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EXPERT GROUP ON BEST AVAILABLE
TECHNIQUES AND BEST ENVIRONMENTAL
PRACTICES

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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

Use of the terms *best available techniques*, *best environmental practices* and related concepts in
international environmental instrument²

Note by the secretariat

The annex to the present note contains information on use of the terms *best available techniques*, *best environmental practices* and related concepts in international environmental instruments. The information is provided by the secretariat for the information of the Expert Group and is not intended to be exhaustive.

¹ UNEP/POPS/EGB.1/1.

² This document has not been formally edited.

Annex

Use of Best Available Techniques, Best Environmental Practices and Related Concepts in International Environmental Instruments

INSTRUMENT	TERMINOLOGY USED	DEFINITION	CONTEXT
Convention on the Protection and Use of Transboundary Watercourses and International Lakes (1992)	Best available technology Best environmental practices ³	<p>“<i>Best available technology</i> is taken to mean the latest stage of development of processes, facilities or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges, emissions and waste”.⁴</p> <p>The Convention does not define the <i>term environmental practices</i>, however guidelines for developing best environmental practices are included in Annex II to the Convention.</p>	Prevention, control and reduction of transboundary impact, including emission limits for discharges from point sources into surface waters ⁵
Convention on the Protection of the Marine Environment of the Baltic Sea Area (1992)	Best available technology Best environmental practice ⁶	<p>“The term <i>best available technology</i> is taken to mean the latest stage of development (state of the art) of processes, of facilities or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges”.⁷</p> <p>“The term <i>best environmental practice</i> is taken to mean the application of the most appropriate combination of measures”.⁸</p>	Prevention and elimination of pollution, including pollution from land-based sources ⁹ .
Convention for the Protection of the Marine Environment of the North-East Atlantic –OSPAR (1992)	Best available techniques Best environmental practice ¹⁰	<p>“<i>Best available technique</i> means the latest stage of development (state of the art) of processes, of facilities or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges, emissions and waste.”¹¹</p> <p>“<i>Best environmental practice</i> means the application of the most appropriate combination of environmental control measures and strategies.”¹²</p>	Programmes and measures which, <u>inter alia</u> , take full account of the use of the latest technological developments and practices designed to prevent and eliminate pollution fully. ¹³

³ Convention on the protection and use of transboundary watercourses and international lakes, Article 3, paragraphs 1 (c), (f), (g) and 2.

⁴ Convention on the protection and use of transboundary watercourses and international lakes, Annex I, paragraph 1.

⁵ Convention on the protection and use of transboundary watercourses and international lakes, Article 3.

⁶ Baltic Sea Convention, Article 3, paragraph 3.

⁷ Baltic Sea Convention, annex II, under the title "Regulation 3: Best available technology", paragraph 1.

⁸ Baltic Sea Convention, annex II, under the title "Regulation 2: Best environmental practice", paragraph 1.

⁹ Baltic Sea Convention, Articles 3 and 6.

¹⁰ OSPAR Convention, Article 2, paragraph 3(b).

INSTRUMENT	TERMINOLOGY USED	DEFINITION	CONTEXT
Convention on Cooperation for the Protection and Sustainable Use of the Danube River (1994)	Best available techniques Best environmental practice ¹⁴	<p>“<i>Best available techniques</i> means the latest stage of development (state of the art) of processes, of facilities or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges, emissions and waste”.¹⁵</p> <p>“<i>Best environmental practice</i> means the application of the most appropriate combination of sectoral environmental control strategies and measures”¹⁶</p>	Emission limits in the discharge of hazardous substances ¹⁷
Global Plan of Action (GPA) for the Protection of the Marine Environment from Land-based Activities (1995) ¹⁸	Best available techniques Best environmental practices ¹⁹	<p>Although the terms are not defined with in the text of the GPA indicates that <i>best available techniques and best environmental practices</i> include substitution of substances or processes entailing significant adverse effects. Furthermore, for the purposes of the GPA, <i>best available techniques</i> is understood to include socio-economic factors.²⁰</p> <p>The GPA programme has a clearing-house that provides access to experiences on <i>best available techniques and best environmental practices</i> and integrated pollution prevention and control in order to facilitate the establishment of cleaner production programmes in cooperation with industry. (See http://www.gpa.unep.org/best/best.htm)</p>	Measures to promote sustainable use of coastal and marine resources and to prevent/reduce degradation of the marine environment

¹¹ OSPAR Convention, Appendix 1, paragraph 2.

¹² OSPAR Convention, Appendix 1, paragraph 6.

¹³ OSPAR Convention, Article 2, paragraph 3.

¹⁴ Danube River Convention, Article 7, paragraphs 1 and 2.

¹⁵ Danube River Convention, Annex I, part 1, paragraph.2.

¹⁶ Danube River Convention, Annex I, part 2, paragraph 1.

¹⁷ Danube River Convention, Article 7.

¹⁸ The GPA is a non-legally binding instrument.

¹⁹ GPA (UNEP(OCA)/LBA/IG.2/7) Chapter .II, Section D paragraph 26 (a) (i); Chapter V, Section B paragraphs 104 (b) and 105 (a).

²⁰ GPA (UNEP(OCA)/LBA/IG.2/7) Chapter .II, Section. D paragraph 26 (i)(a)

INSTRUMENT	TERMINOLOGY USED	DEFINITION	CONTEXT
Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources and Activities (as amended in Syracuse 1996)	Best available techniques Best environmental practice ²¹	<p>“<i>Best available techniques</i> means the latest stage of development (state of the art) of processes, of facilities or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges, emissions and waste.”²²</p> <p>“<i>Techniques</i> include both the technology used and the way in which the installation is designed, built, maintained, operated and dismantled.”²³</p> <p>“<i>Best environmental practice</i> means the application of the most appropriate combination of environmental control measures and strategies.”²⁴</p>	Measures to prevent, abate, combat and eliminate to the fullest possible extent pollution of the Mediterranean Sea Area. ²⁵
European Commission Council Directive 96/61/EC of 24 September 1996 Concerning Integrated Pollution Prevention and Control	Best available techniques ²⁶	<p>“<i>Best available techniques</i> shall mean 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 emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole:</p> <ul style="list-style-type: none"> - <i>techniques</i> shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned, - <i>available</i> techniques shall mean those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the Member State in question, as long as they are reasonably accessible to the operator, - <i>best</i> shall mean most effective in achieving a high general level of protection of the environment as a whole.”²⁷ 	Measures designed to prevent or, where that is not practicable, to reduce emissions in the air, water and land.

²¹ Protocol for the Protection of the Mediterranean Sea, Article 5, paragraph 4

²² Protocol for the Protection of the Mediterranean Sea, Annex IV, under the title “A. Best Available Techniques”, paragraph 2.

²³ Protocol for the Protection of the Mediterranean Sea, Annex IV, under the title “A. Best Available Techniques”, paragraph 5.

²⁴ Protocol for the Protection of the Mediterranean Sea, Annex IV, under the title “B. Best Environmental Practice”, paragraph 6.

²⁵ Protocol for the Protection of the Mediterranean Sea, Article 1

INSTRUMENT	TERMINOLOGY USED	DEFINITION	CONTEXT
Protocol to the Convention on Long-range Transboundary Air Pollution on Persistent Organic Pollutants (1998)	Best available techniques ²⁸ Best environmental practices ²⁹	<p>“<i>Best available techniques</i> 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 emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and their impact on the environment as a whole:</p> <p>-<i>Techniques</i> includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;</p> <p>-<i>Available</i> techniques means those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the territory of the Party in question, as long as they are reasonably accessible to the operator”³⁰.</p> <p>There is no specific definition of best environmental practice, however a number of examples are cited in Annex V under title III: General Approaches to controlling emissions of POPs.</p>	<p>Best available techniques: Reduction of the emission of the substances concerned in connection with new and existing stationary sources.³¹</p> <p>Best environmental practice: Use, production, release, processing, distribution, handling, transport and reprocessing of substances subject to the present Protocol and manufactured articles, mixtures or solutions containing such substances.³²</p>

²⁶ European Commission, Council Directive 96/61/EC of 24 September 1996 Concerning Integrated Pollution Prevention and Control, Article 2, paragraph 11, Articles 10, 11,16.

²⁷ European Commission, Council Directive 96/61/EC of 24 September 1996 Concerning Integrated Pollution Prevention and Control, Article2, paragraph 11.

²⁸ Protocol to the Convention on Long range Transboundary Air Pollution on Persistent Organic Pollutants, Article 3, paragraph 5

²⁹ Protocol to the Convention on Long range Transboundary Air Pollution on Persistent Organic Pollutants, Article 7

³⁰ Protocol to the Convention on Long range Transboundary Air Pollution on Persistent Organic Pollutants, Annex V, paragraph 2.

³¹ Protocol to the Convention on Long range Transboundary Air Pollution on Persistent Organic Pollutants, Article 3, paragraph 5

³² Protocol to the Convention on Long range Transboundary Air Pollution on Persistent Organic Pollutants, Article 7, paragraph 2(a)

INSTRUMENT	TERMINOLOGY USED	DEFINITION	CONTEXT
<p>Protocol Concerning Pollution from Land-Based Sources and Activities to the Cartagena Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (1999)</p>	<p>Most appropriate technology³³ Best management practices³⁴</p>	<p>“<i>Most appropriate technologies</i> means the best of currently available techniques, practices, or methods of operation to prevent, reduce or control pollution of the Convention area that are appropriate to the social, economic, technological, institutional, financial, cultural and environmental conditions of a Contracting Party or Parties”³⁵ “<i>Best management practices</i> means economical and achievable structural or non-structural measures designed to prevent, reduce or control the run-off of pollutants into the Convention area”³⁶</p>	<p>Measures to prevent reduce and control pollution of the Convention area from the source categories, activities and pollutants addressed in annexes to the Protocol.³⁷</p>
<p>Stockholm Convention on Persistent Organic Pollutants (2000)</p>	<p>Best available techniques Best environmental practices³⁸</p>	<p>“<i>Best available techniques</i> 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: “<i>Techniques</i> includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned; “<i>Available techniques</i> 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</p>	<p>Measures to reduce or eliminate releases from unintentional production⁴¹</p>

³³ LBS Protocol to the Cartagena Convention for the Protection Development of the Marine Environment of the Wider Caribbean Region, Article I paragraph 5, Article 3 paragraph 2

³⁴ LBS Protocol to the Cartagena Convention for the Protection Development of the Marine Environment of the Wider Caribbean Region, Annex V

³⁵ LBS Protocol to the Cartagena Convention for the Protection Development of the Marine Environment of the Wider Caribbean Region, Article I paragraph 5

³⁶ LBS Protocol to the Cartagena Convention for the Protection Development of the Marine Environment of the Wider Caribbean Region, Annex IV, paragraph A. (2)

³⁷ LBS Protocol to the Cartagena Convention for the Protection Development of the Marine Environment of the Wider Caribbean Region, Article 3

³⁸ Stockholm Convention, Article 5

INSTRUMENT	TERMINOLOGY USED	DEFINITION	CONTEXT
		<p>“<i>Best</i> means most effective in achieving a high general level of protection of the environment as a whole;</p> <p>“<i>Best environmental practices</i> means the application of the most appropriate combination of environmental control measures and strategies;”³⁹</p> <p>“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.”⁴⁰</p>	
Antigua Convention for Cooperation in the Protection and Sustainable Protection of the Marine and Coastal Environment of the North Pacific (2002)	Best Available Techniques ⁴²	The Convention does not provide a specific definition of the term <i>best available techniques</i> , however it promotes their use including cleaner technologies appropriate to the conditions of the region, taking socio-economic factors into account. ⁴³	Integrated management and sustainable development of the marine and coastal environment.

³⁹ Stockholm Convention, Article 5 paragraph (f)

⁴⁰ Stockholm Convention, Annex C, Part V, section B.

⁴¹ Stockholm Convention, Article 5

⁴² Antigua Convention, Article 10, paragraph 2(f)

⁴³ Antigua Convention, Article 10, paragraph 2(f)