodies, within available resources. The head of the Secretariat shall manage and direct such staff and services and provide appropriate support and advice to the Bureau of the Conference of the Parties and its subsidiary bodies.

Functions of the SecretariatRule 34

In addition to the functions specified in the Convention, in particular in Article 20, the Secretariat shall, in accordance with the present rules:

- (a) Arrange for interpretation at the meeting;
- (b) Collect, translate, reproduce and distribute the documents of the meeting;
- (c) Publish and distribute the official documents of the meeting;
- (d) Make and arrange for keeping of sound recordings of the meeting; and
- (e) Arrange for the custody and preservation of the documents of the meeting.

IX. CONDUCT OF BUSINESS

SessionsRule 35

Sessions of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides otherwise.

Quorum

Rule 36

1. The President shall not declare a session of the meeting of the Conference of the Parties open or permit the debate to proceed unless at least one third of the Parties to the Convention are present. The presence of two thirds of the Parties to the Convention shall be required for any decision to be taken.
2. For the purposes of determining a quorum for a decision to be taken on a matter within the competence of a regional economic integration organization, that organization shall be counted to the extent of the number of votes it is entitled to cast in accordance with paragraph 2 of Article 23 of the Convention.

Procedures for speaking

Rule 37

1. No one may address a meeting without having previously obtained the permission of the President. Subject to rules 38, 39, 40 and 42, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall maintain a list of speakers. The President may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.
2. The Conference of the Parties may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call the speaker to order without delay.

Precedence

Rule 38

The Chairperson or Rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.

Points of order

Rule 39

During the discussion of any matter, a representative may at any time raise a point of order, on which the President shall immediately rule in accordance with the present rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Decisions on competence

Rule 40

Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote taken on the proposal or amendment in question.

Proposals and amendments to proposalsRule 41

Proposals and amendments to proposals shall normally be introduced in writing, in one of the official languages, by the Parties and handed to the Secretariat, which shall circulate copies to delegations. As a general rule, no proposal or amendment to proposal shall be discussed or put to the vote at any session unless copies of it have been circulated to delegations not later than the day preceding that session. The President may, however, permit the discussion and consideration of proposals, of amendments to proposals or of procedural motions even though such proposals, amendments to proposals or motions have not been circulated or have been circulated only the same day.

Order of procedural motionsRule 42

1. Subject to rule 39, the following motions shall have precedence in the order indicated below over all other proposals or motions:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the question under discussion;
- (d) To close the debate on the question under discussion.

2. Permission to speak on a motion falling within paragraph 1 (a) to (d) shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Withdrawal of proposals or motionsRule 43

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any other Party.

Reconsideration of proposalsRule 44

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Conference of the Parties, by a two-thirds majority of the Parties present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover, to one speaker in favour of and two against the proposal, after which it shall be put immediately to the vote.

X. VOTING

Right to vote

Rule 45

1. Each Party 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 the 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.

Majority required

Rule 46

- [1. The Parties shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting,]⁴ unless otherwise provided by the Convention, by the financial rules referred to in paragraph 4 of Article 19 of the Convention or by the present rules of procedure.
2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting.
- [3. If the question arises whether a matter is one of procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.]⁵
4. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

⁴ There are various procedural rules for decision-making by the Conference of the Parties in the Convention where efforts to reach consensus have been exhausted and consensus could not be reached. These include variations providing for decisions by a three-fourths majority of the Parties present and voting (see, e.g., Convention Article 20 (3) and Article 21 (2) and (3)), and variations providing for decisions by consensus (see, e.g. Convention Articles 19(4) and 22 (5) and (6)).

With respect to the Conference of the Parties decisions on which the Convention is silent as to procedure, there are various voting options that could be considered (e.g., consensus then two-thirds or three-fourths majority, consensus, double majorities, etc.). It would also be possible to provide for a single rule of decision that would apply to all such decisions (as in the current draft formulation of this paragraph) or to provide and specify that different types of the Conference of the Parties decisions would be subject to different rules of decision (e.g., some specified decisions subject to a two-thirds majority vote, while others would be subject to consensus or to some other rule of decision). The consensus option could be drafted as follows:
[The Parties shall reach agreement on all matters of substance by consensus, unless otherwise provided by the Convention, by the financial rules referred to in paragraph 4 of Article 19 of the Convention or by the present rules of procedure.]

⁵ Although this provision is well preceded in other multilateral environmental agreements, a request was made to consider different precedents from other fora.

Order of voting on proposalsRule 47

If two or more proposals relate to the same question, the Conference of the Parties, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Conference of the Parties may, after each vote on a proposal, decide whether to vote on the next proposal.

Division of proposals and amendmentsRule 48

1. Any representative may request that any part of a proposal or of an amendment to a proposal be voted on separately. The President shall allow the request unless a Party objects. If an objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the request, after which it shall be put immediately to the vote. The President may limit the time allowed to each speaker.
2. If the request referred to in paragraph 1 is allowed or adopted, those parts of a proposal or of an amendment to a proposal that are approved shall then be put to vote as a whole. If all operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

Amendment to a proposalRule 49

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Order of voting on amendments to a proposalRule 50

If two or more amendments to a proposal are moved, the Conference of the Parties shall first vote on the amendment furthest removed in substance from the original proposal, then on the next amendment furthest removed therefrom, and so on, until all amendments have been put to the vote. The President shall determine the order of voting on the amendments under this rule.

Method of voting for general mattersRule 51

1. Voting, except for elections, shall normally be by show of hands. A roll call vote shall be taken if so requested by any Party. The roll call shall be taken in the English alphabetical order of the names of the Parties, beginning with the Party whose name is drawn by lot by the President. If at any time, however, a Party requests a secret ballot, that shall be the method of voting on the issue in question.
2. When the Conference of the Parties votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll call.
3. The vote of each Party participating in a roll call or recorded vote shall be included in the relevant documents of the meeting.

Conduct during voting

Rule 52

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to a proposal to explain his/her vote on his/her own proposal or amendment, except if it has been amended.

XI. ELECTIONS

Method of voting for elections

Rule 53

All elections shall be held by secret ballot, unless otherwise decided by the Conference of the Parties.

Absence of majority

Rule 54

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.
2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1.

Election to two or more elective places

Rule 55

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected.
2. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.
3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

XII. LANGUAGES AND SOUND RECORDS

Official languagesRule 56

The official languages of the Conference of the Parties shall be Arabic, Chinese, English, French, Russian and Spanish.

InterpretationRule 57

1. Statements made in an official language shall be interpreted into the other official languages.
2. A representative of a Party may speak in a language other than an official language if the Party provides for interpretation into one such official language.

Languages of official documentsRule 58

Official documents of the meetings shall be drawn up in one of the official languages and translated into the other official languages.

Sound recordings of meetingsRule 59

Sound recordings of the meetings of the Conference of the Parties, and whenever possible of the subsidiary bodies, shall be kept by the Secretariat, consistent with the practice of the United Nations.

XIII. AMENDMENTS TO THE RULES OF PROCEDURE

Rule 60

The present rules of procedure may be amended by consensus by the Conference of the Parties .

XIV. OVERRIDING AUTHORITY OF THE CONVENTION

Precedence of ConventionRule 61

In the event of any conflict between any provision of the present rules and any provision of the Convention, the Convention shall prevail.

Annex III

SETTLEMENT OF DISPUTES

DRAFT RULES ON ARBITRATION

The arbitration procedure for purposes of paragraph 2 (a) of Article 18 of the Stockholm Convention on Persistent Organic Pollutants shall be as follows.

Article 1

1. A Party may initiate recourse to arbitration in accordance with Article 18 of the Convention by written notification addressed to the other party to the dispute. The notification shall be accompanied by a statement of the claim, together with any supporting documents, and state the subject-matter of arbitration and include, in particular, the articles of the Convention, the interpretation or application of which are at issue.

2. The claimant party shall notify the Secretariat that the parties are referring a dispute to arbitration pursuant to Article 18. The notification shall be accompanied by the written notification of the claimant party, the statement of claim and the supporting documents referred to in paragraph 1 above. The Secretariat shall forward the information thus received to all Parties.

Article 2

1. If a dispute is referred to arbitration in accordance with article 1 above, an arbitral tribunal shall be established. It shall consist of three members.

2. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the President of the tribunal. The President of the tribunal shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

3. In disputes between more than two parties, parties in the same interest shall appoint one arbitrator jointly by agreement.

4. Any vacancy shall be filled in the manner prescribed for the initial appointment.

5. If the parties do not agree on the subject-matter of the dispute before the President of the arbitral tribunal is designated, the arbitral tribunal shall determine the subject-matter.

Article 3

1. If one of the parties to the dispute does not appoint an arbitrator within two months of the date on which the respondent party receives the notification of the arbitration, the other party may inform the Secretary-General of the United Nations who shall make the designation within a further two-month period.

2. If the President of the arbitral tribunal has not been designated within two months of the date of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of a party, designate the President within a further two-month period.

Article 4

The arbitral tribunal shall render its decisions in accordance with the provisions of the Convention and international law.

Article 5

Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own rules of procedure.

Article 6

The arbitral tribunal may, at the request of one of the parties, [prescribe] [determine] [recommend] essential interim measures of protection.

Article 7

The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:

- (a) Provide it with all relevant documents, information and facilities; and
- (b) Enable it, when necessary, to call witnesses or experts and receive their evidence.

Article 8

The parties and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

Article 9

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the costs of the tribunal shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its costs, and shall furnish a final statement thereof to the parties.

Article 10

A Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

Article 11

The tribunal may hear and determine counterclaims arising directly out of the subject-matter of the dispute.

Article 12

Decisions both on procedure and substance of the arbitral tribunal shall be taken by a majority vote of its members.

Article 13

1. If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party or a failure of a party to defend its case shall not constitute a bar to the proceedings.
2. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.

Article 14

The tribunal shall render its final decision within five months of the date on which it is fully constituted unless it finds it necessary to extend the time-limit for a period which should not exceed five more months.

Article 15

The final decision of the arbitral tribunal shall be confined to the subject-matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the tribunal may attach a separate or dissenting opinion to the final decision.

Article 16

The award shall be binding on the parties to the dispute. The interpretation of the Convention given by the award shall also be binding upon a Party intervening under article 10 above insofar as it relates to matters in respect of which that Party intervened. The award shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure.

Article 17

Any controversy which may arise between those bound by the final decision in accordance with article 16 above, as regards the interpretation or manner of implementation of that decision, may be submitted by any of them for decision to the arbitral tribunal which rendered it.

DRAFT RULES ON CONCILIATION

The conciliation procedure for purposes of paragraph 6 of Article 18 of the Stockholm Convention on Persistent Organic Pollutants shall be as follows.

Article 1

1. A request by a party to a dispute to establish a conciliation commission in consequence of paragraph 6 of Article 18 shall be addressed in writing to the Secretariat. The Secretariat shall forthwith inform all Parties to the Convention accordingly.
2. The conciliation commission shall, unless the parties otherwise agree, be composed of three members, one appointed by each party concerned and a President chosen jointly by those members.

Article 2

In disputes between more than two parties, parties in the same interest shall appoint their members of the commission jointly by agreement.

Article 3

If any appointments by the parties are not made within two months of the date of receipt by the Secretariat of the written request referred to in article 1, the Secretary-General of the United Nations shall, upon request by a party, make those appointments within a further two-month period.

Article 4

If the President of the conciliation commission has not been chosen within two months of the second member of the commission being appointed, the Secretary-General of the United Nations shall, upon request by a party, designate the President within a further two-month period.

Article 5

1. The conciliation commission shall, unless the parties to the dispute otherwise agree, determine its own rules of procedure.
2. The parties and members of the commission are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the commission.

Article 6

The conciliation commission shall take its decisions by a majority vote of its members.

Article 7

The conciliation commission shall render a report with recommendations for resolution of the dispute within twelve months of being established, which the parties shall consider in good faith.

Article 8

Any disagreement as to whether the conciliation commission has competence to consider a matter referred to it shall be decided by the commission.

Article 9

The costs of the commission shall be borne by the parties to the dispute in shares agreed by them. The commission shall keep the record of all its costs and shall furnish a final statement thereof to the parties.

Annex IV

DRAFT FINANCIAL RULES FOR THE CONFERENCE OF THE PARTIES TO THE STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS, ITS SUBSIDIARY BODIES AND THE CONVENTION SECRETARIAT

Rule 1Scope

The present rules shall govern the financial administration of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants, its subsidiary bodies and the Convention Secretariat. In respect of matters not specifically provided for by the present rules, the Financial Regulations and Rules of the United Nations shall apply.

Financial periodRule 2

The financial period shall be a biennium, of which the first calendar year shall be an even-numbered year.¹

BudgetRule 3

1. The head of the Convention Secretariat shall prepare the budget estimates for the following biennium in United States dollars showing projected income and expenditures for each year of the biennium concerned. The head of the Convention Secretariat shall dispatch the estimates, as well as the actual income and expenditure for each year of the previous biennium, to all Parties to the Convention at least ninety days before the opening of the meeting of the Conference of the Parties at which the budget is to be adopted.

2. The Conference of the Parties shall, prior to the commencement of the financial period that the budget covers, consider the budget estimates and adopt a [core] budget by consensus authorizing expenditures, other than those referred to in rule 4, paragraphs 3 and 4.

3. Adoption of the [core] budget by the Conference of the Parties shall constitute authority to the head of the Convention Secretariat to incur obligations and make payments for the purposes for which the appropriations were approved and up to the amounts so approved, provided always that, unless specifically authorized by the Conference of the Parties, commitments shall be covered by related income.

4. The head of the Convention Secretariat may make transfers within each of the main appropriation lines of the approved [core] budget. The head of the Convention Secretariat may also make transfers between such appropriation lines up to limits that the Conference of the Parties may set.

FundsRule 4

1. A General Trust Fund for the Convention shall be established by the Executive Director of the United Nations Environment Programme and managed by the head of the Convention Secretariat. Contributions made pursuant to rule 5, paragraph 1 (a), (b) and (c), with the exception of the earmarked

¹ This may have to be revisited at the first meeting of the Conference of the Parties depending on the year it is held.

funds referred to in Rule 4, paragraph 3 of this Rule, shall be credited to this fund. All budget expenditures that are made pursuant to rule 3, paragraph 3 shall be charged to the General Trust Fund].

2. Within the General Trust Fund there shall be maintained a working capital reserve at a level to be determined from time to time by the Conference of the Parties by consensus. The purpose of the working capital reserve shall be to ensure continuity of operations in the event of a temporary shortfall of cash. Drawdowns from the working capital reserve shall be restored from contributions as soon as possible.

3. A Special Trust Fund shall be established by the Executive Director of the United Nations Environment Programme and managed by the head of the Convention Secretariat. This fund shall receive contributions pursuant to rule 5, paragraph 1 (b) and (c) [that have been earmarked to support the participation of representatives of developing countries and countries with economies in transition in meetings of the Conference of the Parties and its subsidiary bodies].

4. Subject to the approval of the Conference of the Parties, the Executive Director of the United Nations Environment Programme may establish other trust funds, provided that they are consistent with the objective of the Convention.

5. In the event that the Conference of the Parties decides to terminate a trust fund established pursuant to the present rules, it shall so advise the Executive Director of the United Nations Environment Programme at least six months before the date of termination so decided. The Conference of the Parties shall decide, in consultation with the Executive Director of the United Nations Environment Programme, on the distribution of any uncommitted balances after all liquidation expenses have been met.

Contributions

Rule 5

1. The resources of the Conference of the Parties shall comprise:

(a) Contributions made each year by Parties on the basis of an indicative scale adopted by consensus by the Conference of the Parties, and based on such a scale of assessments of the United Nations as may be adopted from time to time by the General Assembly,² [adjusted so as to ensure that no Party contributes less than [0.001]³ [0.01]⁴ per cent of the total, that no one contribution exceeds [22]⁵ per cent of the total and that no contribution from a least developed country Party exceeds [0.01] per cent of the total;]

(b) Contributions made by Parties in addition to those made pursuant to paragraph (a), including those made by the Government hosting the Convention Secretariat;

(c) Contributions from States not Parties to the Convention, as well as governmental, intergovernmental and non-governmental organizations, and other sources;

² Different views were expressed in the Committee on whether to use the United Nations scale of assessment. The legal drafting group considered that the issue was a policy question for the Committee to decide.

³ The percentage in the square brackets is the current minimum rate of contribution on the United Nations scale of contributions. If the percentage changes by the time of the first meeting of the Conference of the Parties, the figure will be adjusted accordingly.

⁴ Precedents for this figure exist in the financial rules of other multilateral environmental agreements.

⁵ The percentage in the square brackets is the current maximum rate of contribution on the United Nations scale of contributions. If the percentage changes by the time of the first meeting of the Conference of the Parties, the figure will be adjusted accordingly.

- (d) The uncommitted balance of appropriations from previous financial periods;
 - (e) Miscellaneous income.
2. The Conference of the Parties shall, in adopting the indicative scale of contributions referred to in rule 5 paragraph 1 (a) , make adjustments to take account of contributions of Parties that are not members of the United Nations, as well as those of regional economic integration organizations that are Parties.
 3. In respect of contributions made pursuant to rule 5, paragraph 1 (a) :
 - (a) Contributions for each calendar year are [due][expected]⁶⁶ on 1 January of that year;
 - (b) Each Party shall, as far in advance as possible of the date due for the contribution, inform the head of the Convention Secretariat of the contribution it intends to make and of the projected timing of that contribution.
 4. Contributions made pursuant to rule 5, paragraph 1 (b) and (c) shall be used in accordance with such terms and conditions, consistent with the objectives of the Convention and the Financial Regulations and Rules of the United Nations, as may be agreed between the head of the Convention Secretariat and the contributor.
 5. Contributions made pursuant to rule 5, paragraph 1 (a) from States and regional economic integration organizations that become Parties to the Convention after the beginning of a financial period shall be made pro rata temporis for the balance of that financial period. Consequent adjustments shall be made at the end of each financial period for other Parties.
 6. All contributions shall be paid in United States dollars or the equivalent in a convertible currency. They shall be paid into a bank account to be designated by the Executive Director of the United Nations Environment Programme in consultation with the head of the Convention Secretariat. In conversion into United States dollars, the United Nations operational rate of exchange shall be used.
 7. The head of the Convention Secretariat shall acknowledge promptly the receipt of all pledges and contributions and shall inform the Parties, once a year, of the status of pledges and payments of contributions.
 8. Contributions not immediately required shall be invested at the discretion of the Executive Director of the United Nations Environment Programme, in consultation with the head of the Convention Secretariat. The resulting income shall be credited to the relevant Convention trust fund.

Accounts and audit

Rule 6

1. The accounts and financial management of all funds governed by the present rules shall be subject to the internal and external audit process of the United Nations.
2. An interim statement of accounts for the first year of the financial period shall be provided to the Conference of the Parties during the second year of the period, and a final audited statement of accounts for the full financial period shall be provided to the Conference of the Parties as soon as possible after the accounts for the financial period are closed.

⁶⁶ The legal drafting group noted that, while the majority of the financial rules for multilateral environmental agreements use the word “due”, the financial rules of the Convention to Combat Desertification use the word “expected”.

Administrative support costs

Rule 7

The Conference of the Parties shall reimburse the United Nations Environment Programme for the services provided to the Conference of the Parties, its subsidiary bodies and the Convention Secretariat from the funds referred to in rule 4, paragraphs 1, 3 and 4 under such terms as may from time to time be agreed upon between the Conference of the Parties and the United Nations Environment Programme or, in the absence of such agreement, in accordance with the general policy of the United Nations.

Amendments

Rule 8

Any amendment to the present rules shall be adopted by the Conference of the Parties by consensus.

Annex VDRAFT TERMS OF REFERENCE FOR THE PERSISTENT ORGANIC
POLLUTANTS REVIEW COMMITTEEA. Mandate

1. The Persistent Organic Pollutants Review Committee (hereinafter referred to as the “Committee”) is a subsidiary body to the Conference of the Parties of the Stockholm Convention on Persistent Organic Pollutants established in accordance with paragraph 6 of article 19 of the Convention. The Committee shall perform the functions assigned to it by the Convention.

B. Membership

2. The members of the Committee shall be appointed by the Conference of the Parties on the basis of equitable geographical distribution.¹

3. The Committee shall consist of [30-40 members] [35 members. Each of the five United Nations regions shall be represented by seven members]. [The Committee members shall be distributed among the seven regions of the Food and Agriculture Organization of the United Nations.]

4. Members of the Committee shall be government-designated experts in chemical assessment or management.

5. When designating experts, a Party² shall have due regard to a balance between different types of expertise, and ensure that expertise in health and environment is represented. Parties shall provide curricula vitae, to be submitted to the Conference of the Parties, for the designated experts .

6. At its first meeting, the Conference of the Parties shall appoint half of the members whose appointment expires at the end of the fourth meeting of the Conference of the Parties, and half of the members whose appointment expires at the end of the fifth meeting of the Conference of the Parties.³ Members appointed at the fourth and subsequent meetings of the Conference of the Parties shall serve for one term. For the purpose of the present terms of reference, “term” means the period that begins at the end of one ordinary meeting of the Conference of the Parties and ends at the end of the second ordinary meeting of the Conference of the Parties thereafter.⁴⁵

C. Invited experts

7. The Committee may invite experts who are not members of the Committee to support it in its work. A roster of experts shall be established. Parties may designate experts to that roster, e.g., for areas of expertise or specific substance knowledge.

¹ When paragraph 3 is resolved, this paragraph may be revisited.

² The legal drafting group queried how an individual Party is to promote a balance between the expertise, if it nominates only one expert.

³ Should the Conference of the Parties decide that the Committee shall consist of an odd number of members, e.g., 35, in paragraph 3, above, then the first sentence of paragraph 6 will need to indicate more specifically how many members are to be appointed for three terms and how many members are to be appointed for four terms.

⁴ According to paragraph 1 of rule 4 of the draft rules of procedure of the Conference of the Parties and its subsidiary bodies, contained in annex III to document UNEP/POPS/INC.6/22, “Unless otherwise decided by the Conference of the Parties, the second and third ordinary meetings of the Conference of the Parties shall be held yearly and, thereafter, ordinary meetings shall be held every two years”.

⁵ The legal drafting group noted that there is no provision to replace casual vacancies and seeks some direction as whether and how the issue should be dealt with.

8. The Committee shall establish and apply criteria [, which shall be approved by the Conference of the Parties,]⁶ for the selection of experts from the roster.

8bis. If specific expertise is not available for a certain issue from amongst the experts on the roster, the Committee may invite other experts in accordance with the criteria referred to in paragraph 8.

D. Other participants⁷

9. The Committee shall be open to:

- (a) Parties to the Convention;
- (b) Observers in accordance with the rules of procedure.

10. The Committee shall invite Parties that have submitted proposals for listing a chemical in annexes A, B or C of the Convention as observers⁸ to its meetings where the chemical is discussed.

E. Conflict of interest⁹

11. The Conference of the Parties shall decide on individual cases of conflict of interest concerning members of the Committee.

12. The Committee shall decide on individual cases of conflict of interest concerning experts invited to take part in the work of the Committee.¹⁰

13. For invited experts from industry and other non-governmental organizations, the Committee shall identify through conflict of interest procedures where any potential conflict of interest lies in order to decide on their participation.

F. Confidentiality of data

14. The Committee shall establish confidentiality arrangements as a matter of priority. In handling confidential information and in establishing such arrangements, the Committee shall ensure that paragraph 5 of Article 9 of the Convention is respected.

⁶ The legal drafting group advises that the Conference of the Parties may either, through these terms of reference give the authority to the POPs Review Committee to establish these criteria, or it may retain this decision for itself. The choice between the 2 options is a policy matter as both are legally permissible.

⁷ The legal drafting group advises that there are no rules of procedure for participation under category (a). Any concern about the number of participants need to be addressed by the INC.

⁸ The legal drafting group noted that in the rules of procedure, the term “observers” does not include Parties, and therefore there are no rules of procedure applicable to those invited under this paragraph.

⁹ The legal drafting group noted that there are no procedures for this decision-making process.

¹⁰ This paragraph includes experts from industry and other non-governmental organizations to the extent that they are already captured under part C. If procedures are developed for cases under this paragraph, then all elements of paragraph 13 are captured in paragraph 12.

G. Officers of the Committee

15. The Committee shall elect from among its members [a chairperson¹¹ and a vice-chairperson] [two co-chairs].

H. Administrative and procedural matters¹²

16. In addition to following the procedures in Article 8 of the Convention, the Committee shall apply, *mutatis mutandis*, the rules of procedure of the Conference of the Parties, unless otherwise provided in these terms of reference.

16 bis. The Committee may establish such arrangements as are necessary to facilitate its work.¹³

I. Work plans

17. The Committee shall work in an efficient and timely manner and shall set priorities on chemicals, having regard to its workload. For each chemical under consideration, the Committee shall establish a work plan with time frames. Work plans shall be flexible and determined by the workload and by the need to acquire information from all stakeholders. The Committee shall submit its work plans to [each ordinary meeting of the Conference of] the Parties [on a regular basis].

J. Meetings¹⁴

18. The Secretariat, in consultation with the officers of the Committee, shall prepare a provisional agenda for each meeting of the Committee. The provisional agenda shall be communicated to all Parties and observers at least six weeks before the opening of the Committee meeting.

19. The Committee should meet once a year, subject to availability of funds and work requirements. The meetings shall take place between meetings of the Conference of the Parties and be scheduled so that proposals for listing chemicals can go forward to the next meeting of the Conference of the Parties for consideration.

20. Technical documents shall be distributed at least three months in advance of its meetings. Other documents shall be distributed at least six weeks in advance of its meetings.

21. The Committee shall prepare for its meetings the risk profiles and risk management evaluations required by Article 8 of the Convention. Members of the Committee may lead the preparation of such documents, drawing in the first instance upon existing peer-reviewed material. The nominating Party or Parties may facilitate the process by submitting a proposal for listing of a chemical together with a draft risk profile and a draft risk management evaluation.

¹¹ This part is contrary to Rule 30 of the draft rules of procedure of the Conference of the Parties, which says the following: “The Chairperson of the Persistent Organic Pollutants Review Committee shall be elected by the Conference of the Parties. Unless the Conference of the Parties decides otherwise, the Chairperson of any other subsidiary body shall be elected by the Conference of the Parties. Each subsidiary body shall elect its own officers other than the Chairperson. The officers of such subsidiary body shall be elected with due regard to the principle of equitable geographical representation and shall not serve for more than two consecutive terms.”

¹² With the recommended deletion of rule 31 of the draft rules of procedure of the Conference of the Parties, which would have allowed the Chair of a subsidiary body to exercise the right to vote, the Intergovernmental Negotiating Committee may wish to address the issue of whether the Chair shall exercise the right to vote.

¹³ Paragraphs 20 and 22 of the Terms of Reference refer to operational procedures; the legal drafting group considered the present paragraph obviated the need for several references.

¹⁴ The legal drafting group asks whether meetings are intended to be open in accordance with rule 27, paragraph 2 of the draft Rules of procedure of the Conference of the Parties.

22. The Committee may establish *ad hoc* working groups, such as chemical-specific groups, to work during meetings and intersessionally. Such groups shall be chaired by at least one member of the Committee and may consist of members of the Committee as well as invited experts. The establishment of formal subcommittees should be avoided.

K. Language of meetings

23. The working language of the Committee shall be English.

L. Recommendations and reports to the Conference of the Parties

24. Recommendations to list chemicals in Annexes A, B and/or C of the Convention shall be made by the Committee to the Conference of the Parties. Any such recommendation from the Committee shall provide reasons as well as any dissenting views.

25. The Committee may make recommendations to the Conference of the Parties on these terms of reference, and the organization and operation of the Committee.

26. Decisions, recommendations and meeting reports of the Committee shall be available as meeting documents of the Conference of the Parties in the six official languages of the United Nations. Reports by the Committee shall be publicly available and easily accessible.

M. Budget

27. Financial support, i.e., travel and daily subsistence allowance, shall be made available to Committee members from developing countries and countries with economies in transition for participation in meetings of the Committee according to United Nations practice. The same conditions shall apply, subject to available resources, for invited experts from developing countries and countries with economies in transition.

Annex VI

STATEMENTS BY REPRESENTATIVES OF NON-GOVERNMENTAL ORGANIZATIONS

1. The representative of the World Wide Fund for Nature (WWF) welcomed the continuing efforts to prepare for the effective implementation of the Stockholm Convention. He noted that WWF had prepared an update ratification scorecard and issue brief for the meeting and called on countries that had not done so, to ratify the Stockholm Convention and related international instruments as soon as possible. WWF was also an active partner in the Africa Stockpiles Programme, which his organization viewed as an innovative, multi-stakeholder, on-the-ground initiative to clean up obsolete pesticide stockpiles in all 53 African States and to prevent similar accumulations in the future.
2. The representatives of Crop Life International (CLI) drew the attention of the meeting to information contained in document UNEP/POPS/INC.7/INF/15 regarding projects conducted by the pesticide industry. These projects had started in 1990 and represented an example of industry's commitment to resolve the issue of obsolete stockpiles. CLI was also an active and committed partner to the Africa Stockpiles Programme.
3. Representatives of the International POPs Elimination Network (IPEN) highlighted activities by IPEN, including specific cases of participation by member organizations in many countries around the world to help reduce and eliminate POPs. IPEN had developed a memorandum of understanding with UNEP regarding participation by non-governmental organizations in UNEP organized regional and subregional workshops. IPEN also continued to work with a number of intergovernmental organizations, including UNIDO, UNEP, UNDP and GEF, to develop and implement various workshops and implementation projects through which non governmental organizations in developing countries and countries with economies in transition contribute to effective awareness-raising and capacity-building activities.
4. The representative of the World Chlorine Council expressed the chemical industry's commitment to the implementation of the Stockholm Convention and the broader work of intergovernmental organizations involved with chemicals management. He noted that his organization had provided support for awareness-raising and capacity-building activities related to by-product POPs, including the Thailand Dioxin and Furan Characterization Project, BAT/BEP Expert Group Meeting, and Industry Stewardship Workshops which shared best practices on managing by product POPs and which to date had been held in Brazil, China and India with additional workshops scheduled for 2003-2004.

Annex VII

LIST OF DOCUMENTS BEFORE THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE AT ITS SEVENTH SESSION

Agenda item	Subject	Title	Document
2	Adoption of the Agenda	Provisional agenda	UNEP/POPS/INC.7/1
		Annotated provisional agenda	UNEP/POPS/INC.7/1/Add.1
	Organization of work	Scenario note for the seventh session of the Intergovernmental Negotiating Committee	UNEP/POPS/INC.7/INF/1
3	Review of ongoing international activities relating to the work of the Committee	Master list of actions on the reduction and/or elimination of the releases of persistent organic pollutants: fifth edition	UNEP/POPS/INC.7/INF/15
		Subregional and interregional workshops to support the implementation of the Stockholm Convention	UNEP/POPS/INC.7/INF/24
		World Health Organization progress report on activities related to the reduction and/or elimination of persistent organic pollutants	UNEP/POPS/INC.7/INF/25
		Preparing and/or updating a national profile as part of a Stockholm Convention national implementation plan	UNEP/POPS/INC.7/INF/26
		Information for the seventh session of the Intergovernmental Negotiating Committee: progress since the sixth session of the Committee regarding relevant activities of the United Nations Institute for Training and Research	UNEP/POPS/INC.7/INF/27
		Contributions to POPs capacity-building projects of the United Nations Environment Programme	UNEP/POPS/INC.7/INF/29
4	Activities of the secretariat and review of the situation as regards extrabudgetary funds	Draft programme of work and budget	UNEP/POPS/INC.7/2

Agenda item	Subject	Title	Document
		Compilation of reports used by other multilateral environmental agreements for dealing with their budgets	UNEP/POPS/INC.7/INF/2
		Contributions to the POPs Club	UNEP/POPS/INC.7/INF/13
5	<p>Preparations for the Conference of the Parties</p> <p>DDT</p> <p>Register of specific exemptions</p> <p>Guidelines on BAT and BEP</p> <p>Evaluation of current and projected releases of chemicals listed in Annex C</p>	<p>Possible format for reporting by parties that use DDT</p> <p>Information and guidance needed to assist in evaluating continued need for DDT for disease vector control</p> <p>World Health Organization report on guidance and information needed to assist the Conference of the Parties in evaluating the continued need for DDT for disease vector control</p> <p>World Health Organization publications related to the use of DDT in vector control</p> <p>Register of specific exemptions</p> <p>Submissions received in response to committee decisions INC-6/3, INC-6/7, INC-6/8, INC-6/9, INC-6/10, INC-6/11, INC-6/13 and INC-6/16</p> <p>Report of the first session of the Expert Group on Best Available Techniques and Best Environmental Practices</p> <p>Evaluation of current and projected releases of chemicals listed in annex C -- revised "Standardized Toolkit for Identification and Quantification of Dioxin and Furan Releases"</p> <p>Standardized Toolkit for Identification and Quantification of Dioxin and Furan Releases: first edition</p>	<p>UNEP/POPS/INC.7/3</p> <p>UNEP/POPS/INC.7/4</p> <p>UNEP/POPS/INC.7/INF/21</p> <p>UNEP/POPS/INC.7/INF/22</p> <p>UNEP/POPS/INC.7/5</p> <p>UNEP/POPS/INC.7/INF/16</p> <p>UNEP/POPS/INC.7/6</p> <p>UNEP/POPS/INC.7/7</p> <p>UNEP/POPS/INC.7/INF/14</p>

Agenda item	Subject	Title	Document
		Compilation of views on measures to reduce or eliminate releases from unintentional production (article 5 and annex c) and evaluation of current and projected releases of chemicals listed in annex c	UNEP/POPS/INC.7/INF/17
		Comparative analysis of comments on the “Standardized Toolkit for Identification and Quantification of Dioxin and Furan Releases” and actions towards the revision of the Toolkit	UNEP/POPS/INC.7/INF/23
	Measures to reduce or eliminate releases from stockpiles and wastes	Development of technical guidelines on the environmentally sound management of persistent organic pollutant wastes	UNEP/POPS/INC.7/8
		Development of technical guidelines on the environmentally sound management of persistent organic pollutants as wastes	UNEP/POPS/INC.7/INF/19
	Interim guidance for the development of national implementation plans	Development of interim guidance to assist countries in the preparation of national implementation plans	UNEP/POPS/INC.7/9
		Activities of the Global Environment Facility in support of the early implementation of the Stockholm Convention on Persistent Organic Pollutants	UNEP/POPS/INC.7/INF/11
		Compilation of views on the development of interim guidance to assist countries in the development of national implementation plans received in response to Committee decision INC-6/6	UNEP/POPS/INC.7/INF/18
		Draft interim guidance to assist countries in the preparation of national implementation plans	UNEP/POPS/INC.7/INF/20
	Guidance for the review and updating of national implementation plans	Review and updating of national implementation plans	UNEP/POPS/INC.7/10

Agenda item	Subject	Title	Document
	Listing of chemicals in Annexes A, B and C	Brief description and draft terms of reference for the Persistent Organic Pollutants Review Committee	UNEP/POPS/INC.7/11
	Information exchange	Work plan and budget for the initiation and maintenance of a clearing-house mechanism for information exchange on persistent organic pollutants	UNEP/POPS/INC.7/12
		Submissions received in response to committee decisions INC-6/3, INC-6/7, INC-6/8, INC-6/9, INC-6/10, INC-6/11, INC-6/13 and INC-6/16	UNEP/POPS/INC.7/INF/16
		The Chemical Information Exchange Network (CIEN) project: capacity-building for the sound management of chemicals	UNEP/POPS/INC.7/INF/28
	Technical assistance	Guidance on technical assistance	UNEP/POPS/INC.7/13
		Feasibility study on regional and subregional centres	UNEP/POPS/INC.7/14
		Case studies on regional and subregional centres	UNEP/POPS/INC.7/15
		Submissions received in response to committee decisions INC-6/3, INC-6/7, INC-6/8, INC-6/9, INC-6/10, INC-6/11, INC-6/13 and INC-6/16	UNEP/POPS/INC.7/INF/16
	Guidance to the financial mechanism	Guidance to the financial mechanism	UNEP/POPS/INC.7/17
		Collection of information from relevant funding institutions on the ways in which they can support the Stockholm Convention on Persistent Organic Pollutants	UNEP/POPS/INC.7/18
		Submissions received in response to committee decisions INC-6/3, INC-6/7, INC-6/8, INC-6/9, INC-6/10, INC-6/11, INC-6/13 and INC-6/16	UNEP/POPS/INC.7/INF/16
	Draft terms of reference for the review of the financial mechanism	Draft terms of reference for the review of the financial mechanism under paragraph 8 of article 13	UNEP/POPS/INC.7/24

Agenda item	Subject	Title	Document
	Interim financial arrangements	Draft memorandum of understanding between the Council of the Global Environment Facility and the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants	UNEP/POPS/INC.7/16
		Review of memorandums of understanding between the Global Environment Facility and the bodies of other multilateral environmental agreements	UNEP/POPS/INC.7/INF/9
		Activities of the Global Environment Facility in support of the early implementation of the Stockholm Convention on Persistent Organic Pollutants	UNEP/POPS/INC.7/INF/11
	Reporting	Format and timing of Party reporting under article 15	UNEP/POPS/INC.7/19
		Submissions received in response to committee decisions INC-6/3, INC-6/7, INC-6/8, INC-6/9, INC-6/10, INC-6/11, INC-6/13 and INC-6/16	UNEP/POPS/INC.7/INF/16
		Effectiveness evaluation	UNEP/POPS/INC.7/20
	Effectiveness evaluation	UNEP workshop to develop a POPs global monitoring programme to support the effectiveness evaluation of the Stockholm Convention: proceedings	UNEP/POPS/INC.7/INF/10
		Non-compliance	UNEP/POPS/INC.7/21
	Non-compliance	Compilation of views on non-compliance	UNEP/POPS/INC.7/INF/8
		Settlement of disputes	UNEP/POPS/INC.7/27
	Conference of the Parties	Non-compliance regimes in multilateral environmental agreements	UNEP/POPS/INC.7/22
		Draft rules of procedure of the Conference of the Parties and its subsidiary bodies	UNEP/POPS/INC.7/25

Agenda item	Subject	Title	Document
	Location of the Secretariat	<p>Draft financial rules for the Conference of the Parties, its subsidiary bodies and the convention secretariat</p> <p>Offers to host the permanent secretariat of the Stockholm Convention on Persistent Organic Pollutants</p> <p>Information concerning the offer by the Government of Germany to host the permanent secretariat of the Stockholm Convention on Persistent Organic Pollutants in Bonn</p> <p>Information concerning the offer by the Government of Switzerland to host the permanent secretariat of the Stockholm Convention on Persistent Organic Pollutants in Geneva</p> <p>Information concerning the offer by the Government of Italy to host the permanent secretariat of the Stockholm Convention on Persistent Organic Pollutants in Rome</p>	<p>UNEP/POPS/INC.7/26</p> <p>UNEP/POPS/INC.7/23</p> <p>UNEP/POPS/INC.7/INF/3</p> <p>UNEP/POPS/INC.7/INF/4</p> <p>UNEP/POPS/INC.7/INF/5</p>
6	Status of ratifications of the Convention	Status of ratification of the Stockholm Convention on Persistent Organic Pollutants as of 1 July 2003	UNEP/POPS/INC.7/INF/12
7	Other matters	<p>Workshop on liability and redress held in the context of the Stockholm Convention on Persistent Organic Pollutants in Vienna from 19 to 21 September 2002: report of the Co-chairs</p> <p>General steps to be taken prior to lodging instruments of ratification, acceptance, approval, accession or the like with the Secretary-General of the United Nations</p>	<p>UNEP/POPS/INC.7/INF/6</p> <p>UNEP/POPS/INC.7/INF/7</p>
