107TH CONGRESS
2d Session

SENATE

TREATY DOC.
107–5

STOCKHOLM CONVENTION ON ORGANIC POLLUTANTS

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS, WITH ANNEXES, DONE AT STOCKHOLM, MAY 22–23, 2001

MAY 7, 2002.—Convention was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

U.S. GOVERNMENT PRINTING OFFICE

99–118 WASHINGTON : 2002

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *May 6, 2002.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Stockholm Convention on Persistent Organic Pollutants, with Annexes, done at Stockholm, May 22–23, 2001. The report of the Secretary of State is also enclosed for the information of the Senate.

The Convention, which was negotiated under the auspices of the United Nations Environment Program with the leadership and active participation of the United States, commits Parties to take significant steps, similar to those already taken by the United States, to eliminate or restrict the production, use, and/or release of 12 specified persistent organic pollutants (POPs). When I announced that the United States would sign the Convention, I noted that POPs chemicals, even when released abroad, can harm human health and the environment in the United States. The Convention obligates Parties to take measures to eliminate or restrict the production, use, and trade of intentionally produced POPs, to develop action plans to address the release of unintentionally produced POPs, and to use best available techniques to reduce emissions from certain new sources of unintentionally produced POPs. It also includes obligations on the treatment of POPs stockpiles and wastes, as well as a science-based procedure to add new chemicals that meet defined criteria.

The United States, with the assistance and cooperation of nongovernmental organizations and industry, plays an important international leadership role in the safe management of hazardous chemicals and pesticides. This Convention, which will bring over time, an end to the production and use of certain of these toxic chemicals beyond our borders, will positively affect the U.S. environment and public health. All relevant Federal agencies support early ratification of the Convention for these reasons, and we understand that affected industries and interest groups share this view.

I recommend that the Senate give prompt and favorable consideration to the Convention and give its advice and consent to ratification, subject to the understandings described in the accompanying report of the Secretary of State, at the earliest possible date.

GEORGE W. BUSH.

LETTER OF SUBMITTAL

AUGUST 1, 2001.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you the Stockholm Convention on Persistent Organic Pollutants, with Annexes, done at Stockholm, May 22–23, 2001. In accordance with your announcement on April 19, the United States signed the Convention, subject to ratification, on May 23, 2001, along with 90 other States. I recommend that the Convention be transmitted on a priority basis to the Senate for its advice and consent to ratification.

Chemical synthesis and production advances have been responsible for many important benefits currently enjoyed by modern society. However, as scientific knowledge about these substances has increased, it has become clear that the continued production and use of certain chemicals and pesticides with particular traits carries with it inherent risks and poses both environmental and health hazards. The chemicals of global concern that are the subject of this Convention are often referred to as persistent organic pollutants (POPs). These harmful chemicals share four basic characteristics that cause them to adversely affect human health and the environment: (1) they are toxic; (2) they persist in the environment for long periods of time; (3) they circulate globally through the atmosphere and oceans to regions far from their source of origin; and (4) they biomagnify as they move up through the food chain, accumulating in the fatty tissue of higher organisms, including in other foods consumed by Americans.

There is evidence of continuing transboundary deposition of POPs chemicals far from their sources. Indigenous people in Alaska and elsewhere in the United States are particularly at risk due to their reliance on a subsistence diet. This Convention will reduce or eliminate certain POPs that continue to be released outside the United States and which pose a threat to U.S. public health and the environment.

The United States has already taken substantial action to address the risks associated with those POPs chemicals currently covered by the Convention. Many other countries, including some developing countries, have also taken steps to address these risks. Nonetheless, certain of these chemicals continue to be used and produced, mostly in developing countries.

The Convention commits Parties to take significant steps, similar to those already taken by the United States, to eliminate or restrict the production, use and/or release of specified POPs. It initially identifies twelve chemicals, often referred to as the "dirty dozen."

Several of these are intentionally produced for use either as pesticides or industrial chemicals (e.g., DDT); some are produced and released as incidental byproducts of other processes (e.g., dioxin). Under the Convention, all of the intentionally produced POPs except DDT are slated for elimination of production and use. In recognition of the humanitarian need to use DDT for disease vector control, notably to fight malaria, the Convention allows its use for this purpose, while encouraging the development of effective and economically viable alternatives. The Convention obligates Parties to develop action plans to address the release of byproduct POPs and to use best available techniques to reduce emissions from certain new sources of such POPs. It also imposes controls on the handling of POPs wastes and on trade in POPs chemicals. Additionally, it includes a science-based procedure to add new chemicals that meet defined criteria to the lists of POPs subject to the Convention.

The Convention does not differentiate in its basic obligations between developing and developed countries. The Convention does establish a flexible framework to provide technical and financial assistance to help developing countries implement their commitments.

The United States played a leading role in negotiating the Convention, which was developed under the auspices of the United Nations Environment Program (UNEP). Throughout the negotiations, the Department of State and interested Federal agencies, including the Environmental Protection Agency (EPA), the Department of Commerce, the United States Trade Representative, the Department of Health and Human Services, and the Department of Agriculture, consulted with the Congress, industry and environmental organizations. The relevant Federal agencies support expeditious ratification of the Convention by the United States. The Convention has the strong support of U.S. industry and environmental organizations.

The following analysis reviews the Convention's key provisions and sets forth the proposed understandings of the United States with respect to several elements.

PREAMBLE

The preamble highlights the key reasons for global action on Persistent Organic Pollutants (POPs), including their capacity for long-range transport and bioaccumulation; their potential negative effects on human health and the environment, and the particular risks they pose for developing countries, Arctic ecosystems, indigenous communities (through POPs contained in their traditional foods), women and, through them, future generations. The preamble also includes language on precaution, which is consistent with the U.S. view that the Convention embodies a precautionary approach to protect health and the environment.

ARTICLE 1—OBJECTIVE

Article 1 identifies the objective of the Convention: to protect human health and the environment from persistent organic pollutants.

ARTICLE 2—DEFINITIONS

There are only three definitions in this Article: "Party"; "Regional economic integration organization"; and "Parties present and voting". These definitions are self-explanatory and consistent with usage in other multilateral environmental agreements to which the United States is a party. It should be noted that, with respect to obligations that require Parties to take action on chemicals listed in Annexes A, B or C, the term "Party" includes only those Parties that are bound by particular listings for chemicals that are added in the future. In order to make this definition clear, it is recommended that the following understanding be included in the U.S. instrument of ratification:

> The United States understands that the term "Party" as defined in Article 2 includes only those Parties that are bound by particular listings for chemicals that are added in the future to Annexes A, B or C with respect to the obligations to take action on those chemicals.

ARTICLE 3—MEASURES TO REDUCE OR ELIMINATE RELEASES FROM INTENTIONAL PRODUCTION AND USE

Article 3, together with Annexes A and B, contains core obligations in the Convention regarding controls and intentionally produced POPs chemicals. Paragraph 1 requires each Party to "[p]rohibit and/or take the legal and administrative measures necessary to eliminate" the production and use of chemicals listed in Annex A, and to "restrict" production and use of chemicals listed in Annex B. Annexes A and B include 10 intentionally produced pesticides and industrial chemicals. Aldrin, chlordane, dieldrin, endrin, heptachlor, hexachlorobenzene, mirex, toxaphene, and PCBs are placed in Annex A. DDT is placed on Annex B. Time-limited country-specific exemptions are allowed for the use, production and trade of some chemicals in Annex A. There are also certain general exemptions for chemicals listed on Annexes A and B, and language addressing the special case of PCBs in Annex A and DDT in Annex B, described below.

The United States is in large part already fulfilling the obligations in paragraph 1, either because it has taken the legal and administrative measures necessary to eliminate production and use of the listed chemicals, or because nearly all production and use of these chemicals have otherwise ceased. For example, none of the listed chemicals are currently registered under U.S. law for use as pesticides in the United States.

At the same time, certain limitations to the existing authorities under the main U.S. statutes in this area—namely, the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. § 136 et. seq., and the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2601 et seq.—exist with regard to implementation of discrete obligations in Article 3. For example, U.S. law currently does not provide unambiguous authority to prevent production of all POPs chemicals for export. In addition, two of the listed POPs chemicals (DDT and HCB) theoretically are eligible for production under TSCA under certain circumstances without prior notice, although no such production is known to occur in the United States. New

production and use of the other listed POPs chemicals theoretically could be proposed in the future, and their prohibition cannot be guaranteed under existing law. Targeted, legislative authority therefore will be sought to ensure the U.S. ability to implement in full the obligations on all production and use of the listed POPs.

Paragraph 2 places restrictions on the import and export of chemicals listed in Annexes A and B. Paragraph 2(a) requires each Party to take measures to ensure that a chemical is imported only for environmentally sound disposal or for a use or purpose permitted under Annex A or B. Paragraph 2(b) restricts exports both to other Parties and to non-Parties to the Convention. Annex A and B chemicals can be exported only: (i) for environmentally sound disposal; (ii) to another Party permitted to use the chemical under Annexes A or B; or (iii) to a State not Party to the Convention, provided that the non-Party has provided an annual certification to the exporting Party. That certification must address the non-Party's intended use of the chemical and its commitment to minimize or prevent releases of the chemical and to dispose of any wastes in an environmentally sound manner. In addition, exports of chemicals listed in Annex A are prohibited to both Parties and non-Parties, except for environmentally sound disposal, once there are no longer any specific exemptions in effect for any Party regarding that chemical.

The United States presently is unaware of any U.S. production or export of the listed POPs chemicals that conflicts with Article 3 obligations. Nevertheless, additional legislative authority is required to ensure the United States' ability to implement effectively the export-related obligations in paragraph 2. As noted above, for example, FIFRA does not provide authority to prohibit all exports of POPs pesticides from the United States. Additional authority will also be sought to address certain narrow exceptions in FIFRA and TSCA with respect to the import-related obligations in paragraph 2.

Paragraph 3 requires each Party that has regulatory and assessment schemes for new pesticides or industrial chemicals to take measures to regulate, with the aim of preventing, the production and use of new POPs. The United States will implement this obligation through measures, including some that are already in place, aimed at preventing new persistent, bioaccumulative, and toxic ("PBT") chemicals from entering commerce.

Paragraph 4 requires Parties that have regulatory and assessment schemes for chemicals currently in use to take into consideration, "where appropriate," Annex D criteria when assessing such pesticides or chemicals. (Annex D sets out criteria for listing a new POPs chemical, which consist of persistence, bioaccumulation, potential for long-range environmental, transport, and toxicity.) The United States is already fulfilling this requirement under existing programs and EPA may under its current authorities expand the extent to which it takes such factors into account when assessing existing chemicals or pesticides.

Paragraph 5 provides that the control measures on production, use, and import and export set out in paragraphs 1 and 2 do not apply to chemicals used for lab-scale research or as a reference standard.

Paragraph 6 requires any Party that takes a specific exemption under Annexes A or B, or uses a chemical under an allowable purpose under Annex B, to "take appropriate measures" to prevent or minimize human exposure and release into the environment of that POP during its production and use. The United States does not intend to seek a specific exemption or utilize an allowable purpose for any of the currently listed chemicals.

ARTICLE 4—REGISTER OF SPECIFIC EXEMPTIONS

As noted above, any State may, upon becoming a Party and by notification to the Secretariat, register for one or more types of specific exemptions listed in Annex A or B. The purpose of such exemptions is to allow individual countries to take specific exemptions according to particular needs that might otherwise prevent them from joining the Convention, without the need for more categorical differential of obligations among Parties. The United States does not anticipate the need to submit any registrations for specific exemptions for the substances currently in the POPs Convention.

Article 4 establishes a Register to identify Parties that have taken such specific exemptions. It also specifies the process for new registrations, and for their withdrawal and termination. Importantly, it also provides that all registrations will be subject to a review process, the details of which will be developed at the first meeting of the Conference of the Parties ("COP"). Unless an earlier date is indicated in the Register by a Party, or an extension is granted by the COP, registrations of specific exemptions shall expire five years after the date of entry into force of the obligation with respect to a particular chemical.

Paragraph 1 specifies that these procedures do not apply to provisions in Annex A or Annex B that may be exercised by all Parties. This includes, for example, provisions regarding use of PCBs in Part I and Part II of Annex A, provisions regarding chemicals that occur in articles manufactured or already in use, and provisions that allow Parties to use a chemical as a closed-system, site-limited intermediate in the production of other chemicals. The Article also does not apply to "acceptable purposes" identified in Annex B (at present limited to DDT).

Paragraph 9 is an important "sunset" provision, providing that once there are no longer any Parties registered for a particular specific exemption, no new registrations for that exemption may be made.

ARTICLE 5—MEASURES TO REDUCE OR ELIMINATE RELEASES FROM UNINTENTIONAL PRODUCTION

Article 5 contains obligations with respect to releases of chemicals listed in Annex C, and includes a goal of "continuing minimization and, where feasible, ultimate elimination." This is consistent with existing U.S. law under the Clean Air Act, 42 U.S.C. § 7401 et seq., and the Clean Water Act, 33 U.S.C. § 1251 et seq. With respect to the term "feasible," negotiators agreed that this term included both technical and economic considerations.

Paragraph (a) requires development by each Party of an action plan addressing releases of Annex C chemicals. The plan must in-

clude, among other things, development of source inventories and release estimates. The United States has existing authority to develop such inventories under the Clean Air Act, which is routinely used for developing inventories and release estimates of the kind described in this paragraph, and under the Clean Water Act with respect to releases of the pollutants to waters of the United States.

Paragraph (b) requires each Party to promote measures to achieve meaningful reduction in POPs releases or in elimination of sources of POPs releases. The United States will implement this obligation through the Pollution Prevention Act, 42 U.S.C. § 13101 et seq., which already requires EPA to establish a source reduction program and engage in other activities that promote reduction of releases.

Paragraph (c) requires each Party to promote the use of substitute or modified materials, products and processes to prevent formation and release of Annex C chemicals. The United States will implement this obligation through the Pollution Prevention Act, which currently authorizes the promotion of reduction of sources of POPs releases through "technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials," as well as through other authorities already provided in the Clean Air Act and Clean Water Act.

Paragraph (d) requires each Party to require the use of best available techniques ("BAT") for new sources it identifies as warranting such action in its action plan, and in any case for new sources in the categories listed in Part II of Annex C (for example, municipal waste combustors), no later than four years after entry into force of the Convention for that Party. The United States already has sufficient authority under the Clean Air Act, with respect to emissions to air, and under the Clean Water Act, with respect to discharges to water, to implement these obligations. In most cases, moreover, the United States has regulations already in place for these source categories that will fully implement the BAT requirement.

Paragraph (e) applies an obligation "to promote" the use of BAT on existing sources in the categories listed in Part II, as well as to such other categories of new and existing sources to the extent that a Party identifies the need for action regrading these sources as part of this action plan. Those additional categories may include categories listed in Part III if the United States considers them appropriate for inclusion. The United States already has sufficient existing statutory authority with respect to all of the required source categories (i.e., those listed in Part II), as well as most of the additional source categories under Part III, under the Clean Air Act and Clean Water Act.

Paragraph (f) provides definitions of the terms "best available techniques," "best environmental practices" and "new source." These definitions are consistent with U.S. law. Paragraph (g) allows Parties to use "release limit values" or "performance standards" in place of best available techniques. This paragraph provides an alternative means to satisfy the requirements under paragraphs (d), (e) and (f).

ARTICLE 6—MEASURES TO REDUCE OR ELIMINATE RELEASES FROM STOCKPILES AND WASTES

Article 6, which contains obligations regarding the treatment of POPs wastes, generally requires that Parties take certain specified measures to ensure that such wastes are managed in a manner protective of human health and the environment. The United States has sufficient existing authority under FIFRA, TSCA, the Comprehensive Environmental Responsibility, Compensation and Liability Act, 42 U.S.C. § 9601 et seq., and the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., ("RCRA") to implement almost all of the obligations in Article 6.

Paragraph 1(a) requires each Party to develop "appropriate strategies" for identifying both stockpiles containing chemicals in Annexes A or B, and also products and articles in use, and wastes, containing chemicals in Annexes A, B or C. To the extent that stockpiles containing chemicals in Annexes A or B exist in the United States, the United States is already implementing strategies to identify them through existing policy programs (for example, the "Clean Sweeps" program). The United States can also implement this obligation through authority under FIFRA section 6(g) and TSCA section 8(a), which provide authority to require certain persons to notify EPA of their possession and respective amounts of certain cancelled pesticides and other chemicals.

Paragraph 1(b) requires each Party to identify "to the extent practicable" and "on the basis of the strategies referred to in paragraph 1(a)," stockpiles containing chemicals listed in either Annex A or B. The United states will implement this obligation using the authorities noted above.

Paragraph 1(c) requires the appropriate management of stockpiles in a safe, efficient and environmentally sound manner. Existing U.S. laws, notably FIFRA section 19(a) and TSCA section 6, provide sufficient authority for the United States to implement this obligation through labeling and other means to ensure that stockpiles of pesticides and industrial chemicals listed in Annex A or B are handled, transported, and stored in an environmentally sound manner. This paragraph also provides that stockpiles, once they are no longer permitted to be used or exported in accordance with other provisions of the Convention, shall be deemed to be waste subject to paragraph (1)(d).

Paragraph 1(d)(i) requires each Party to take appropriate measures for the treatment of wastes containing or contaminated with a chemical listed in Annex A, B or C. It requires that such POPs wastes be handled, collected, transported and stored in an environmentally sound manner. The United States will implement these obligations through existing waste disposal requirements in place under RCRA and TSCA.

Paragraph 1(d)(ii) requires each Party to take appropriate measures so that POPs wastes are treated using destruction or irreversible transformation, or otherwise disposed of in an environmentally sound manner when destruction or irreversible transformation does not represent the environmentally preferable option or the POPs content is low. The United States will implement these obligations

through existing waste disposal requirements in place under RCRA and TSCA.

Paragraph 1(d)(iii) requires that POPs wastes must not be permitted to be subject to operations that may lead to the recycling, recovery or alternative use of the POPs content. The United States is not aware of any existing operations involving the recycling or recovery of POPs in the United States. There is nothing in current U.S. law, however, that clearly authorizes the regulation of POPs wastes in accordance with this obligation. To guarantee that the United States will be able to implement effectively this obligation, additional legislative authority will be sought to address recycling and recovery of POPs chemicals under FIFRA and TSCA authorities.

Paragraph 1(d)(iv) requires that POPs wastes must not be exported or imported without taking into account relevant international standards. The United States already has in place requirements that will fulfill this obligation. For example, EPA has established requirements under RCRA for the export (including transport) of hazardous wastes such that exporters and transporters must comply with requirements of international agreements between the United States and receiving countries.

Paragraph 1(e) requires each Party to endeavor to develop appropriate strategies for identifying sites contaminated by chemicals listed in Annex A, B or C. It does not require remediation of sites, but requires that, if undertaken, it be performed in an environmentally sound manner. The United States already has existing authority under RCRA and CERCLA to develop appropriate strategies for identifying sites contaminated by chemicals listed in these annexes, and to ensure that necessary remediation will be performed in an environmentally sound manner.

Paragraph 2 directs the COP to cooperate with the appropriate bodies of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal to develop certain guidance relating to the handling of POPs waste. Paragraph 2(c) calls on the COP to work to establish, in cooperation with the Basel COP, "as appropriate," the concentration levels of the chemicals listed in Annexes A, B and C in order to define the low POP content referred to in paragraph 1(d). The criteria of what constitutes "low" POP content is an important factor in determining whether "other disposal" is permitted under paragraph 1(d). The United States does not interpret paragraph 2(c), however, as giving a mandate to the COP to set a definition of the term "low" that would be binding on Parties through paragraph 1(d): indeed, paragraph 1(d) makes it clear that meaning of "low" is to be determined "taking into account international rules, standards and guidelines, including those that may be developed pursuant to paragraph 2. * * *" In order to clarify and emphasize this view, it is recommended that the following understanding be included in the U.S. instrument of ratification:

> It is the understanding of the United States of America that any work completed by the Conference of the Parties under paragraph 2(c) of Article 6 would not be considered binding on Parties, but rather would constitute non-binding guidance on the meaning of the term "low" that Parties

would take into account in accordance with paragraph 1(d) of Article 6.

ARTICLE 7—IMPLEMENTATION PLANS

The Article calls upon Parties to develop and endeavor to implement a plan to implement its obligations under the Convention, and contains provisions regarding the transmittal, review and update of such plans. Plans are required to be submitted within two years of entry into force of the Convention for that Party. It also states that Parties shall, wherever appropriate, cooperate directly or through global, regional and subregional organizations, and consult with their national stakeholders to facilitate the development, implementation and updating of the implementation plans.

ARTICLE 8—LISTING OF CHEMICALS IN ANNEXES A, B AND C

As noted above, the Convention is intended to be a dynamic instrument, under which additional chemicals that meet certain key criteria may be added to the regime in the future. Article 8, together with Annexes D, E and F and Article 22 (on amendments to annexes), set out the procedure by which those additional chemicals will be considered and added.

Paragraphs 1 and 2 set out the procedure for proposing the addition of a new chemical and the Secretariat's initial information screening process. Paragraphs 3 and 4 set forth the process by which the Persistent Organic Pollutant Review Committee (the Committee) reviews whether the proposal satisfies the screening criteria in Annex D. The criteria are: persistence, bioaccumulation, toxicity, long-range transport, and evidence of adverse effects. The Committee shall review and apply the proposal "in a flexible and transparent way, taking all information provided into account in an integrative and balanced manner." If the Committee believes that the screening criteria are satisfied, it makes the proposal available and invites Parties and observers to submit information specified in Annex E (concerning risk). If not, the Committee sets the proposal aside.

Paragraph 5 allows any Party to resubmit a proposal that the Committee has set aside under paragraph 4. If the Committee sets it aside again, the Party may appeal that decision to the COP. The COP may then decide, "based on the screening criteria in Annex D" and taking other information into account, that the proposal shall proceed. This formulation was sought by the United States in order to tie the COP's decision to the scientific criteria.

Paragraph 6 provides for a further review of proposals that proceed beyond the screening stage. The Committee prepares a draft risk profile in accordance with Annex E, makes that draft available and receives comments on it, and then completes the risk profile.

Paragraph 7 sets out a key decision point for the Committee: on the basis of the risk profile, the Committee must decide whether "the chemical is likely as a result of its long-range environmental transport to lead to significant adverse human health and/or environmental effects such that global action is warranted." If the Committee so decides, the proposal shall proceed to the next stage: a risk management review in accordance with Annex F, including an

evaluation of the possible associated control measures for the chemical, as well as costs and alternatives.

If the Committee decides that the chemical does not meet this standard, the proposal is set aside. The text provides that "[l]ack of full scientific certainty shall not prevent the proposal from proceeding." This provision merely allows the Committee to conclude that "global action is warranted" such that the proposal should proceed to the risk management review, even where it lacks "full" scientific certainty. It does not allow the Committee to move forward where it lacks any scientific certainty; it must still determine that the chemical is "likely as a result of its long-range environmental transport to lead to significant adverse human health and/or environmental effects." This formulation is consistent with risk-based decision-making by chemical regulators under existing U.S. law.

Paragraph 8 provides an appeal process for Parties similar to that in paragraph 5. If, following this process, the Committee sets the proposal aside once again, the Party may appeal the decision to the COP, which "based on the risk profile" may decide the proposal shall proceed to a risk management review.

Paragraph 9 provides that the Committee shall, "based on the risk profile * * * and the risk management evaluation," make a recommendation whether the chemical should be listed in Annexes A, B and/or C. In the end, the COP, "taking the account of the recommendations of the Committee, including any scientific uncertainly, shall decide, in a precautionary manner" whether to list the chemical and associated control measures. This is consistent with U.S. approaches to precaution in chemicals regulation, which provide for risk management decisions even when there is lack of full scientific certainty.

ARTICLE 9—INFORMATION EXCHANGE

Article 9 requires Parties to "facilitate or undertake" the exchange of information relevant to the reduction or elimination of production, use, and release of POPs and on alternatives to POPs. Paragraph 5 provides further that information on the health and safety of humans and the environment is not confidential, but that Parties that exchange other information shall protect any confidential information as mutually agreed. Because this Article does not *require* the exchange of any information, it does not conflict with U.S. law regarding the protection of confidential business information ("CBI").

ARTICLE 10—PUBLIC INFORMATION, AWARENESS AND EDUCATION

Article 19 contains a number of obligations to promote and facilitate the provision of available POPs-related information to the public. Most of these provisions are obligations that the United States already is implementing through various public awareness campaigns and programs.

Paragraph 2 requires each Party "within its capabilities" to ensure that the public has access to "the public information" referred to in paragraph 1. Paragraph 1 concerns "available information persistent organic pollutions." Although release of all available information on POPs could theoretically require release of certain health and safety information that would be protected as CBI

under U.S. law, the obligation in paragraph 2 applies only to "the *public* information referred to in paragraph 1." (emphasis added) Thus, this requirement excludes CBI data, which is not public.

Paragraph 5 requires Parties to give sympathetic consideration to developing mechanisms for the collection and dissemination of information on estimates of annual quantities of POPs released or disposed. EPA, with its Toxic Release Inventory (TRI) program, requires release and disposal reporting on most of the Annex A, B and C chemicals.

ARTICLE 11—RESEARCH, DEVELOPMENT AND MONITORING

Article 11 requires the Parties collectively, at the national and international level, to encourage or undertake "appropriate research, development, monitoring and cooperation pertaining to" POPs. The United States, through existing research programs and international cooperation programs, is already undertaking or providing support for POPs research, cooperation and monitoring.

ARTICLE 12—TECHNICAL ASSISTANCE

Article 12 concerns the provision of technical assistance to developing country Parties and Parties with economies in transition to help them implement their obligations under the Convention. Paragraph 3 specifies that the technical assistance to be provided, "as appropriate and as mutually agreed," by developed country Parties shall include assistance for capacity-building related to implementation of the obligations under the Convention. This language gives developed country Parties considerable flexibility to decide the scope of their collective technical assistance obligation. Paragraph 5 obligates the Parties collectively to establish "arrangements," including centers for capacity-building and transfer of technology.

The United States will implement its obligations under this article through a range of ongoing bilateral and multilateral aid and assistance programs, including, for example, programs administered by USAID, EPA and other agencies, as well as through contributions to the Global Environment Facility (GEF) and other multilateral organizations. Such programs and contributions will require appropriations.

ARTICLE 13—FINANCIAL RESOURCES AND MECHANISMS

This article, and paragraph 2 in particular, reflect the commitment of developed country Parties collectively to provide financial resources to assist developing country Parties to meet their commitments under the Convention. This obligation is qualified in significant respects. Developed country Parties as a collective are to provide "new and additional" financial resources to meet the agreed full incremental costs of implementing measures by developing country Parties which fulfill their obligations under the Convention. Both the costs and the implementing measures must be agreed between the recipient Party and an entity participating in the mechanism established in paragraph 6. The mechanism in paragraph 6 will consist of, at least for an interim period, the GEF. Paragraph 6 also reiterates the requirement of paragraph 2 that

contributions to the mechanism be "additional" to other financial transfers.

Paragraph 7 provides that the COP shall provide guidance to the mechanism regarding policies for access to financial resources, promotion of multiple-source funding, and modalities for determining the amount of funding necessary and available to implement the Convention, and for providing Parties with assistance for needs assessment.

The Convention does not create either a new fund or mandate the funding of recurrent and non-incremental costs, and does not establish new or specific assessments. The United States will implement this obligation through its contributions to the GEF and other multilateral, regional and bilateral entities that provide financial assistance. Such contributions will require an appropriation.

ARTICLE 14—INTERIM FINANCIAL ARRANGEMENTS

Article 14 provides that the GEF shall be the principal entity entrusted with the operations of the Article 13 financial mechanism on an interim basis. It or another entity could have this role permanently by a decision of the COP.

ARTICLE 15—REPORTING

Article 15 requires generally that each Party report on measures it has taken to implement the provisions of this Convention, as well as their effectiveness. It requires reporting of certain statistical data, or reasonable estimates thereof, on production and trade.

ARTICLE 16—EFFECTIVENESS EVALUATION

This article provides for a periodic evaluation by the COP of the Convention's effectiveness, based on monitoring arrangements to be initiated at the first COP. The monitoring arrangements are intended to give the COP comparable monitoring data on the presence and transport of the listed POPs, and should use existing monitoring programs and mechanisms to the extent possible. The United States is already participating in several global monitoring and research initiatives that could provide monitoring data to be used under Article 16.

ARTICLE 17—NON-COMPLIANCE

Article 17 instructs the COP "as soon as practicable" to establish mechanisms and procedures for determining non-compliance with the Convention's obligations and for the treatment of Parties found to be in non-compliance. Article 17 is typical of non-compliance provisions contained in several multilateral environmental agreements to which the United States is a Party.

ARTICLE 18—SETTLEMENT OF DISPUTES

This article provides that the Parties shall settle disputes through negotiation or other peaceful means. Consistent with many recent environmental agreements, this article also provides for mandatory recourse, at the request of one party to a dispute, to

non-binding conciliation. Procedures for this non-binding process will be elaborated in an annex to be adopted by the COP. In addition, paragraph 2 provides that a Party may declare with respect to Parties that have made similar declarations that it is prepared to submit to compulsory dispute settlement by arbitration or before the International Court of Justice. Consistent with prior practice, it is recommended that the United States not make such a declaration.

ARTICLE 19—CONFERENCE OF THE PARTIES

Article 19 establishes a COP, consistent with the standard practice in multilateral environmental agreements. Paragraph 4 instructs the COP to adopt rules of procedure and financial rules for itself and for any subsidiary bodies by consensus. Paragraph 6 instructs the COP to establish a subsidiary body at its first meeting, the Persistent Organic Pollutants Review Committee, to perform the specific functions conferred upon the committee under the Convention. It provides that the Committee shall make every effort to adopt its recommendations by consensus, but at a last resort shall adopt its recommendations by a two-thirds majority vote.

ARTICLE 20—SECRETARIAT

Article 20 establishes the Secretariat, delineates its functions, and specifies that the functions of the Secretariat are to be performed by the Executive Director of UNEP unless the COP decides otherwise.

ARTICLE 21—AMENDMENTS TO THE CONVENTION

Article 21 contains provisions that are common to several international environmental agreements to which the United States is a party. Paragraph 1 states that any Party may propose amendments to the Convention. Paragraph 2 provides that amendments shall be adopted at a meeting of the COP provided that they have been circulated to all parties at least six months in advance of the meeting.

Paragraph 3 requires that Parties must endeavor to reach agreement on the proposed amendment by consensus. When consensus cannot be reached, it requires a vote to adopt by a three-fourths majority of the Parties present and voting. Paragraph 4 requires amendments to be communicated to the Depositary. Paragraph 5 provides that an amendment shall enter into force for those Parties that have accepted it, ninety days after it has been accepted by at least three-fourths of the Parties. Thereafter, it enters into force for any other Party ninety days after that Party deposits its instrument of ratification, acceptance or approval of the amendment.

ARTICLE 22—ADOPTION AND AMENDMENT OF ANNEXES

Article 22 covers the process for amending the Convention's annexes and adding new annexes. As noted above, it is an important element of the process for adding new POPs chemicals to the Convention. Paragraphs 1 and 2 of Article 22 provide that the annexes form an integral part of the Convention and restrict any additional

annexes to "procedural, scientific, technical or administrative matters."

Paragraph 3 sets out the procedure for adding additional annexes to the Convention. It provides that the procedure for proposal and adoption of such annexes shall be identical to that for adoption of amendments to the Convention (*i.e.,* all efforts at consensus, or at a minimum three-fourths majority to adopt an additional annex). However, new annexes will enter into force through an "opt-out" procedure: once adopted, the annex will bind all Parties one year after adoption, *except* for those Parties that have submitted, during that year, a notification of non-acceptance. As noted below, however, paragraph 6 provides that, if the adoption of a new annex is linked to an amendment of the Convention, the annex will enter into force when the related amendment enters into force.

Paragraph 4 sets forth a special procedure for the proposal, adoption and entry into force of amendments to Annexes A, B, or C; these are the annexes that list the chemicals covered by the convention and set out the related control obligations. (Note: additional requirements for proposing amendments to list a new chemical in these Annexes are found in Article 8.) These amendments are to be proposed and adopted in the same manner as adding a new annex (*i.e.,* requiring all efforts to achieve consensus or, at a minimum, a three-fourths majority to adopt the amendment). Once they are adopted, amendments to add new chemicals will enter into force for all Parties one year later, *except* in two cases:

(1) where, as with new annexes, a Party has notified the depositary within that one-year period that it does not accept the amendment (*i.e.,* invokes an "opt-out" procedure); or

(2) where a Party has made a declaration, at the time it deposits its instrument of ratification in accordance with Article 25(4), that any amendment to Annexes A, B or C shall enter into force for it only upon its affirmative acceptance of that new obligation (*i.e.,* it invokes a Party-specific "opt-in" procedure).

The second alternative above, which was sought by the United States, creates an optional Party-specific "opt-in" approach for the addition of new chemicals. In the absence of its express consent, a Party that has made such a declaration is not bound by any new listing.

Paragraph 5 sets forth a different procedure for the proposal, adoption, and entry into force of amendments to Annexes D, E and F. These are the annexes that set out the criteria and information requirements governing the process for listing new chemicals. These criteria must apply equally to all Parties: the Committee could not properly carry out its responsibilities, thus jeopardizing the effectiveness of the Convention, if different Parties had agreed to different listing criteria. Accordingly, more traditional amendment procedures that allow parties to accept or reject particular amendments would not work in these cases. Therefore, the Convention provides for amendment of these annexes only by consensus. Once consensus is achieved, however, the amendment enters into force for all Parties. Importantly, the requirement for consensus means that a change in the criteria annexes, which contain no direct obligations or Parties but could affect the ultimate scope of the

Convention, could not be achieved over the objection of the United States, if it became a Party.

Paragraph 6 provides that, if an additional annex or amendment to an annex is related to an amendment to the Convention, it only enters into force when the corresponding amendment to the Convention enters into force. An amendment to an annex that is linked to an amendment to the Convention would therefore not enter into force until the procedures under Article 21 had been completed.

ARTICLES 23–30 (FINAL CLAUSES)

Articles 23 through 30 are final clauses that are routinely included in conventions negotiated under the auspices of the United Nations. Article 23 provides that each party shall have one vote, permits regional economic integration organizations ("REIOs") to exercise the number of votes equal to the number of their member states that are Parties to the Convention, and precludes a REIO from exercising its right to vote if any of its members states exercises their right to vote.

Article 24 provides that the Convention is open for signature by all States until May 22, 2002. As noted above, Article 25 provides that any Party may declare when it submits its instrument of ratification, acceptance, approval or accession that any amendments to Annexes A, B or C shall only enter into force for it upon an affirmative indication of its consent to be bound. Article 25 also provides that REIOs and their member states are not entitled to exercise rights under the Convention concurrently, and that in becoming Party to the Convention, a REIO must declare the extent of its competence in respect of matters governed by the Convention.

Article 26 provides that the Convention shall enter into force on the ninetieth day after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession. Instruments deposited by a REIO are not counted for purposes of bringing the Convention into force.

Article 27 states that no reservations may be made to the Convention. The United States did not endorse this provision in the negotiations, but was the only delegation to express concerns about this language.

ANNEX A—ELIMINATION

Part I of Annex A lists the chemicals that Parties are required to control under Article 3(1). As discussed above under Article 4, the Annex also sets out certain "specific exemptions," which detail the type of production and use that a country may continue if it has registered for such exemption in accordance with Article 4.

Part I also contains four "notes," three of which serve, in effect, as exemptions to certain obligations in the Convention. Note (i) states that quantities of a chemical occurring as unintentional or trace contaminants in products and articles are not considered to be listed in the Annex. This clarification will help ensure that the convention is reasonably capable of being implemented.

Note (ii) allows continued use, including export and import, of quantities of POPs chemicals that are constituents of articles manufactured or already in use before the entry into force of the relevant obligation so long as a Party notifies the Secretariat that a

particular type of article remains in use within that Party. The note requires the Secretariat to make such notification available to the public. The United States expects to make use of this exemption with respect to a number of articles, such as treated wood.

Note (iii) allows a Party, upon notification to the Secretariat, to continue to produce and use specified Annex A or B chemicals (for example, hexachlorobenzene or "HCB") as closed-system, site-limited intermediates. (Intermediates are chemicals that are used in the production of other chemicals.) HCB is currently used in the United States as an intermediate. The United States may, therefore, choose to rely on Note (iii) of Annex A to notify the Secretariat that it will produce and use HCB as an intermediate in accordance with the provisions of that Note. Such notification would not be required until the Convention enters into force for the United States. The exemption is renewable upon notification every 10 years, although the COP may decide not to renew it.

Note (iv) makes it clear that the specific exemptions listed in Part A may only be exercised by countries that have registered for such exemptions in accordance with Article 4, with one exception: the specific exemption for use of polychlorinated biphenyls (PCBs) in articles in use under Part II (discussed below) may be exercised by all Parties, without the need for a registration under Article 4.

Part II of Annex A contains obligations related to the use of PCBs in equipment. Paragraph (a) sets out certain obligations with respect to the identification, labeling and removal from use equipment containing specified levels of PCBs. It also references a target date of 2025, subject to review by the COP, for the phase-out of such equipment that should guide Parties in implementing their obligations under this provision. The United States has already taken strict measures to regulate PCBs and can implement this provision under existing authorities.

The remaining sections of Part II obligate each Party to promote certain measures designed to reduce the risk from PCBs in equipment; prohibit export of PCBs except for the purpose of environmentally sound waste management; prohibit recovery for purposes of reuse of certain PCB liquids above 0.005 percent; and "make determined efforts" to ensure that all liquid PCBs and PCB equipment is disposed of in accordance with Article 6 by 2028. Existing statutory authority allows the United States to implement each of these obligations, nearly all of which are currently addressed under existing PCB regulations. Only U.S. regulations that currently allow the export of PCB equipment will require revision to conform them to these obligations.

ANNEX B—RESTRICTION

Part I of Annex B will list those chemicals for which production and use are restricted under Article 3, paragraph 1(b). Currently, the only chemical on the list is DDT. Annex B restricts DDT production and use to disease vector control, in recognition of its special value in fighting the spread of malaria, which claims over one million lives worldwide each year. Annex B also allows Parties to take specific exemptions for DDT production and use as an intermediate in the production of dicofol, a pesticide. DDT is not currently registered for use in the United States for disease vector

control, nor is it produced in the United States. As noted above, however, DDT could potentially be legally produced or imported for use as an industrial chemical under certain circumstances. Legislation will be sought to close this potential gap.

Annex B also contains four "notes." These are nearly identical to the notes described under Annex A, with certain conforming changes. Those changes reflect the fact that Annex B, as a "restriction annex" contains two types of controls: (a) "acceptable purposes," which list the production and use restrictions that are available to all Parties; and (b) specific exemptions, which allow additional exemptions for Parties that register for the specified purposes.

Part II of Annex B prescribes the restricted terms under which a Party may produce and use DDT for disease vector control. It creates a separate register for Parties that produce and use DDT, specifies certain reporting obligations for such Parties, and includes provisions aimed at the development and use of alternatives to DDT.

ANNEX C—UNINTENTIONAL PRODUCTION

Annex C lists the POPs chemicals that occur as unintentionally produced byproducts, which are subject to the control measures set out in Article 5. The listed byproduct POPs are: dioxins, furans, hexachlorobenzene, and PCB. Annex C also sets out the two types of source categories referred to in Article 5: source categories that have a potential for comparatively high formation and release of these chemicals, and other source categories from which they may be unintentionally released. Annex C also provides general guidance to Parties on best available techniques and best environmental practices for preventing or reducing releases of the listed POPs byproducts. As provided in Article 5, this general guidance will be elaborated in the future in guidelines to be adopted by the COP.

ANNEXES D–F (INFORMATION REQUIREMENTS RELATING TO THE ADDITION OF NEW CHEMICALS)

Annex D sets out information requirements and screening criteria that each proposal for listing a new POPs chemical must satisfy. The proposing Party must submit information to identify the chemical, information relevant to the screening criteria set out in subparagraphs (b) through (e), a statement of the reasons for concern and, to the extent possible, information relating to risk management of the chemical. Subparagraph (b) requires evidence of persistence. Subparagraph (c) requires evidence of bioaccumulation. Subparagraphs (d) and (e) require evidence of the chemical's potential for long-range transport and toxicity, respectively. The numerical criteria for persistence and bioaccumulation in the Convention are consistent with the criteria applied under existing law and policy in the United States.

Annexes E and F provide the information requirements that the Persistent Organic Pollutant Review Committee considers in conducting the risk profile and risk management evaluation, respectively.

Annexes D, E and F are consistent with the approach taken in existing U.S. pesticide and chemical regulations. Considerations for taking action under FIFRA and TSCA include risk, costs, benefits, and other societal factors. As a practical matter, therefore it is likely that any chemical that would be approved for listing under this international procedures would also be the subject of significant regulatory action within the United States.

Domestic implementation of the POPs Convention

As noted above, the United States could implement nearly all Convention obligations under existing authorities. There are exceptions, however, where limited additional legislative authority, through changes to FIFRA and TSCA, will be sought to ensure the United States' ability to implement provisions of the Convention. These changes primarily concern the obligations in Article 3, which concerns measures to eliminate production and use of listed chemicals, as well as to control their import and export. In addition, statutory authority to prohibit any recycling of POPs substances will also be sought, in order to ensure effective U.S. compliance with paragraph 1(d)(iii) of Article 6. Other targeted changes may also be sought to ensure our ability to participate effectively in negotiations regarding proposed amendments to add chemicals, and to ensure that the United States is able to ratify such amendments in a timely manner, if it so chooses.

Conclusion

To date, ninety-one states have signed the Convention; one state (Canada) has already ratified the Convention. Several states, including many members of the Organization for Economic Cooperation and Development, are expected to deposit instruments of ratification, acceptance or approval over the next year. Early U.S. ratification would provide valuable momentum to bring the Convention into force and would demonstrate the continued commitment of the United States to cooperation with the international community on chemicals management issues, including at the World Summit on Sustainable Development in Johannesburg in September 2002. It would also demonstrate continued U.S. leadership on safe management of hazardous chemicals, pesticides, and their wastes. Finally, it would ensure that the United States is a Party when the Convention enters into force, when many of the critical decisions relating to its implementation will be made. For example, only Parties will be able to designate experts to sit on the Persistent Organic Pollutant Review Committee, which will play a key role in considering the addition of new substances to the Convention annexes.

I recommend that the Stockholm Convention on Persistent Organic Pollutants, with Annexes, be transmitted to the Senate for its advice and consent as soon as possible, subject to the understandings previously described.

Respectfully submitted,

COLIN L. POWELL.

STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS

UNITED NATIONS
2001

STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS

The Parties to this Convention,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Have agreed as follows:

Article 1

Objective

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

Article 2

Definitions

For the purposes of this Convention:

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

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

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

Article 3

Measures to reduce or eliminate releases from intentional production and use

1. Each Party shall:

(a) Prohibit and/or take the legal and administrative measures necessary to eliminate:

(i) Its production and use of the chemicals listed in Annex A subject to the provisions of that Annex; and

(ii) Its import and export of the chemicals listed in Annex A in accordance with the provisions of paragraph 2; and

(b) Restrict its production and use of the chemicals listed in Annex B in accordance with the provisions of that Annex.

2. Each Party shall take measures to ensure:

(a) That a chemical listed in Annex A or Annex B is imported only:

(i) For the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6; or

(ii) For a use or purpose which is permitted for that Party under Annex A or Annex B;

(b) That a chemical listed in Annex A for which any production or use specific exemption is in effect or a chemical listed in Annex B for which any production or use specific exemption or acceptable purpose is in effect, taking into account any relevant provisions in existing international prior informed consent instruments, is exported only:

(i) For the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6;

(ii) To a Party which is permitted to use that chemical under Annex A or Annex B; or

(iii) To a State not Party to this Convention which has provided an annual certification to the exporting Party. Such certification shall specify the intended use of the chemical and include a statement that, with respect to that chemical, the importing State is committed to:

a. Protect human health and the environment by taking the necessary measures to minimize or prevent releases;

b. Comply with the provisions of paragraph 1 of Article 6; and

c. Comply, where appropriate, with the provisions of paragraph 2 of Part II of Annex B.

The certification shall also include any appropriate supporting documentation, such as legislation, regulatory instruments, or administrative or policy guidelines. The exporting Party shall transmit the certification to the Secretariat within sixty days of receipt.

(c) That a chemical listed in Annex A, for which production and use specific exemptions are no longer in effect for any Party, is not exported from it except for the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6;

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

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

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

5. Except as otherwise provided in this Convention, paragraphs 1 and 2 shall not apply to quantities of a chemical to be used for laboratory-scale research or as a reference standard.

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

Article 4

Register of specific exemptions

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

2. The Register shall include:

(a) A list of the types of specific exemptions reproduced from Annex A and Annex B;

(b) A list of the Parties that have a specific exemption listed under Annex A or Annex B; and

(c) A list of the expiry dates for each registered specific exemption.

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

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

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

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

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

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

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

Article 5

Measures to reduce or eliminate releases from unintentional production

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

(a) Develop an action plan or, where appropriate, a regional or subregional action plan within two years of the date of entry into force of this Convention for it, and subsequently implement it as part of its implementation plan specified in Article 7, designed to identify, characterize and address the release of the chemicals listed in Annex C and to facilitate implementation of subparagraphs (b) to (e). The action plan shall include the following elements:

(i) An evaluation of current and projected releases, including the development and maintenance of source inventories and

release estimates, taking into consideration the source categories identified in Annex C;

(ii) An evaluation of the efficacy of the laws and policies of the Party relating to the management of such releases;

(iii) Strategies to meet the obligations of this paragraph, taking into account the evaluations in (i) and (ii);

(iv) Steps to promote education and training with regard to, and awareness of, those strategies;

(v) A review every five years of those strategies and of their success in meeting the obligations of this paragraph; such reviews shall be included in reports submitted pursuant to Article 15;

(vi) A schedule for implementation of the action plan, including for the strategies and measures identified therein;

(b) Promote the application of available, feasible and practical measures that can expeditiously achieve a realistic and meaningful level of release reduction or source elimination;

(c) Promote the development and, where it deems appropriate, require the use of substitute or modified materials, products and processes to prevent the formation and release of the chemicals listed in Annex C, taking into consideration the general guidance on prevention and release reduction measures in Annex C and guidelines to be adopted by decision of the Conference of the Parties;

(d) Promote and, in accordance with the implementation schedule of its action plan, require the use of best available techniques for new sources within source categories which a Party has identified as warranting such action in its action plan, with a particular initial focus on source categories identified in Part II of Annex C. In any case, the requirement to use best available techniques for new sources in the categories listed in Part II of that Annex shall be phased in as soon as practicable but no later than four years after the entry into force of the Convention for that Party. For the identified categories, Parties shall promote the use of best environmental practices. When applying best available techniques and best environmental practices, Parties should take into consideration the general guidance on prevention and release reduction measures in that Annex and guidelines on best available techniques and best environmental practices to be adopted by decision of the Conference of the Parties;

(e) Promote, in accordance with its action plan, the use of best available techniques and best environmental practices:

(i) For existing sources, within the source categories listed in Part II of Annex C and within source categories such as those in Part III of that Annex; and

(ii) For new sources, within source categories such as those listed in Part III of Annex C which a Party has not addressed under subparagraph (d).

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

(f) For the purposes of this paragraph and Annex C:

(i) "Best available techniques" means the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for release limitations designed to prevent and, where that is not practicable, generally to reduce releases of chemicals listed in Part I of Annex C and their impact on the environment as a whole. In this regard:

(ii) "Techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;

(iii) "Available" techniques means those techniques that are accessible to the operator and that are developed on a scale that allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages; and

(iv) "Best" means most effective in achieving a high general level of protection of the environment as a whole;

(v) "Best environmental practices" means the application of the most appropriate combination of environmental control measures and strategies;

(vi) "New source" means any source of which the construction or substantial modification is commenced at least one year after the date of:

a. Entry into force of this Convention for the Party concerned; or

b. Entry into force for the Party concerned of an amendment to Annex C where the source becomes subject to the provisions of this Convention only by virtue of that amendment.

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

Article 6

Measures to reduce or eliminate releases from stockpiles and wastes

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

(a) Develop appropriate strategies for identifying:

(i) Stockpiles consisting of or containing chemicals listed either in Annex A or Annex B; and

(ii) Products and articles in use and wastes consisting of, containing or contaminated with a chemical listed in Annex A, B or C;

(b) Identify, to the extent practicable, stockpiles consisting of or containing chemicals listed either in Annex A or Annex B on the basis of the strategies referred to in subparagraph (a);

(c) Manage stockpiles, as appropriate, in a safe, efficient and environmentally sound manner. Stockpiles of chemicals listed either in Annex A or Annex B, after they are no longer allowed to be used according to any specific exemption specified in Annex A or any specific exemption or acceptable purpose specified in Annex B, except stockpiles which are allowed to be exported according to paragraph 2 of Article 3, shall be deemed to be waste and shall be managed in accordance with subparagraph (d);

(d) Take appropriate measures so that such wastes, including products and articles upon becoming wastes, are:

(i) Handled, collected, transported and stored in an environmentally sound manner;

(ii) Disposed of in such a way that the persistent organic pollutant content is destroyed or irreversibly transformed so that they do not exhibit the characteristics of persistent organic pollutants or

otherwise disposed of in an environmentally sound manner when destruction or irreversible transformation does not represent the environmentally preferable option or the persistent organic pollutant content is low, taking into account international rules, standards, and guidelines, including those that may be developed pursuant to paragraph 2, and relevant global and regional regimes governing the management of hazardous wastes;

(iii) Not permitted to be subjected to disposal operations that may lead to recovery, recycling, reclamation, direct reuse or alternative uses of persistent organic pollutants; and

(iv) Not transported across international boundaries without taking into account relevant international rules, standards and guidelines;

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

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

(a) Establish levels of destruction and irreversible transformation necessary to ensure that the characteristics of persistent organic pollutants as specified in paragraph 1 of Annex D are not exhibited;

(b) Determine what they consider to be the methods that constitute environmentally sound disposal referred to above; and

(c) Work to establish, as appropriate, the concentration levels of the chemicals listed in Annexes A, B and C in order to define the low persistent organic pollutant content referred to in paragraph 1 (d) (ii).

Article 7

Implementation plans

1. Each Party shall:

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

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

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

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

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

Article 8

Listing of chemicals in Annexes A, B and C

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

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

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

4. If the Committee decides that:

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

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

5. Any Party may resubmit a proposal to the Committee that has been set aside by the Committee pursuant to paragraph 4. The resubmission may include any concerns of the Party as well as a justification for additional consideration by the Committee. If, following this procedure, the Committee again sets the proposal aside, the Party may challenge the decision of the Committee and the Conference of

the Parties shall consider the matter at its next session. The Conference of the Parties may decide, based on the screening criteria in Annex D and taking into account the evaluation of the Committee and any additional information provided by any Party or observer, that the proposal should proceed.

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

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

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

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

8. For any proposal set aside pursuant to paragraph 7 (b), a Party may request the Conference of the Parties to consider instructing the Committee to invite additional information from the proposing Party and other Parties during a period not to exceed one year. After that period and on the basis of any information received, the Committee shall reconsider the proposal pursuant to paragraph 6 with a priority to be decided by the Conference of the Parties. If, following this procedure, the Committee again sets the proposal aside, the Party may challenge the decision of the Committee and the Conference of the Parties shall consider the matter at its next session. The Conference of the Parties may decide, based on the risk profile prepared in accordance with Annex E and taking into account the evaluation of the Committee and any additional information provided by any Party or observer, that the proposal should proceed. If the Conference of the Parties decides that the proposal shall proceed, the Committee shall then prepare the risk management evaluation.

9. The Committee shall, based on the risk profile referred to in paragraph 6 and the risk management evaluation referred to in paragraph 7 (a) or paragraph 8, recommend whether the chemical should be considered by the Conference of the

Parties for listing in Annexes A, B and/or C. The Conference of the Parties, taking due account of the recommendations of the Committee, including any scientific uncertainty, shall decide, in a precautionary manner, whether to list the chemical, and specify its related control measures, in Annexes A, B and/or C.

Article 9

Information exchange

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

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

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

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

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

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

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

Article 10

Public information, awareness and education

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

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

(b) Provision to the public of all available information on persistent organic pollutants, taking into account paragraph 5 of Article 9;

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

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

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

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

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

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

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

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

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

Article 11

Research, development and monitoring

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

(a) Sources and releases into the environment;

(b) Presence, levels and trends in humans and the environment;

(c) Environmental transport, fate and transformation;

(d) Effects on human health and the environment;

(e) Socio-economic and cultural impacts;

(f) Release reduction and/or elimination; and

(g) Harmonized methodologies for making inventories of generating sources and analytical techniques for the measurement of releases.

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

(a) Support and further develop, as appropriate, international programmes, networks and organizations aimed at defining, conducting, assessing and financing research, data collection and monitoring, taking into account the need to minimize duplication of effort;

(b) Support national and international efforts to strengthen national scientific and technical research capabilities, particularly in developing countries and countries with economies in transition, and to promote access to, and the exchange of, data and analyses;

(c) Take into account the concerns and needs, particularly in the field of financial and technical resources, of developing countries and countries with economies in transition and cooperate in improving their capability to participate in the efforts referred to in subparagraphs (a) and (b);

(d) Undertake research work geared towards alleviating the effects of persistent organic pollutants on reproductive health;

(e) Make the results of their research, development and monitoring activities referred to in this paragraph accessible to the public on a timely and regular basis; and

(f) Encourage and/or undertake cooperation with regard to storage and maintenance of information generated from research, development and monitoring.

Article 12

Technical assistance

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

2. The Parties shall cooperate to provide timely and appropriate technical assistance to developing country Parties and Parties with economies in transition, to assist them, taking into account their particular needs, to develop and strengthen their capacity to implement their obligations under this Convention.

3. In this regard, technical assistance to be provided by developed country Parties, and other Parties in accordance with their capabilities, shall include, as appropriate and as mutually agreed, technical assistance for capacity-building relating to implementation of the obligations under this Convention. Further guidance in this regard shall be provided by the Conference of the Parties.

4. The Parties shall establish, as appropriate, arrangements for the purpose of providing technical assistance and promoting the transfer of technology to developing country Parties and Parties with economies in transition relating to the implementation of this Convention. These arrangements shall include regional and subregional centres for capacity-building and transfer of technology to assist developing country Parties and Parties with economies in transition to fulfil their obligations under this Convention. Further guidance in this regard shall be provided by the Conference of the Parties.

5. The Parties shall, in the context of this Article, take full account of the specific needs and special situation of least developed countries and small island developing states in their actions with regard to technical assistance.

Article 13

Financial resources and mechanisms

1. Each Party undertakes to provide, within its capabilities, financial support and incentives in respect of those national activities that are intended to achieve the objective of this Convention in accordance with its national plans, priorities and programmes.

2. The developed country Parties shall provide new and additional financial resources to enable developing country Parties and Parties with economies in transition to meet the agreed full incremental costs of implementing measures which fulfill their obligations under this Convention as agreed between a recipient Party and an entity participating in the mechanism described in paragraph 6. Other Parties may also on a voluntary basis and in accordance with their capabilities provide such financial resources. Contributions from other sources should also be encouraged. The implementation of these commitments shall take into account the need for adequacy, predictability, the timely flow of funds and the importance of burden sharing among the contributing Parties.

3. Developed country Parties, and other Parties in accordance with their capabilities and in accordance with their national plans, priorities and programmes, may also provide and developing country Parties and Parties with economies in transition avail themselves of financial resources to assist in their implementation of this Convention through other bilateral, regional and multilateral sources or channels.

4. The extent to which the developing country Parties will effectively implement their commitments under this Convention will depend on the effective

implementation by developed country Parties of their commitments under this Convention relating to financial resources, technical assistance and technology transfer. The fact that sustainable economic and social development and eradication of poverty are the first and overriding priorities of the developing country Parties will be taken fully into account, giving due consideration to the need for the protection of human health and the environment.

5. The Parties shall take full account of the specific needs and special situation of the least developed countries and the small island developing states in their actions with regard to funding.

6. A mechanism for the provision of adequate and sustainable financial resources to developing country Parties and Parties with economies in transition on a grant or concessional basis to assist in their implementation of the Convention is hereby defined. The mechanism shall function under the authority, as appropriate, and guidance of, and be accountable to the Conference of the Parties for the purposes of this Convention. Its operation shall be entrusted to one or more entities, including existing international entities, as may be decided upon by the Conference of the Parties. The mechanism may also include other entities providing multilateral, regional and bilateral financial and technical assistance. Contributions to the mechanism shall be additional to other financial transfers to developing country Parties and Parties with economies in transition as reflected in, and in accordance with, paragraph 2.

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

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

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

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

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

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

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

Article 14

Interim financial arrangements

The institutional structure of the Global Environment Facility, operated in accordance with the Instrument for the Establishment of the Restructured Global Environment Facility, shall, on an interim basis, be the principal entity entrusted with the operations of the financial mechanism referred to in Article 13, for the period between the date of entry into force of this Convention and the first meeting of the Conference of the Parties, or until such time as the Conference of the Parties decides which institutional structure will be designated in accordance with Article 13. The institutional structure of the Global Environment Facility should fulfill this function through operational measures related specifically to persistent organic pollutants taking into account that new arrangements for this area may be needed.

Article 15

Reporting

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

2. Each Party shall provide to the Secretariat:

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

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

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

Article 16

Effectiveness evaluation

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

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

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

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

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

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

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

(b) National reports submitted pursuant to Article 15; and

(c) Non-compliance information provided pursuant to the procedures established under Article 17.

Article 17

Non-compliance

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

Article 18

Settlement of disputes

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

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

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

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

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

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

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

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

Article 19

Conference of the Parties

1. A Conference of the Parties is hereby established.

2. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme no later than

one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be decided by the Conference.

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

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

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

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

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

(c) Regularly review all information made available to the Parties pursuant to Article 15, including consideration of the effectiveness of paragraph 2 (b) (iii) of Article 3;

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

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

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

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

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

7. The Conference of the Parties shall, at its third meeting, evaluate the continued need for the procedure contained in paragraph 2 (b) of Article 3, including consideration of its effectiveness.

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

Article 20

Secretariat

1. A Secretariat is hereby established.

2. The functions of the Secretariat shall be:

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

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

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

(d) To prepare and make available to the Parties periodic reports based on information received pursuant to Article 15 and other available information;

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

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

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

Article 21

Amendments to the Convention

1. Amendments to this Convention may be proposed by any Party.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to this Convention and, for information, to the depositary.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting.

4. The amendment shall be communicated by the depositary to all Parties for ratification, acceptance or approval.

5. Ratification, acceptance or approval of an amendment shall be notified to the depositary in writing. An amendment adopted in accordance with paragraph 3 shall enter into force for the Parties having accepted it on the ninetieth day after the date of deposit of instruments of ratification, acceptance or approval by at least three-fourths of the Parties. Thereafter, the amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits its instrument of ratification, acceptance or approval of the amendment.

Article 22

Adoption and amendment of annexes

1. Annexes to this Convention shall form an integral part thereof and, unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to any annexes thereto.

2. Any additional annexes shall be restricted to procedural, scientific, technical or administrative matters.

3. The following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention:

(a) Additional annexes shall be proposed and adopted according to the procedure laid down in paragraphs 1, 2 and 3 of Article 21;

(b) Any Party that is unable to accept an additional annex shall so notify the depositary, in writing, within one year from the date of communication by the depositary of the adoption of the additional annex. The depositary shall without

delay notify all Parties of any such notification received. A Party may at any time withdraw a previous notification of non-acceptance in respect of any additional annex, and the annex shall thereupon enter into force for that Party subject to subparagraph (c); and

(c) On the expiry of one year from the date of the communication by the depositary of the adoption of an additional annex, the annex shall enter into force for all Parties that have not submitted a notification in accordance with the provisions of subparagraph (b).

4. The proposal, adoption and entry into force of amendments to Annex A, B or C shall be subject to the same procedures as for the proposal, adoption and entry into force of additional annexes to this Convention, except that an amendment to Annex A, B or C shall not enter into force with respect to any Party that has made a declaration with respect to amendment to those Annexes in accordance with paragraph 4 of Article 25, in which case any such amendment shall enter into force for such a Party on the ninetieth day after the date of deposit with the depositary of its instrument of ratification, acceptance, approval or accession with respect to such amendment.

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

(a) Amendments shall be proposed according to the procedure in paragraphs 1 and 2 of Article 21;

(b) The Parties shall take decisions on an amendment to Annex D, E or F by consensus; and

(c) A decision to amend Annex D, E or F shall forthwith be communicated to the Parties by the depositary. The amendment shall enter into force for all Parties on a date to be specified in the decision.

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

Article 23

Right to vote

1. Each Party to this Convention shall have one vote, except as provided for in paragraph 2.

2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are Parties to this Convention. Such an

organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

Article 24

Signature

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

Article 25

Ratification, acceptance, approval or accession

1. This Convention shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. It shall be open for accession by States and by regional economic integration organizations from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

2. Any regional economic integration organization that becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to this Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In its instrument of ratification, acceptance, approval or accession, a regional economic integration organization shall declare the extent of its competence in respect of the matters governed by this Convention. Any such organization shall also inform the depositary, who shall in turn inform the Parties, of any relevant modification in the extent of its competence.

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

Article 26

Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.

2. For each State or regional economic integration organization that ratifies, accepts or approves this Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

3. For the purpose of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of that organization.

Article 27

Reservations

No reservations may be made to this Convention.

Article 28

Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the depositary.

2. Any such withdrawal shall take effect upon the expiry of one year from the date of receipt by the depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

Article 29

Depositary

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

Article 30

Authentic texts

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

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

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

Annex A

ELIMINATION

Part I

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

Notes:

(i) Except as otherwise specified in this Convention, quantities of a chemical occurring as unintentional trace contaminants in products and articles shall not be considered to be listed in this Annex;

(ii) This note shall not be considered as a production and use specific exemption for purposes of paragraph 2 of Article 3. Quantities of a chemical occurring as constituents of articles manufactured or already in use before or on the date of entry into force of the relevant obligation with respect to that chemical, shall not be considered as listed in this Annex, provided that a Party has notified the Secretariat that a particular type of article remains in use within that Party. The Secretariat shall make such notifications publicly available;

(iii) This note, which does not apply to a chemical that has an asterisk following its name in the Chemical column in Part I of this Annex, shall not be considered as a production and use specific exemption for purposes of paragraph 2 of Article 3. Given that no significant quantities of the chemical are expected to reach humans and the environment during the production and use of a closed-system site-limited intermediate, a Party, upon notification to the Secretariat, may allow the production and use of quantities of a chemical listed in this Annex as a closed-system site-limited intermediate that is chemically transformed in the manufacture of other chemicals that, taking into consideration the criteria in paragraph 1 of Annex D, do not exhibit the characteristics of persistent organic pollutants. This notification shall include information on total production and use of such chemical or a reasonable estimate of such information and information regarding the nature of the closed-system site-limited process including the amount of any non-transformed and unintentional trace contamination of the persistent organic pollutant-starting material in the final product. This procedure applies except as otherwise specified in this Annex. The Secretariat shall make such notifications available to the Conference of the Parties and to the public. Such production or use shall not be considered a production or use specific exemption. Such production and use shall cease after a ten-year period, unless the Party concerned submits a new notification to the Secretariat, in which case the period will be extended for an additional ten years unless the Conference of the Parties, after a review of the production and use decides otherwise. The notification procedure can be repeated;

(iv) All the specific exemptions in this Annex may be exercised by Parties that have registered exemptions in respect of them in accordance with Article 4 with the exception of the use of polychlorinated biphenyls in articles in use in accordance with the provisions of Part II of this Annex, which may be exercised by all Parties.

Part II

Polychlorinated biphenyls

Each Party shall:

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

(i) Make determined efforts to identify, label and remove from use equipment containing greater than 10 per cent polychlorinated biphenyls and volumes greater than 5 litres;

(ii) Make determined efforts to identify, label and remove from use equipment containing greater than 0.05 per cent polychlorinated biphenyls and volumes greater than 5 litres;

(iii) Endeavour to identify and remove from use equipment containing greater than 0.005 percent polychlorinated biphenyls and volumes greater than 0.05 litres;

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

(i) Use only in intact and non-leaking equipment and only in areas where the risk from environmental release can be minimised and quickly remedied;

(ii) Not use in equipment in areas associated with the production or processing of food or feed;

(iii) When used in populated areas, including schools and hospitals, all reasonable measures to protect from electrical failure which could result in a fire, and regular inspection of equipment for leaks;

(c) Notwithstanding paragraph 2 of Article 3, ensure that equipment containing polychlorinated biphenyls, as described in subparagraph (a), shall not be exported or imported except for the purpose of environmentally sound waste management;

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

(e) Make determined efforts designed to lead to environmentally sound waste management of liquids containing polychlorinated biphenyls and equipment contaminated with polychlorinated biphenyls having a polychlorinated biphenyls content above 0.005 per cent, in accordance with paragraph 1 of Article 6, as soon as possible but no later than 2028, subject to review by the Conference of the Parties;

(f) In lieu of note (ii) in Part I of this Annex, endeavour to identify other articles containing more than 0.005 per cent polychlorinated biphenyls (e.g. cable-sheaths, cured caulk and painted objects) and manage them in accordance with paragraph 1 of Article 6;

(g) Provide a report every five years on progress in eliminating polychlorinated biphenyls and submit it to the Conference of the Parties pursuant to Article 15;

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

Annex B

RESTRICTION

Part I

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

Notes:

(i) Except as otherwise specified in this Convention, quantities of a chemical occurring as unintentional trace contaminants in products and articles shall not be considered to be listed in this Annex;

(ii) This note shall not be considered as a production and use acceptable purpose or specific exemption for purposes of paragraph 2 of Article 3. Quantities of a chemical occurring as constituents of articles manufactured or already in use before or on the date of entry into force of the relevant obligation with respect to that chemical, shall not be considered as listed in this Annex, provided that a Party has notified the Secretariat that a particular type of article remains in use within that Party. The Secretariat shall make such notifications publicly available;

(iii) This note shall not be considered as a production and use specific exemption for purposes of paragraph 2 of Article 3. Given that no significant quantities of the chemical are expected to reach humans and the environment during the production and use of a closed-system site-limited intermediate, a Party, upon notification to the Secretariat, may

allow the production and use of quantities of a chemical listed in this Annex as a closed-system site-limited intermediate that is chemically transformed in the manufacture of other chemicals that, taking into consideration the criteria in paragraph 1 of Annex D, do not exhibit the characteristics of persistent organic pollutants. This notification shall include information on total production and use of such chemical or a reasonable estimate of such information and information regarding the nature of the closed-system site-limited process including the amount of any non-transformed and unintentional trace contamination of the persistent organic pollutant-starting material in the final product. This procedure applies except as otherwise specified in this Annex. The Secretariat shall make such notifications available to the Conference of the Parties and to the public. Such production or use shall not be considered a production or use specific exemption. Such production and use shall cease after a ten-year period, unless the Party concerned submits a new notification to the Secretariat, in which case the period will be extended for an additional ten years unless the Conference of the Parties, after a review of the production and use decides otherwise. The notification procedure can be repeated;

(iv) All the specific exemptions in this Annex may be exercised by Parties that have registered in respect of them in accordance with Article 4.

Part II

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

1. The production and use of DDT shall be eliminated except for Parties that have notified the Secretariat of their intention to produce and/or use it. A DDT Register is hereby established and shall be available to the public. The Secretariat shall maintain the DDT Register.

2. Each Party that produces and/or uses DDT shall restrict such production and/or use for disease vector control in accordance with the World Health Organization recommendations and guidelines on the use of DDT and when locally safe, effective and affordable alternatives are not available to the Party in question.

3. In the event that a Party not listed in the DDT Register determines that it requires DDT for disease vector control, it shall notify the Secretariat as soon as possible in order to have its name added forthwith to the DDT Register. It shall at the same time notify the World Health Organization.

4. Every three years, each Party that uses DDT shall provide to the Secretariat and the World Health Organization information on the amount used, the conditions of such use and its relevance to that Party's disease management strategy, in a format to be decided by the Conference of the Parties in consultation with the World Health Organization.

5. With the goal of reducing and ultimately eliminating the use of DDT, the Conference of the Parties shall encourage:

(a) Each Party using DDT to develop and implement an action plan as part of the implementation plan specified in Article 7. That action plan shall include:

(i) Development of regulatory and other mechanisms to ensure that DDT use is restricted to disease vector control;

(ii) Implementation of suitable alternative products, methods and strategies, including resistance management strategies to ensure the continuing effectiveness of these alternatives;

(iii) Measures to strengthen health care and to reduce the incidence of the disease.

(b) The Parties, within their capabilities, to promote research and development of safe alternative chemical and non-chemical products, methods and strategies for Parties using DDT, relevant to the conditions of those countries and with the goal of decreasing the human and economic burden of disease. Factors to be promoted when considering alternatives or combinations of alternatives shall include the human health risks and environmental implications of such alternatives. Viable alternatives to DDT shall pose less risk to human health and the

environment, be suitable for disease control based on conditions in the Parties in question and be supported with monitoring data.

6. Commencing at its first meeting, and at least every three years thereafter, the Conference of the Parties shall, in consultation with the World Health Organization, evaluate the continued need for DDT for disease vector control on the basis of available scientific, technical, environmental and economic information, including:

(a) The production and use of DDT and the conditions set out in paragraph 2;

(b) The availability, suitability and implementation of the alternatives to DDT; and

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

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

Annex C

UNINTENTIONAL PRODUCTION

Part I: Persistent organic pollutants subject to the requirements of Article 5

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

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

Part II: Source categories

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

(a) Waste incinerators, including co-incinerators of municipal, hazardous or medical waste or of sewage sludge;

(b) Cement kilns firing hazardous waste;

(c) Production of pulp using elemental chlorine or chemicals generating elemental chlorine for bleaching;

(d) The following thermal processes in the metallurgical industry:

(i) Secondary copper production;

(ii) Sinter plants in the iron and steel industry;

(iii) Secondary aluminium production;

(iv) Secondary zinc production.

Part III: Source categories

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

(a) Open burning of waste, including burning of landfill sites;

(b) Thermal processes in the metallurgical industry not mentioned in Part II;

(c) Residential combustion sources;

(d) Fossil fuel-fired utility and industrial boilers;

(e) Firing installations for wood and other biomass fuels;

(f) Specific chemical production processes releasing unintentionally formed persistent organic pollutants, especially production of chlorophenols and chloranil;

(g) Crematoria;

(h) Motor vehicles, particularly those burning leaded gasoline;

(i) Destruction of animal carcasses;

(j) Textile and leather dyeing (with chloranil) and finishing (with alkaline extraction);

(k) Shredder plants for the treatment of end of life vehicles;

(l) Smouldering of copper cables;

(m) Waste oil refineries.

Part IV: Definitions

1. For the purposes of this Annex:

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

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

2. In this Annex, the toxicity of polychlorinated dibenzo-p-dioxins and dibenzofurans is expressed using the concept of toxic equivalency which measures the relative dioxin-like toxic activity of different congeners of polychlorinated dibenzo-p-dioxins and dibenzofurans and coplanar polychlorinated biphenyls in

comparison to 2,3,7,8-tetrachlorodibenzo-p-dioxin. The toxic equivalent factor values to be used for the purposes of this Convention shall be consistent with accepted international standards, commencing with the World Health Organization 1998 mammalian toxic equivalent factor values for polychlorinated dibenzo-p-dioxins and dibenzofurans and coplanar polychlorinated biphenyls. Concentrations are expressed in toxic equivalents.

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

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

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

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

(a) The use of low-waste technology;

(b) The use of less hazardous substances;

(c) The promotion of the recovery and recycling of waste and of substances generated and used in a process;

(d) Replacement of feed materials which are persistent organic pollutants or where there is a direct link between the materials and releases of persistent organic pollutants from the source;

(e) Good housekeeping and preventive maintenance programmes;

(f) Improvements in waste management with the aim of the cessation of open and other uncontrolled burning of wastes, including the burning of landfill sites. When considering proposals to construct new waste disposal facilities, consideration should be given to alternatives such as activities to minimize the generation of municipal and medical waste, including resource recovery, reuse, recycling, waste separation and promoting products that generate less waste. Under this approach, public health concerns should be carefully considered;

(g) Minimization of these chemicals as contaminants in products;

(h) Avoiding elemental chlorine or chemicals generating elemental chlorine for bleaching.

B. Best available techniques

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

(a) General considerations:

(i) The nature, effects and mass of the releases concerned: techniques may vary depending on source size;

(ii) The commissioning dates for new or existing installations;

(iii) The time needed to introduce the best available technique;

(iv) The consumption and nature of raw materials used in the process and its energy efficiency;

(v) The need to prevent or reduce to a minimum the overall impact of the releases to the environment and the risks to it;

(vi) The need to prevent accidents and to minimize their consequences for the environment;

(vii) The need to ensure occupational health and safety at workplaces;

(viii) Comparable processes, facilities or methods of operation which have been tried with success on an industrial scale;

(ix) Technological advances and changes in scientific knowledge and understanding.

(b) General release reduction measures: When considering proposals to construct new facilities or significantly modify existing facilities using processes that release chemicals listed in this Annex, priority consideration should be given to alternative processes, techniques or practices that have similar usefulness but which avoid the formation and release of such chemicals. In cases where such facilities will be constructed or significantly modified, in addition to the prevention measures outlined in section A of Part V the following reduction measures could also be considered in determining best available techniques:

(i) Use of improved methods for flue-gas cleaning such as thermal or catalytic oxidation, dust precipitation, or adsorption;

(ii) Treatment of residuals, wastewater, wastes and sewage sludge by, for example, thermal treatment or rendering them inert or chemical processes that detoxify them;

(iii) Process changes that lead to the reduction or elimination of releases, such as moving to closed systems;

(iv) Modification of process designs to improve combustion and prevent formation of the chemicals listed in this Annex, through the control of parameters such as incineration temperature or residence time.

C. Best environmental practices

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

Annex D

INFORMATION REQUIREMENTS AND
SCREENING CRITERIA

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

(a) Chemical identity:

(i) Names, including trade name or names, commercial name or names and synonyms, Chemical Abstracts Service (CAS) Registry number, International Union of Pure and Applied Chemistry (IUPAC) name; and

(ii) Structure, including specification of isomers, where applicable, and the structure of the chemical class;

(b) Persistence:

(i) Evidence that the half-life of the chemical in water is greater than two months, or that its half-life in soil is greater than six months, or that its half-life in sediment is greater than six months; or

(ii) Evidence that the chemical is otherwise sufficiently persistent to justify its consideration within the scope of this Convention;

(c) Bio-accumulation:

(i) Evidence that the bio-concentration factor or bio-accumulation factor in aquatic species for the chemical is greater than 5,000 or, in the absence of such data, that the log Kow is greater than 5;

(ii) Evidence that a chemical presents other reasons for concern, such as high bio-accumulation in other species, high toxicity or ecotoxicity; or

(iii) Monitoring data in biota indicating that the bio-accumulation potential of the chemical is sufficient to justify its consideration within the scope of this Convention;

(d) Potential for long-range environmental transport:

(i) Measured levels of the chemical in locations distant from the sources of its release that are of potential concern;

(ii) Monitoring data showing that long-range environmental transport of the chemical, with the potential for transfer to a receiving environment, may have occurred via air, water or migratory species; or

(iii) Environmental fate properties and/or model results that demonstrate that the chemical has a potential for long-range environmental transport through air, water or migratory species, with the potential for transfer to a receiving environment in locations distant from the sources of its release. For a chemical that migrates significantly through the air, its half-life in air should be greater than two days; and

(e) Adverse effects:

(i) Evidence of adverse effects to human health or to the environment that justifies consideration of the chemical within the scope of this Convention; or

(ii) Toxicity or ecotoxicity data that indicate the potential for damage to human health or to the environment.

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

3. The proposing Party shall, to the extent possible and taking into account its capabilities, provide additional information to support the review of the proposal referred to in paragraph 6 of Article 8. In developing such a proposal, a Party may draw on technical expertise from any source.

Annex E

INFORMATION REQUIREMENTS
FOR THE RISK PROFILE

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

(a) Sources, including as appropriate:

(i) Production data, including quantity and location;

(ii) Uses; and

(iii) Releases, such as discharges, losses and emissions;

(b) Hazard assessment for the endpoint or endpoints of concern, including a consideration of toxicological interactions involving multiple chemicals;

(c) Environmental fate, including data and information on the chemical and physical properties of a chemical as well as its persistence and how they are linked to its environmental transport, transfer within and between environmental compartments, degradation and transformation to other chemicals. A determination of the bio-concentration factor or bio-accumulation factor, based on measured values, shall be available, except when monitoring data are judged to meet this need;

(d) Monitoring data;

(e) Exposure in local areas and, in particular, as a result of long-range environmental transport, and including information regarding bio-availability;

(f) National and international risk evaluations, assessments or profiles and labelling information and hazard classifications, as available; and

(g) Status of the chemical under international conventions.

Annex F

INFORMATION ON SOCIO-ECONOMIC CONSIDERATIONS

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

(a) Efficacy and efficiency of possible control measures in meeting risk reduction goals:

(i) Technical feasibility; and

(ii) Costs, including environmental and health costs;

(b) Alternatives (products and processes):

(i) Technical feasibility;

(ii) Costs, including environmental and health costs;

(iii) Efficacy;

(iv) Risk;

(v) Availability; and

(vi) Accessibility;

(c) Positive and/or negative impacts on society of implementing possible control measures:

(i) Health, including public, environmental and occupational health;

(ii) Agriculture, including aquaculture and forestry;

(iii) Biota (biodiversity);

(iv) Economic aspects;

(v) Movement towards sustainable development; and

(vi) Social costs;

(d) Waste and disposal implications (in particular, obsolete stocks of pesticides and clean-up of contaminated sites):

(i) Technical feasibility; and

(ii) Cost;

(e) Access to information and public education;

(f) Status of control and monitoring capacity; and

(g) Any national or regional control actions taken, including information on alternatives, and other relevant risk management information.

I hereby certify that the foregoing text is a true copy of the Stockholm Convention on Persistent Organic Pollutants, adopted at Stockholm on 22 May 2001, the original of which is deposited with the Secretary-General of the United Nations.

Je certifie que le texte qui précède est une copie conforme de la Convention de Stockholm sur les polluants organiques persistants, adoptée à Stockholm le 22 mai 2001, dont l'original se trouve déposé auprès du Secrétaire général de l'Organisation des Nations Unies.

For the Secretary-General,
The Legal Counsel
(Under-Secretary-General
for Legal Affairs)

Pour le Secrétaire général,
Le Conseiller juridique
(Secrétaire général adjoint aux
affaires juridiques)

Hans Corell

United Nations
New York
31 May 2001

Organisation des Nations Unies
New York
Le 31 mai 2001

O