

SC-5/12: Guidelines on best available techniques and provisional guidance on best environmental practices

The Conference of the Parties

1. *Takes note* of the comments provided by parties and others on the guidelines on best available techniques and the provisional guidance on best environmental practices;¹
2. *Reminds* parties, in accordance with Article 5 of the Stockholm Convention on Persistent Organic Pollutants, to take into consideration the guidelines and guidance when applying best available techniques and best environmental practices and to assist decision-making in the implementation of action plans and other actions related to their obligations under Article 5, and invites them to share their experiences, such as in the form of case studies, via the Convention clearing-house mechanism;
3. *Adopts* the procedure for updating the guidelines and guidance set forth in the annex to the present decision and *acknowledges* that, besides those relevant to Article 5 and Annex C, other aspects of best available techniques and best environmental practices relevant to all persistent organic pollutants listed in the annexes to the Convention should be considered;
4. *Invites* parties and others to nominate experts with specific expertise in best available techniques and best *environmental* practices to the joint Toolkit and best available techniques and best environmental practices expert roster called for in the procedure;
5. *Requests* the Secretariat to support the continuing review and updating of the guidelines and guidance and further to promote the guidelines and guidance and the sharing of experience in their use in implementing obligations under Article 5 of the Convention, subject to the availability of resources;
6. *Invites* parties and others in a position to do so to provide funding for activities aimed at enhancing the understanding and implementation of the guidelines and guidance.

Annex to decision SC-5/12

Procedure for the review and updating of the guidelines on best available techniques and provisional guidance on best environmental practices

Introduction

1. By its decision SC-4/6 on best available techniques and best environmental practices, the Conference of the Parties requested the Secretariat to propose to the Conference of the Parties for consideration at its fifth meeting a procedure for updating the guidelines on best available techniques and provisional guidance on best environmental practices taking into consideration paragraph 7 of decision IX/16 of the Conference of the Parties to the Basel Convention on the Control of the Transboundary Movement of Hazardous Wastes and Their Disposal.
2. Given that paragraph 18 (d) of the annex to decision SC-3/6, on the review and updating of the Standardized Toolkit for Identification and Quantification of Dioxin and Furan Releases, calls for the further promotion of synergies between activities related to releases from unintentional production and best available techniques/best environmental practices, it was considered that it would be useful for experts from the roster of experts on the further development of the Standardized Toolkit² to discuss the proposed procedure called for by decision SC-4/6. Accordingly, elements of such a procedure were discussed at the fourth and fifth Toolkit expert meetings and the proposed procedure outlined in the present document was endorsed by the experts present at the fifth meeting.

1 UNEP/POPS/COP.5/INF/5.

2 <http://chm.pops.int/Portals/0/download.aspx?d=UNEP-POPS-TOOLKIT-LIST-ExpertsRoster200902.English.pdf>.

Procedure for the review and updating of the guidelines on best available techniques and provisional guidance on best environmental practices

3. A procedure for the review and updating of the guidelines on best available techniques and provisional guidance on best environmental practices is outlined below. It describes the general tasks to be performed in the review and updating process; the stakeholders to be involved in the process; the activities, procedures and specific tasks to be performed in the process, along with the roles that particular stakeholders are to play; and the frequency with which the activities and tasks are to be performed.

4. In addition to the best available techniques and best environmental practices regarding persistent organic pollutants relevant to Article 5 of and Annex C to the Convention, best available techniques and best environmental practices relevant to all chemicals listed in the annexes to the Convention are considered as they relate to:

- (a) Destruction of persistent organic pollutants;
- (b) Production of restricted persistent organic pollutants for acceptable purposes as defined in the Convention;
- (c) Use of persistent organic pollutants for acceptable purposes and pursuant to specific exemptions as defined in the Convention;
- (d) Recycling of articles containing persistent organic pollutants pursuant to specific exemptions as defined in the Convention;
- (e) Storage of waste containing persistent organic pollutants;
- (f) Remediation of sites contaminated with persistent organic pollutants.

A. General tasks

5. The general tasks to be undertaken in the review and updating process are:

- (a) Enhancing the guidelines to identify and take into account more fully the needs and circumstances of developing countries and regions, particularly with regard to sources of persistent organic pollutant releases of relevance to developing countries;
- (b) Providing additional information on available alternatives, including home-grown alternatives, and on the use of substitute or modified materials, products and processes;
- (c) Evaluating emerging technologies and improvements to existing technologies;
- (d) Harmonizing activities with the Toolkit review and updating process and with the work of the appropriate bodies of the Basel Convention;
- (e) Evaluating possible implications of the listing of new persistent organic pollutants in the annexes to the Convention;
- (f) Optimizing synergies with other efforts, such as those to combat mercury and to reduce greenhouse-gas emissions through best available techniques and best environmental practices (avoiding negative effects on releases of other pollutants while taking mitigation measures);
- (g) Reporting to the Conference of the Parties.

6. The procedures for identifying detailed tasks and activities, to be undertaken as priorities over a set period of time, are outlined below.

B. Stakeholders

7. To respond to the Conference of the Parties' request to promote synergies between activities related to releases from unintentional production and best available techniques/best environmental practices, a joint expert roster will be created and used. The existing Toolkit expert roster will be supplemented by experts with specific expertise in best available techniques and best environmental practices. The Secretariat will invite parties and others to nominate such experts, who will be consulted as needed during the review and updating process. In addition, experts from the Persistent Organic Pollutants Review Committee expert roster can be drawn upon as appropriate.

8. Basel Convention experts will be involved in work related to wastes, and national coordination on the subject will be encouraged as appropriate.
9. All experts nominated by parties and others and included in the joint Toolkit and best available techniques and best environmental practices expert roster will be involved in the review and updating process, at least by electronic means.
10. The joint roster will remain open for further nominations.
11. Between 25 and 30 party-nominated experts selected from this roster may be invited by the Secretariat to participate in expert meetings. Participants will be selected taking into account the expertise of each expert and its relevance to the topics to be discussed at the expert meetings, in addition to geographic distribution and balance between developed and developing countries.
12. Up to five additional experts may be invited to provide specific expertise related to the particular topic to be discussed, if such expertise is not available among the experts included in the roster.
13. While expert meetings should be open to observers, the total number of participants should not exceed 35.

C. Procedures, activities and specific tasks

14. The review and updating process is driven by parties and organized and facilitated by the Secretariat. Expert panels focusing on a specific source category or task could be established, led by parties who volunteer to do so.
15. Parties and others will be invited to generate relevant data and information to assist in the review and updating process, and to provide that information to the Secretariat.
16. Such information will be gathered and summarized regularly and provided for the experts' consideration.
17. The experts should perform the following tasks and activities, among others:
 - (a) Analyse and evaluate available information, including the current edition of the guidelines and guidance;
 - (b) Identify new information and existing gaps, agree on priorities and propose activities for improvement;
 - (c) Identify best available techniques and best environmental practices options for small-scale and artisanal processes;
 - (d) Develop a detailed workplan and timetable for the revision and updating process;
 - (e) Set up the necessary organizational structure (such as expert panels);
 - (f) Agree on data-quality criteria by which to validate data and information, so as to ensure that only scientifically sound information is included in the guidelines and guidance;
 - (g) Validate information and data to be included in the guidelines and guidance according to the agreed data-quality criteria and prepare revised or new texts;
 - (h) Assess training and capacity-building needs for parties to apply best available techniques and best environmental practices and implement requirements under the Convention;
 - (i) Take into account, in relation to wastes-related matters, the technical guidelines on persistent organic pollutants adopted by the Conference of the Parties to the Basel Convention.
18. Best available techniques and best environmental practices expert meetings will be organized to facilitate the implementation of the activities and tasks outlined above.
19. Texts of the guidelines, as revised or developed by the expert panels, will be circulated to all experts for review and comments before being made available through the clearing-house mechanism of the Convention. Parties and others will be invited to peruse them and provide comments and suggestions.
20. The following activities will be further promoted:
 - (a) Sharing and exchanging of information via the clearing-house mechanism;

- (b) Local initiatives for data generation and collection, including case studies;
- (c) Joint activities and projects between developed and developing countries, in addition to South-South cooperation;
- (d) Synergies between activities related to releases from unintentional production and best available techniques/best environmental practices;
- (e) Awareness-raising with regard to the guidelines.

D. Periodicity

- 21. The guidelines and guidance on best available techniques and best environmental practices should be a living document and the process for reviewing and updating it should be continuous.
 - 22. Expert meetings should be organized every two years, back-to-back with the annual Toolkit expert meetings. Work should, however, continue intersessionally by electronic means, organized by the expert panel leaders and facilitated by the Secretariat.
 - 23. New or revised chapters will be shared via the clearing-house mechanism as they are completed.
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