



**United Nations
Environment
Programme**

Distr.
GENERAL

UNEP/POPS/EGB.1/2
30 January 2003

ENGLISH ONLY

EXPERT GROUP ON BEST AVAILABLE
TECHNIQUES AND BEST ENVIRONMENTAL
PRACTICES

First session

Research Triangle Park, 10-14 March 2003

Item 3 of the provisional agenda¹

DEVELOPMENT OF GUIDELINES ON BEST AVAILABLE TECHNIQUES AND PROVISIONAL
GUIDANCE ON BEST ENVIRONMENTAL PRACTICES RELEVANT TO ARTICLE 5 AND ANNEX C
OF THE STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS

Possible options for structure and level of detail²

Note by the secretariat

1. Subparagraph (d) of Article 5 of the Stockholm Convention on Persistent Organic Pollutants requires each Party to:

“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.”³

¹ UNEP/POPS/EGB.1/1.

² This document has not been formally edited.

³ The terms “best available techniques” and “best environmental practices” are defined in subparagraph (f) of Article 5 of the Stockholm Convention. The terms are used in other international environmental instrument as well (reference: UNEP/POPS/EGB.1/INF/3).

2. Further, subparagraph (e) of Article 5 of the Convention requires each Party to:

“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.”

3. Part V, “General Guidance on Best Available Techniques and Best Environmental Practices,” of Annex C of the Convention provides general guidance to Parties on preventing or reducing releases of the chemicals listed in Part I of Annex C of the Convention. It is divided into:

- (a) Section A, which provides guidance on general prevention measures relating to both best available techniques and best environmental practices;
- (b) Section B, which provides general guidance on best available techniques; and
- (c) Section C on Best Environmental Practices which indicates only that guidance is to be developed by the Conference of the Parties.

4. To develop guidelines on best available techniques and to develop provisional guidance on best environmental practices relevant to the provisions of Article 5 of the Convention, for consideration by the Conference of the Parties upon entry into force of the Convention, the sixth session the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Certain on Persistent Organic Pollutants established an Expert Group on best available techniques/best environmental practices and adopted its terms of reference (reference: Appendix 3 of UNEP/POPS/EGB.1/INF/7).

5. Section II of the Terms of Reference of the Expert Group provides the following considerations to guide the work of the Expert Group: “The guidelines and guidance to be developed should be practical and general in nature but with reference to more detailed and specialized technical information to achieve a realistic and meaningful level of release reduction or source elimination. These should also help assist decision-making at the country level. To enhance the practicality of the guidelines and the guidance, the Expert Group should provide commentary on issues and approaches relevant to their implementation. For example, the guidelines and guidance to be developed should take into consideration:

- (a) The problems and opportunities that might be encountered in implementing BAT and BEP;
- (b) The particular circumstances of developing countries and some countries with economies in transition;
- (c) Available mechanisms for information exchange of BAT and BEP measures.”

Possible considerations of the Expert Group

6. To summarize the above, the Expert Group is to develop guidelines and guidance that are practical and general, that include references to more detailed and specialized information and that take into consideration implementation issues, developing country and country with economy in transition circumstances, and mechanisms for exchanging information on measures relating to best available techniques and best environmental practices. To this end, the Expert Group may wish to consider:

(a) Following the format of Annex C of the Stockholm Convention which outlines general measures applicable to both best available techniques and best environmental practices and then addresses distinct techniques and practices under each source categories. A draft outline of possible elements of the guidelines and guidance based on the format of Annex C is provided in the annex to the present note;

(b) Identifying the user audiences to be targeted; level of detail in relevant guidelines and guidance in other international environmental instruments; existing knowledge on the issues; and gaps where needed information is lacking or not available;

(c) Developing short practical guidelines and guidance that are supplemented by more technical appendices for specific source categories or special issues. Such an approach would allow the Expert Group to focus first on the work of developing the short guidelines and guidance, and second on the process for identifying and setting priorities for the development of technical appendices;

(d) Ensuring that the guidelines and guidance are easy to use, revise and update, and consistent with existing guidance and guidelines within the Convention;

(e) Elaborating possible options for revising and updating the guidelines and guidance including, inter alia, establishment of an ongoing process under the Conference of Parties (e.g., a subsidiary body with a mandate to regularly review and update the guidelines and guidance); establishment of ad hoc processes when the Conference of the Parties determines that revisions are needed; or requesting the secretariat to track literature and report on any advances in the field that could merit updating to the guidelines or guidance for consideration of the Conference of the Parties for its possible action.

Annex

Draft outline of possible elements of the
guidelines on best available techniques and the provisional guidance on best environmental practices
relevant to the provisions of Article 5 and Annex C of the Stockholm Convention

1. Introduction (including scientific background)
2. General principles
3. Consideration of releases to (toward guideline levels, management standards, etc.):
 - air;
 - water;
 - land;
 - products;
 - residues.
4. Prevention and reduction, general considerations:
 - applicable to BAT and BEP;
 - applicable to BAT only;
 - applicable to BEP only.
5. Source specific guidelines and/guidance: appendices for each (possibly organized by major source category grouping) developed over time according to priorities:
 - large thermal production processes;
 - non-thermal industrial processes utilizing (elemental) chlorine;
 - waste management; and
 - diffuse activities
