



**United Nations  
Environment**



UNEP

Distr.  
GENERAL

UNEP/POPS/INC.3/4  
17 September 1999

ORIGINAL: ENGLISH

INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN  
INTERNATIONAL LEGALLY BINDING INSTRUMENT  
FOR IMPLEMENTING INTERNATIONAL ACTION ON  
CERTAIN PERSISTENT ORGANIC POLLUTANTS

Third session

Geneva, 6-11 September 1999

REPORT OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN  
INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR IMPLEMENTING  
INTERNATIONAL ACTION ON CERTAIN PERSISTENT ORGANIC  
POLLUTANTS ON THE WORK OF ITS THIRD SESSION

Introduction

1. In its decision 19/13 C of 7 February 1997, the Governing Council of the United Nations Environment Programme (UNEP) requested the Executive Director of UNEP, together with relevant international organizations, to prepare for and convene, by early 1998, an intergovernmental negotiating committee with a mandate to prepare an international legally binding instrument for implementing international action on certain persistent organic pollutants (POPs), initially beginning with 12 specified POPs. <sup>1/</sup> The intergovernmental negotiating committee was also requested, at its first session, to establish an expert group for the development of science-based criteria and a procedure for identifying additional POPs as candidates for future international action.

2. In accordance with the above mandate, the first and second sessions of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants were held in Montreal from 29 June to 3 July 1998 and in Nairobi from 25 to 29 January 1999. The reports of those meetings are contained in documents UNEP/POPS/INC.1/7 and UNEP/POPS/INC.2/6, respectively. The Criteria Expert Group, which was established by the Intergovernmental Negotiating Committee at its first session, held two

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<sup>1/</sup> aldrin, chlordane, dieldrin, DDT, endrin, heptachlor, hexachlorobenzene, mirex, toxaphene, PCBs, dioxins and furans.

sessions, in Bangkok from 26 to 30 October 1998 and in Vienna from 14 to 18 June 1999. The reports of those meetings are contained in documents UNEP/POPS/INC/CEG/1/3 and UNEP/POPS/INC/CEG/2/3.

3. The third session of the Intergovernmental Negotiating Committee was held at the Geneva International Conference Centre, from 6 to 11 September 1999.

#### I. ORGANIZATION OF THE SESSION

##### A. Opening of the session

4. The session was opened at 10.15 a.m. on Monday, 6 September 1999, by Mr. Philippe Roch, State Secretary, Director of the Swiss Agency for the Environment, Forests and Landscape. After welcoming representatives to the session, he pointed out that the problem of POPs was a global one, calling for global responses. That fact was now widely recognized and conditions were ripe for the adoption of a convention. The results of the first two sessions of the Intergovernmental Negotiating Committee were encouraging but numerous difficulties remained. Three major difficulties related to: exceptions to the ban on the manufacture of POPs, which should only be granted if justified by the public interest; the disposal of POPs contained in transformers and condensers; and the elimination of old pesticide stocks. With regard to the last-mentioned difficulty, although the merits of incineration were disputed by some organizations, he believed that it provided the best means of eliminating certain hazardous products. He called for further dialogue on the subject.

5. International organizations had an important role to play in establishing worldwide regulations for chemicals, and good cooperation between those organizations was necessary. Geneva was an ideal place for such cooperation, thanks to the International Environmental Network and the international environment house which was about to be inaugurated. He proposed that the first meeting of the Conference of the Parties of the future POPs convention should be held in a developing country. Switzerland for its part was prepared to finance such a meeting.

6. Mr. Klaus Töpfer, Executive Director of UNEP, said that the high degree of participation in the current session of the Intergovernmental Negotiating Committee illustrated the serious and growing concern existing about the risks posed by POPs and the responsibility felt about establishing a treaty on the subject. Substantial progress had been made already and it was now time to begin developing control measures and deadlines for the 12 specified POPs. He recalled the words of the United Nations Secretary-General, decrying POPs as "travellers without passports", and strongly emphasized that no country acting alone could ensure protection from the risks of POPs, which could originate in any country and then be transferred over long distances.

7. While industrialized countries already had protective measures in place, developing countries and countries with economies in transition often

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lacked the means to implement such measures. There was a need for concerted action and solidarity among countries and for synergies among environment conventions to be exploited. On the subject of DDT, UNEP was working in partnership with the World Health Organization (WHO), in its Roll Back Malaria programme, to ensure that efforts to reduce or eliminate releases of DDT would work hand-in-hand with efforts to eradicate malaria - a "win-win" situation. He also called for intensified research into alternatives to DDT for the eradication of malaria.

8. Many Governments were supporting capacity-building programmes, contributions and pledges having been made recently by Australia, New Zealand and the United States of America. The Global Environment Facility (GEF) was also providing growing support in connection with the problems posed by persistent toxic substances. He expressed the appreciation of UNEP to Australia, Austria, Canada, Germany, Madagascar, Norway, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland for their contributions to the POPs Club in 1999. Sustained funding was still needed, however, to ensure that the negotiations could be completed in the year 2000.

#### B. Attendance

9. The session was attended by representatives of the following countries: Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Benin, Botswana, Brazil, Burkina Faso, Burundi, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Italy, Jamaica, Japan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Madagascar, Malaysia, Mali, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, Saudi Arabia, Senegal, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sudan, Suriname, Sweden, Switzerland, Thailand, Togo, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

10. The following United Nations bodies and specialized agencies were represented: United Nations Economic Commission for Latin America and the Caribbean (ECLAC), Office of the United Nations High Commissioner for Human Rights, United Nations Institute for Training and Research (UNITAR), Global Environment Facility (GEF), Food and Agriculture Organization of the United Nations (FAO), International Atomic Energy Agency (IAEA), United Nations Industrial Development Organization (UNIDO), World Bank, World Health Organization (WHO), World Trade Organization (WTO), Secretariat of the Basel Convention, Interim Secretariat of the Rotterdam Convention.

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11. The following intergovernmental organizations were represented: European Commission, Intergovernmental Forum on Chemical Safety (IFCS), Organization for the Prohibition of Chemical Weapons (OPCW), Regional Organization for the Protection of the Marine Environment (ROPME), South Pacific Regional Environment Programme (SPREP).

12. The following non-governmental organizations and other bodies were represented: Agency of the Volga River Ecological Information (AVEI); Agenda for Environment and Responsible Development (AERD); Agentura Gaia; Alaska Community Action on Toxics (ACAT); Alianza por una Mejor Calidad de Vida/Red de Acción en Plaguicidas; Aptechologies SA; Aquamedia; Armenian Centre of Hygiene and Epidemiological Surveillance; Asociación Argentina de Médicos por el Medio Ambiente (AAMA-ISDE); Black Sea Law Community; Bryansk Regional Public Organization for Chemical Safety; Canada Arctic Indigenous People Against POPs; Centre for Environmental Law and Economic Integration of the South; Centre for Health, Environment and Justice (CHEJ); Centre for Independent Ecological Expertise (CIEE); Centre for International Environmental Law (CIEL); Chemical Manufacturers Association (CMA); Climate and Development Initiatives (CDI); Council of Yukon First Nations (CYFN); CS Comisiones Obreras; Egyptian Medical Students for Social Responsibility (EMSSR); Endometriosis Association; European Chemical Industry Council (CEFIC); European Environmental Bureau; European Science and Environment Forum (ESEF); Foundation for Advancements in Science and Education (FASE); Global Crop Protection Federation (GCPF); Great Lakes Centre for Occupational and Environmental Safety and Health (GLCOESH); Green Union of Armenia; Greenpeace International; Gwichin Steering Committee/IEN/IITC; Harvard School of Public Health; Harvard University; Health Care Without Harm; ICF Consulting; Independent Experts Association - Chemistry (IEA-C); India Centre for Human Rights and Law (ICHRL); Indian Chemical Manufacturers Association (ICMA); Indigenous Environmental Network (IEN); Indigenous Resistance Against Tribal Extinction (IRATE); Institute for Research and Consulting - Economy and Ecology and Technology (ECOTEC); Institute of Public Health, Bucharest; International Campaign for Responsible Technology and the Silicon Valley; International Council of Chemical Associations (ICCA); International Council of Environmental Law (ICEL); International Physicians for Prevention of Nuclear War (IPPNW) - Kenya; International POPs Elimination Network (IPEN); International Society of Doctors for the Environment (ISDE); Inuit Circumpolar Conference - Canada (ICC); Japan Chemical Industry Association (JCIA); Leefmilieu; Livaningo; Maendeleo ya Wanawake Organization (MYWO); Malaria Foundation International; Malaria Project of the Centre for the Study of Responsive Law (CSRL); Mama-86; Monitoring Network Health and Environment (MNHE); Nepal Forum of Environmental Journalists (NFEJ); Northern Alliance for Sustainability (ANPED); Oekometrik GmbH; Otvoreny Kruh (Open Circle); People's Association on Countermeasures of Dioxin and Endocrine Disruptors; People's Task Force for Bases Cleanup; Pesticide Action Network Africa (PAN-AFRICA); Pesticides Trust; Physicians for Social Responsibility; Red de Acción en Alternativas al Uso de Agroquímicos (RAAA)/Red de Acción en Pesticidas y sus Alternativas para America Latina (RAPAL); Red de Acción Sobre Plaguicidas y Alternativas en México (RAPAM); Russian Association of Indigenous Peoples of the North; Stockholm Environment Institute (SEI); Sustainable Development Policy Institute (SDPI); Union for Chemical Safety -

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Russia; University of California at Santa Cruz; University of Helsinki; Volgograd - Ecopress IC; Women in Europe for a Common Future (WECF); Women's Environment and Development Organization (WEDO); World Chlorine Council (WCC); World Conservation Union (IUCN); World Federation of Public Health Associations (WFPHA); Worldwide Fund for Nature (WWF) International.

## II. ORGANIZATIONAL MATTERS

13. The elected members of the Bureau of the Intergovernmental Negotiating Committee continued in office, as follows:

Chair: Mr. John Buccini (Canada)

Vice-Chairs: Ms. Maria Cristina Cardenas Fischer (Colombia)  
Mr. Mir Jafar Ghaemieh (Islamic Republic of Iran)

Ms. Darka Hamel (Croatia)  
Mr. Ephraim Buti Mathebula (South Africa)

In accordance with rule 8 of the Committee's rules of procedure, Ms. Hamel, Vice-Chair, also agreed to act as rapporteur.

14. The Bureau of the subsidiary body established by the Intergovernmental Negotiating Committee at its first session, the Implementation Aspects Group, also continued in office, as follows:

Chair: Ms. Maria Cristina Cardenas Fischer (Colombia)

Vice-Chairs: Mr. Karel Blaha (Czech Republic)  
Mr. Shantanu Consul (India)  
Mr. Soki Kue-Di-Kuenda (Angola)  
Mr. Manfred Schneider (Austria)

Mr. Blaha, Vice-Chair, also agreed to act as rapporteur for the meetings of the Implementation Aspects Group.

### A. Adoption of the agenda

15. The Intergovernmental Negotiating Committee adopted the following agenda for the session, as contained in document UNEP/POPS/INC.3/1:

1. Opening of the session.
2. Organizational matters:
  - (a) Adoption of the agenda;
  - (b) Organization of work;
  - (c) Report by the secretariat on inter-sessional work requested by the Committee.

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3. Review of ongoing international activities relating to the work of the Committee.
4. Report of the Criteria Expert Group for Persistent Organic Pollutants.
5. Preparation of an international legally binding instrument for implementing international action on certain persistent organic pollutants.
6. Other matters.
7. Adoption of the report.
8. Closure of the session.

B. Organization of work

16. For the organization of the work of the session, the Committee decided to follow the scenario prepared by the Chair, as contained in document UNEP/POPS/INC.3/INF/7. It further agreed that the report of the Criteria Expert Group would be introduced to the Committee as a basis for negotiations. Subject to the Committee's acceptance of that report, the intention was to begin negotiations on the criteria and procedure for adding chemicals to the convention, and then progress to a discussion of article D. Time permitting, the other articles addressing key provisions of potential relevance to the Implementation Aspects Group would also be addressed in the plenary following which the Implementation Aspects Group would pursue its consideration of articles J and K. A legal drafting group would be established to address initially articles L-Z and the substantive articles forwarded to it by the plenary, meeting as the negotiating group.

17. Following the commencement of work in the Implementation Aspects Group, the plenary would reconstitute itself into a negotiating group and continue its discussion of the text of the draft convention. It was noted that small contact groups could be set up to assist in the work of the Implementation Aspects Group and the negotiating group. It was the hope of the Chair that, by the end of the session, firm proposals would have been prepared on articles D-I and related annexes; the Implementation Aspects Group would have developed initial proposals on articles J and K; the legal drafting group would have reviewed articles L-Z; and all remaining issues would have been identified and requests made to the secretariat for related inter-sessional work, as, ideally, no new issues would be introduced after the fourth session of the Committee.

18. An open-ended legal drafting group was established, under the chairmanship of Mr. Patrick Széll (United Kingdom of Great Britain and Northern Ireland), to consider the appropriateness of the language in the draft articles and to make recommendations on that language to the plenary. In addition, it was suggested that the legal drafting group could assist the Committee by providing legal opinions on various aspects of the provisions,

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the possible implications of those provisions and other matters. As the Group was not mandated to consider policy issues, it was requested to refer any policy issues that it identified back to the plenary. It was agreed that, following usual practice, the Group would work in English only and, as it was a drafting group, participation in its meetings would be limited to representatives of Governments. The Committee also agreed to the participation in the Group of the European Commission. As finally constituted, the legal drafting group included representatives of all five regional groups.

C. Report of the secretariat on inter-sessional work  
requested by the Committee

19. The secretariat drew the Committee's attention to the documents that it had prepared in response to specific requests made by the Committee at its second session, and also by the Criteria Expert Group at its second session (UNEP/POPS/INC.3/2 and 3 and UNEP/POPS/INC.3/INF/1-INF/15). A full list of the documents available to the Committee, including both pre-session and in-session documentation, is provided in annex VII to the present report. The Committee also had before it the report of the second session of the Criteria Expert Group held in Vienna from 14 to 18 June 1999 (UNEP/POPS/CEG/2/3).

III. REVIEW OF ONGOING INTERNATIONAL ACTIVITIES RELATING TO  
THE WORK OF THE COMMITTEE

20. The secretariat drew attention to document UNEP/POPS/INC.3/INF/9, a master list of actions on the reduction and/or elimination of the releases of POPs which had been prepared by the secretariat at the suggestion of the Committee at its second session. The information in the list dealt with activities at the global; regional and subregional; and national levels. It was based on submissions received by the secretariat by 1 July 1999 and more countries had submitted information after that date, which would be incorporated in future updates of the list. The secretariat reported that it would provide an updated version of the master list to the Committee at its fourth session.

21. The secretariat also reported on other POPs-related work in which UNEP was engaged. Since the last session of the Committee, UNEP had organized a workshop on POPs management, in March 1999, for the Asia and Pacific region, and another, in July 1999, for countries of the Commonwealth of Independent States. It was also preparing a series of regional and subregional workshops, to commence later in 1999, on PCBs, dioxins, furans and alternatives to POPs pesticides. Those would be conducted in cooperation with relevant partners, including FAO, WHO and the secretariat of the Basel Convention. UNEP reported active cooperation with GEF in the preparation of projects on persistent toxic substances under the GEF International Waters Portfolio.

22. A number of representatives reported on additional POPs-related activities in their countries or regions and drew attention to the need for financial assistance for the further conduct of such activities, including to identify the sources and locations of POPs and for their management and regulation.

23. One representative drew attention to the specific needs of small island States with regard to POPs management.

24. The representative of FAO reported on relevant work by his organization, in particular, on the disposal of obsolete pesticide stocks and integrated pest management.

25. The representative of WHO described the work by WHO on DDT, and, inter alia, the ongoing "Roll-back Malaria" programme.

26. In reporting their views on this item, a number of representatives made suggestions as to the content and force of the future instrument. One representative, speaking on behalf of a regional economic integration organization, stressed the need to incorporate the precautionary principle into the future instrument. Another representative suggested that the preamble should reflect the transboundary effects of POPs on health and the environment, especially regions which might be particularly susceptible to POPs, such as the Arctic. Views were expressed to the effect that, inter alia, the future instrument should contain provisions addressing the short-range inputs of POPs; a strong control regime to ensure compliance; sound criteria for identifying POPs; a means of evaluating whether the future instrument was effective in meeting its aims; and means of addressing the needs of developing countries and countries with economies in transition.

27. One representative drew attention to the importance of institutional arrangements, stressing the need for flexibility and transparency and suggested that the arrangements for amending annexes should be simplified and that there should be broad participation, together with a strong statement of intent against which implementation could be measured.

28. A number of representatives noted that the issue of POPs was global in scope and that efforts made by any one country could benefit the whole world. A number of representatives stressed, also when discussing the individual articles, the special needs of developing countries and countries with economies in transition, as well as the necessity of reflecting the principle of common but differentiated responsibilities among countries in the future instrument. It was also noted that, unlike other global commons issues, the negative effect of POPs were most acute near the places where they were released, and it was in the interest of all countries to address domestic POPs sources.

29. Among obstacles to taking action against POPs, representatives identified the lack of inventories, financial means, data on health and the environment, and assistance in the destruction of stockpiles. Some



representatives were of the view that a mechanism similar to the multilateral fund of the Montreal Protocol was needed in the future instrument on POPs.

30. A number of representatives spoke on the issue of DDT, appealing for technical and financial assistance in finding alternatives to DDT to combat malaria, including indigenous practices. Several representatives expressed the view that, while DDT could be the subject of a use exemption, that exemption should be use-specific, for certain countries and for a limited period of time. It was widely agreed that DDT should be phased out, but not until cost-effective alternatives were available and that priority should be given to protecting human health. Several representatives offered to share with others the benefit of their countries' successful experiences in controlling malaria without the use of DDT.

#### IV. REPORT OF THE CRITERIA EXPERT GROUP FOR PERSISTENT ORGANIC POLLUTANTS

31. The two Co-Chairs of the Criteria Expert Group, Ms. Fatoumata Jallow Ndoye (Gambia) and Mr. Reiner Arndt (Germany), reported on the outcome of the second session of the Criteria Expert Group, held in Vienna from 14 to 18 June 1999 and covered in document UNEP/POPS/INC/CEG/2/3. The meeting had been attended by government-designated experts from 63 countries and observers from six intergovernmental organizations and nine non-governmental organizations.

32. Mr. Arndt noted that, with respect to the draft of Annex D on information requirements and criteria for the proposal and screening of proposed POPs, two sets of square brackets remained. In that same section, the Group had proposed three options for the definition of the term "long-range environmental transport".

33. Ms. Jallow Ndoye reported on the work undertaken by the Criteria Expert Group with respect to draft articles F and O (contained in sections A and B, respectively, of annex I to the report) and in connection with Annex F (contained in section E of annex I to the report). She noted that the Group had reached agreement on the elements of those drafts, with the exception of the square brackets that remained in draft article F for the consideration of the Committee.

34. The Co-Chairs expressed their thanks to the Government of Austria for having hosted the meeting and to the Governments of Austria and Germany for providing the funding. They also conveyed their appreciation to Mr. Jarupong Boon-Long (Thailand), who had acted as rapporteur for the Group.

35. In response to a question about the term "monitoring data" as used in section D of annex I to the Group's report, Mr. Arndt explained that the Group had used a general interpretation of the term, which was not meant to be exclusive.

36. The Chair noted that acceptance of the Group's report by the Committee did not necessarily imply adoption of its recommendations: those

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recommendations were accepted as the starting point for further negotiations by the Committee. With that, the Committee accepted the report of the Group and commended its Bureau and members on their fruitful and efficient work, which had been completed both within the designated time-frame and well below the established budget.

V. PREPARATION OF AN INTERNATIONAL LEGALLY BINDING INSTRUMENT  
FOR IMPLEMENTING INTERNATIONAL ACTION ON  
CERTAIN PERSISTENT ORGANIC POLLUTANTS

37. In its deliberations on the draft articles, the Committee had before it the report of the Intergovernmental Negotiating Committee on the work of its second session (UNEP/POPS/INC.2/6), analysis of selected conventions covering the 10 intentionally produced POPs (UNEP/POPS/INC.3/2) and definitional issues relating to POPs: disposal, destruction, wastes and stockpiles (UNEP/POPS/INC.3/3). For its consideration of draft article F, certain provisions of draft article O, and draft Annexes D, E and F, the Committee had before it the report of the Criteria Expert Group on the work of its second session (UNEP/POPS/INC/CEG/2/3).

38. In their deliberations on a number of substantive articles, some representatives favoured inclusion of text referring to the precautionary approach or principle within the text of the articles, while other representatives believed that that reference, or a reference to any of the Rio Principles, would be more appropriately located within the preamble.

39. Representatives also referred, in the context of a number of substantive articles, to the need for technical and financial assistance. The Committee agreed that the issue should be addressed in a consistent manner in the future instrument and that it would be taken up at a later stage by the Committee, in the light of the work in that area by the Implementation Aspects Group.

40. In view of concerns regarding the titles of a number of the draft articles, it was agreed that the titles of all the articles would be revisited once the content of the articles had been more fully developed.

A. Consideration of individual draft articles

1. Draft article A, preamble

41. The article was not considered by the Committee at its third session.

2. Draft article B, on objective

42. The article was not considered by the Committee at its third session.

3. Draft article C, on definitions

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43. While the article was not taken up by the plenary at the Committee's current session, the definition of "Parties present and voting" under the article was considered by the legal drafting group in the context of the group's consideration of draft article R, on the adoption and amendment of annexes and appropriate language proposed for that subparagraph.

4. Draft article D, on measures to reduce or eliminate releases of persistent organic pollutants into the environment

Paragraph 1, on prohibition of the production and use of certain persistent organic pollutants, and paragraph 2, on restrictions on the production and use of certain persistent organic pollutants

44. Many representatives agreed that, while the main objective was the elimination of POPs, flexibility was needed in the case of DDT, because of public health considerations, and for PCBs. Some representatives believed that specific time limits for phase-out and elimination should be established. Several representatives indicated that other uses of POPs might be ongoing and should be considered.

45. Some representatives stressed that draft article D should take into account the specific problems of developing countries and countries with economies in transition and reiterated the need for a common but differentiated approach to time-frames for the phasing out and elimination of POPs. Some others cautioned that such an approach might result in developing countries becoming a depository of waste POPs.

46. A number of representatives spoke in favour of a ban on imports and exports of POPs. Some representatives pointed out that draft article D should conform to relevant existing international trade treaties. Similar references were made to environmental treaties, such as the Rotterdam and Basel conventions. Many representatives maintained that an exception should be made for transboundary movements of POPs intended for destruction or disposal, with the proviso that such movements should be undertaken in an environmentally sound manner.

47. Some representatives believed that paragraphs 1 and 2 of draft article D and their related annexes should be combined, but others expressed a preference for keeping them separate. Several representatives suggested that the word "prohibit" in paragraphs 1 and 2 of draft article D should be replaced by "take effective measures to eliminate".

48. One representative considered that the deletion of specific countries in Annexes A and B, associated with draft article D, could have the effect of widening the application of the exemptions.

49. The Committee decided to set up an open-ended contact group, under the chairmanship of Mr. Charles Auer (United States of America), to examine draft article D, paragraphs 1 and 2, and the related Annexes A and B. The group would consider the proposals made, address the import and export of commercial products, allocate the 10 intentionally produced POPs to Annexes A

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or B, and, on the basis of information provided by countries represented in the group, fill out the tables, with chemical-specific exemptions, including country, use and time-frame, and address general exemptions.

50. The contact group submitted a revised draft of paragraphs 1 and 2 and the related Annexes A and B. The report of the chair of the contact group, as circulated to the Committee in the group's conference room paper, is attached to the present report as annex III. The Committee requested the secretariat to collect information from countries on their possible specific exemptions and to compile that information in table format, consistent with the information requirements of Annexes A and B, for submission to the Committee for consideration at its fourth session.

Paragraph 2 bis, on new chemicals

51. A number of representatives proposed that a provision on new chemicals should be included, possibly as a new paragraph 2 bis of draft article D. This would relate to the issue of newly developed chemicals that showed POPs characteristics. The negotiation group agreed to set up a contact group, co-chaired by Ms. Aline Berthold (Austria) and Mr. José Tarazona (Spain), to prepare an appropriate draft. Following further consultations between the co-chairs of the contact group and the negotiation group, the contact group was reconvened under the chairmanship of Mr. Karel Gijsbertsen (Netherlands), for the further consideration of the draft text. Following that consideration, the draft text was forwarded to the plenary for its consideration.

52. Following its consideration of the draft prepared by the contact group and the oral report by the chair of the group, the Committee agreed to incorporate the proposed draft in the negotiating text and to forward it, as amended by the Committee, to the legal drafting group.

Paragraph 3, on reduction in the release of persistent organic pollutants that are by-products [with the aim of their elimination]

53. There was wide support for a strong commitment to reducing the release of POPs that were by-products. Many representatives noted that there could be practical difficulties in applying paragraph 3 with its current wording, since, in most developing countries, inventories of such products had not been carried out and the technical and financial capacity to define a base level was lacking. Developed countries also had difficulty in obtaining precise inventory data.

54. Many representatives favoured the establishment of national action plans, rather than setting a target for reducing releases. Such plans would include not only strategies for making inventories and estimates, but also matters of education, training and awareness.

55. The Committee decided to set up a contact group, under the chairmanship of Mr. Paul Whyllie (Jamaica), to examine draft article D, paragraph 3 and its related Annex C, and review the proposals and comments made, bearing in mind

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in particular UNEP Governing Council decision 19/13 C of 7 February 1997. The contact group was mandated to give particularly careful consideration to an action plan-based approach and to the use of source inventories and release estimates.

56. In his subsequent report to the plenary, the chair of the contact group confirmed that the group had successfully discharged its mandate on paragraph 3, but that time constraints had prevented it taking up the related Annex C. The report of the chair of the contact group, as circulated to the Committee in the group's conference room paper, is attached to the present report as annex IV.

57. In its consideration of the draft prepared by the contact group, the Committee agreed to incorporate the proposed draft in the negotiating text and to forward it, as amended by the Committee, to the legal drafting group.

58. It was also agreed that the secretariat would conduct research into the meaning of the term "best available techniques" and similar related concepts and provide the results of that research to the legal drafting group for use in considering this paragraph at the fourth session of the Committee.

#### Paragraph 4, on management and disposal of wastes containing certain persistent organic pollutants

59. In their consideration of paragraph 4, representatives expressed a range of views regarding the scope of the article and the need for a reference to Annex C. The Committee agreed to refer the matter to the contact group set up to consider paragraph 3. Several representatives favoured the deletion of subparagraph 4 (c), since its content would be more appropriately subsumed under draft articles J or K. A number of other representatives, however, considered that the subparagraph should be retained. With regard to the reference to hazardous wastes regimes, such as the Basel Convention, the Committee agreed to refer the question to the legal drafting group.

#### Paragraph 5, on destruction of stockpiles and waste

60. A number of representatives proposed the deletion of the paragraph, while others considered that it should be retained. As with paragraph 4, the Committee requested the legal drafting group to consider whether it was sound legal practice to refer in a treaty to other legal instruments to which not all States might be party. The legal drafting group responded that there was no legal rule against such a reference, but that, if it was made, it must be done so with caution.

#### 5. Draft article E, on national implementation plans

61. All the representatives that took the floor expressed strong support for the inclusion of the draft article in the future instrument. Some believed that it was necessary to highlight the issue in the context of the development of national implementation plans. One representative, speaking on behalf of a regional economic integration organization and its member

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States, said that the draft article should make provision for the preparation of regional, as well as national, implementation plans. Some representatives stressed the need for a clear obligation on each Party to develop a plan. Several representatives pointed out that it might not be necessary to develop national plans for implementation of the provisions of the future instrument from scratch, but that these could be adapted from existing national plans. One representative noted the need to reconsider the article, after decision had been reached on the issue of national action plans relating to by-products in paragraph 3 of draft article D.

62. Some representatives believed that, in its current wording, paragraph 2 of the draft article was redundant, as cooperation among parties was self-evident. Others said that it should be retained and strengthened to make cooperation an obligation.

63. The Committee agreed to forward the text of draft article E, as amended in the negotiation group, to the legal drafting group.

6. Draft article F, on the listing of substances in draft Annexes A, B and C, and draft Annexes D, E and F and definitions

64. The Chair drew attention to the report of the Criteria Expert Group at its second session (UNEP/POPS/INC/CEG/2/3), which had been accepted by the Committee as a basis for negotiations, and which, in its annex I, contained a draft of article F, incorporating a proposed procedure for identifying additional POPs as candidates for international action. He noted that there were several occurrences of bracketed text in draft article F and draft Annex D. He also pointed to a number of outstanding issues, contained in paragraphs 25, 39 and 41 of the report, which, in the Group's opinion, might be appropriately addressed by the Committee. The Committee also had before it the note by the secretariat on estimated time-frames and costs for a proposed procedure for identifying additional POPs as candidates for future international action (UNEP/POPS/INC.3/INF/11), prepared in line with the request of the Criteria Expert Group at its second session (UNEP/POPS/INC/CEG/2/3, paragraph 26).

65. Introducing document UNEP/POPS/INC.3/INF/11, the secretariat drew attention to the main decision points of the procedure and the potential time implications.

66. A number of representatives expressed concern at the secretariat's estimated time-frame for identification of a POP under the proposed procedures and suggested ways in which the process might be streamlined and accelerated, while others considered that the estimated time-frame was not excessive if transparency and rigour were to be ensured. One representative was concerned that the procedure might prove too stringent and would not serve the goals of including new substances.

67. One representative, speaking on behalf of a regional economic integration organization and its member States, expressed support for the proposed POPs review procedure and conveyed the view that the review

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committee should start work as soon as possible after the adoption of the future instrument.

68. One representative opposed any proposal that did not result in a sound procedure for the review of candidate POPs and which made any amendment to the procedure unacceptably easy.

69. Some representatives drew attention to the meaning of "flexible" as contained in paragraph 25 (d) of the report of the Criteria Expert Group. There it was understood that a proposal was considered as satisfying the criteria if one of them was marginally not met, but two or more were amply met.

70. One representative reminded the plenary of the broad interpretation of the expression "toxicity and ecotoxicity", described in paragraph 53 of the report of the second session of the Criteria Expert Group, and proposed that the expression should be defined in the future instrument, using text from the Criteria Expert Group.

71. The Committee agreed that organo-metallic chemicals would be considered as candidates for international action if they fulfilled the criteria set out in draft Annex D, as contained in section C of annex I of the report of the Criteria Expert Group.

72. Several representatives proposed amendments to subparagraph 1 (e) of draft Annex D, on the issue of reasons for concern and adverse effects. The Committee agreed to set up a contact group, under the chairmanship of Mr. Kevin Buckett (Australia), to prepare an amended text of the subparagraph, for consideration by the plenary.

73. Following its consideration of the draft text of subparagraph 1 (e) of draft Annex D, prepared by the contact group, and the oral report by the chair of the group, the Committee agreed to incorporate the proposed draft in the negotiating text and to forward it, as amended by the Committee, to the legal drafting group.

74. There was extensive debate on possible ways in which the procedures contained in the draft of article F could best be incorporated into the body of the future instrument or otherwise laid down. In the light of that debate, an open-ended contact group was set up, under the chairmanship of Mr. Halldor Thorgeirsson (Iceland), to consider the matter further and to prepare a consolidated text, incorporating all the elements contained in the various proposals.

75. Following its consideration of the draft text of article F prepared by the contact group and the oral report by the chair of the group, the Committee agreed to incorporate the proposed draft in the negotiating text and to forward it, as amended by the Committee, to the legal drafting group, with the proviso that the issue of the establishment of a POPs review committee should be considered early in the discussion at the next session of the Committee.

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10. Draft article G, on information exchange

76. In the discussion of draft article G, representatives stressed the importance of information exchange, in particular with regard to alternatives, both chemical and non-chemical, to POPs. A number of proposals were made, with a view to specifying some of the types of information to be exchanged and the most effective means of ensuring that the relevant information from Parties, intergovernmental organizations and non-governmental organizations was made available to Parties through the secretariat and other avenues. Some representatives stressed the need to protect confidential business information in that process.

77. Following its discussion of the draft article, the Committee decided to retain the draft text of article G, as contained in annex I to the report of the Committee's second session (UNEP/POPS/INC.2/6), for further consideration at its next session.

11. Draft article J, on technical assistance, and draft article K,  
on financial resources and mechanisms

78. Articles J and K were taken up by the Implementation Aspects Group.

79. The Group met from 8 to 11 September 1999, to consider proposals for draft articles J and K. The Chair of the Group reminded the Group of the three areas of discussion and eight areas of need for technical assistance that had been identified by the Group during the second session of the Committee. She drew attention to documents UNEP/POPS/INC.3/INF/1, UNEP/POPS/INC.3/INF/2 and Corr.1, UNEP/POPS/INC.3/INF/3, UNEP/POPS/INC.3/INF/4 and Add.1, UNEP/POPS/INC.3/INF/5, UNEP/POPS/INC.3/INF/8, UNEP/POPS/INC.3/INF/9 and UNEP/POPS/INC.3/INF/10, which, she suggested, should be used as inputs rather than as a focus for the Group's discussions.

80. A general debate ensued, in which many representatives commended the Secretariat on the information documents it had prepared for the current session of the Committee. Several representatives expressed the view that there was no need for the Secretariat to continue working on those documents.

81. There was wide recognition of the fact that successful implementation of the future instrument would entail technical and financial assistance to countries needing it. It was observed, however, that countries were at different stages of advancement in dealing with POPs issues, had different problems and therefore had different needs. The first task was to identify needs. Some representatives stressed that, in so doing, it was important for all stakeholders to be involved, including the private sector. There was general agreement that the articles should be general in nature, but should define what technical assistance would be needed, how, by whom and for which type of activities it was to be provided and who would be eligible to receive it. Attention was drawn to useful experience that might be available under other forums and conventions. The wide variety and amount of ongoing technical assistance in this area was also noted.

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82. Many representatives were of the opinion that article J should indicate clearly the mechanism by which technical assistance recipient and donor countries could be brought together. It was pointed out that such a function would be distinct from the clearing-house function for other types of information, which would be covered by draft article G. Many representatives also advocated including in the draft text a list of the activities carried out in implementation of the future instrument that would qualify for technical assistance, such as the development of POPs inventories and of action plans. Many other representatives questioned the need or value of such a list in an article on technical assistance. Several representatives said that, in reviewing the means available at national and local level for implementation of a POPs instrument and the potential to strengthen them, developing countries and countries with economies in transition should cooperate with competent regional and subregional organizations.

83. Some representatives recommended that the draft text should mention specifically the question of technology for the destruction of POPs. One representative questioned the necessity of elaborating in draft article J on cooperation in promoting technical assistance, as the subject would be covered elsewhere in the draft text in the specific instances where technical assistance was relevant.

84. There was wide support for the suggestion that the coordination of information on technical assistance could be performed by some form of clearing-house mechanism. Many representatives agreed that the mechanism should be provided by the Secretariat. The question of financing such a clearing-house would also require attention. The Secretariat was requested to examine further the experience of clearing-house mechanisms under other conventions, particularly with reference to technical needs, funding and expertise and to advise the Implementation Aspects Group at the fourth meeting of the Intergovernmental Negotiating Committee of possible modalities for such a clearing-house. It was also suggested that lessons might be learned from ongoing efforts to design a capacity-building network in other chemicals-related forums.

85. Some representatives felt that it was still not clear exactly what procedure a country would have to follow in order to obtain technical assistance. One representative pointed out that there should also be a procedure for monitoring the results of technical assistance.

86. All representatives who took the floor noted that there was a need to have financial assistance in order to meet the goals outlined in the draft text of the future international instrument. Many representatives felt that a new and separate financial mechanism, in the form of a multilateral fund, similar to that of the Montreal Protocol, should be established to assist developing countries and countries with economies in transition to implement the provisions of the instrument. Many others, noting that the overheads of a proliferation of multilateral funds were high, believed that it would be better to strengthen and more fully utilize existing mechanisms. One representative noted that, with the existing mechanisms, the number of multilaterally or bilaterally supported projects under way in the world

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concerning POPs was low. Others argued that funding agencies were demand-driven and hence a large number of requests for assistance in a given field would result in a larger number of projects.

87. A few representatives suggested that existing bilateral, multilateral and regional funding schemes could be used at the outset but that a new mechanism should be established once the instrument came into force.

88. One representative, noting that the extensive work of international organizations should not be lost, believed that there should be a continuation of established international programmes of funding. She added that it would be useful to envisage some form of clearing-house mechanism that could coordinate the different financial resources and look at the sources of funding and the needs of the future instrument. Some representatives noted that the mechanism should also examine the eligibility of countries to receive funds as well as the suitability of the projects that were submitted for funding. One representative said that domestic financial mechanisms should also be well established in order to channel the funds in the optimal manner.

89. Some representatives welcomed the suggestion that GEF should act as a financial mechanism in that regard. Some others and regional groups expressed concern about the ability of the GEF to fulfil that role. The representative of GEF described ongoing POPs programmes which reflect the facility's ability to assist in this area.

90. Draft texts relating to articles J and K were submitted by a number of countries and regional groups. Many representatives suggested that those submissions should be considered for inclusion as proposals in the draft convention text, thus giving countries the opportunity to study them before further discussion at the fourth session of the Intergovernmental Negotiating Committee. Others raised questions about the proper format for reflecting such proposals. Following that discussion, the Implementation Aspects Group agreed to forward the proposals to the plenary, for inclusion in an annex to the final report of the session. Accordingly, the proposals are contained in annex V to the present report.

91. The Committee agreed that the Bureau of the Implementation Aspects Group should work in the inter-sessional period to prepare a document for the Group's consideration at an early stage during the forthcoming session of the Committee. The document would, on the basis of the submissions provided at the current session of the Committee, elaborate on the issues identified in relation to articles J and K and would be circulated prior to the Committee's fourth session as a session document. It would provide guidance to the Implementation Aspects Group on its work as well as providing the basis for its discussions. The Committee agreed further to amend the mandate of the Implementation Aspects Group to require it to develop a proposed consolidated text for articles J and K, for review at its fourth session. A scenario note would be prepared for the Group.

12. Draft articles L-Z, on final provisions

92. Draft articles L-Z, on final provisions, were considered by the legal drafting group and referred back to the plenary.

13. Draft article ZZ, on general exemptions

93. In reviewing the report of the contact group on paragraphs 1 and 2 of draft article D, the Committee discussed the terminology of several of the suggestions for possible general exemptions. The Committee agreed to include an exemption for laboratory-scale research and use as a reference standard and to consider other possible exemptions, as contained in the report of the contact group, as well as the location of a provision on general exemptions in the future instrument, at a later date. The secretariat was asked to develop an analysis of the use of terms "de minimis contaminant", "constituent of articles", and "closed-system intermediate" as they might apply to POPs.

VI. OTHER MATTERS

A. Future activities and offers by Governments

94. The representative of the secretariat introduced the schedule and financial needs for the completion of the negotiations for an international legally binding instrument for implementing international action on certain POPs (UNEP/POPS/INC.3/INF/12) and informed the meeting of the current status of financial contributions and the timetable for future meetings. He said that the fourth session of the Intergovernmental Negotiating Committee would be held from 20 to 25 March 2000 in Bonn, Germany, at the invitation of the Government of Germany. The representative of South Africa announced his country's offer to host the fifth session of the Committee, tentatively scheduled for November 2000. He said that the offer had been made possible by a pledge of \$400,000 by the Government of Denmark and that South Africa would also provide a contribution in kind.

95. The representative of Switzerland extended her Government's offer to fund the first meeting of the Conference of the Parties to the future instrument in a developing country. The Committee welcomed the generous offer.

96. She also announced Switzerland's candidature to host the secretariat of the future international legally binding instrument on POPs, and drew attention to the many advantages offered by Geneva as a location for such a body.

97. The representative of Sweden offered to sponsor a three-four day workshop on financial sources and mechanisms for POPs-related activities, with a developing country partner, to be agreed in the very near future. The

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workshop would be held in January/February 2000, and its results would be disseminated to Committee participants prior to and at the fourth session of the Intergovernmental Negotiating Committee.

98. The representative of Cameroon announced that his country would be interested in hosting a workshop on POPs management.

B. Summary statements by representatives of countries, groups of countries and regional economic integration organizations

99. The representative of the group of Asian and Pacific countries drew attention to a proposal for a new article, entitled "Principles", as contained in the conference room paper submitted by a majority of members of the group, to be taken into consideration by the Committee at its next session.

100. The representative of the European Community and its member States noted that the European Community had submitted proposals in the form of two conference room papers at the current session. Those proposals related to the wording of the preamble, to draft article B, on the objective, and to paragraph 4 of draft article D, on the management of wastes containing certain POPs, draft articles G, on information exchange, H, on public information, awareness and education, and I, on research, development and monitoring. They also noted the need to define the notion of environmentally sound destruction and disposal in the context of the future instrument. In addition, the European Community proposed that draft article N bis, on the relationship with other agreements, should be deleted.

101. The representative of the group of African countries drew attention to the concern of the group that adequate reference to the need for technical and financial assistance should be appropriately made in all relevant substantive articles of the future instrument and not just in the articles on implementation. He also drew attention to a conference room paper, prepared by the group, which contained a proposal regarding draft articles J and K.

102. The representative of the group of Latin American and Caribbean countries suggested that inter-sessional regional meetings should be held, prior to the Committee's fourth session, with a view to consulting and reaching consensus within the group, and thereby expediting the work of the session.

103. The representative of Canada described his delegation's proposal, contained in the conference room paper it had prepared, to add new text to draft article I, on research, development and monitoring, which would require the development of a regionally based global monitoring programme, and to draft article O, on the Conference of the Parties, to require the Conference of the Parties periodically to assess the effectiveness of the future instrument in achieving its objectives, through such measures as a global monitoring programme and reporting on compliance. For the inter-sessional period, Canada requested comments on its proposal and mentioned its plans to explore the related organizational and cost issues.

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104. The representative of the United States of America introduced a proposal for an article to address the procedure for making adjustments (i.e., amendments other than the addition of substances) to Annexes A, B and C. The proposal suggested a procedure whereby a party would propose an amendment based on new information pertaining to the risk profile or the risk management evaluations. The Conference of the Party could forward the proposal to the POPs review committee before taking a decision to adopt the adjustment.

#### VII. ADOPTION OF THE REPORT

105. The Committee adopted the report on the work of its third session on Saturday, 11 September 1999, on the basis of the draft report that had been circulated under the symbols UNEP/POPS/INC.3/L.1, L.1/Add.1 and L.2 and on the understanding that finalization of the report would be entrusted to the Rapporteur, working in consultation with the secretariat.

#### VIII. CLOSURE OF THE SESSION

106. At the closing session, representatives commended the Chair and his Bureau on the smooth conduct of the session and the secretariat on its hard work in preparing the session. In his closing remarks, the Chair stated his view that the Committee had achieved the target he had set for the third session in his scenario and he thanked all those who had contributed to that achievement. Following that exchange of courtesies, the Chair declared the meeting closed at 7.15 p.m. on Saturday, 11 September 1999.

Annex I

STATUS OF PROPOSED DRAFT ARTICLES AND ANNEXES FOR AN INTERNATIONAL  
LEGALLY BINDING INSTRUMENT FOR IMPLEMENTING INTERNATIONAL ACTION  
ON CERTAIN PERSISTENT ORGANIC POLLUTANTS

1. Articles and annexes considered by plenary and the legal drafting group:

D.1, D.2, E, F, Annexes A, B, D (except D.1 (e)), E and F.

2. Articles considered by the legal drafting group:

C (definition of "Parties present and voting"), L, M, N, N bis, O, P, Q, R, S, T, U, V, W, X, Y and Z

3. Articles and annexes considered by the plenary and forwarded for consideration at the fourth session of the Intergovernmental Negotiating Committee by the legal drafting group:

D.2 bis, D.3 and Annex D.1 (e)

4. Articles under consideration by the Implementation Aspects Group:

J and K.

5. Articles and possible further provisions under consideration by the plenary:

D.4, D.5, G and general exemptions (except (a)).

6. Articles not considered by the plenary at the Committee's third session:

A, B, C, H, I, amendments to O proposed by CEG and Annex C.

Annex II

DRAFT TEXT OF AN INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR IMPLEMENTING  
INTERNATIONAL ACTION ON CERTAIN PERSISTENT ORGANIC POLLUTANTS

A. Preamble

[To be developed]

B. Objective

[To be developed]

C. Definitions

For the purposes of this Convention:

(a) "Parties present and voting" means Parties present and casting an affirmative or negative vote;

(...)

D. Measures to reduce or eliminate releases

Prohibition of the production and use of certain persistent organic pollutants 2/

1. [Subject to the accessibility of financial and technical assistance,] each Party shall [prohibit] [prohibit [and] [or] take [other] [the] legal measures necessary to eliminate] [take the legal measures necessary to eliminate], the production[, import, export] and use of the chemicals listed in Annex A (Elimination), in accordance with the provisions in that Annex.

[1 bis. Each Party shall ensure that chemicals listed in Annex A, once their production and use have been banned, shall not be exported or imported except for the purpose of environmentally sound [destruction] [or] [disposal].]

Restrictions on the production and use of certain persistent organic pollutants 2/

2. [Subject to the accessibility of financial and technical assistance,] each Party shall [prohibit] [prohibit [and] [or] take [other] [the] legal measures necessary to eliminate] [take the legal measures necessary to eliminate] the [production] [or] [and] use of the chemicals listed in Annex B, (Restriction), except for the purposes specified therein, in accordance with the provisions in that Annex.

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/2 This subtitle is for illustrative purposes only and will be deleted by the legal drafting group from the final version of the Convention in accordance with standard international treaty practice.

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New chemicals 2/

[2 bis. With the aim of [avoiding] [preventing] the introduction of new persistent organic pollutants, Parties shall take measures [within their regulatory and assessment schemes for] [to regulate] new [or newly developed] chemicals to address properties such as persistence, bioaccumulation, toxicity and potential for long-range transport.]

Reduction in the release of persistent organic pollutants that are by-products [with the aim of their elimination] 2/

3. Each Party shall [aim] [take all necessary measures] to reduce its [total] release [derived from anthropogenic sources] of each of the persistent organic pollutants that are by-products that are listed in Annex C [with the aim of their continuing minimisation and ultimate elimination] [consistent with its capacity and subject to the availability of technical and financial assistance]. To this end, each Party shall:

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

(b) Promote the consideration and use of techniques [processes, products and materials] [and other strategies] to prevent their formation and release;

(c) [Promote the] Use [of] best available techniques [and/or other prevention strategies] for new sources [within major source categories] [identified in Annex xx][identified in an indicative list in Annex xx] [to be identified by the Conference of Parties], taking into consideration guidelines on best available techniques developed by the Conference of the Parties;

(d) Promote the use of best available techniques [and/or other prevention strategies] for existing sources [within major source categories] [identified in Annex xx] [identified in an indicative list in Annex xx] [to be identified by the Conference of Parties], taking into consideration guidelines to be developed by the Conference of the Parties [as well as feasibility, cost and timing];

[(e) Within (x) years after entry into force of the Convention for a Party, develop a national [ or where appropriate a regional or subregional] action plan [as part of the National Implementation Plan specified in Article E] designed to identify, characterize and address the release of by-products listed in Annex C and to facilitate implementation of subparagraphs (a), (b), (c) and (d) above. This plan shall be implemented according to the schedule in (v) below. The plan shall include the following elements:

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- [3/ (i) An evaluation of current and projected releases, including the development and maintenance of source inventories and release estimates;
- (ii) An evaluation of the adequacy of policies and laws directed towards the management of such releases;
- (iii) Taking into account the evaluations in (i) and (ii) and the obligations under (a), (b), (c) and (d), strategies to prevent, reduce [or] [and] [and otherwise] control releases;
- (iv) Steps to promote education, training, and awareness of strategies to prevent, reduce [or] [and] [and otherwise] control releases;
- (v) A schedule for implementation, including the strategies and measures identified therein; and
- (vi) A means for monitoring progress of the strategies in (iii) above, including a review every (x) years of these strategies and their success in preventing, reducing [or] [and] [and otherwise] controlling releases. Such reviews shall be included in national reports submitted pursuant to article L of this Convention.]]

Management and disposal of wastes containing certain persistent organic pollutants 2/

4. For the chemicals listed in Annexes A, B [or C], each Party [, consistent with its capacities and subject to the availability of technical and financial assistance,] shall:

(a) [Endeavour to] develop appropriate strategies for identifying products and articles still in use and wastes containing such chemicals; and

(b) Take appropriate measures to ensure that such wastes and such products and articles, upon becoming wastes, are [handled, stored and] destroyed [or disposed of] in an environmentally sound manner.

[(c) Parties that have advanced [technical and financial] capacity shall assist Parties that have no or lesser capacity in the [clean-up of contaminated sites and in the] [management and] [destruction of wastes] [implementation of appropriate measures to reduce and/or eliminate releases of persistent organic pollutants into the environment] [implementation of subparagraphs (a) and (b) above].]

The above-mentioned undertakings shall take into account relevant subregional, regional and global regimes governing the management of hazardous wastes, in particular the Basel Convention on the Control of

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/3 The brackets indicate the reservation of the European Community and its member States as to the placement of the sections (i)-(vi) but not disagreement with the content.

Transboundary Movements of Hazardous Wastes and their Disposal. For the purposes of this paragraph, the terms wast[e], disposal[,] and environmentally sound shall be interpreted in a manner consistent with the use of those terms under the Basel Convention.

[Destruction of stockpiles and waste 2/

5. Destruction domestically, or transboundary movements of wastes for destruction shall be undertaken in accordance with the basic principles and provisions in the Basel Convention. The same shall apply to the destruction of substances listed in Annex A, for which production and use are banned according to paragraph 1 above.]

E. National implementation plan

1. Each Party shall:

(a) Develop[, consistent with its capabilities and subject to the [availability] [accessability] of financial and technical assistance where appropriate,] a national [or, in the case of a regional economic integration organization, regional] plan [for] [, which includes] the implementation of the provisions of this Convention;

(b) Transmit its plan to the Conference of the Parties [in accordance with a schedule and a format to be determined by the Conference of the Parties [at its first meeting]] [within [six months] [one year] of the date on which this Convention enters into force for it]; and

(c) Update its plan thereafter at regular intervals to be determined by the Conference of the Parties.

[Each such plan shall include information on how the Party intends to meet its obligations in this Convention and any other information required by the Conference of the Parties.]

2. [In order to facilitate the development, updating and implementation of] [In developing and updating] the plans referred to in paragraph 1, the Parties [may] [shall] cooperate directly or, where appropriate, through competent international, regional and subregional organizations.

F. Listing of substances in Annexes A, B and/or C

1. Any Party may submit a proposal to the Secretariat for listing a substance in Annex A, B and/or C. The proposal shall contain the information required by Annex D. In submitting 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 required by Annex D. When a proposal contains the information required, the Secretariat shall forward it to the Persistent Organic Pollutants Review Committee.

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3. The Committee shall examine the proposal and apply the screening criteria described in Annex D in a flexible, transparent and integrative manner, [taking into account the Precautionary Principle]. If the screening criteria are not fulfilled, the Secretariat shall inform all Parties [and observers 4/] accordingly [before] [and] the proposal shall be set aside. If the screening criteria are fulfilled, the Committee shall make the proposal available to all Parties [and observers 4/] and invite them to submit the information set out in Annex E.

4. The Committee shall review the proposal, taking into account relevant additional information received, and shall prepare a draft risk profile in accordance with Annex E. It shall make the draft risk profile available to all Parties [and observers 4/] and shall collect technical comments from them. The Committee shall complete the risk profile, taking these comments into account.

5. If, on the basis of the risk profile, [the Committee decides that the proposal should not proceed, the proposal shall be set aside. If 5/] the Committee decides that the proposal should proceed, it shall invite information from all Parties [and observers 4/] relating to the considerations set out in Annex F. The Committee shall then prepare a risk-management evaluation, which includes an analysis of possible control measures for the substance in accordance with Annex F.

6. Based on the risk profile referred to in paragraph 4 and the risk-management evaluation referred to in paragraph 5, the Committee shall recommend whether the substance should be considered by the Conference of the Parties for listing in Annex A, B and/or C.

[7. The Conference of the Parties shall decide whether to amend Annex A, B and/or C to list the substance and related control measures.] 6/

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/4 The contact group discussed whether there was a need to identify "observers" here. It was suggested that the Conference of the Parties could designate eligible observers, that the United Nations procedures could apply, or that it may not be necessary to designate observers at all (e.g., the information could be made publicly available on a Web site). The Legal Drafting Group noted that, should this term be used in this article, there would be a need to clarify which entities would be considered to be "observers".

/5 The contact group agreed that the Committee would be able to set aside a proposal on the basis of their evaluation of the risk profile. Some members of the contact group considered that for clarity this should be explicitly stated in accord with the report of the Criteria Expert Group. Other members of the group did not deem this necessary and preferred deletion for reasons of clarity, brevity and legal consistency.

/6 The need for this paragraph should be considered in relation to draft articles Q and R.

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G. Information exchange

[1.] The Parties shall, in a [transparent and non-discriminatory manner] [manner consistent with their laws, regulations and practices], [create favourable conditions to] [facilitate] [undertake] the exchange of information relevant to:

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

(b) Cost-effective alternatives.

[by promoting, inter alia, the exchange of and access to information on the development and use of alternatives to persistent organic pollutants, as well as on the evaluation of the risks that such alternatives pose to human health and the environment, and information on the economic and social costs of such alternatives; and exchange of information on activities related to such alternatives which are conducted in other [regional and] international forums.] <sup>7</sup>/

[2. Parties that exchange information pursuant to this Convention shall protect any confidential information as mutually agreed. Human and environmental health and safety information shall not be regarded as confidential information for the purposes of this Convention.]

[3. Each Party shall designate a national focal point for the purpose of the exchange of the information. The Parties shall exchange such information through the secretariat.]

[4. The secretariat shall serve as a clearing-house mechanism for other relevant information, including information provided by intergovernmental and non-governmental organizations.]

H. Public information, awareness and education

The Parties [, consistent with their capacities,] shall:

(a) Promote and facilitate at the national and, as appropriate, subregional and regional [and interregional] levels [, and in accordance with national laws and regulations,] and within their respective capacities [Each Party shall ensure that the public has access to relevant information and that this information is kept up-to-date. Parties shall encourage industry and professional users to promote and facilitate the provision of information at national and, as appropriate, subregional and regional levels, within their capabilities. This information should include]:

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<sup>7</sup> It was suggested that, instead of deleting this set of examples that pertain only to cost-effective alternatives, a comparable set could be provided for subparagraph (a) as well.

- (i) The provision of information on [individual] persistent organic pollutants to [users of such pollutants and] the public, including those who [produce,] use [and/]or release persistent organic pollutants, including information pertaining to the assessment of hazard and risk; to pollution prevention; to risk reduction; to economic and social impacts; [to integrated pest management] and alternative products [, practices] [, including their specification, accessibility and relative costs] and processes for individuals and enterprises that produce, use or release persistent organic pollutants [and any other relevant information];
  - (ii) The development and implementation of educational and public awareness programmes on persistent organic pollutants and their [short-term and long-term] health and environmental effects;
  - (iii) Public participation in relevant forums addressing persistent organic pollutants and their health and environmental effects and developing adequate responses [, including opportunities for inputs at the national level regarding the implementation of this Convention]; and
  - (iv) Training of scientific, [educational,] technical and managerial personnel;
  - [(v) Sensitization of policy and decision-makers with regard to issues associated with persistent organic pollutants;]
  - [(vi) Training in ways and methods for reducing effects of persistent organic pollutants on human health and the environment [, including the evaluation of relative risks];]
  - [(vii) In providing information on persistent organic pollutants and their alternatives, Parties may use safety data sheets, reports, mass media and other means of communication. The establishment of information centres at national and regional levels is essential;]
- (b) Cooperate in and promote, at the international level, and, where appropriate, using existing bodies:
- (i) The development [of means for promoting awareness] and exchange of educational and public awareness materials on persistent organic pollutants and their [short-term and long-term] health and environmental effects; and
  - (ii) The development and implementation of education and training programmes, including [the strengthening of national institutions and] the exchange or secondment of personnel to train experts in this field, in particular for developing countries and countries with economies in transition.

/...

- [(iii) The strengthening of national [subregional and regional] institutions.]

I. Research, development and monitoring

1. The Parties [, if they are capable,] shall [, at the national, regional and international levels, undertake and cooperate in] [conduct] [ensure the implementation of appropriate] research, development, monitoring and cooperation pertaining to persistent organic pollutants [related] [including], but not limited, to:

(a) Releases, persistence in different media, long-range transport and deposition levels and their modelling, existing levels in the biotic and abiotic environment [and elaboration of procedures for harmonization or standardization of relevant methodologies];

(b) Pollutant pathways and inventories in representative ecosystems;

(c) Relevant [short-term and long-term] effects on human health and the environment [, including the quantification of such effects, and their socio-economic impacts]; 8/

(d) Best available technologies and practices to prevent, reduce or eliminate their environmental release, including agricultural practices, [such as integrated pest management including biological and indigenous control of human disease vectors];

(e) Possible alternative chemicals, processes, methods or techniques for the chemicals listed in Annexes A and B, and possible alternative practices and technologies for the chemicals listed in Annex C;

[(e) bis Non-chemical alternatives, including indigenous knowledge and practices;]

(f) Methodologies permitting the consideration of social[, cultural] and economic factors in the evaluation [and application] of alternative release reduction or elimination strategies;

(g) Approaches to integrate appropriate information, including information obtained under subparagraphs (a)-(e) above, on measured or modelled environmental levels, pathways, and effects on human health and the environment, for the purpose of formulating future control strategies which also [give as much attention to social and economic effects of their reduction and/or elimination as they give to scientific evaluations of persistent organic pollutants] [take into account economic, social and technological factors];

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/8 The issue was raised of the impact of not taking action, including the socio-economic effects.

(h) Methods for estimating national releases and projecting future releases of individual persistent organic pollutants and for evaluating how such estimates and projects can be used to structure future obligations; and

(i) Levels of chemicals subject to the Convention that are contained as contaminants in other substances, chemical products, manufactured articles or residual materials, and the significance of these levels for long-range transport, as well as techniques to reduce levels of these contaminants.

[(j) Harmonization of methodologies and techniques to detect, quantify and inventory such substances.]

[1 bis. The Parties shall establish a formal mechanism to oversee activities pertaining to this article to ensure harmonization among those organizations involved.]

2. In undertaking action under paragraph 1 of this article, the Parties shall[, consistent with their capabilities]:

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

(b) Support international efforts to strengthen national scientific and technical research capacities and capabilities, particularly in developing countries, and promote access to, and the exchange of, data and analyses obtained from areas [beyond] [outside] their national jurisdiction; and

(c) [Take into account] [Ensure that] the particular concerns and needs of developing countries and countries with economies in transition [be duly addressed] and cooperate in improving their endogenous capacities and capabilities to participate in the efforts referred to in subparagraphs (a) and (b) above.

[(d) Make the results of research and monitoring activities referred to in this article publicly available.]

#### J. Technical assistance

[To be developed]

#### K. Financial resources and mechanisms

[To be developed]

#### L. Reporting

Each Party shall report to the Conference of the Parties on measures that it has taken to implement the provisions of this Convention and on their

/...

effectiveness in meeting the objectives of the Convention. Such reporting shall be at regular intervals and in a format to be determined by the Conference of the Parties at its first meeting. [National reports should also provide appropriate and available information relevant to the obligations under the Convention.]

M. 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.

N. Settlement of disputes

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

2. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party 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 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 declaration made pursuant to paragraph 2 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.

4. 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.

5. 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 adopted by the Conference of the Parties no later than at its second meeting.



[N bis. Relationship with other agreements

The provisions of this Convention shall not affect the rights and obligations of any Party deriving from any existing international agreements.]

0. 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 determined 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 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) Consider and undertake any additional action that may be required for the achievement of the objectives of the Convention.
6. 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.

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P. 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 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 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

(e) 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.

Q. 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 at the meeting.

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.

R. 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 Q;

(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) below; 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) above.

4. [...]

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OPTION 1: OPT-OUT

4. The proposal, adoption and entry into force of amendments to annexes to this Convention shall be subject to the same procedures as for the proposal, adoption and entry into force of additional annexes to the Convention.

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OPTION 2: OPT-IN

/...

4. Except in the case of amendments to [add a substance to] Annex [A, B or C ], the proposal, adoption and entry into force of amendments to annexes to this Convention shall be subject to the same procedures as for the proposal, adoption and entry into force of additional annexes to the Convention.

4 bis. The following procedure shall apply to the proposal, adoption and entry into force of amendments to [add a substance to] Annex [A, B or C]:

(a) Amendments shall be proposed according to the procedure in [Article F];

(b) The adoption and entry into force of amendments shall be subject to the same procedures as the adoption and entry into force of amendments to the Convention.

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OPTION 3: CONSENSUS AND AUTOMATICITY

4. The following procedure shall apply to the proposal, adoption and entry into force of an amendment to Annex [A, B or C] [D, E or F]:

(a) Amendments shall be proposed according to the procedure in [Article F] [paragraphs 1 and 2 of Article Q];

(b) The Parties shall take decisions on an amendment to Annex [A, B or C] [D, E or F] by consensus;

(c) A decision to amend Annex [A, B or C] [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 specified in the decision.

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5. 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.

S. 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.

T. Signature

This Convention shall be open for signature at \_\_\_\_\_ by all States and regional economic integration organizations from \_\_\_ to \_\_\_, and at the United Nations Headquarters in New York from \_\_\_ to \_\_\_.

U. 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.

V. 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.

[W. Reservations

No reservations may be made to this Convention.]

X. 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 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.

Y. Depositary

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

Z. 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 \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, two thousand and one.

Z bis. General exemptions 9/

[ Unless otherwise specified in this Convention, paragraphs 1 and 2 of Article D shall not apply to quantities of a substance:]

(a) To be used for laboratory-scale research or as a reference standard;

(...)

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/9 The location of this article is still to be determined. There was a view in the negotiation group that it might be appropriately located in a future article on scope.

Annex A: Elimination

SUBSTANCES	ACTIVITY	MEASURE	COMPLIANCE DATE	SPECIFIC EXEMPTIONS <u>a/</u>		
				PRODUCTION/USE	COUNTRY (IES)	DATE OF EXPIRY/DATE OF REVIEW <u>b/</u>
aldrin	production	elimination	e.i.f. <u>c/</u>			
	use	elimination	e.i.f.			
[chlordane	production	elimination	e.i.f	<u>d/</u>	<u>d/</u>	t.b.d. <u>e/</u>
	use	elimination	e.i.f	termiticide in buildings and dams articles in use <u>a/</u>	China Republic of Korea	t.b.d. t.b.d.]
[DDT	production	elimination, production limited to vector control	ongoing			
	use	elimination, use limited to vector control	ongoing			t.b.d.]
dieldrin	production	elimination	e.i.f.			
	use	elimination	e.i.f.	articles in use <u>a/</u> wood	Australia possible others	t.b.d.
endrin	production	elimination	e.i.f.			
	use	elimination	e.i.f.			

/...

SUBSTANCES	ACTIVITY	MEASURE	COMPLIANCE DATE	SPECIFIC EXEMPTIONS <u>a/</u>		
[heptachlor	production	elimination	e.i.f.	<u>d/</u>	<u>d/</u>	t.b.d.
	use	elimination	e.i.f.	articles in use <u>a/</u>	Brazil, Republic of Korea	t.b.d.
				substance in use <u>a/</u> in underground cable boxes	United States of America	t.b.d.
				wood treatment	Brazil	t.b.d.]
hexachloro-benzene	production	elimination	e.i.f.	<u>d/</u>	<u>d/</u>	t.b.d.
	use	elimination	e.i.f.	solvent in pesticide	Nigeria	d.o.e. - 5 years <u>f/</u>
				processing hides	United Republic of Tanzania	d.o.e. - 5 years
				intermediate <u>a/</u>	United States of America	t.b.d.
mirex	production	elimination	e.i.f.	<u>d/</u>	<u>d/</u>	t.b.d.
	use	elimination	e.i.f.	termiticide	Australia, China	t.b.d.
				articles in use <u>a/</u>	various countries	t.b.d.
toxaphene	production	elimination	e.i.f.			
	use	elimination	e.i.f.			



SUBSTANCES	ACTIVITY	MEASURE	COMPLIANCE DATE	SPECIFIC EXEMPTIONS <u>a/</u>		
[PCBs]	production	elimination	e.i.f.			
	use	elimination	e.i.f.	see PCBs entry below	various countries	t.b.d.]

PCBs: specific exemptions, uses and production:

PCBs in use as of the date of entry into force, provided that such Parties shall make determined efforts designed to lead to the elimination of the use of identifiable PCBs in equipment (i.e., transformers, capacitors or other receptacles containing residual liquid stocks) containing PCBs in volumes greater than 5 [litres] dm<sup>3</sup> and having a concentration of 0.05% PCBs or greater, as soon as possible, but no later than X.

- Exemptions based on restricted uses
- Quantitative limits
- Conditions of restricted use (including e.g., export controls on used equipment)
- Reporting requirements (including e.g., inventories of PCB uses in a country)

Notes:

a/ General exemptions have been proposed which would state that, unless otherwise specified in the Convention, paragraphs 1 and 2 of article D shall not apply to quantities of a substance as outlined in the appendix to the report of the chair of the Contact Group on article D, paragraphs 1 and 2, contained in annex III to the present report.

b/ Date of review is required where no date of expiry exists.

c/ e.i.f. - date of entry into force of the Convention for the Party in question.

d/ No clear information was submitted.

e/ t.b.d. - date of expiry/review is to be determined.

f/ d.o.e. - date of expiry; in the legal drafting group, it was observed that there would be a need to clarify the date from which the period set for the date of expiry would be measured.

/...

Annex B: Restriction

SUBSTANCE	ACTIVITY	NATURE OF RESTRICTION	COMPLIANCE DATE	SPECIFIC EXEMPTIONS <u>a/</u>		
				USE/PRODUCTION	COUNTRY (IES)	DATE OF EXPIRY/DATE OF REVIEW <u>b/</u>
[DDT	production	elimination, production limited to vector control	ongoing			
	use	elimination, use limited to vector control	ongoing			t.b.d.] <u>c/</u>
[PCBs	production	elimination	e.i.f. <u>d/</u>			
	use	restriction	e.i.f.	See PCBs entry below	various countries	t.b.d.]

PCBs: specific exemptions, uses and production:

PCBs in use as of the date of entry into force, provided that such Parties shall make determined efforts designed to lead to the elimination of the use of identifiable PCBs in equipment (i.e., transformers, capacitors or other receptacles containing residual liquid stocks) containing PCBs in volumes greater than 5 [litres] dm<sup>3</sup> and having a concentration of 0.05% PCBs or greater, as soon as possible, but no later than X.

- Exemptions based on restricted uses
- Quantitative limits
- Conditions of restricted use (including e.g., export controls on used equipment)
- Reporting requirements (including e.g., inventories of PCB uses in a country)

/...

Notes:

- a/ General exemptions have been proposed which would state that unless otherwise specified in the Convention, paragraphs 1 and 2 of article D shall not apply to quantities of a substance as outlined in the appendix to the report of the chair of the Contact Group on article D, paragraphs 1 and 2, contained in annex III to the present report.
- b/ Date of review is required where no date of expiry exists.
- c/ t.b.d. - date of expiry/review is to be determined.
- d/ e.i.f. - date of entry into force of the Convention for the Party in question.

Annex C

CHEMICALS SUBJECT TO CERTAIN RELEASE REPORTING AND RELEASE REDUCTION  
OR ELIMINATION MEASURES AND ASSOCIATED IMPLEMENTATION REQUIREMENTS

Part I: Chemicals subject to total annual release reduction  
or elimination targets

For each chemical listed below, the Parties shall reduce or eliminate total national annual releases based on a reference year and according to a schedule listed below:

Chemical name	Reference year	Reduction or elimination schedule

Part II: Chemicals subject to certain technical requirements

For each of the chemicals listed below, the Parties shall take appropriate measures to promote the use of best available technologies to prevent, reduce or eliminate their release into the environment. Parties should cooperate with non-governmental organizations and intergovernmental organizations in the development of technical guidance to assist Parties in identifying the best available technologies that are also cost-effective. For each of the chemicals listed below, one or more specific technology requirements or release limit values may apply which are also listed below.

Chemical name	Specific technology or release limit value requirements	Date by which specific requirement becomes effective

Part III: Definitions pertaining to this Annex

For the purposes of this Annex:

- (a) "zzzz" means...

/...

Annex D

INFORMATION REQUIREMENTS AND CRITERIA FOR THE PROPOSAL AND SCREENING OF  
PROPOSED PERSISTENT ORGANIC POLLUTANTS

1. The Party or Parties submitting a proposal for listing a substance in Annexes A, B or C shall identify the substance in the manner described in subparagraph (a) and provide the information relating to the criteria set out in subparagraphs (b), (c), (d) (e) [and (f)]: 10/

(a) Substance identity, including name (trade name(s), commercial name(s) and synonyms, Chemical Abstracts Service (CAS) Registry number and International Union of Pure and Applied Chemistry (IUPAC) name) and structure, including specification of isomers, where applicable (or the structure of the chemical class);

(b) Persistence:

(i) Evidence that the half-life of the substance in water is greater than [two months] [six months], or that its half-life in soils is greater than six months, or that its half-life in sediments is greater than six months; or

(ii) Evidence that the substance is otherwise sufficiently persistent to be of concern within the scope of the Convention;

(c) Bio-accumulation:

(i) Evidence that the bio-concentration factor (BCF) or bio-accumulation factor (BAF) in aquatic species for the substance is greater than 5,000 or, in the absence of BCF and BAF data, that the log Kow is [greater than [4] [5]] [in the range of 4 to 7]; or

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

(iii) Monitoring data in biota indicating that the bio-accumulation potential of the substance is sufficient to be of concern within the scope of the Convention;

(d) Potential for long-range environmental transport:

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

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/10 The legal drafting group did not complete its consideration of this language, because it wished, first, to consider the related provisions of the future instrument.

/...

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

(e) Adverse effects: Toxicity or ecotoxicity data that indicate the potential for damage to human health or to the environment [and] [or] [other evidence of adverse effects that justify the consideration of the substance within the scope of this Convention].

[This information will be considered a crucial element for the analysis of environmental and health costs of the substances to be included in the Convention.]

[1 bis.] [(f) Criteria statement:] [The proposing Party or Parties [shall] [should] [are encouraged to] 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 substance resulting or anticipated from long-range environmental transport[, and the need for global control].

2. The proposing Party or Parties shall, to the extent possible and taking into account its or their capabilities, provide additional information to support the review of the proposal. In developing a proposal, a Party or Parties may draw on technical expertise from any source. 10/

#### Annex E

##### INFORMATION REQUIREMENTS FOR THE RISK PROFILE

1. The purpose of the review is to evaluate whether the substance, as a result of its long-range environmental transport, is likely to lead to significant adverse human health and/or environmental effects, such that global action is warranted. For this purpose, a risk profile will be developed which further elaborates on, and evaluates, the information referred to in Annex D and includes[, as far as possible,] the following types of information: 10/

/...

(a) Sources, including, as appropriate, production data, including quantity and location; uses; and releases, such as discharges, losses and emissions;

(b) Hazard assessment for endpoint(s) of concern. The assessment should include a consideration of toxicological interactions involving multiple substances;

(c) Environmental fate, including data and information on the chemical and physical properties and persistence of a substance and how they are linked to its environmental transport, transfer within and between environmental compartments, degradation and transformation to other substances. A determination of BCF or BAF, 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, including information regarding bio-availability; and

(f) National, regional and international risk evaluations, assessments or profiles and labelling information and hazard classifications, as available; and status of the substance under international conventions.

[2. The process set out in Article F shall not be impeded if some of the data referred to in paragraph 1 of Annex E cannot be made available in a reasonable time frame.] 10/

#### Annex F

##### INFORMATION ON SOCIO-ECONOMIC CONSIDERATIONS

An evaluation should be undertaken regarding control measures, encompassing the full range of options, including management and elimination, for substances under consideration for inclusion in the Convention. For this purpose, relevant information should be provided relating to socio-economic considerations associated with control measures to enable a decision to be taken by the Conference of the Parties. Such information should reflect due regard for differing capabilities and conditions among Parties and should include consideration of the following indicative list of items: 10/

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

(i) Technical feasibility;

(ii) Costs, including environmental and health costs;

/...

- (b) Alternatives (products and processes):
  - (i) Costs, including environmental and health costs;
  - (ii) Efficacy;
  - (iii) Risk;
  - (iv) Availability;
  - (v) Technical feasibility;
  - (vi) Accessibility;
- (c) Positive and/or negative impacts on society of implementing 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;
  - (vi) Social costs;
- (d) Waste and disposal implications (in particular, obsolete stocks of pesticides and clean-up of contaminated sites):
  - (i) Technical feasibility;
  - (ii) Cost;
  - (e) Access to information and public education;
  - (f) Status of control and monitoring capacity;
- (g) Any national or regional control actions taken, including information on alternatives, and other relevant risk management information.



Annex IIIREPORT OF THE CHAIR OF THE CONTACT GROUP ON PARAGRAPHS 1 AND 2  
OF DRAFT ARTICLE D AND ITS ASSOCIATED ANNEXESIntroduction

1. The contact group comprised representatives of 26 countries (Argentina, Australia, Austria, Belgium, Botswana, Brazil, Canada, China, Colombia, Denmark, Finland, Germany, Iceland, India, Indonesia, Japan, the Netherlands, New Zealand, Nigeria, the Republic of Korea, Samoa, South Africa, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America), and the European Commission, as well as several observers, including WHO. The group considered article D, paragraphs 1 and 2, exemptions, and the annexes. The terms of reference were as follows :

(a) To consider the operational language of paragraphs 1 and 2 of article D:

(i) Addressing the elimination objective; and

(ii) Addressing the export and import of commercial production (not waste);

(b) To allocate the 10 intentionally produced POPs to Annexes A and B and include specific conditions regarding countries, use and time, etc.;

(c) To address the issue of general exemptions.

A. Paragraphs 1 and 2 of article D

2. With regard to paragraph 1 of article D, the group produced the text contained in the conference room paper provided in the appendix to the present report. With regard to the first sets of brackets, the group's intention was to convey three separate options, with variations. Taking those in order, many countries preferred the "prohibit" formulation; some of those countries and others were willing to consider further the formulation combining "prohibit" and "take the legal measures necessary to eliminate" with an "and" or an "or"; and some countries preferred the "take the legal measures necessary to eliminate" language alone. The same language was used in paragraph 2 of article D.

3. With regard to the bracketed words "import, export" in paragraph 1 of article D, many countries supported removing the brackets while some wanted to keep the brackets because of concerns regarding non-parties and the World Trade Organization. The text of paragraph 1 bis of article D, as contained in the conference room paper at the end of paragraph 1 of article D submitted by the European Community and its member States, was included in brackets with modifications.

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4. The group noted the need to deal with wastes exported for environmentally sound destruction or disposal and the representative of Australia reminded the group of the point made by Australia in its conference room paper. In this regard, the group requested the Legal Drafting Group to consider this issue, especially to judge if language used in that submission was necessary for chemicals listed under paragraph 1 of article D, when considering the issues pending under paragraph 4 of article D.

5. With regard to paragraph 2 of article D, the group discussed, without reaching agreement, whether the actions under that paragraph included "production or use" or "production and use". It was noted that, while the first part of the sentence might be rather confusing, the last part made clear that what was to be allowed for a chemical would be clarified in Annex B. One country raised the question whether production extended to export.

#### B. General exemptions

6. The United States introduced a text regarding general exemptions. Its representative noted that those exemptions were intended to provide ways to help ensure that the future instrument would be as cost-effective and legally workable for as many countries as possible. The exemptions reflected specific issues which the United States had encountered in its domestic experience. The chapeau provided flexibility by allowing the instrument to specify that the exemptions did not apply in specific circumstances. The exemptions concerned (a) laboratory scale research, (b) de minimis contaminants in products (e.g. pesticide products, fish), (c) articles in use (such as flame retardant clothing containing mirex), (d) closed system intermediates which were chemically transformed, as was allowed under the Montreal Protocol and the Convention on Long-range Transboundary Air Pollution, and (e) products which were in the possession of an end-use consumer (e.g., pesticides in the farmer's shed).

7. The group discussed the proposal and considered whether the exemptions should be general or chemical-specific exemptions in the annexes. There was general support in the group for exemption (a), support from several to many countries for exemptions (b) and (c), and some support for exemptions (d) and (e). The group agreed to bracket the chapeau and all the exemptions except for (a).

8. The group briefly considered the question of a general exemption for public health emergencies. Most members of the group supported use of chemical-specific exemptions rather than a general exemption for public health emergencies; one country reserved its position on this point while other countries remained open on the question.

#### C. Annexes A and B

9. The group discussed placement of the 10 intentionally produced POPs into the annexes. As its method of working, the group agreed to discuss placing chemicals into Annex A and then consider needs or issues raised by

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countries for each chemical. The group was able to place eight chemicals into Annex A (aldrin, chlordane, dieldrin, endrin, heptachlor, hexachlorobenzene (HCB), mirex and toxaphene). For three chemicals (aldrin, endrin and toxaphene) no specific exemptions were identified. For the other five chemicals, a number of country-specific exemptions were identified. The entries for chlordane and heptachlor were bracketed. For the remaining two chemicals (DDT and PCBs), the group came forward with bracketed text in both Annexes A and B. These cases are discussed in more detail below.

10. Several of the country-specific exemptions related to aspects that might otherwise be dealt with under the general exemptions included in the group's text (noted with footnote 1 in Annex A) (see appendix). For HCB, a date of expiry was identified for several uses; for the other chemicals the date of expiry or date of review was yet to be determined.

11. The contact group had a very good discussion of DDT with the exchange of much valuable information and understanding. The discussion focused on the use of DDT for vector control - no countries indicated a need for agricultural use. Several developing countries described the critical need to control malaria and the importance of DDT in current efforts, while noting also their concerns about the harmful effects of DDT. Others suggested that viable alternatives to DDT might be available. The United States tabled a proposal for consideration, which was extensively discussed and amended by the contact group. Several countries supported submission of a modified version of the United States approach to the plenary as a proposal from the contact group. Other countries requested that the proposal be forwarded in the report of the Chair. The proposal has many of the elements of an overall strategy for dealing with DDT. The proposal of the United States, including modifications developed during discussion in the contact group, is presented below:

United States proposal: Suggested language for DDT entry in control for Annex A or B

"1. Use of DDT is allowed only: when necessary to manage a public health threat from diseases such as malaria; and in accordance with WHO guidelines; and when effective, affordable and sustainably deployed alternatives are not available.

"2. Each Party that uses DDT shall provide the secretariat and WHO with information on the purpose and conditions of such use and whether it is part of an integrated disease management strategy, in a format to be decided by the Conference of Parties, and in consultation with WHO.

"3. With a view to minimizing and, ultimately, eliminating the use of DDT, the Parties shall: promote the development of integrated vector management strategies for countries using DDT with the goal of reduction of reliance on pesticides; and no later than one year after entry into force of the Convention and periodically hereafter, and in consultation with WHO, review the production and use of DDT and the [conditions set out in paragraph 1 above and taking into account the]

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availability and suitability of alternatives to DDT and progress in strengthening countries' capacity to shift safely to reliance on such alternatives; and, as appropriate, promote the development and commercialization of safer, effective and affordable alternative products, methods and strategies to DDT."

12. Other points arising from the discussion by the contact group include these listed below.

13. The contact group could not agree on the placement of DDT in the annexes and requested that an entry for DDT be bracketed in both Annexes A and B.

14. The approach contained in this proposal was much broader in terms of the scope of its review of alternatives, etc., than that for the eight other POPs considered earlier by the contact group. On the basis of a suggestion from several countries, the contact group proposed that such strategies should be developed for all POPs for which there were specific exemptions in Annex A or which were placed in Annex B. While the strategies should be tailored to the needs for each chemical, such an approach would ensure that there was an organized process to encourage the development of substitutes, etc.

15. Some countries noted that parts of the proposal might be better located in other parts of the text, rather than in the annex. An additional suggestion was that WHO should maintain a register for the manufacture and use of DDT.

16. Regarding production, several countries emphasized the need to address the problem of illegal traffic and there was a discussion about how the annex might deal with production. The contact group briefly discussed a proposal to link production quantities to the needs for vector control and for the maintenance of the necessary stockpiles.

17. Accordingly, the proposal includes a set of actions and reviews. It may be useful to consider using the contact group's discussion and the points raised as the basis for further discussion, or for inter-sessional work.

18. The group had a very good discussion of PCBs, with the exchange of much valuable information. The discussion focused primarily on the uses of PCBs in transformers and other electrical equipment, while recognizing other uses. No countries represented in the group indicated a need for the production or new uses of PCBs.

19. Several developing countries described the complexity of dealing with PCBs, while recognizing their harmful effects. Among the concerns identified were: the cost of replacement before the electrical equipment reached the end of its useful life; identifying existing applications in countries; the import of used equipment containing PCBs (electrical equipment, ship breaking, etc.); the absence of a phase-out plan; and the costs and availability of PCB alternatives. Several countries described their efforts

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to manage PCBs, including phase-out programmes in some countries, and obligations under a relevant agreement, such as the Convention on Long-range Transboundary Air Pollution. In general, the issue of PCB elimination was deemed to be very complex, difficult and expensive. Those views were supported by examples such as the removal of electrical equipment before its useful life had ended, the great variety of past uses, and the issues encountered in ship-breaking.

20. In the ensuing discussions, many countries spoke in favour of a phase-out, others suggested an aspirational approach, and a few spoke against a phase-out date, owing to, inter alia, to the cost and magnitude of the problem. While all countries agreed that the production and new uses could be eliminated on entry into force of the future instrument, countries disagreed as to the placement of PCBs in Annex A or B. Most countries preferred listing in Annex A, some countries preferred listing in Annex B and dual listing was also suggested.

21. A number of points were raised in the course of the discussion, including: export controls on used equipment; values triggering action (e.g., volumes - 5 litres - and concentrations - 50 ppm - associated with exemptions); the need for PCBs, when they became wastes, to be handled under paragraph 4 of article D; development of inventories of PCB uses as a necessary first step but one that was expensive and difficult to construct; nature of exemptions from phase-out (e.g., by country; or by groups of countries, such as developed, developing and countries with economies in transition).

22. Following extensive discussion, the contact group entered PCBs into both Annex A (Elimination of both production and use) and Annex B (Elimination of production and restriction of use), with all text bracketed. The language proposed for a specific exemption for PCBs was drawn from annex II to the Convention on Long-range Transboundary Air Pollution. This language, which was received with interest by the group, can be found with the bracketed text of the annexes. No specific date was proposed for expiry of the exemption. Additional factors which could be taken into consideration (and which might be relevant to other parts of the Convention) were listed as bullets.

23. Recalling the general exemption for de minimis contaminants, the group noted that PCBs were likely to be identified for specification of a contaminant level if such an exemption should be adopted.

24. The question was raised as to the possibility of new transformers containing PCBs. That could involve import or domestic use situations. The extent of that practice was not clear to the group.

#### D. Final points

25. The annexes reflect input received from the countries present in the contact group. Additional information is needed from other countries. The contact group recommends that, in preparing for the fourth session of the

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Intergovernmental Negotiating Committee, each country carefully determine and bring forward any specific exemptions or other issues that it wishes to raise regarding the intentionally produced POPs. This information should be collected before the fourth session, to enable other Governments, academic institutions, the industry sector and environmental groups to bring forward information on alternatives which meet the identified needs.

26. Several countries noted that several of the chemicals in Annexes A and B were present at de minimis levels in products (e.g., DDT in dicofol). Depending on the decisions reached regarding a general exemption for de minimis contaminants, this issue might need to be further considered.

27. In the course of the discussion, several countries noted possible changes to the structure or content of the annexes. The contact group did not have time to consider those points. It may be useful for them to be considered inter-sessionally or at the fourth session of the Intergovernmental Negotiating Committee.

28. Several countries in the contact group wondered which procedures would apply if a Party anticipated that it could not meet the date specified in a country-specific obligation, as set out in any annex to article D. A partial response to this question had been provided at the Committee's second session, where the contact group had noted that, if a country sought a specific exemption but could not set a final elimination date, it could instead provide a date for review by the Conference of the Parties for that exemption. The contact group seeks advice on the question of the procedure that would apply in those cases.

29. The contact group also noted a need for capacity-building to provide Parties with the domestic legislative capacity to ban these chemicals.

Appendix

PROPOSAL SUBMITTED BY THE CONTACT GROUP ON PARAGRAPHS 1 AND 2 OF  
ARTICLE D TO THE PLENARY

Article D

MEASURES TO REDUCE OR ELIMINATE RELEASES OF POPS INTO THE ENVIRONMENT

Prohibition of the production and use of certain persistent organic  
pollutants

1. Each Party shall [prohibit] [prohibit [and] [or] take [other] [the] legal measures necessary to eliminate] [take the legal measures necessary to eliminate] the production[, import, export] and use of the chemicals listed in Annex A in accordance with the schedules contained in that Annex.

[1 bis. Each Party shall ensure that chemicals listed in Annex A, once their production and use have been banned, shall not be exported or imported except for the purpose of environmentally sound [destruction] [or] [disposal].]

Restrictions on the production and use of certain persistent organic  
pollutants

2. Each Party shall [prohibit] [prohibit [and] [or] take [other] [the] legal measures necessary to eliminate] [take the legal measures necessary to eliminate] the production [or] [and] use of the chemicals listed in Annex B, except for the purposes specified therein, in accordance with the schedules contained in that Annex.

General exemptions 11/

[1. Unless otherwise specified in this Convention, paragraphs 1 and 2 of Article D shall not apply to quantities of a substance: ]

(a) To be used for laboratory-scale research or as a reference standard;

[(b) Occurring as de minimis contaminants in products;

(c) Occurring as constituents of articles manufactured or already in use as of the implementation date of the relevant obligation;

(d) To be used as a closed-system intermediate that is chemically transformed in the manufacture of other chemicals; or

(e) Which are in the possession of an end-use consumer prior to the entry into force for the relevant Party as of the implementation date of the relevant obligation, for use only by that end-use consumer.]

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/11 Location in instrument to be determined.

Annex A: Elimination

Substances	Activity		Compliance date	Specific exemptions <u>a/</u>		
				Production/use	Country(ies)	Date of expiry/date of review <u>b/</u>
aldrin	production	elimination	e.i.f. <u>c/</u>			
	use	elimination	e.i.f.			
endrin	production	elimination	e.i.f.			
	use	elimination	e.i.f.			
hexachlorobenzene	production	elimination	e.i.f.	?	?	t.b.d. <u>d/</u>
	use	elimination	e.i.f.	solvent in pesticide processing hides intermediate <u>a/</u>	Nigeria United Republic of Tanzania United States of America	d.o.e.= 5 years <u>e/</u> d.o.e.= 5 years t.b.d.
toxaphene	production	elimination	e.i.f.			
	use	elimination	e.i.f.			
[chlordane	production	elimination	e.i.f.	?	?	t.b.d.

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Substances	Activity		Compliance date	Specific exemptions <u>a</u> /		
	use	elimination	e.i.f.	termiticide in buildings and dams articles in use <u>a</u> /	China Republic of Korea	t.b.d. t.b.d.]

/...

Substances	Activity		Compliance date	Specific exemptions <u>a/</u>		
dieldrin	production	elimination	e.i.f.			
	use	elimination	e.i.f.	articles in use <u>a/</u> wood	Australia others?	t.b.d.
[heptachlor	production	elimination	e.i.f.	?	?	t.b.d.
	use	elimination	e.i.f.	articles in use <u>a/</u> substance in use <u>a/</u> in underground cable boxes wood treatment	Brazil United States of America  Brazil	t.b.d. t.b.d.  t.b.d.]
mirex	production	elimination	e.i.f.	?	?	t.b.d.
	use	elimination	e.i.f.	termiticide articles in use <u>a/</u>	Australia, China various countries	t.b.d. t.b.d.
[DDT	production	elimination, production limited to vector control	ongoing			
	use	elimination, use limited to vector control	ongoing			t.b.d.]

Substances	Activity		Compliance date	Specific exemptions <u>a/</u>		
	[PCBs	production		elimination	e.i.f.	
	use	elimination	e.i.f.	see PCBs entry below	various countries	t.b.d.]

PCBs: specific exemptions, uses and production

PCBs in use as of the date of entry into force, provided that such Parties shall make determined efforts designed to lead to the elimination of the use of identifiable PCBs in equipment (i.e., transformers, capacitors or other receptacles containing residual liquid stocks) containing PCBs in volumes greater than 5 [litres] dm<sup>3</sup> and having a concentration of 0.05% PCBs or greater, as soon as possible, but no later than x.

- Exemptions based on restricted uses
- Quantitative limits
- Conditions of restricted use (including e.g., export controls on used equipment)
- Reporting requirements (including e.g., inventories of PCB uses in a country)

Notes:

- a/ General exemptions have been proposed which would state that unless otherwise specified in the Convention, paragraphs 1 and 2 of article D shall not apply to quantities of a substance as outlined in the appendix to this report.
- b/ Date of review is required where no date of expiry exists.
- c/ e.i.f.=date of entry into force of the Convention.
- d/ t.b.d.=date of expiry/review is to be determined.
- e/ d.o.e.=date of expiry

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Annex B: Restriction

Substance	Activity	Nature of restriction	Compliance date	Specific exemptions <u>a/</u>		
				Use/production	Country(ies)	Date of expiry/date of review <u>b/</u>
[DDT]	production	elimination, production limited to vector control	ongoing			
	use	elimination, use limited to vector control	ongoing			t.b.d.] <u>c/</u>
[PCBs]	production	elimination	e.i.f. <u>d/</u>			
	use	restriction	e.i.f.	See PCBs entry below	various countries	t.b.d.]

PCBs: specific exemptions, uses and production

PCBs in use as of the date of entry into force, provided that such Parties shall make determined efforts designed to lead to the elimination of the use of identifiable PCBs in equipment (i.e., transformers, capacitors or other receptacles containing residual liquid stocks) containing PCBs in volumes greater than 5 [litres] dm<sup>3</sup> and having a concentration of 0.05% PCBs or greater, as soon as possible, but no later than x.

- Exemptions based on restricted uses
- Quantitative limits
- Conditions of restricted use (including e.g., export controls on used equipment)
- Reporting requirements (including e.g., inventories of PCB uses in a country)

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Notes:

- a/ General exemptions have been proposed which would state that unless otherwise specified in the Convention, paragraphs 1 and 2 of article D shall not apply to quantities of a substance as outlined in the appendix to this report.
- b/ Date of review is required where no date of expiry exists.
- c/ t.b.d. - date of expiry/review is to be determined.
- d/ e.i.f. - date of entry into force of the Convention.

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Annex IVREPORT OF THE CHAIR OF THE CONTACT GROUP ON PARAGRAPH 3 OF  
DRAFT ARTICLE D AND ITS ASSOCIATED ANNEX

30. The contact group, established by the Intergovernmental Negotiating Committee to develop draft text for paragraph 3 of article D, met on Thursday and Friday, 9 and 10 September 1999, under the chairmanship of Mr. Paul Whyllie (Jamaica), with Mr. Howard Ellis (New Zealand) acting as rapporteur. The group comprised approximately 40 participants, from Governments and intergovernmental organizations. The following countries were represented: Australia, Brazil, Canada, China, Denmark, El Salvador, Finland, Gambia, Germany, Iceland, India, Indonesia, Jamaica, Japan, Netherlands, New Zealand, Republic of Korea, Samoa, Thailand, United Kingdom, United States of America. Observers from the non-governmental organizations Chemical Manufacturers Association and Greenpeace also attended.

31. There was general consensus that the conference room paper prepared by Iceland and Norway presented a useful tool to start discussions on text for this paragraph, with due consideration also for the conference room paper prepared by the European Community and the draft text contained in the report of the second session of the Intergovernmental Negotiating Committee (UNEP/POPS/INC.2/6, annex I).

32. In its detailed consideration of the proposal by Iceland and Norway, the group was given to understand that the use of the term "techniques" in "best available techniques" was intended to be an encompassing term covering environmental practices (that included, but was not restricted to, technologies per se). The chair noted that the national action plan would have a subsection on by-products, and could be cross-referenced to the obligation on implementation, contained in draft article E.

33. Initial discussion of the chapeau focused on whether it was useful to include the term "total" in referring to each Party's potential obligation "to reduce its total release" of emissions. Some representatives also considered that the phrase "with the aim of their continuing minimization and ultimate elimination" should also be included in the chapeau, to reflect the overall objective of the total elimination of all POPs. This last suggestion sparked discussion on whether the elimination of dioxin release was a realistic goal, given that it would mean the cessation of any combustion process worldwide, including cigarette smoking. It was noted that a more sensible goal would be to protect human health. Consideration was given to the fact that the language of aims and objectives was better placed within the context of the whole instrument and not expressed separately for by-products.

34. It was agreed that subparagraph (a) usefully focused on measures that could be taken now. Inclusion of the phrase "processes, products and materials" was suggested in explanation of the term "techniques" in subparagraph (b). Iceland noted that "techniques" was a term used in the

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OSPAR Convention and that it could be defined if necessary. The word "technique" provoked extensive discussion as to its suitability. A definition was proposed in an attempt to capture the meaning of the term. "Best available techniques" was defined as "best available practices, policies and technologies, including prevention and control". The term included the concept of "best available technology", "best available environmental practices", as well as feasibility, practicality and consideration of cost. The group agreed that concurrence on this term was critical to achieving a unified position concerning this paragraph.

35. The need for a separate national action plan for by-products was discussed. It was agreed that such a plan was necessary and that it could form part of the broader national action plan proposed for draft article E. One country strongly argued that subsections (ii), (iv), (v) and (vi) of subparagraph (e) were not necessary, as these would be captured under article E. The group agreed that the Legal Drafting Group, if not the plenary, would make the decision as to the best placement of these requirements, obliging each Party to prepare an action plan on by-products. There was agreement that any national action plan should explicitly identify priorities and that such instruction could be derived from draft article E.

36. There was understanding in the group that, inter-sessionally, countries should reflect on the draft that had been submitted so that they could come to the Committee's fourth session with considered positions and ideas. It was considered that the addition of brackets did not necessarily mean a wide divergence of views, but rather the inability to work out a unified position, owing to time constraints. It was requested that work on Annex C should be pursued between meeting of the Committee, on the basis of the draft text presented for paragraph 3 of draft article D, so that Parties could be properly prepared for the next round of negotiations.

37. The present report does not reflect in any substantial way the many ideas put forward over the two days of the group's meetings and merely attempts to capture those points which, in the group's considered opinion, must be conveyed to the plenary.

38. It was the belief of the group that the draft text which was submitted by the group in its conference room paper (UNEP/POPS/INC.3/CRP.47) went a long way towards reaching an accepted position on by-products, which represented a relatively new area of concern and, as such, one on which it was all the more difficult to attain consensus.

Annex V

SUBMISSIONS BY COUNTRIES AND GROUPS OF COUNTRIES PERTAINING TO DRAFT ARTICLES  
J AND K PUT FORWARD IN THE IMPLEMENTATION ASPECTS GROUP

I. DRAFT ARTICLE J

A. Submission by the European Community and its member States  
and additional paragraph submitted by Canada

1. European Community submission

Article J

Technical assistance

1. The Parties shall, taking into account the particular needs of developing countries and countries with economies in transition, cooperate in promoting technical assistance for the development of the infrastructure and capacity necessary to implement this Convention.

2. Developing Parties and Parties with economies in transition shall conduct, in cooperation with other Parties and competent international organizations as appropriate, a review of available infrastructure, capacity and institutions at the national and local level, and the potential to strengthen them for the purpose of this Convention.

3. The Parties recognize the significance of capacity-building in efforts to address local, subregional, regional and global problems associated with POPs. They shall promote, inter alia, as appropriate through facilitating private sector involvement, capacity-building:

(a) Through cooperation, as mutually agreed, to strengthen the capacity to develop and implement programmes addressing the objectives of this Convention;

(b) By training of decision makers, managers and personnel who are responsible for the collection and analyses of data regarding the effects of POPs on the environment and human health;

(c) By strengthening training and research capacity at the national and regional level for introducing alternatives for POPs;

(d) Through assistance for the development, implementation and enforcement of regulatory controls and incentives;

(e) By promoting awareness-raising and information-disseminating programmes.

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2. Additional paragraph 4 proposed by Canada

4. Among the functions of the POPs clearing-house mechanism identified in article G, administered by the Secretariat, shall be the responsibility to facilitate and coordinate the exchange of information on the needs, available donor assistance and roster of expertise relating to technical assistance and capacity-building. The aim of this clearing-house function shall be to assist Parties, particularly developing countries and countries with economies in transition, to fulfil their obligations under this Convention.

B. Submission by the group of African countries

Article J

Technical assistance

1. The developed country Parties shall provide developing country Parties and Parties with economies in transition with technical assistance. Such assistance shall cover, inter alia:

- (a) Compilation of inventories and release registers;
- (b) Development of national action plans;
- (c) Strengthening of national capacities for the sound management of persistent organic pollutants;
- (d) Destruction of existing stockpiles of obsolete persistent organic pollutants;
- (e) Identification and decontamination of sites affected by persistent organic pollutants;
- (f) Transition to sustainable alternatives;

2. A review of available infrastructure, capacity and institutions at the national level shall be conducted and a concrete plan to assist countries to undertake such reviews shall be compiled.

3. A review of all current multilateral assistance shall be undertaken in order that such assistance may be coordinated and channelled to technical assistance in these areas.

C. Submission by the group of Latin American and Caribbean countries

1. The Parties, recognizing that persistent organic pollutants represent a global problem and taking into account the specific needs of developing countries and countries with economies in transition, shall cooperate through the Secretariat in providing the technical assistance needed for the development of their capacities in order to apply the future instrument in activities such as reduction of emissions, management and elimination,

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destruction of stockpiles of wastes, national implementation plans and the submission of reports.

2. The Parties shall use technical assistance for the development of other related activities, oriented towards the fulfilment of the obligations derived from the Convention, including, inter alia, identification and remediation of polluted sites, strengthening of national health and environmental programmes and public awareness.

3. Technical assistance can be extended to the development of regional and subregional plans as referred to in Article E.

4. In order to channel, strengthen and facilitate the adequate implementation of international cooperation in the area of technical assistance, regional and subregional centres for capacity-building and transfer of technology and information for the reduction and elimination of persistent organic pollutants shall be established.

5. With the aim of assuring continuous technical assistance, the Parties shall indicate in their national reports, as referred to in article L, their needs in order to ensure proper implementation of the Convention in their respective countries.

D. Submission by India, including additional language submitted by the Federated States of Micronesia

Article J

Technical assistance

1. Rendering of timely and appropriate technical assistance is recognized to be an essential requirement for the successful implementation of this convention. The Parties shall, therefore, establish a mechanism for the purpose of providing technical assistance and transfer of technologies to the developing countries and countries with economies in transition.

2. Technical assistance to be provided shall include but not be limited to:

- (a) Information:
  - (i) On steps for compiling national inventories;
  - (ii) On existing policies and successful strategies;
  - (iii) On steps for formulating national action programmes;
  - (iv) On policy support to ensure sustainability of each intervention;
  - (v) On disposal and destruction of persistent organic pollutants;

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- (vi) On alternatives to existing persistent organic pollutants.
- (b) Capacity development:
  - (i) Organization of national, regional and international workshops;
  - (ii) Training to enhance in-country expertise;
  - (iii) Visits to model laboratories and facilities.
- (c) Infrastructure development:
  - (i) Supply of technical equipment;
  - (ii) Strengthening research capacity.
- (d) Transfer of technology:
  - (i) Drawings and designs of model facilities;
  - (ii) Best available technology for production of alternatives to phased out persistent organic pollutants.
  - (iii) Know-how and rights for cleaner materials that are less likely to generate persistent organic pollutants, during their ordinary life cycle.

3. All applications for technical assistance will be submitted to the Secretariat, which, after vetting them, will identify the agency which will provide the assistance. The scrutiny and sanction of applications for technical assistance will be carried out in a transparent manner and in accordance with procedures which shall be approved by the Conference of State Parties.

4. The Secretariat shall circulate details of proposals received and approved to the parties on a quarterly basis. It shall also submit a detailed report to the Conference of the Parties which shall issue directions, as considered necessary, for the effective implementation of this scheme of technical assistance.

## II. DRAFT ARTICLE K

### A. Submission by the European Community and its member States

#### Article K

#### Financial resources and mechanism

1. Each Party undertakes to provide, in accordance with its capabilities, financial support and incentives in respect of those national activities which are intended to achieve the objectives of this Convention.

2. The Conference of the Parties shall promote the availability of financial resources and mechanisms and shall encourage the development of such mechanisms to seek to maximize the availability of funding for developing Parties and Parties with economies in transition to implement the Convention. To this end, the Conference of the Parties shall consider for adoption, inter alia, policies and approaches that:

(a) Facilitate the provision of necessary funding at the national, subregional, regional and global levels for activities relevant to the implementation of the Convention;

(b) Promote multiple-source funding approaches, mechanisms and arrangements;

(c) Provide to interested Parties information on available sources of funds and on funding patterns in order to facilitate coordination among them;

(d) Strengthen existing funds and financial mechanisms at the sub-regional, regional and global level to support more effectively the implementation of the Convention;

(e) Explore and improve the possibilities for funding from bilateral assistance programmes; and

(f) Enable and encourage the involvement of the private sector in providing financial assistance.

3. The Conference of the Parties shall also encourage the provision, through various mechanisms within the United Nations system and through multilateral financial institutions, of support at the national, subregional and regional level to activities that enable developing Parties and Parties with economies in transition to meet their obligations under the Convention.

4. Developed country Parties may also provide, and developing Parties and Parties with economies in transition avail themselves of, financial resources related to the implementation of this Convention through bilateral, regional and other multilateral sources.

5. Developing Parties and Parties with economies in transition shall utilize, and where necessary establish, national coordinating mechanisms integrated in national sustainable development programmes, that would ensure the efficient use of all available financial resources.

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

B. Submission by the group of African countries

Article K

Financial resources and mechanisms

1. The developed country Parties shall provide developing country Parties and Parties with economies in transition with financial assistance. Such assistance shall cover areas listed under article J.
2. In order effectively to undertake the aforementioned activities, an independent multilateral financial mechanism to assist developing country Parties and Parties with economies in transition shall be established.

C. Submission by the group of Latin American and Caribbean countries

Article K

Financial resources and mechanism

1. The Parties shall establish a mechanism with the aim to provide developing countries with technical and financial assistance, including technology transfer, and shall assure, through the Secretariat, the availability of financial resources to support such Parties in their compliance with obligations deriving from the Convention.
2. The mechanism established in paragraph 1 shall include, inter alia,:
  - (a) A multilateral fund, consisting of regular and obligatory contributions of new and additional financial resources. The Secretariat shall present to the Conference of the Parties, at its first meeting, a proposal for the budget and rules of the multilateral fund, which shall be approved in an extraordinary meeting of the Conference of the Parties, no later than one year after the first meeting of the Conference of the Parties;
  - (b) A technical assistance fund, composed of voluntary contributions with the aim to support the technical assistance activities undertaken by the Secretariat, as well as capacity-building and transfer of technology activities undertaken by Governments, regional, or subregional centres. This fund may also contribute to complement activities financed by the multilateral fund.
3. The financial mechanism may also include other means of bilateral, subregional and regional cooperation.
4. The Conference of the Parties shall review, on a regular basis, the financial mechanism established under this Article in order to decide on the necessary measures to improve its effectiveness and extend its scope to cover new requirements that could arise during the process of implementation of this Convention.

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D. Submission by the Islamic Republic of Iran

Article K

Financial resources and mechanism

1. The Parties shall establish a mechanism for the purpose of providing financial and technical cooperation to developing countries and countries with economies in transition operating under this Convention to enable their compliance with the control measures set out in Articles D, (...).
2. The mechanism, contributions to which shall be additional to other financial transfers to Parties operating under this Convention, shall meet all agreed incremental costs of such Parties in order to enable their compliance with the control measures of the Convention.
3. An indicative list of the categories of incremental costs shall be decided by the Conference of the Parties at its first meeting.

III. SUBMISSION BY THE GROUP OF AFRICAN COUNTRIES ON ARTICLES J AND K

A. General comments

1. The group of African countries has noted with appreciation the submission by Canada on a clearing-house mechanism, as contained in the conference room paper circulated by its delegation at the second session of the Committee, as well as the European Union proposal for draft article J. The group wishes to respond as follows:

(a) The group of African countries has, since the first session of the Intergovernmental Negotiating Committee, advocated a common but differentiated approach to obligations under the future Convention; and is therefore strongly opposed to the proposal by the European Union and the United States that all reference to varying capacities of countries and availability of technical and financial assistance should be deleted from existing draft text and that it should be referred to only in draft articles J and K. Such a proposal would place an equal burden on all countries, which is unacceptable to the group;

(b) Parties should ensure that countries with technical and financial capabilities provide appropriate assistance to developing countries and countries with economies in transition.

2. The following are some of the activities that would require assistance:

(a) Compilation of inventories and release registers  
development of national action plans;

(b) Strengthening of national capacities for the sound management of POPs;

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- (c) Destruction of existing stockpiles of obsolete POPs;
- (d) Identification and decontamination of sites affected by POPs;
- (e) Transition to sustainable alternatives.

Consideration should be given to a means of listing all activities mentioned in UNEP/INC.3/INF/8, possibly in an annex.

B. Comments on the submission by the European Union on technical assistance

3. The proposal for a review of available infrastructure, capacity and institutions at the national and local level (paragraph 2 of the European Union Conference Room Paper) is only of value if there is a real and concrete plan to assist countries to undertake the review. Furthermore, the group would support a review of all current multilateral assistance, in order that such assistance may be coordinated and channelled to technical assistance in this area.

4. Furthermore, Parties should ensure that actions are taken to meet the needs identified under paragraph 2 of the European Union proposal.

C. Comments on the submission by Canada on technical assistance

5. The approach in this paper is supported. The group believes, however, that it should be seen as an additional part of draft article J and not a replacement of the concept of placing an obligation on developed countries to provide assistance.

D. Comment on draft article K

6. The Group of African countries supports the development of a multilateral financial mechanism along the lines of the Multilateral Fund of the Montreal Protocol to assist developing countries and countries with economies in transition with the activities referred to above, and to enable them to implement the future instrument.

Annex VI

## VIEWS EXPRESSED BY NON-GOVERNMENTAL ORGANIZATIONS

1. The representative of an industry non-governmental organization, speaking also on behalf of a number of other industry associations from different regions, expressed support for the current efforts to negotiate an international agreement governing POPs. In the context of the debate on draft article D, he observed that a two-annex approach offered the best solution for classifying the types of measures to be applied to the different POPs identified. Such an approach would also offer the desired flexibility in applying measures to deal with new POPs that might be identified in the future.

2. The representatives of environmental non-governmental organizations, who strongly supported the negotiation of a POPs convention, expressed their view that there should be no legal or technical obstacle to an aim of ultimate elimination, since such an aim was already enshrined in existing international agreements, and preference was stated for a two-annex approach for prohibited and severely restricted substances. They strongly believed that there should be no general exemptions in the body of the convention that created loopholes and circumvented its aims. Pointing to the necessity of the provision of adequate financial and technical assistance, they also urged the application of the "polluter-pays principle". Emphasis was laid on the need for public access to accurate information regarding the extent of POPs production, trade, use and contamination.

3. Other observations made by indigenous or environmental non-governmental organizations related to: the need to safeguard the human foetus and the nursing child from unacceptable contamination by POPs in women's bodies; the need to eliminate use of DDT and the consequences of its bio-accumulation in the northern zone of the planet, not by means of an either-or approach to DDT that could expose large populations to fatal disease, but by adopting a flexible approach with greater use of alternative strategies and the provision of adequate technical and financial resources to developing countries; the need for the future instrument explicitly to state that its ultimate aim lay not in constant management, but in the elimination of identified POPs; the need to restrict the import and export of POPs, unless for the purposes of environmentally sound disposal; the need for the future instrument to address the public health implications of military contamination of lands, water and foods, particularly the traditional foods of indigenous peoples; and the need to set up a dedicated financial mechanism to implement the provisions of the future convention.



Annex VIILIST OF DOCUMENTS BEFORE THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE  
AT ITS THIRD SESSION

SYMBOL	TITLE	DATE	LANGUAGES
UNEP/POPS/INC/CEG/2/3	Report of the second session of the Criteria Experts Group for Persistent Organic Pollutants	18 June 1999	All languages
UNEP/POPS/INC.2/6	Report of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants on the work of its second session	29 January 1999	All languages
UNEP/POPS/INC.3/1	Provisional agenda	16 March 1999	All languages
UNEP/POPS/INC.3/2	Analysis of selected conventions covering the 10 intentionally produced persistent organic pollutants	2 June 1999	All languages
UNEP/POPS/INC.3/3	Definitional issues relating to persistent organic pollutants: disposal, destruction, wastes and stockpiles	2 June 1999	All languages
UNEP/POPS/INC.3/INF/1	National inventories of persistent organic pollutants: selected examples and possible models	28 July 1999	English only
UNEP/POPS/INC.3/INF/2 and Corr.1	Summary of existing national legislation on persistent organic pollutants	14 June 1999 and 1 September 1999	English only
UNEP/POPS/INC.3/INF/3	Scope, content and development process of national action plans under the auspices of existing multilateral environmental agreements	29 July 1999	English only

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SYMBOL	TITLE	DATE	LANGUAGES
UNEP/POPS/INC.3/INF/4 and Add.1	Information received from Governments on their priorities with regard to technical assistance that would be required in undertaking inventories of persistent organic pollutants, and developing national action plans to address persistent organic pollutants	12 July 1999 and 31 August 1999	English only
UNEP/POPS/INC.3/INF/5	Clearing-house mechanism for persistent organic pollutants	11 June 1999	English only
UNEP/POPS/INC.3/INF/6	Persistent organic pollutants, country strategy development: experience and lessons learned under the Montreal Protocol	6 June 1999	English only
UNEP/POPS/INC.3/INF/7	Scenario note for the third session of the Intergovernmental Negotiating Committee	21 July 1999	All languages
UNEP/POPS/INC.3/INF/8	Possible capacity-building activities and their associated cost under the international legally binding instrument for implementing international action on certain persistent organic pollutants: a preliminary review, first revision	23 July 1999	English only
UNEP/POPS/INC.3/INF/9	Master list of actions on the reduction and/or elimination of the releases of persistent organic pollutants	24 August 1999	English only
UNEP/POPS/INC.3/INF/10	Compendium of summary information on existing national legislation relating to persistent organic pollutants	26 August 1999	English only
UNEP/POPS/INC.3/INF/11	Estimated time-frames and costs for a proposed procedure for identifying additional persistent organic pollutants as candidates for future international action	3 September 1999	English only

SYMBOL	TITLE	DATE	LANGUAGES
UNEP/POPS/INC.3/INF/12	Schedule and financial needs for the completion of the negotiations for an international legally binding instrument for implementing international action on certain persistent organic pollutants	31 August 1999	English only
UNEP/POPS/INC.3/INF/13	Related work on persistent organic pollutants under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	27 August 1999	English only
UNEP/POPS/INC.3/INF/14	Assessing dioxin and furan emissions in Thailand	27 August 1999	English only
UNEP/POPS/INC.3/INF/15	Progress report on the development of a World Health Organization action plan for the reduction of reliance on DDT use for public health purposes	3 September 1999	English only
UNEP/POPS/INC.3/INF/16 and Revs.1-6	List of documents available at the session	daily issue	English only
UNEP/POPS/INC.3/INF/17	List of participants	9 September 1999	English only
UNEP/POPS/INC.3/CRP.1	Submission by Finland on behalf of the European Union: Position of the European Community and its member States	6 September 1999	English only
UNEP/POPS/INC.3/CRP.2	Submission by Australia: Australia's views on aspects of the criteria and procedures for identifying additional substances and on aspects of draft article D	6 September 1999	English only
UNEP/POPS/INC.3/CRP.3	Submission by Canada: Proposal on provisions for evaluating the effectiveness of the convention	7 September 1999	English only

SYMBOL	TITLE	DATE	LANGUAGES
UNEP/POPS/INC.3/CRP.4	Submission by the Federated States of Micronesia on behalf of the Pacific small island developing States of the Cook Islands, Federated States of Micronesia, Kiribati, Samoa and Tuvalu: South Pacific region POPS position paper	7 September 1999	English only
UNEP/POPS/INC.3/CRP.5	Submission by Iceland: Request to the legal drafting group	7 September 1999	English only
UNEP/POPS/INC.3/CRP.6	Submission by the contact group on article D, paragraphs 1 and 2	8 September 1999	English only
UNEP/POPS/INC.3/CRP.7	Submission by the majority of members of the group of Asian and Pacific countries on aspects of draft article D	8 September 1999	English only
UNEP/POPS/INC.3/CRP.8	Submission by Mali on draft article E, paragraph 1	8 September 1999	French only
UNEP/POPS/INC.3/CRP.9	Submission by Norway on draft article F, paragraph 14	8 September 1999	English only
UNEP/POPS/INC.3/CRP.10	Submission by Canada on draft article E	8 September 1999	English only
UNEP/POPS/INC.3/CRP.11 and Rev.1	Submission by the plenary to the legal drafting group: Draft article E	8 and 10 September 1999	English only
UNEP/POPS/INC.3/CRP.12	Submission by Norway: Proposal for annex D, Information and criteria for the proposal and review of proposed POPs	8 September 1999	English only
UNEP/POPS/INC.3/CRP.13 and Revs.1, 2 and 3	Revised draft article D submitted by the contact group on paragraphs 1 and 2 of article D to the plenary	8,10 and 11 September 1999	All languages
UNEP/POPS/INC.3/CRP.14 and Revs.1 and 2	Revised draft article F, article O, Annex D, Annex E, Annex F and definitions submitted by the plenary to the legal drafting group	9 and 10 September 1999	English only and All languages

SYMBOL	TITLE	DATE	LANGUAGES
UNEP/POPS/INC.3/CRP.15	Revised draft Annex A, submitted by the contact group on paragraphs 1 and 2 of article D and related annexes to the plenary	8 September 1999	All languages
UNEP/POPS/INC.3/CRP.16	Background note to draft article R submitted by the Chair of the legal drafting group to the plenary	8 September 1999	English only
UNEP/POPS/INC.3/CRP.17	Submission by Norway and Iceland: Paragraph 3 of draft article D, on by-products	9 September 1999	English only
UNEP/POPS/INC.3/CRP.18	Submission by Canada: Clearing-house mechanism as it relates to draft article J, technical assistance	9 September 1999	English only
UNEP/POPS/INC.3/CRP.19	Submission by the United States of America: draft article F <u>bis</u> . process for adjusting schedules in Annexes A, B or C	9 September 1999	English only
UNEP/POPS/INC.3/CRP.20	Position paper by the group of Latin American and Caribbean countries	10 September 1999	English and Spanish only
UNEP/POPS/INC.3/CRP.21 and Rev.1	Submission by the European Community and its member States: proposal for draft article J	9 September 1999	English only
UNEP/POPS/INC.3/CRP.22	Submission by the European Community and its member States: proposal for paragraph 2 <u>bis</u> of draft article D	9 September 1999	English only
UNEP/POPS/INC.3/CRP.23	Submission by the legal drafting group to the plenary: Draft article C	9 September 1999	All languages
UNEP/POPS/INC.3/CRP.24	Submission by the group of Latin American and Caribbean countries (GRULAC): proposal on document UNEP/POPS/INC.3/CRP.14, page 6, annex D, paragraph (e) and page 7, annex F, subparagraphs (a) (ii) and (b) (i)	9 September 1999	Spanish and English only

SYMBOL	TITLE	DATE	LANGUAGES
UNEP/POPS/INC.3/CRP.25	Submission by Canada: Draft article D, basic obligations	9 September 1999	English only
UNEP/POPS/INC.3/CRP.26	Submission by Finland on behalf of the European Union: Elements for inclusion in draft article F	9 September 1999	English only
UNEP/POPS/INC.3/CRP.27	Report by the Chair of the contact group on paragraphs 1 and 2 of article D and related annexes	9 September 1999	All languages
UNEP/POPS/INC.3/CRP.28 and Rev.1	Submission by the contact group on new chemicals to the plenary	9 and 10 September 1999	All languages and English only
UNEP/POPS/INC.3/CRP.29	Submission by the European Community and its member States on draft article K	10 September 1999	English only
UNEP/POPS/INC.3/CRP.30 and Rev.1	Submission by India: Proposal for draft article K	10 September 1999	English only
UNEP/POPS/INC.3/CRP.31	Submission by the group of Latin America and the Caribbean countries on draft article J	10 September 1999	Spanish and English only
UNEP/POPS/INC.3/CRP.32	Submission by the contact group: revised draft subparagraph 1 (e) of Annex D, relating to draft article F	10 September 1999	All languages
UNEP/POPS/INC.3/CRP.33	Submission by the Philippines: Proposal on paragraph 4 of draft article D	10 September 1999	English only
UNEP/POPS/INC.3/CRP.34	Submission by the group of African countries: Comments on aspects of draft articles E and I	10 September 1999	English only
UNEP/POPS/INC.3/CRP.35	Submission by the group of African countries: Comments on draft articles J and K	10 September 1999	English only
UNEP/POPS/INC.3/CRP.36	Submission by the Islamic Republic of Iran on draft article K	10 September 1999	English only
UNEP/POPS/INC.3/CRP.37	Submission by the European Community and its member States: Position on draft articles G, H and I	10 September 1999	English only

SYMBOL	TITLE	DATE	LANGUAGES
UNEP/POPS/INC.3/CRP.38	Submission by the majority of the Asia and Pacific group on a new article on principles	10 September 1999	English only
UNEP/POPS/INC.3/CRP.39	Draft article G: Revised draft text as discussed in the plenary	10 September 1999	All languages
UNEP/POPS/INC.3/CRP.40	Submission by GRULAC on draft article K	10 September 1999	English only
UNEP/POPS/INC.3/CRP.41	Submission by the Implementation Aspects Group: Compilation of proposals for draft article J	10 September 1999	English only
UNEP/POPS/INC.3/CRP.42	Submission by the contact group on paragraph 3 of article D to the plenary	10 September 1999	All languages
UNEP/POPS/INC.3/CRP.43 and Revs.1 and 2	Submission by the contact group on article F to the plenary	10 September 1999	All languages and English only
UNEP/POPS/INC.3/CRP.44	General exemptions considered by the plenary	10 September 1999	All languages
UNEP/POPS/INC.3/CRP.45	Report of the contact group on paragraph 3 of draft article D	10 September 1999	All languages except Spanish
UNEP/POPS/INC.3/CRP.46	Submitted by G77 and China: Request that proposals received for draft articles J and K be treated as negotiating text	10 September 1999	English only
UNEP/POPS/INC.3/CRP.47	Status of proposed draft articles for an international legally binding instrument for implementing international action on certain persistent organic pollutants	11 September 1999	English only
UNEP/POPS/INC.3/CRP.48	Submission by Sweden: Workshop on financial sources and mechanisms for POPs-related activities	11 September 1999	English only
UNEP/POPS/INC.3/CRP.49	Submission by Philippines: Proposal recognizing the role of non-governmental organizations in article H	11 September 1999	English only
UNEP/POPS/INC.3/CRP.50	Submission by the African group: Technical assistance. Articles J and K	11 September 1999	English only

SYMBOL	TITLE	DATE	LANGUAGES
UNEP/POPS/INC.3/L.1 and Adds.1 and 2	Draft report	10 and 11 September 1999	All languages
UNEP/POPS/INC.3/L.2	Draft report of the Implementation Aspects Group	11 September 1999	All languages

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