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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
Item 5 of the provisional agenda*

Preparations for the Conference of the Parties

**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****

Note by the secretariat

1. As noted in document UNEP/POPS/INC.7/9, decision INC-6/6 of the Intergovernmental Negotiating Committee invited Governments to provide their comments on the full document referred to in UNEP/POPS/INC.6/INF/8 and other views on guidance for the preparation of national implementation plans to the secretariat by 31 October 2002.
2. In response to that invitation and as of 31 January 2003, the secretariat had received submissions from Brazil, Bulgaria, Canada, China, Denmark (on behalf of the European Union and its member States), Indonesia, Japan, New Zealand, Norway, Switzerland and the United States of America. Those comments, as received by the secretariat, have been compiled and are reproduced in annex to the present note without formal editing. Given the difficulty of transcribing some of the submissions into electronic format, the information given in annex should be considered unofficial. The actual submissions are on file with the secretariat.

* UNEP/POPS/INC.7/1.

** Stockholm Convention, article 7; Conference of Plenipotentiaries on the Stockholm Convention, resolution 1, paragraph 4; decision INC-6/6, in the report of the Intergovernmental Negotiating Committee on its sixth session (UNEP/POPS/INC.6/22), annex I.

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Annex

VIEWS ON THE DEVELOPMENT OF INTERIM GUIDANCE
TO ASSIST COUNTRIES IN THE PREPARATION
OF NATIONAL IMPLEMENTATION PLANS AND GUIDANCE
FOR REVIEWING AND UPDATING NATIONAL IMPLEMENTATION PLANS
RECEIVED BY THE SECRETARIAT

I. BRAZIL

The document mentioned in the UNEP/POPS/INC.6/INF/8 it is a very high detailed one and is very hard to follow completely its guidance. Regarding the NIP preparation one can use it as a reference guide, keeping all the particularities of each country

Respondent:

Ponto Focal: Marília Marreco

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II. BULGARIA

Subject: Request for comments on draft guidance for the preparation of NIP - Decision 6/6

Dear colleague,

Concerning the above mentioned request, I would like to emphasize on the very good structured and developed draft guidance of NIP. This document will be good base for our work for development of UNEP/GEF pilot project in Bulgaria.

Unfortunately delay of publishing of the final version of the guidance document will be a problem for the real start of the work on the sub-project in our country.

Yours sincerely

Silvia Raykova
Stockholm Convention Focal Point
National coordinator for sub-project GF/2732-02-4454- Development of NIP
for the management POPs in Bulgaria

III. CANADA

October 31, 2002

James B. Willis
Executive Secretary
Interim Secretariat for the Stockholm Convention on POPs
UNEP Chemicals
11-13 chemin des Anémones
CH-1219, Chatelaine
Geneva, Switzerland

Re: Request for comments on draft guidance for the preparation of national implementation plans and other views on this subject

Dear Mr. Willis:

Thank you for the opportunity to review and provide comments on the above-mentioned draft guidance manual, as requested in your letter of August 14, 2002. As the Focal Point for Canada to the Stockholm Convention, I am pleased to forward our response, which is attached to this letter.

A number of Canadian officials active in implementation of POPs related issues contributed to the observations and recommendations in our response. While we have a number of comments and suggestions, I would first like to congratulate the authors on developing a draft document which should serve as a solid foundation for providing practical guidance to all Parties.

I hope our response will be useful to you and the authors, and look forward with great interest to further development of the guidance manual.

Sincerely,

ORIGINAL SIGNED BY

Greg Filyk
Stockholm Convention on POPs
Focal Point for Canada

Attach.

CANADA'S RESPONSE TO
GUIDANCE ON PLANNING AND DEVELOPING NATIONAL IMPLEMENTATION PLANS (NIPs)
UNDER THE STOCKHOLM CONVENTION
PRELIMINARY ISSUE - JUNE 2002

I Overall Purpose, Organization, Structure and Content

Overall, the draft guidance manual is well structured, very comprehensive, and presents information in a logical sequence. There is good supporting rationale for each section. We expect that the final guidance manual will prove useful to Parties, including Canada, by helping to develop the comprehensive national implementation plan (NIP) required under Article 7 of the Stockholm Convention on Persistent Organic Pollutants (POPs).

The draft manual represents a significant and positive effort by the authors to address a complex task - to develop guidance for universal application to all Parties while recognizing the need to accommodate each Party's unique set of circumstances, starting point, capacity and need.

Canada agrees with the objectives of the draft manual, to:

- recommend a step-by-step approach to process for preparing NIP;
- identify possible structure, format and content for NIP; and
- assist countries in establishing a state of preparedness for dealing with POPs covered by Convention (and thereby facilitate ratification where appropriate).

II Recognize Need for Flexibility

Canada agrees with the approach emphasizing the need for flexibility in using the guidance, especially regarding processes to develop a Party's NIP. Each Party will have its own set of unique circumstances, decision-making processes and instruments with respect to POPs - therefore there is a need for flexibility. We note that flexibility is appropriately highlighted throughout the draft manual, in each part and most sections. For example:

- *"The scale of the NIP and the associated level of effort and resources required for its preparation will vary from country to country" [Part A Section 7, Scale of the NIP];*
- *"The users [of the NIP process manual ... must adopt and adapt its content according to the specific circumstances of their country." [Part B 1 Introduction to Part B];*
- *"It is fully up to the country to decide how comprehensive and detailed [the size, coverage, work approach and structure elements of the NIP] should be. The only condition is that they should serve as appropriate tools for meeting the obligations of the Stockholm Convention" [Part C - 1.3 Size, coverage, work approach and structure].*

This flexibility should enable Parties to provide information efficiently, using existing domestic methods and procedures. From the Canadian perspective, individuals responsible for implementation of several different elements expressed confidence that sufficient flexibility exists for them to contribute positively to the develop of Canada's NIP.

III Encourage Common Structure for Consistency and Comparison

Canada favours finding an optimal balance between the dual needs for flexibility (outlined in Section II above) and for consistency and comparability through a common NIP structure and organization.

To enable the Conference of Parties (COP) to have a comprehensive understanding of where the global community stands on POPs, now and into the future (i.e., where we are starting from, where we are going, and whether practical progress is made in addressing the issues and engaging civil society), it will be critical to have information from individual Party NIPs organized in a consistent fashion. Through individual NIPs and subsequent updates, the COP should be able to efficiently and effectively: i) understand the status of actions to control POPs taken by each Party; ii) compare between Parties; and iii) roll-up information for assessment and reporting purposes at different scales (e.g., regional, global).

Indeed, this is a key objective of the draft manual - *“Although no formal structure for the NIPs has yet been determined...it will be of outmost [sic] importance for the Conference of Parties (COP) to receive NIPs that are comparable in their format and content.” [Part B 1 Introduction to Part B].*

Recommendation

It would be beneficial to have a common basic organizational NIP structure and format. The challenges will be: i) to gain universal acceptance where no such structure is required; and ii) not to sacrifice the equally important objective of flexibility. Based on feedback received from the United Nations Environment Programme’s (UNEPs) INC-6 follow-up request, there may be some common areas of agreement on structure and organization. Feedback may also suggest opportunities to remove some sections or leave them strictly optional. We expect that Party experience as NIPs are drafted will also identify areas of common opinion. Perhaps further iterations of the draft manual could identify if and where consensus is emerging on a common structure and format.

IV Reduce Redundancy and Volume of Text

Canada supports the approach of dividing the draft manual by level of detail for target audiences - a general overview for decision-makers (Part A) and increased details for supervisors and developers of elements of the NIP (Parts B and C). However, there is a lot of repetition and redundancy in the text, particularly Parts B and C, adding considerable length to the manual. For example, *Part C Sections 3.2; 4.2; and 5.2* repeat sections of *Part B* virtually word for word. At the same time, we recognize that some redundancy may be necessary to assist development of NIP elements by independent teams.

Recommendations

- Further edit and streamline text with a view to reducing its volume;
- Combine Parts B and C to shorten the total length of text, noting that the target audience for both Parts is practically the same.

V Ensure Consistent Wording to Ensure that Guidance is Neutral

The draft manual strives to provide neutral guidance, and succeeds for the most part. However, there are some inconsistencies in language which go beyond guidance into more prescriptive recommendations. For example:

- *Part B 2.1.1 Elements of the Organizational Framework - Section on Expertise Network* - “An activity that the NIP Focal Point Unit should undertake is the development of appropriate register of support expertise that can be mobilised to provide key input to the NIP preparation process.”
- *Part B Detailed Strategies and Action Plans - Action Plans: Monitoring and Reporting* - “The Action Plan must address the investments needed to implement the plan...” and “The Action Plan must address the costs implied and the financing...”.

Recommendations

- First example above - In keeping with the country-by-country flexibility, we suggest replacing “*should*” with “*could*” or “*should consider undertaking*”.
- Second example above - As indicated later in this response, we are not convinced that financial information must be provided.

VI Clarify Amount of Text Expected and Reduce Amount of Detail Requested

It is helpful to have guidance on the expected size of some sections, particularly broad contextual areas such as baseline information. For example, the manual suggests that *Part C Executive Summary* be limited to a few pages.

In other sections, the information requested seems excessive, indirect to the purpose of the NIP, and may prove difficult for Party Focal Points to collect and maintain on an ongoing basis. For example, *Part C - 7.2 - How to Structure a Survey of POPs Management and Release Mitigation Capacity - Subsection 6 Technical Support and Release Mitigation Services*, requests, in part: “*In each case, qualifications and certification of laboratories and the methods employed should be noted. It would also cover technology suppliers capable of supplying release mitigation equipment ranging from air pollution control to cleaner production technologies. Finally it should identify and expertise available in areas such as social assessment and public participation...*”.

Recommendations

- For background and baseline sections, where input would likely be provided by “off the shelf” sources of information, we recommend continued guidance on limits to amounts of information.
- To reduce the amount of background and supplementary text in the NIP, we recommend that the guidance document suggest using web site links, to direct the COP and other interested readers to sources of additional information.
- A web site link could also provide a simpler and more efficient method of providing information on subjects such as “technical support and release mitigation services”. Appropriate national umbrella associations would generally be better placed to identify and provide information on specific members either on their web sites or upon specific request. Country focal points would also be relieved of responsibility to manage and maintain information bases indirectly related to NIP activities.
- Further, we suggest that in the process of developing the next iteration of the manual, the authors consider: i) the purpose served by requesting exhaustive information on some of the indirect elements of the NIP - and if it is still deemed necessary or advantageous, to provide supporting rationale; and ii) the bureaucratic / administrative burden which might be imposed on officials developing and maintaining the NIP well into the future - to ensure benefits significantly outweigh costs in time and effort.

VII Reflect Party Experiences with Controlling POPs

Recommendations

There should be inclusion in NIPs (perhaps in Country Baseline section and appropriate sections of Action Plans) of a Party’s pre-Convention history in dealing with POPs. This would enable Parties to outline past / current challenges, activities, achievements and / or lessons learned regarding POPs controls. This information would provide necessary context for actions developed for the NIP and could assist countries seeking practical guidance and lessons learned from the experience of others.

The table in *Part C - Section 6.2 How to Report the Forecast of Production, Use and Releases of POPs* should include pre-2002/03 release figures, to indicate historical releases and therefore provide a more accurate indication of a country's starting point in dealing with releases of each substance.

VIII Realistic Forecasting of POPs Production, Use and Releases

Under *Part C Section 6, Forecast of Production, Use and Releases of POPs*, the draft manual includes forecast requests dated 2020 and 2030. These projections might have some value in encouraging long-term thinking required to address POPs problems, particularly in countries with little management experience to date. However, forecasts to 2020 and 2030 may be very difficult and may not be very meaningful.

Recommendation

The manual should either eliminate forecasts for 2020 and 2030, or make it clear that these forecasts should be identified either as rough estimates or as targets for continued improvement.

IX Inclusion of Funding and Staffing Resources

- I) *Part B Executive Summary of the Country NIP* and succeeding sections indicate that the NIP could potentially include “*the overall financial requirements for NIP implementation*”; and, under *Introduction of the Country NIP Document - Preparation and Endorsement*, “*the costs of preparing the NIP*”.

We question the need for Parties to provide detailed financial information either on implementation actions or on costs of developing their NIPs. The purpose of the NIP is to outline how Parties intend to implement their obligations, and should not be focused on how they intend to pay for implementation activities. Country-specific approaches will be unique and require different levels of funding. If financial information is intended to be an indicator of a country's efforts on POPs, it is unlikely to be a good indicator due to differing economic, social, political and physical circumstances between countries. Indeed, dollar values may give a false impression of the effort and quality of NIP, and a misleading comparison between countries.

In Canada's experience with other multi-lateral environmental agreements, requests for this kind of financial information are either not required or very limited. Exceptions are perhaps in bilateral and multilateral efforts with developing countries.

Recommendation

We recommend that if UNEP and the authors believe that detailed financial and resource information should remain in future iterations of the manual, that they strongly clarify the purpose and benefits of providing such information. We are prepared to consider the advantages and disadvantages of providing some or all of the requested information, but would like to see a more developed rationale.

- II) *Part B - Institutional, Policy and Regulatory Framework, Organization of Environmental Management Regulatory Responsibility and Resource Allocation, 4. Staffing and Budget Allocation*

Notwithstanding the comments in the section above questioning the need for detailed financial information, there may be merit in providing a high-level indication of a Party's human and budgetary resources dedicated to POPs when rolled up to a macro-level. For example, it may be desirable to compare trends in global control efforts with the effectiveness evaluation under the Stockholm Convention.

However, we have concerns with the difficulty of collecting this type of information at the micro-level. For example, in developed countries with relatively mature toxic management and sustainable development programs, POPs are likely addressed by officials in many implementing agencies, often as part of broader environmental and health initiatives. In addition, non-governmental organizations and private sector groups may also have staff and resources dedicated to POPs, which are also likely to be part of a larger suite of issues. In these circumstances, i) it may be difficult to capture detailed POPs-specific staffing and budget allocations; and ii) it may be difficult to get a complete picture due to confidentiality of some information.

Recommendations

We recommend that the manual underscore the optional nature of providing detailed financial and resource information and that the focus should be on encouraging high-level summary information. In addition, perhaps a high-level organizational description / diagram of how the POPs issue is (or proposed to be) managed in a country might be useful - identifying key issues, government centres of responsibility, and involvement of key private and non-governmental organizations working on POPs.

III) Part B 2.1.3 NIP Preparation Work Plan and Checklist - Financing NIP Preparation - "Indicative NIP preparation costs may vary from USD 250,000 for a small country with a limited industrial base to USD 5-10 million for a large developed industrial country attaching a specific priority to the POPs issue".

We appreciate that these figures are intended to be illustrative only, and that the same paragraph indicates that the amount of financial resources required would vary from country to country. However, this example sets parameters which seem expensive even at the lowest range. For example, for preparation and development of the NIP (as opposed to actual implementation of the NIP) Parties with mature toxics programs may require relatively modest financing levels (i.e., below the lowest range in the example).

Recommendation

We recommend removing the figures used in the example, or significantly modifying them to reflect a fuller range of possible NIP preparation scenarios.

X Comments and Recommendations on Guidance Set 5 - Releases from Unintentional Production of PCDDs/PCDFs, HCB and PCBs (Annex C Chemicals) - Inventory and Plan

Under *Section 1, 1.1.3 - Size, Coverage, Work Approach and Structure*, there should be a minimum level of effort set in the preparation of an inventory for all countries since this is one of the key tools for meeting the obligations. A poor inventory may result in a poor strategy and may make one country appear less significant than others, due to the lack of information or under-estimations. This would also make it difficult to evaluate how well the country is meeting its obligations.

Under *Section 2, 2.2 - How to Prepare and Inventory of Releases from Unintentional Production of PCDDs/PCDFs, HCB and PCBs*,

- *Item 6(4) - Dioxin inventory, Process classification and source quantification* - It would be useful to report on the quality of the data, i.e. How is the release number estimated – stack test, mass balance etc.? This information provides a certain degree of comfort on the accuracy of the inventory. For example, the United States has a rating system to classify data quality.
- *Item 6(5) - Dioxin inventory, Compilation of Inventory* - Reporting the releases by media may be important to understand the extent of long range transport in the atmosphere and transboundary impact to other countries.

Under *Section 3, 3.1 - How to Structure the Action Plan on Releases from Unintentional Production of PCDDs/PCDFs, HCB and PCBs, Item 4 - Measures for Reduction of PCDDs/PCDFs, HCB and PCBs* - only tracks actions "the government intends to initiate". There should also be a category to track actions already

underway (consistent with our recommendations in Section VII of this response). This would help to estimate the progress already made by countries. In addition, some actions may be implemented by non-governmental organizations and private sector groups.

Under *Section 3, 3.2 - How to Develop an Action Plan Reduction/Elimination of Releases from Unintentional Production of PCDDs/PCDFs, HCB and PCBs, Item 4 - Formulation of Objectives of the Action Plan and Item 5 - Identification of Options for Reduction of Production and Release of “Dioxins”*, the authors should also mention that when setting objectives, jurisdictions should keep in mind of the goal of “elimination” for these substances and the plan should consider actions beyond interim targets. For example, a pollution prevention strategy may also be developed. Perhaps this is intended as one of the “options” under Item 5. Monitoring and progress reporting requirements should be included to track the effectiveness of the objectives / tools.

Finally, there is little guidance on steps to promote education and training, which are likely to be important in many countries to successfully create an Inventory and Action Plan for unintentionally produced POPs.

XI Miscellaneous Comments, Recommendations and Questions

The UNEP Stockholm Convention web site provides Word and Adobe Acrobat versions of the draft manual. In downloading and printing the documents, we found that the Acrobat Adobe version was complete while there were missing sections in the electronic and printed versions of the Word document.

Part A - The Convention Requirement Check List - 'storage' should be added to the 8th bullet in the list, for consistency with Article 6 1 (d) (i).

Part B - 2.1.1 Elements of the Organizational Framework - should include a bullet under Inter-Agency Coordinating Mechanism: “*Inter-Jurisdictional Coordinating Mechanism*” (i.e., in federal systems, jurisdictions which may share responsibility for implementing POPs under Stockholm include federal, provincial, territorial, state, and/or municipal governments).

Part B - 2.1.2 Key Principles for NIP Development - under “*Integration with a National Environmental Management System*” - the use of the phrase “national environmental management system” is not correct in the paragraph. It is considerably more than what is implied by the phrase “legislative and regulatory structure”.

Since transportation (domestic or international) will be an important aspect of meeting the obligations under the Stockholm Convention, particularly on waste, an understanding of transportation requirements should be articulated both within Parts B and Part C.

Under Article 7, paragraph 3 of the Stockholm Convention the Parties are to endeavour to “*integrate national implementation plans for persistent organic pollutants in their sustainable development strategies where appropriate*”. However, there does not seem to be any reference in the draft manual to integrating POPs activities with other domestic chemicals controls processes under way in countries.

What does “visualize stakeholder responsibilities...” mean in *Part B - Assessment of the POPs Issue - Inventory: POPs Pesticides and DDT - 4 Import and Export of POPs pesticides / DDT*?

In *Part B - Assessment of the POPs Issue - Inventory: PCBs (Annex A, Part II Chemicals)* - the term “(optional)” is placed in a number of lines. Why would this term be used in a few lines and not others, particularly since all the guidance in the manual is “optional”? We suggest reviewing the document to ensure consistency.

III. CHINA

Additional Request: Views on NIP developing Guideline

Generally, the present draft guideline has covered a comprehensive description of NIP planning and development. The Implementation of POPS convention would cause multiple economic and social effects in developing countries, Therefore, the guideline should include the description on multiple economic and social effects include the effects on producers and consumers, technique R&D and transfer, occupation, industrial construction and even the national economic growth.

In addition to the earlier comments on the financing of the guideline, to develop the NIP in developing countries depends on financial support, therefore, the description of national expense and the added expense demand should be well covered in the guideline.

Respondent:

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IV. DENMARK ON BEHALF OF THE EUROPEAN UNION AND ITS MEMBER STATES

Interim Secretariat of the Stockholm Convention on Persistent Organic
Pollutants
International Environment House
11 - 13, chemin de Anémones
CH-1219 Châtelaine
Geneva, Switzerland

Biocides and Chemical
Assessment Division
In your reply, please refer to
File No.
File no. M: 711/05-0009
Ref.: KCh/13

Comments from the European Union and its Member States on guidance on the preparation of national implementation plans as called for in INC.6 decision 6.6

Dear Mr. Willis,

Enclosed, please find the comments from the European Union and its Member States on the issue of preparation of national implementation plans and guidance for reviewing and updating national implementation plans.

The development of National Implementation Plans is an important step on the way to elimination and reduction of the POP substances and thus important in order to achieve the goals of the Stockholm Convention. Developing National Implementation Plans is a complex task and the need for good comprehensive guidance as to the processes and the contents of the NIPs is essential.

The document referred to in UNE/POPS/INC.6/INF/8 “Guidance on Planning and Developing National Implementation Plans Under the Stockholm Convention, Preliminary Issue 2002” contains such comprehensive guidance, and should form the basis for the draft interim guidance, which the Secretariat will prepare for consideration by the INC at the seventh session.

Furthermore, we think that the guiding principles for the NIP guidance document should be the following:

- Ø The guidance document shall be non-prescriptive (non-binding) so that it can be adjusted to the specific situation in each country, however the framework and essential issues should be covered in a uniform way in order to enhance the transparency and readability of the NIP for the Conference of the Parties.
- Ø The guidance document shall be intended for both developing and developed countries, i. e. be “everything for everybody”.
- Ø The guidance document shall strike the right balance between aiming at the development of a good and comprehensive NIP that addresses all the obligations in the convention, without becoming a too burdensome task that will take the focus away from the POP-work itself.
- Ø An important element of the NIP process is that it must support the countries’ prioritization among the many tasks of implementing the convention in order to secure the aim of the convention i. e. the complete elimination of the production and use of the POPs.

- Ø The structure of the document shall be self-standing documents which specific parts can be used as an instrument in the NIP preparation process by the different types of users
- Ø The guidance document shall be operational and functional, and it should be possible to take on board the experiences gained in the 12 pilot project countries in order to make the guidance document as effective a tool as possible.
- Ø The “starting point” nature of the guidelines should be emphasized. It is important that it is considered a living document that can be amended according to the experiences gained in the 12 pilot project countries of the GEF project and other countries which have already started the process of preparing a NIP.

Allow me to express the hope that these comments will support the successful development of National Implementation Plans.

Yours sincerely

Signed by
Mikkel Aaman Sørensen

V. INDONESIA

Jakarta, 13 November 2002

Our Ref : B-.230 E/Dep.IV-3/11/2002

Mr. Jim Willis

Type . -

Executive Secretary

Encl. : 1 (one) bundle

Interim Secretariat for the

Subject : Comments requested by POPs INC-6

Stockholm Convention
UNEP Chemicals
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Dear Mr. Willis,

Please refer to your letter dated 13 August 2002 concerning the above subject, herewith on behalf of the Government of Republic of Indonesia, we submit the comments for information requested by the sixth session of the Intergovernmental Negotiating Committee for the Stockholm Convention. The enclosed comments content of the following matters:

1. Request number 1; a possible format for country reporting for specific exemptions.
2. Request number 2; design, development, operation and scope of a clearing-house mechanism for information exchange on POPs.
3. Request number 3; guidance on technical assistance, feasibility study on regional and sub-regional centres, and capacity assistance network
4. Guidance on preparation of national implementation plan (NIP).

Please apologize for the late response and thank you for your cooperation

Isa, Aarmisa Ardiputra

Deputy for Environmental Impact Control on Institution Sources Ministry of Environment

Cc to: Ministry for the Environment

Request 4: GUIDANCE FOR PREPARATION OF NATIONAL IMPLEMENTATION PLAN (NIP)			
	Stockholm Convention	Proposed by secretariat	comments
1	<p>a. Develop and endeavour to implement a plan for the implementation of its obligations under the Convention</p> <p>b. Transmit its implementation plan to the COP with in two years of the date on which the Convention enters into force</p> <p>c. Review and update, as appropriate, its implementation plan on a periodic basis and in a manner to be specified by a decision of the COP</p>	<p>a. The implementation form the basis of a country's action in meeting its obligation under the convention</p> <p>b. Many countries have already taken steps to develop their implementation plans with the support of the GEF</p> <p>c. To Promote improved coordination among the implementing and executing agencies for projects funded by the GEF for the development of NIP under the Stockholm Convention</p> <p>d. The GEF is also funding a project on the development of NIP for the management of POPs involving 12 countries, for which the implementing agency is the UNEP</p> <p>e. The NIP should: build on existing programmes & activities - consider country priorities at an early stage fully integrate with a country's overall institutional and regulatory system involve stakeholders within and outside the government integrate with the national chemical management system and the national sustainable development policy be carried out in coordination with relevant government departments, the NIPs & the Stockholm Convention FPs, the DNA for the Rotterdam Convention, the Basel Convention FP and the GEF Operational FP where appropriate</p> <p>f. Principal messages of NIP: The country's commitments to addressing the POPs issues The country-specific element & response priorities The institutional, regulatory & operational measures proposed to reduce and ultimately eliminate POPs releases inclusive of estimated costs, time schedules and financing Measures to prevent the production & use of new chemicals that exhibit the characteristics of POPs</p>	<p>a. Agree with the proposed outlined by the Secretariat and shall consider to the article 7 of the Convention</p> <p>b. The NIP shall consists of a national system for the environmentally sound management of chemicals, including legislation and provision for implementation and enforcement. Database on POPs chemicals in countries Provision of the mechanism for eliminating the production and accidental release of POPs to the environment Provision of control system on export/import of hazardous substance Providing a technology in handling hazardous substances (BAT and BEP) Improvement of the knowledge and capability of human resources Trained teams for developing management options Cost and benefit analysis of the management options Action plans for the priority activities - Information exchange and education strategy on POPs chemical management</p> <p>c. The NIP addressing of management for the following matters: POPs pesticides Annex C of the Convention Release of POPs chemicals POPs contaminated sites Inventory database of POPs chemicals</p> <p>d. The Secretariat (COP) shall provide a financial support and mechanism to implement the NIP especially for developing countries and countries with economy in transition.</p>

VI. JAPAN

Mr. James B. Willis,
Executive Secretary
ATT. Mr. David Ogden
Interim Secretariat for the Stockholm Convention

4 November 2002

JAPAN Comments to the Draft Guidance

Convention

FROM: Akiho SHIBATA, Advisor

Permanent Mission of Japan to International Organizations in Geneva

Dear Mr. Willis:

Upon instructions from my authorities, and responding to Decision INC-6/17, I am hereby transmitting Japan's comments on the Draft Guidance for the Preparation of National Implementation Plans.

The government of Japan requests the interim secretariat to take due account of the comments provided herewith when you revise the above mentioned guidance.

Best regards,
Akiho Shibata

Permanent Mission of Japan in Geneva

31 October 2002

COMMENTS ON DRAFT GUIDANCE FOR THE PREPARATION OF NATIONAL IMPLEMENTATION PLANS AND OTHER VIEWS ON THE SUBJECT**Ministry of the Environment
Government of Japan**

In response to Decision INC-6/17, please find below comments from the Ministry of the Environment, National Government of Japan

1. Comments on the document referred to in UNEP/POPS/INC.6/INF/8 ("the Guidance on Planning and developing National Implementation Plans (NIPs) under the Stockholm Convention, preliminary issue, June 2002" by UNEP and the World Bank)

- (1) The document includes very detailed descriptions of what should be reflected in the NIPs, such as, contents including non-obligatory issues under the convention, formats and an approach to the process for prepare the NIP. However, we believe that in many cases, it is difficult to follow uniform path to prepare the NIPs because of different cultural or socio-economical conditions of countries. Therefore, some flexibility should be given to the process for the preparing the NIPs, and the contents, excluding obligations under the Convention, with their formats when countries make their own decision.
- (2) For the developed countries, general country profile of geography, population, economy, etc., may not be needed in the NIPs. These kinds of information have already been available, and easily accessible.
- (3) The checklist in part B of the document includes issues that are not required by the Stockholm Convention. These issues should be deleted because they may cause misunderstandings and may impose unnecessary burden on developing countries.

2. Comments on other views on this subject

With respect to the guidance for the preparation of national implementation plans, we believe that the most important thing is to provide basic idea of important issues for preparing the NIPs briefly, such as concepts of the NIPS, contents that should be included and a process for preparing the NIPs. In addition to that, we should take into consideration that each country's local, socio-economical and cultural condition, as well as the status of implementation of the existing POPs related countermeasures in the country. To that extent, the preparation of the NIPS should be at each county's discretion.

For reference, we attached the Ministry of the Environment version of the draft outline of the NIP

The Draft Outline of the NIP (Ministry of the Environment version, as of Oct 2002)

Introduction

- Essential features of the Stockholm Convention
- Objectives and concepts of the NIP, a process for preparing the NIP

Chapter 1 Key Approaches

Key approaches for addressing POPs related issues (e.g. implementation of countermeasures at all stages of the life cycle, involvement of all the stakeholders with appropriate roles and responsibilities)

Chapter 2 Country Baseline

Section 1 Status of the Policies

- (1) Existing legislation related to POPs
- (2) Existing regulations and administrative actions related to POPs

Section 2 Status of Environmental Conditions

- Trend of contamination, each chemical and environmental medium

Section 3 Evaluation of the Implemented Policies

Chapter 3 Implementation Strategy

Section 1 Action Plan for Reducing Releases, from Unintentional Production of POPs

- (1) PCDDs/PCDFs
- (2) HCB
- (3) PCBs

Section 2 Strategies for Eliminating PCBs

- (1) Prohibition of use
- (2) Elimination

Section 3 Strategies for Stockpiles and Wastes

- (1) Landfill pesticides
 - Identification of stockpiles and appropriate management
 - Treatment
- (2) Chlordane
 - Identification of stockpiles and appropriate management
 - Treatment
- (3) PCDDs/PCDFs contaminated wastes
 - Identification of stockpiles and appropriate management

Section 4 Strategies for Identification of Contaminated Sites

Section 5 Monitoring

Chapter 4 International Commitment

Section 1 Stockholm Convention

- (1) Additional POPs
- (2) Support and/or assistance to developing countries

Section 2 Other Related Environmental Conventions

Coordinating national approaches to other international environmental conventions, specifically the Rotterdam Convention and the Basel Convention

Chapter 5 Public Information and Awareness

Section 1 Information Disclosure

Section 2 Promoting Risk Communications

Section 3 Public Relations

Chapter 6 Implementation of the NIP

- Involving stakeholders within and outside the government, coordinating the NIP to other related plans reviewing the NIP, Follow-up

VII. NEW ZEALAND**New Zealand comments on Guidance on Planning and Developing National Implementation Plans Under the Stockholm Convention**

The following is the New Zealand comment of the (June 2002) draft document on Guidance on Planning and Developing National Implementation Plans under the Stockholm Convention (provided by the Ministry for the Environment)

1. New Zealand's considers that the guidance document provides a very helpful structure and a process to assist parties develop National Implementation Plans (NIPs) In fact we are already putting it to the test in planning for our New Zealand NIP.
2. The guidance provided will encourage countries to adopt a similar NIP methodology. While allowing for individual country variation, the guidance, if followed, should facilitate the development of NIPS that share a basic form and structure. As a litmus test we consider that, if it is useful for us, it should be useful for many other countries as well. In this context New Zealand thinks that the document as proposed will serve its purpose.
3. The guidance appears to be comprehensive and thorough, and as pertinent for developed countries as well as developing countries. Please pass on our commendation to the authors.

New Zealand Permanent Mission GENEVA,

16 December 2002

VIII. NORWAY

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Guidance on Planning and Developing National Implementation Plans Under the Stockholm Convention - INC Decision 6/6

Dear Sir or Madam

With reference to letter from the Secretariat of 14 August 2002, inviting countries to provide comments on the full document referred to in UNEP/POPS/INC.6/INF/8 and other views on guidance on the preparation of national implementation plans (Decision INC6/6), Norway would like to submit the following comments on the document:

Part A General Overview

The Stockholm Convention requires Parties to prevent production and use of new POPs. But this is only obligatory to Parties that has one or more regulatory and assessment schemes for new chemicals and will not be an important part of a NIP for a less developed country. It requires however that the possibilities for every Party to achieve this is investigated, looking on the existing environmental laws and practices in every country. This should therefore be included in the indicative table of contents of a NIP document in chapter 6 and it should be listed in part 3.3. Detailed strategies and Action Plans. Our proposal is to add the following text to the list as 3.3.8:

Action Plan; Prevention of New POPs on the market (only obligatory to Parties that has one or more regulatory and assessment schemes for new pesticides or industrial chemicals)

Parties with regulatory and assessment schemes for existing chemicals are obligated to take the criteria for POPs in the Convention under consideration in their assessment of chemicals already on the market. This obligation will in particular be of importance for developed countries, but every Party should investigate the possibilities for achieving this in their country. This should therefore be included in the indicative table of contents of a NIP document in chapter 6 and it should be listed in part 3.3. Our proposal is to add the following text to the list as 3.3.9:

Action Plan; Incorporation of POP-criteria in assessment schemes for chemicals currently in use (only obligatory to Parties that has one or more regulatory and assessment schemes for existing pesticides or industrial chemicals)

The developed plans have to be evaluated to be effective. Article 7 requires Parties to review the Implementation Plan on a periodic basis. We therefore propose to add the following text to 3.5 (Timetable for Plan Implementation) in Chapter 6;

This section will also cover the review process of the Implementation plan and include a description of the formal mechanism for review, updating and approval of the revised Plan. The time interval for the review should here be stated.

Guidance set 3. Polychlorinated biphenyls - PCBs

Identifying the producer, importer and user companies of PCB or PCB-containing equipment is essential for the design of the phase-out projects. The projects should be focused on the important stakeholders and developed in cooperation with them. We propose to add the following bullet point in section 4, chapter 2.2:

Companies producing, importing or using PCBs or PCB-containing equipment (at present or in the past)

Guidance set 5 Releases from Unintentional Production of PCDDs/PCDFs, HCB and PCBs

General comments:

- The objective of the Convention of continuing minimization and ultimate elimination for unintentional produced POPs should be more in focus.
- The Implementation Plan need more emphasize on the review process.
- The required evaluation of efficacy of existing laws and policies in the Convention seems not to be fully covered.
- The elements in the general guidance to preventive and release reduction measures in Annex C in the Stockholm Convention are not covered.
- National major sources should be more in focus.

The only strong obligations for unintentional produced POPs in the Stockholm Convention is the obligation of continuing minimization and, where feasible, ultimate elimination, and the obligation of developing an action plan within two years of the day of entry into force of the Convention. The objective of continuing minimization and ultimate elimination of unintentional produced POPs should be clearly written in the Guidance. In order to achieve this objective the Guidance must be more specific indicating the results to be achieved. This requires a strengthening of the text of the drafted Guidance and we propose the following:

Change the headline in section 4 in the Indicative Table of Contents in chapter 3.1 to;

Measures for Reduction and Source Elimination of PCDDs/PCDFs, PCB and HCB Formation and Releases.

Change the last sentence in the section “Objectives” in the table “Development of Action Plan for...” in chapter 3.2 in to;

The overall objective is to achieve a continuing minimization and, where feasible, ultimate elimination of unintentional production of POPs formation and releases of the substances into the environment.

Our opinion is that the text in section 4 of chapter 3.2 should focus on the obligation to minimise and eliminate the releases of POPs. We propose to change it and strengthen it a bit;

It should be noted that the Stockholm Convention prescribe continuing minimisation and, where feasible, ultimate elimination of unintentional produced POPs. Establishing a base-line year will help in monitoring and reporting on a continuing minimisation. This will enable the Party to evaluate the efficacy of the Action Plan and to document the fulfillment of the obligation. The obligation of continuing minimisation of releases also requires regular evaluation processes, with review, updating and approval as elements.

Article 5 in the Stockholm Convention prescribes the Parties to have a review process every five years. Because of the objective of continuing minimisation the review process is especially important and has to be a part of the strategy of the Plan. Our proposal is to add the following bullet point to section 8 in the table in chapter 3.2;

development of a regular evaluation process, with review, updating and approval as elements.

Article 5 in the Convention prescribes an evaluation of the efficacy of the laws and policies of the Party as a part of the Action Plan. It is important to evaluate the effectiveness of the existing regulations and policies to decide further actions in the development of the Action Plan, but also as a part of the evaluation process. To achieve this we propose to add the following section after section 2 (Current and Projected Releases of...) in the indicative table of contents in chapter 3.1;

Evaluation of regulations and policies

Includes an evaluation of the effectiveness of the existing regulations and policies to achieve the objective in the Stockholm Convention, as a basis to decide further actions in the development of and then review of the Action Plan.

The general guidance on preventive and release reduction measures in Part V in Annex C in the Stockholm Convention include guidance to general prevention measures like substitution, Best Available Techniques and Best Environmental Practice and help to prioritize between the different measures. This part of the Annex C shall be applied when considering measures (Article 5 (c), (d), (e)) in the Action Plan. A reference to Part V in Annex C has to be added, where appropriate. We propose the following;

Add the following text to the first bullet point in chapter 1.2;

Promote application of available, feasible and practical measures to achieve realistic and meaningful levels of release reduction or source elimination, taking into consideration the general guidance on prevention and release reduction measures in Part V in Annex C when considering measures.

Add the following section after section 3 (“Environmental and Health Risks related to the Substances”) in chapter 3.1;

Possibilities for Preventing Releases and Formation of PCDDs/PCDFs, PCBs and HCB
Some prioritisation of options is already given in the Convention text. Priority is given to options that prevent the formation and release of the unintentional produced POPs, as outlined in the general guidance on prevention and release reduction measures in Part V in Annex C. In this section the possibilities to use different options to prevent formation and releases is considered.

Add the following text to Section 5 in the Indicative Table of Contents in chapter 3.2;

The need for action identified would lead to identification of options that would contribute to attainment of the objectives stated above. When considering different options the general guidance on prevention and release reduction measures in Part V in Annex C should be taken into account.

Add the following subsection after the first subsection in the beginning of Section 6 in the Indicative Table of Contents in chapter 3.2;

Some guidance for prioritisation is already given in the Convention text in the general guidance on prevention and release reduction measures in Part V in Annex C. According to the Convention priority should be given to the consideration of approaches to prevent the formation and release of unintentional produced POPs, such as low waste technology, substitution etc. In

determining Best Available Techniques special consideration should be given to the factors listed in B, Part V in Annex C, bearing in mind the likely costs and benefits of a measure and consideration of precaution and prevention.

The Toolkit used in the Guidance section 6 of chapter 2.2 is developed from Annex C. The source categories in Annex C are only indicative. Even if a nationally more important source is not mentioned in the Annex C or the Toolkit, it must nevertheless be a part of the Action Plan, for the Party to be able to fulfill the obligations in the Convention. To get this clearer in the text we propose the following;

Add the following text to the end of the third subsection in Section 6 of the table “Preparation of Inventory...”) in chapter 2.2;

The process of drawing upEven if one of the more important national sources is not included in the Toolkit as a major source category it must still be a priority in the Inventory and the Action Plan, for the Party to be able to fulfill the obligation of continuing minimisation and, where feasible, ultimate elimination.

Guidance set 6 POPs Contaminated Sites

General comments:

- An ambitious and good Guidance.
- It is concentrating about mapping the hot-spots. Surveys of this kind are often expensive and will need a good competence on chemical analysis.

To find the appropriate measures for a contaminated site it is important that the Survey is thorough and problem-oriented. Environmental problems and conflicts have to be defined and potentially risks declared. We propose to:

Add the following text to Section 3 in the Indicative table of contents in chapter 2.1;

Characterisation of sites contaminated by POPs including data as may be available on location,, public interest in the site, chemical characterisation of content, description of recipients, possible dissipation of the pollution and potential impact on soil and water resources. Environmental problems and conflicts have to be defined here, as well as risk to health and environment.

Yours sincerely

Signe Nåmdal
Head of section

Liselott Säll
Senior officer

Copy to: Ministry of the Environment in Norway

IX. SWITZERLAND

CH-3003 Berne, January 13, 2002

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Your reference

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Your letter dated

Our reference StU / B505-0357

Comments requested by POPs INC-6

GUIDANCE FOR NIPs AS REQUESTED WITH THE LETTER DATED AUG. 14, 2002

Dear Dr Willis

In this letter please find the Swiss responses to the requests for information described in your letter of August 14.

We know that a very remarkable effort has been made to edit the respective guidelines, and we are of the opinion that they can serve a very useful purpose. In addition, we have recently taken note that some 80 countries are already being supported in preparing their NIPs. Therefore, we would just like to encourage the use of the document. Finally, we would be interested in learning about the experience collected in the course of using it, once this experience is available.

We thank you very much for considering our proposals.

Yours sincerely,

Georg Karlaganis, Head
Substances, Soil and Biotechnology Division

X. UNITED STATES OF AMERICA**U.S. Comments on Draft NIP Document “*Guidance Document for developing national implementation plans of the Stockholm Convention on Persistent Organic Pollutants*”
November 1st, 2002****General Comments on All Guidance Documents (A to C)**

The U.S. welcomes the opportunity to review and comment on the subject guidance. We feel the guidance needs major fundamental revisions in order to correctly reflect the obligations of the Stockholm Convention, and to be more user friendly and not over-burdensome or too prescriptive for Parties. In our comments, we have highlighted major issues, but do not attempt to suggest all the necessary detailed changes as we assume there will be additional opportunity for more comprehensive specific comments in the future.

We believe the broad approach of the current document that goes beyond the obligations under the Convention is rather intimidating for countries that are initiating action on POPs, and may therefore serve as a significant deterrent for their participation in the Convention. A broad approach beyond the Convention obligations may also create some confusion as to how the NIP preparation and implementation will be funded for certain elements. For these reasons, we believe that the NIPs guidance should limit its focus to those obligations that a Party must satisfy in order to be in compliance with the Stockholm Convention.

We believe that the strong focus on process-related guidance adds to the confusion and creates more burden than is warranted. While we acknowledge that the elements in this process are important and could possibly be included in an annex, we question whether parties will be discouraged by them as a basis for developing their NIPs.

While there are references throughout the document that Parties can select which sections they would like to include, the most important elements are not clear. We suggest focusing on conveying the main elements that should be in every National Implementation Plan and providing a “road map,” so that countries can select the level of detail they wish to pursue. A basic NIP should address only those obligations set out under the requirements of the Stockholm Convention. Some consideration should also be given to the fact that some countries may have already taken many of the actions prescribed under the Convention, and may therefore only need to reference existing documentation or laws and include less detail than is currently suggested in the guidance.

We note that the current draft contains numerous significant inaccurate statements with regard to obligations under the Stockholm Convention, and some illustrative examples of these inaccuracies are included in the comments that follow which are by no means comprehensive. We believe that is a very difficult task to attempt to paraphrase the Convention’s provisions without losing the important nuances of some of the treaty language. We also recognize the interest in providing guidance on the minimum treaty obligations that a NIP should address. We therefore suggest replacing the detailed description of obligations with a more generalized list of bullets, each of which could refer the reader to the relevant obligations under the Convention. We believe such a list would facilitate the efforts of countries to organize their work while avoiding the difficult task of trying to import every concept and nuance from the Convention into the guidance document.

The guidance recommends that the NIP include much information that is outside the scope of the Stockholm Convention. Moreover, because of the mandatory-like nature of some of the language, it makes it appear that this information is related to an obligation in the Convention. For example, the guidance discusses in a number of places "assignment of responsibility and liability" for cleaning up contaminated sites or containment and disposal of POPs pesticide waste. There is no obligation in the

Convention that would require assignment of liability to any one for cleaning up sites or disposing of pesticide waste.

Likewise, the guidance frequently discusses environmental and health monitoring capabilities. The Convention does not require parties to independently monitor for health and environmental effects. Indeed, the Convention says nothing about monitoring for health impacts. With regard to environmental monitoring, Article 16 directs the COP to "initiate establishment of arrangements to provide itself with comparable monitoring on the presence of the [listed POPs] as well as their regional and global environmental transport." The Convention further directs that the monitoring arrangements should be implemented by the parties on a regional basis when appropriate in accordance with their financial and technical capabilities." It, however, contains no obligation that a party independently monitor. Thus, the lengthy discussions of environmental and health monitoring seems misplaced given that the COP has not even began to initiate any arrangements and no-one knows what obligations they may have related to monitoring.

The guidance often makes reference to various "principles" that might be involved. We do not think that is appropriate and that those references should be deleted.

When describing or summarizing obligations, the guidance often mischaracterizes them. For example, the guidance often refers to obligations to "eliminate POPs." There is no obligation to eliminate POPs. There is an obligation to prohibit, or take legal and administrative measures to eliminate, the production and use of Annex A POPs, restrict the use of DDT to disease vector control per part II of Annex B, and take measures to reduce total releases of Annex C POPs.

The guidance often uses mandatory terms when describing optional approaches for implementing the Convention. For example, the guidance states that the NIP "will be endorsed by the Government as an integral part of the country's overall national policy and sustainable development strategy." There is no mandatory obligation in the Convention to integrate the NIP with sustainable development strategies. Rather, Article 7, paragraph 3 requires only that parties "endeavour to utilize and, where necessary, establish the means to integrate [NIPs] in their sustainable development strategies where appropriate." "We find that this guidance focuses excessively on addressing developing country needs and obligations and is thus not applicable to all Parties to the Convention.

The seemingly interchangeable use of the terms implementation plan and action plans is very confusing. The Treaty clearly distinguishes the need to develop "action plans" versus "strategies" in very specific cases and the level of stringency of the obligation also varies. For example, parties are required to develop action plans for annex C chemicals. For DDT, the development of an action plan is encouraged. A strategy is suggested ("endeavor to develop") for identifying contaminated sites. Some of the "strategies" are further caveated in that they are not required per se, but rather they are to be developed by parties "as appropriate." These fine distinctions are very important and need to be upheld in the guidance.

The guidance documents should be revised throughout to use the term "Implementation Plan" or "NIP" rather than "action plan" to avoid this confusion and only those activities specifically identified in the Treaty as "action plans" should be identified as such. Further, the guidance documents have often grouped activities (i.e., action plans and strategies) together under the label of an "action plan", which is quite inconsistent with the Treaty. For example as a result, the guidance documents have effectively changed Article 6 which calls for development of strategies for identifying stockpiles and wastes of POPs and for identifying contaminated soils, into action plans.

PART A:***General Comments:***

The document fails to explain the purpose and objectives of the Convention itself. If the document is meant to provide guidance to a government official unfamiliar with the POPs Convention, this objective is not met.

The organization is unwieldy and difficult to understand because it intertwines process and technical aspects. Instead, the document should explain the Convention's objective, discuss the purpose of a NIP, how to get started, what should be included, and information resources. The process suggestions could also be included in an appendix.

Executive Summary:

The Summary should explain the intent of the Stockholm Convention, background information similar to the information found in the introduction of the Stockholm Convention text published by UNEP. The summary should explain the purpose of a National Implementation Plan. The introduction should explain that this is a guidance document, that a NIP is a flexible document and should be structured according to the needs of a particular country, etc. It is not a static document. The summary should highlight some of the possible key components found in a NIP.

The framework and structure sections of the executive summary should be deleted. We don't see what purpose is served by including this information in this part of Section A. The reader should walk away from reading the executive summary with an understanding of the Convention, why they need to craft a NIP and what should be included.

We would suggest the following as the appropriate stated objectives for the guidance:

- Provide a framework for preparing a National Implementation Plan (NIP) as required by Article 7 of the Stockholm Convention on Persistent Organic Pollutants
- Be facilitative and non-prescriptive
- Be a dynamic planning tool that will be updated and refined as experience is gained in implementing the Stockholm Convention
- Provide some consistency between NIPs by suggesting possible common elements
- Be useful to all Parties to the Convention in planning and implementation activities
- To facilitate efforts to meet the specific requirements necessary for a Party to be in compliance with the Convention

Main document of Part A:**Page 6. Organisation of the Guidance Document**

This section states (see following quote) that there are 8 sets of guidance in Part C of this guidance, yet Part C only contains the following 6 sets: 1) Crosscutting issues; 2) Pesticides; 3) PCBs; 4) DDT; 5) By-products; and 6) Contaminated sites.

“... technical guidance sets composing Part C of the document. It comprises subject specific Guidance sets addressing the preparation of the detailed NIP components under the following headings:

- 1 NIP Sections on Overarching and Cross-Cutting Issues
- 2 POPs Pesticides
- 3 Polychlorinated Biphenyls - PCBs
- 4 Releases from Unintentional Production of PCDDs/PCDFs, HCB and PCBs
- 5 POPs Contaminated Sites
- 6 POPs Information Access, Use and Reporting
- 7 Monitoring of Releases and Environmental Health Impacts

8 Public Information, Awareness and Education”

page 7:

The following language refers to four Annexes (1, 2, 3 and 4) which were not available for comment at this time and would need to be revisited in the future.

“The annexes include formats for some issue- and chemical-specific baseline determination activities (Annex 1), the full list of Stockholm Convention requirements, (Annex 2), lists of existing Guidance Documents (Annexes 3) and a glossary (Annex 4).”

Another reference to Annex 2 is made later on page 11:

“A more extensive description of the Convention provisions that create obligations on Parties is contained in Annex 2.”

page 9:

Hexachlorobenzene also has non-pesticide uses that are specifically listed as exemptions in Annex A Part I. The description of Annex A is therefore incorrect:

“Except for PCBs, the chemicals listed in Annex A are all pesticides used for controlling pests, such as insects and small animals.”

page 9:

The Convention Requirement Check List

This section inadequately and often incorrectly describes the requirements of the Treaty. Key words and important phrases of specific articles have been left out or over-simplified such that the requirements are often presented as more prescriptive than the treaty language and sometimes broader in scope of applicability. For example, the opening sentences of this section states could easily be misinterpreted that all the actions listed in this section “must be taken”.

Illustrative but by no means comprehensive examples of misrepresented language include the following bullets:

Bullet #7 Develop and implement an action plan on a national, sub-regional or regional basis, as appropriate, for the reduction of total releases of Annex C chemicals (PCDD, PCDF, HCB, PCB) from anthropogenic sources within two years of becoming a Party – Article 5; [The 2 years applies to developing an action plan not to the reduction]

Bullet #9 Prohibit disposal of POPs stockpiles and wastes involving or leading to recovery, recycling, reclamation, direct use or alternative use - Article 6.1 (d) (iii); (The POPs chemicals on the wastes cannot be recycled or reused, but the wastes can be recycled for other purposes such as for metals recovery.)

Bullet #10 Regulate transboundary movement of POPs stockpiles and waste POPs in accordance with international rules, standards and guidelines - Article 6.1 (d) (iv) [The Convention does not mandate compliance with international standards as the guidance suggests. It requires that you consider or “take into account” international standards, rules, guidelines. Regulation is not specifically required – the language is “take appropriate measures to”]

Bullet #17 The reference to Article 13, financial assistance, is vague and does not indicate that assistance is “as mutually agreed” and in accordance with party’s capabilities.

As we note above, we suggest that this section be deleted rather than attempt the perilous task of paraphrasing the text itself. It may be useful to replace it with a bulleted topic list that refers to the relevant articles in the Convention rather than setting them out explicitly.

page 14:

Section 2.3 Assessment of the POPs Issue implies that a Survey of Contaminated Sites (2.3.5) is required. This is not specifically required in the Treaty, although it may be a desirable component of a strategy for contaminated sites.

Page 15:

Section 3.3 Detailed Strategies and Action Plans inaccurately presents the requirements of certain sections of the treaty as requiring the development of “action plans” where the treaty language clearly calls for the development of “appropriate strategies”. For example: 3.3.7 Action Plan: Identification of Contaminated Sites is inconsistent with the language in Article 6 (2) which clearly calls for a strategy. An “action plan” that includes initial identification of sites as a first step, may be a desirable component of a strategy.

Guidance Set 2 - POPs Pesticides

1. p.21: The summary on regarding Management Options for Development of Action Plan for POPs Pesticides is well done. It should also include a bullet on regional cooperation and enforcement/compliance issues.
2. Overall, it lacks a component on regional cooperation.
3. Should include a focus on human resource capacity and improving this capacity nationally through education and academic programs.
4. Is missing a component on agriculture extension and training programs which are important for training pesticide users.
5. Should focus more on assessing and strengthening national capacity for developing and testing alternatives.
6. P.18 - Establishing Criteria for Evaluation and Prioritisation of Options: This section is not practical for most developing countries and would be better prepared by the COP or appropriate UN organization (e.g., FAO).
7. Organizational Arrangements, Participants and Stakeholders: It may be that countries will provide assistance; not only “international experts” or consultants as is reflected in the document.
8. EPA and other international organization documents should be referenced in the “Information Sources” section.

Guidance Set 3 - Polychlorinated Biphenyls - PCBs (annex A, Part II Chemicals)**Inventory and Action Plan**

In some places, this section misleadingly appears to suggest that the guidance is a requirement and *the only way* to accomplish a very general objective, for which the Convention negotiators agreed to flexible solutions. There is an incorrect assimilation or inclusion of the requirements for an “Action Plan” in Annex C for estimation or projection of emissions into the “plan” in Section 3 which for PCBs addresses identifying, labeling and managing, among other PCBs, potentially many fairly small pieces of equipment. We believe that the text misuses the term “inventory”, which means a comprehensive count, not a general evaluation.

The document also shows a biased interpretation of Annex A, Part II in the Convention that does not reflect the flexibility placed in the convention in recognition of the resource limitations to address POPs.

Comments on the Sections

Section 1.2 -

Bullet 2 - There is no such requirement or statement in the Stockholm Convention. "Elimination" is a goal using the "take action" approaches listed in bullets 3-5.

There is no mention of important use conditions in Part II (b) for the more than 20 years of use which are possible before phase out or disposal. This concept seems to be lost in all of section 3, as well.

Section 2

There is no mention of the word "inventory" or "extrapolation to a national level" in the text of the Convention. This section should therefore be deleted or reworked to be consistent with the convention.

Section 2.1

The title of the table should be more like an Example of a Table of Contents.

In the table items 3 and 4, there is no mention of providing details of past use in the Convention. The words "past and" should be removed.

In the table items 5, the Convention calls for a strategy and not an inventory for waste that is not liquid, equipment or articles.

Section 3. Development of an Action Plan for PCBs

The term "Action Plan" is specific to Annex C which addresses PCB emissions generally from combustion sources. Section 3 and this guidance set is addressing the Annex A, Part II chemical PCBs. In Annex A, part II, there is no mention of the concept of "Action Plan." Part II addresses PCBs which are products in use, liquids, in equipment or in articles. The guidance should be very clear that the "Action Plan" concept suggested in this guidance is a voluntary activity and there is little language in the Convention which addresses the details of the required "plan" in Section 3 for PCBs in Part II. The title should read something like "Options for an Action Plan." To avoid confusion, we believe that it would help a reader if this concept is named differently or the Convention term of "plan" is used. Any references to "the Action Plan," addressing PCBs other than emissions, is confusing and should be at the very least be changed to "an" action plan or perhaps better a PCB Management Plan.

Guidance Set 4: DDT Inventory and Action Plan

1 The guidance does not address the specific circumstances for DDT and the health sector. Instead, it uses the standard template that was used in Guidance Set 2 on POPs Pesticides.

2 References should be made to WHO resources as well as the 2 GEF - DDT phase-out projects in Mexico/Central America and Africa.

3 Countries should be urged to coordinate with health sector and WHO representatives.

4 The guidance focuses mainly on economic costs (e.g., costs of using alternatives, etc.) but needs to also reflect the environmental costs of current practices and future alternatives.

5 Section 2.1; #7: Needs to consider the status of the national malaria control program and promote coordination with the health ministries.

6 Information Sources: The Basel Secretariat is developing disposal guidelines for DDT. It should be referenced in the guidance.

7 Action Plan Development Phase Activities-#6 - Establishing Criteria for Evaluation and Prioritisation of Options: This whole process is probably more reasonable and practical for WHO to develop for use by all countries.

Guidance Set 5: Releases from Unintentional Production of PCDDs/PCDFs, HCB and PCBs (Annex C Chemicals) Inventory and Action Plan

Introduction. It would be useful to mention in the introduction the efforts to develop both the Toolkit for identifying and estimating releases of dioxins and furans and the guidance on Best Available Techniques/Best Environmental Practices for addressing releases that have been undertaken by the Stockholm Convention. Given the importance of these guidance documents to the development of the national implementation plans and the action plan for releases from unintentional production of PCDDs/PCDFs, HCB and PCBs, at least a parenthetical or footnoted mention of them in the introduction would alert users to them.

1.1 Indicative Table of Contents.

Under “2. Releases of PCDDs/PCDFs by Source Categories”, add to the last sentence: “• data gaps, uncertainties and assumptions are described.”

2.2. Preparation of Inventory.

Under “Phase 2: Inventory Preparation Activities, add bullet under section 4. *Establishment of Overview*:

- List of potential sources and/or source categories in the country matching Annex C Part II or Part III sources
- Studies from neighboring or similar countries in the region

Under section 6. *Preparation of ‘dioxin’ inventory*

Remind users that the Toolkit guidance is not required. Also add to the last sentence: “• the reliability of the inventory is gradually ~~increased~~ improved by obtaining more, better quality data on the sources.”

3.1 How to Structure the Action Plan on Releases from Unintentional Production

This is a useful approach for the guidance to take. However, the elements of the structure do not track the requirements under Article 5. Specifically:

- There is no section which describes the country’s evaluation of country’s current laws and policies to manage unintentional byproduct releases (Article 5(1)(ii)).
- The structure includes sections on investment and on costs and financing of the Action Plan implementation. There is no mention in Article 5 (though it may be elsewhere) of this obligation, and so it needs to be explained why the Action Plan should include these elements. (This information may be helpful for other parties (UNEP, the COP, etc.) In gauging the level of effort being expanded. It may also be helpful in providing support within the country for the Action Plan, as well as for external (e.g., GEF funding).

Under 7. *Implementation of the Action Plan*, add to the last sentence, “A formal mechanism for review and updating the Action Plan (*required every 5 years*) should also be defined.”

3.2 How to Develop an Action Plan for Reduction/Elimination of Releases from Unintentional Production

Under Activities it is important to mention explicitly the effort to develop BAT/BEP guidance for sources of PCDDs/PCDFs, HCB and PCBs, given the importance that the Stockholm Convention is placing on it and its expected usefulness for countries as they develop their Action Plans.

There is no mention of the evaluation of current laws and policies in the analysis stage. It is difficult to develop Objectives (section 4 in this part of the guidance) without knowing what is or is not in place to address these releases.
