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INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN
INTERNATIONAL LEGALLY BINDING INSTRUMENT
FOR IMPLEMENTING INTERNATIONAL ACTION ON
CERTAIN PERSISTENT ORGANIC POLLUTANTS
Fourth session
Bonn, 20-25 March 2000

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 FOURTH 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. ^{1/} 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, second and third 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, in Nairobi from 25 to 29 January 1999 and in Geneva from 6 to 11 September 1999. The reports of those meetings are contained in documents UNEP/POPS/INC.1/7, UNEP/POPS/INC.2/6 and UNEP/POPS/INC.3/4 respectively. The Criteria Expert Group, which was established by the Intergovernmental

^{1/} aldrin, chlordane, dieldrin, DDT, endrin, heptachlor, hexachlorobenzene, mirex, toxaphene, PCBs, dioxins and furans.

Negotiating Committee at its first session, held two 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 fourth session of the Intergovernmental Negotiating Committee was held at the Bundeshaus in Bonn from 20 to 25 March 2000, at the invitation of the Government of Germany.

I. ORGANIZATION OF THE SESSION

A. Opening of the session

4. The session was opened at 10.15 a.m. on Monday, 20 March 2000, by Mr. Jürgen Trittin, Federal Minister of Germany for the Environment, Nature Conservation and Nuclear Safety, who welcomed all participants to Bonn. He emphasized that, because of their persistence and ability to travel, POPs gave rise to problems that manifested themselves not only on a global scale, but also over long periods of time. It was thus important for environmental policies to be guided by the precautionary principle, and not delay action until every piece of scientific evidence had been produced. No new substances should come onto the market that accumulate in living things and that are not degradable. New POPs must not be an option.

5. In conclusion, on behalf of the Government of Germany, he extended an official offer to locate the future secretariat of the POPs convention in the city of Bonn. That complemented the offer made earlier by his Government to locate the secretariat of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade in Bonn. Due to the close connection between the work of both secretariats, Germany deemed it as being most efficient to locate them together at one site. Germany, he said, would be grateful for support for its application.

6. Ms. Bärbel Dieckmann, Lord Mayor of the City of Bonn, welcomed all participants to Bonn and briefly described its recent history and development as an important centre for policy-making institutions in the field of the environment, health and development. Bonn already hosted a number of United Nations conventions; it was a centre of international dialogue; it contained several newly founded institutes, particularly in the fields of sustainable development and research; it was a telecommunications centre with a future-oriented economy; and it was a city of culture. Expressing thanks to the Federal Government of Germany for proposing Bonn as the future site of the PIC and POPs secretariats, she promised to provide every support.

7. Mr. Klaus Töpfer, Executive Director of UNEP, urged the Committee to make headway in reaching agreement on reducing and eliminating the 12 POPs identified. Acknowledging that the problems were complex, he called for coordinated and cooperative action, since no country acting alone could solve this global threat, which required a global commitment. He said that the Governing Council of UNEP had recognized the urgency of the matter by setting the year 2000 as the deadline for reaching agreement, so it was essential that the Committee work together now to reach agreement and meet that deadline. One of the most important tasks would be to draft provisions that would enable developing countries and countries with economies in transition to be active partners under the Convention. Such provisions would cover both

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technical assistance and a financial mechanism. Mr. Töpfer concluded by saying that although not every issue would be resolved, the fourth session of the Intergovernmental Negotiating Committee would enable the Committee to focus on the key issues to be resolved at the next session.

B. Attendance

8. The session was attended by representatives of the following countries: Algeria, Angola, Argentina, Armenia, Australia, Austria, Bangladesh, 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, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guinea, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Liechtenstein, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Saudi Arabia, Senegal, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Zambia, Zimbabwe.

9. The following United Nations bodies, specialized agencies and convention secretariats were represented: United Nations Institute for Training and Research (UNITAR), Food and Agriculture Organization of the United Nations (FAO), United Nations Industrial Development Organization (UNIDO), World Bank, World Health Organization (WHO), World Trade Organization (WTO), Global Environment Facility (GEF), Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, secretariat of the Convention on the Conservation of Migratory Species of Wild Animals, Secretariat of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa.

10. The following intergovernmental organizations were represented: Commission for Environmental Cooperation, European Commission, League of Arab States, Organization of the Islamic Conference (OIC), Organization for the Prohibition of Chemical Weapons (OPCW), Southern African Development Community (SADC), South Pacific Regional Environment Programme (SPREP).

11. The following non-governmental organizations and other bodies were represented: Alaska Community Action on Toxics (ACAT), Alianza por Una Mejor Calidad de Vida de Chile/Red de Acción en Plaguicidas de America Latina (RAPAL), Armenian Women for Health and Healthy Environment (AWHHE), Asociación Argentina de Médicos por el Medio Ambiente (AAMMA), Canadian Arctic Indigenous Peoples Against POPs (CAIPAP), Canadian Arctic Resources Committee (CARC), Canadian Chemical Producers' Association (CCPA), Center for Health Environment and Justice (CHEJ), Center for International Environmental Law (CIEL), Center of Independent Ecological Expertise, Centro de Derecho Ambiental e Integración Económica del Sur-DASSUR, Chemical Manufacturers Association (CMA), Children of the Earth, Citizens' Table on Endocrine

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Disruptors of Japan (CTED), Climate and Development Initiatives (CDI), CNIID National Center of Independent Information on Wastes, Commonweal, Council of Canadians, Council of Yukon First Nations (CYFN), C.S. Comisiones Obreras, Development Indian Ocean Network, Diprochim, Eco-Accord, Ecologia, Ecology Center, Ecotec, Environmental Health Fund, Environmental Justice Network Forum, European Chemical Industry Council (CEFIC), European Environmental Bureau (EEB), Federation of Thai Industries (FTI), Foundation for Advancements in Science and Education (FASE), German NGO Forum on Environment and Development (GNFED), Global Crop Protection Federation (GCPF), Great Lakes United (GLU), Greenpeace International, Harvard University, Independent Experts Association, Inuit Circumpolar Conference-Canada (ICC), International Council of Environmental Law (ICEL), Indian Chemical Manufacturers Association (ICMA), Indigenous Environmental Network (IEN), Institute of Public Health Bucharest (IPHB), International POPs Elimination Network (IPEN), International Society of Doctors for the Environment (ISDE), Japan Chemical Industry Association (JCIA), Kenya Association of Physicians and Medical Workers for Social Responsibility (APMS), Leefmilieu, Malaria Foundation International, (MFI), Mama 86, McGill University, Medical Students for Social Responsibility (MSSR), National Toxics Network (NTN), Oekometric GmbH, Otvoreng Kruh, People's Association on Counter Measures of Dioxin and Endocrine Disruptors (PACDED), People's Taskforce for Bases Cleanup, Pesticide Action Network (PAN), Physicians for Social Responsibility (PSR), Red de Accion Sobre Plaguicidas Y Alternativas en Mexico (RAPAM), Russian Association of Indigenous Peoples of the North (RAIPON), Sierra Club, Soci  t   pour Vaincre la Pollution, Sustainable Development Policy Institute (SDPI), Tanana Tribal Council (TTC), Thanal Conservation Action and Information Network (TCAIN), The Black Sea Community (BSL), The Malaria Project, University of Arizona, University of California, University of Groningen, University of Illinois Great Lakes Center, University of Lapland, W. Alton Jones Foundation, Women's Environment and Development Organization (WEDO), Women in Europe for a Common Future (WECF), World Alliance for Breastfeeding Action (WABA), World Chlorine Council (WCC), World Conservation Union (IUCN), World Wide Fund for Nature - International, Yoemen Tekia Foundation (YTF), Yokohama City University.

II. ORGANIZATIONAL MATTERS

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

<u>Chair:</u>	Mr. John Buccini (Canada)
<u>Vice-Chairs:</u>	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.

13. 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:

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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)

14. 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.4/1:

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.
3. Review of ongoing international activities relating to the work of the Committee.
4. Preparation of an international legally binding instrument for implementing international action on certain persistent organic pollutants.
5. Other matters.
6. Adoption of the report.
7. 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.4/INF/1. It agreed to meet in full plenary session on Monday morning and split into two separate meetings of the Implementation Aspects Group and the negotiating group, to reconvene on Wednesday afternoon and continue until the close of the session. The Committee also agreed that, if necessary, an evening session of the Implementation Aspects Group would be held on Wednesday to clear its report to plenary.

17. The legal drafting group would meet throughout the week as necessary, beginning with the articles forwarded too late for it to deal with at the third session of the Intergovernmental Negotiating Committee. The Implementation Aspects Group would work on drafting articles J and K, on the basis of the paper developed by the group's Bureau (UNEP/POPS/INC.4/3). 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.

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18. In order to have a draft convention by the end of the session, the plenary was to: review all the articles developed by the negotiating group, the Implementation Aspects Group and the legal drafting group; identify the terms that need to be defined for article C; and solicit views on articles A and B. It was the hope of the Chair that, by the end of the session, article D addressing all aspects of the control decisions for the 12 POPs, would be drafted; firm proposals would have been prepared on articles C, E, F, G, H, I, J, and K, as well as articles L to Z; and any remaining issues would have been identified and any requests for secretariat inter-sessional work defined. The Committee also agreed that all proposals should be introduced by the close of the fourth session of the Intergovernmental Negotiating Committee and that the Committee should not take up new issues introduced thereafter.

C. Report by 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 third session and also by the Implementation Aspects Group (UNEP/POPS/INC.4/2, 3 and 4, and UNEP/POPS/INC.4/INF/1-9). A full list of the documents available to the Committee, including both pre-session and in-session documentation, is provided in annex IX to the present report.

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

20. The secretariat drew attention to document UNEP/POPS/INC.4/INF/5, a master list of actions on the reduction and/or elimination of releases of POPs which had been updated by the secretariat at the suggestion of the Committee at its third session. The information in the list dealt with activities at the global; regional and subregional; and national levels and was based on submissions received by the secretariat by 31 December 1999. Information submitted subsequently would be incorporated in future updates of the list.

21. The secretariat also reported that UNEP had continued its strong capacity-building programme on POPs. Several workshops had been organized since the third session of the Committee, and more were scheduled in the lead-up to the fifth session. Those workshops had been made possible through the strong financial commitment of a number of donor countries and had also drawn upon expertise and assistance from other relevant United Nations bodies and organizations and the active involvement of a number of countries.

22. All representatives that took the floor expressed gratitude to the Government of Germany for hosting and helping to prepare for the current session of the Committee. Several representatives, noting the progress made in the negotiations thus far, said that a number of important issues still needed to be addressed. Several stressed the need for the POPs convention to be flexible, realistic and workable; the need for it to take into account the precautionary principle and the principle of common but differentiated responsibility; and/or the need to provide conditions for countries to be able to ratify the POPs convention. One representative considered that it was necessary to set up a mechanism or system to deal with the issue of liability for damage caused by POPs. Another representative said that the issue of

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destruction of stockpiles of POPs was very important. Yet another highlighted the problem of illegal traffic of banned pesticides and other chemicals.

23. A number of representatives considered it necessary to establish under the POPs convention a financial mechanism that would be tailored to the specific needs of the developing countries and countries with economies in transition, perhaps along the lines of the Multilateral Fund established under the Montreal Protocol on Substances that Deplete the Ozone Layer. A number of other representatives believed that funding should be channelled through existing international financial mechanisms. Several representatives said that it was clear that existing financial mechanisms needed additional resources in order to meet the current and expected demands resulting from a POPs convention.

24. The representative of Canada announced that his Government would provide 20 million Canadian dollars over the next five years, directed specifically to POPs capacity-building projects in developing countries and countries with economies in transition.

25. The representative of the United States of America announced that his Government would commit \$500,000 for a GEF/UNEP regional assessment of persistent toxic substances in the current year.

26. The representative of Japan said that his Government was providing \$150,000 to the POPs Club to support the work of the Committee.

27. The representative of the United Nations Institute for Training and Research (UNITAR) described relevant activities of his organization, particularly in connection with capacity-building.

28. The representative of FAO reported on relevant work by his organization, with particular reference to pesticides and drew attention to significant stockpiles of obsolete POPs pesticides in developing countries.

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

29. In its deliberations on the draft articles, the Committee had before it the report of the Intergovernmental Negotiating Committee on the work of its third session (UNEP/POPS/INC.3/4) which contained, in its annex II, the draft text of an international legally binding instrument for implementing international action on certain persistent organic pollutants, the report by the secretariat on "best available techniques" and related concepts (UNEP/POPS/INC.4/2), a note from the Chair of the Implementation Aspects Group (UNEP/POPS/INC.4/3), and an analysis of the terms "de minimis contaminant", "constituent of article", and "closed-system intermediate" (UNEP/POPS/INC.4/4).

30. The draft text of an international legally binding instrument for implementing international action on certain persistent organic pollutants as revised by the fourth session of the Committee (hereinafter referred to as the "draft text of the convention") is included in annex II of the present report.

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A. Consideration of individual draft articles

1. Draft article A, preamble

31. The Chair introduced the subject by noting that there was currently no text for discussion, and requested that interested representatives should provide their suggestions to him by close of business on Thursday, 23 March 2000, which he would compile for the consideration of the Committee.

32. The Chair subsequently informed plenary that, on the basis of the submissions received from representatives, he had compiled a draft of the preamble, for which he assumed sole responsibility, which he proposed as the basis for a discussion at the fifth session of the Committee. Noting that there had been no discussion or agreement on that proposal, the Committee agreed to incorporate the draft preamble, within square brackets, into the draft text of the convention, for consideration at its fifth session.

2. Draft article B, on objective

33. The Chair informed plenary that there had been insufficient time for the consideration of draft article B. He indicated that a number of proposals on the objective had already been submitted and urged representatives with specific proposals to submit them to the secretariat by the close of business of the current session. The Committee requested the secretariat to prepare a compilation of the proposals received concerning the objective of the convention and to submit the document to the Committee for consideration at its fifth session.

3. Draft article C, on definitions

34. The Chair informed plenary that, so far, only one definition had been agreed by the Committee and recalled that the Committee's discussions on draft article D, paragraph 2 bis, in particular, article D, paragraph 3, and article F had shown that other items may need to be defined and clarified (see paragraphs 40, 44, 46, and 63). The Committee agreed to request the legal drafting group to assist in clarifying the terms identified as needing further definition, for consideration by the Committee at its fifth session.

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

Paragraphs 1 and 1 bis, 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

35. Following plenary discussion on the above draft paragraphs, the Committee agreed to establish an informal open-ended contact group, to be co-chaired by Mr. Henk Bouwman (South Africa) and Mr. Charles Auer (United States of America). The contact group was mandated to review the text of this article and Annexes A and B, taking into account the comments and proposals made during the debate and using as a further starting point Annexes A and B of document UNEP/POPS/INC.4/INF/2 and Corr.1, as updated with additional country submissions, and the relevant conference room papers. The contact group was requested to address the following specific points: import,

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export and, possibly, transit; consistent use of terms among the three paragraphs; new entries for the annexes, particularly taking account of the paper on DDT prepared by a representative; the destruction of stockpiles; and a conference room paper which addressed the issue of general exemptions.

36. The co-chairs of the contact group reported to plenary on the outcome of the deliberations within the group, and introduced its report, which also contained a number of proposals for amendment of article D, paragraphs 1, 1 bis and 2, as well as for Annexes A and B. The Committee acknowledged with appreciation the work of the contact group and agreed to forward its report to the fifth session of the Committee. The report is contained in annex III of the current document. The Committee agreed that article D, paragraphs 1, 1 bis and 2, as well as the text of Annexes A and B had not been modified and would remain as in annex II to the report of the Committee at its third session (UNEP/POPS/INC.3/4).

37. One representative, speaking on behalf of a regional economic integration organization and its member States, considered it essential that article D address import and export between Parties as well as non-Parties. He requested that the textual proposals developed by his organization for article D, paragraph 1 bis be put on the agenda of the fifth session of the Intergovernmental Negotiating Committee. The proposal is included as annex VI to the present report.

38. One representative, speaking on behalf of a regional economic integration organization and its member States, indicated that his organization saw no need for an article specifically addressing general exemptions. At its third session, the Committee had agreed on the need for a general exemption for laboratory scale research and as a reference standard, and that could easily be included in a current relevant article and annex. He also indicated that his organization considered a need for an exemption for unintentional presence as trace contaminants, which could be included in Annexes A and B and the need for exemptions on articles in use and closed-system intermediates but indicated that they could be dealt with better as specific exemptions granted on a case-by-case basis and detailed in Annexes A and B. He pointed out that his organization did not support an exemption for POPs in the possession of end users.

39. Another representative wished to put on record the view that, in the context of this draft article, the question of hazard communication was of importance and should be discussed by the Committee at its fifth session.

Paragraph 2 bis, on newly developed pesticides and industrial chemicals

40. Plenary discussion was held, based on the relevant text contained in annex II to document UNEP/POPS/INC.3/4 and the conference room paper containing the draft proposal submitted by a regional economic integration organization and its member States and a number of countries. The main points raised included use of the term "avoid", as against "prohibit"; and the possible introduction of a reference to export and import within the draft text. With regard to the need for consistency within the draft article, it was noted that paragraph 2 of article D made no reference to export and import. The Committee agreed to forward the proposal, based upon the conference room paper, as amended, to the legal drafting group.

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41. During the discussion of the draft of article D, paragraph 2 bis, as revised by the legal drafting group, the Committee agreed to remove the brackets around the entire draft paragraph and to incorporate it into the draft text of the convention for consideration at its fifth session.

Paragraph 3, by-products

42. In line with the task entrusted to it by the Intergovernmental Negotiating Committee at its third session (UNEP/POPS/INC.3/4, Annex I, paragraph 3), at the fourth session the legal drafting group prepared, for consideration by the Committee, a revised draft of paragraph 3.

43. Following its discussion of the revised draft, the negotiating group agreed to establish an informal open-ended contact group, chaired by Mr. Halldor Thorgeirsson (Iceland). The contact group was mandated, proceeding from the plenary discussion, to consider the chapeau of paragraph 3, as amended by the negotiating group, and to consider proposals from Nigeria and Norway on material substitution in subparagraph (b); the issue of national implementation plans in relation to by-products; the use of the term "by-products" and alternative terms presented in plenary; the use of the expression "and/or" in the text; and Annex C.

44. The Chair of the contact group described to plenary the work carried out in the group and introduced a conference room paper it had prepared, containing a new version of paragraph 3. In his report on the paper, he pointed out, inter alia, that the use of square brackets around subparagraphs (i) to (vi) within paragraph (e) was not a reflection of disagreement about their content. Rather, it was due to uncertainty about where to locate those subparagraphs. The report is contained in annex IV to the current document. The Committee congratulated the contact group on its work and agreed that the new draft represented a good basis for negotiation. Major points raised in the debate included: a belief that the bracketed terms within the draft were interlinked and interrelated and, therefore, individual sets of brackets could not be deleted at this stage; and the possible need for more precise definitions of terms, including "by-products", "best-available techniques", "major source categories" and "anthropogenic sources". The Committee agreed to transmit the draft, as amended during the discussion, to the legal drafting group.

45. In his report to plenary, the Chair of the legal drafting group pointed out that, while the group had regarded the new draft Annex C prepared by a regional economic integration organization and its member States to be a useful basis for further negotiations, it considered that the draft still required further work by the Committee.

46. The Chair of the legal drafting group also drew attention to a revised draft of paragraph 3 that had been prepared by the group and pointed, inter alia, to the need for further clarification and elaboration of the terms "total" and "by-products", contained therein. The Committee agreed to incorporate the revised draft of paragraph 3 and, within square brackets, the draft Annex C into the draft text of the convention for consideration at its fifth session.

Paragraphs 4 and 5, on management and disposal of wastes containing certain POPs and destruction/disposal of stockpiles

47. Following the discussion in the negotiating group, it was agreed to set up an informal contact group chaired by Mr. Peter Hinchcliffe (United Kingdom of Great Britain and Northern Ireland), with a mandate to prepare new draft language, basing its deliberations on the relevant text contained in annex II to document UNEP/POPS/INC.3/4, and taking into account the proposals to include "unused stockpiles", the concepts of transport of wastes and of "remediation" of sites, and a new proposal prepared by a regional economic integration organization and its member States. The Committee also noted that the contact group should consider whether there was a need for an additional and separate paragraph 5 under the draft article or whether a single paragraph 4 would be sufficient.

48. Following its deliberation, the Chair of the contact group reported on its work and introduced a revised draft text for article D, paragraph 4. In his introduction and subsequent responses to representatives' observations, he noted that the text was an attempt to balance views within the contact group regarding the management and disposal of wastes.

49. A number of representatives expressed concern that article D should clearly state the requirements for the management and environmentally sound disposal of POPs wastes rather than rely on criteria set by another Convention whose legal relationship to a future convention on POPs was uncertain. Other representatives were of the view that as the subsidiary technical bodies of the Basel Convention were already focused on the relevant issues and contained the appropriate technical expertise, they represented an efficient and well-respected resource on which to draw. There was discussion of how to balance, within the text, the importance of site remediation with concerns for its feasibility and practicality. Several representatives drew attention to the need to distinguish clearly between wastes and products and articles still in use. Several highlighted the importance that appropriate financial and technical assistance would play in allowing developing countries and countries with economies in transition to identify and remediate contaminated sites. The need to ensure that the destruction of stockpiles was adequately addressed was also highlighted and the Committee took note that a proposal on this issue was being prepared.

50. The Committee agreed to refer the draft text of article D, paragraph 4, as amended, to the legal drafting group for its consideration. The Committee further requested that the legal drafting group provide some initial guidance on issues surrounding the legal interaction between the future convention and the Basel Convention.

51. In his report to plenary, the Chair of the legal drafting group explained that the plenary had requested the group to provide advice on whether the formulation was adequate to include reference to the decisions of the Conference of the Parties to the Basel Convention and its technical guidance, as well as advice on the legal implications of having a reference to the Basel Convention in this article and on appropriate language. Given the complexity of those important questions, which the group considered to have policy undertones rather than purely legal implications, the group had identified several possible approaches, although further consideration of the matter was needed by the Committee. In addition, even though the Parties to

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the Basel Convention and the future Parties to the POPs convention would not necessarily be identical, that did not rule out the possibility of cross-referencing between the two conventions. Another issue for consideration was whether the legal status of any decision or guidelines under the Basel Convention would have legal implications for the POPs convention.

52. The Committee requested the secretariat to prepare and circulate an analysis of the questions and the options thereto, for consideration at its fifth session. The Committee agreed to use text prepared by the contact group and as revised by the legal drafting group, as the basis for further negotiations and to incorporating it into the draft text of the convention for consideration at its fifth session.

5. Draft article E, on national implementation plans

53. Following the discussion in the negotiating group, it was agreed to transmit to the legal drafting group a revised version of draft article E, incorporating the amendments that had been agreed in the course of the debate, and bringing to its attention the following points which had been raised in the discussion: the possible need for a cross-reference or linkage to ensure consistency with the language of draft article D, paragraph 3 (e); the possible need for a cross-reference to article L; and the possibility that the reference to financial and technical assistance contained in paragraph 1 (a) might need to be revisited in light of the outcome of deliberations on draft articles J and K. There was also discussion of the timing of submittal of national action plans to the Conference of the Parties.

54. The Chair of the legal drafting group, in his report to plenary on the work of the group in revising draft article E, drew particular attention to the need for the Committee to further examine the use of the term "cooperate with national stakeholders" within draft article E. He pointed out that it was customary for international legal instruments to use the term "consult with" in such a context.

55. One representative requested, that draft article E contain a reference to the need for women to be adequately represented and consulted in the development and implementation of the national implementation plan, and should have access to all data.

56. Another representative wished draft article E to contain a sub-article to the effect that the extent to which developing country Parties would effectively implement their commitment under the convention would depend on how effectively the developed country Parties implemented their commitments regarding financial resources, technical assistance and transfer of technology, and fully take into account the specific needs and special circumstances of developing countries, as well as the priority they gave to economic and social development. The Committee agreed to incorporate the sub-article, within square brackets, into the draft article E of the draft text of the convention for consideration by the Committee at its fifth session.

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

57. In the course of discussions in the negotiating group, the following points were raised: definition, validity and application of the "precautionary principle"; composition, terms of reference, time-frames and functions of the proposed POPS Review Committee, as well as the question of who might be considered observers; role of the Conference of the Parties in the decision procedure for listing of substances; and the issue of "set aside" for chemicals not selected for listing in an annex. Following the discussion, it was agreed that the secretariat would prepare a new draft, taking into account the comments and proposals made in the debate.

58. One representative wished the report to reflect that the proposal to include the bracketed term "preventative" as an alternative to "flexible" was with the understanding that the latter term had already been defined by the Criteria Expert Group, in paragraph 25 (d) of the report of its second session (UNEP/POPS/INC/CEG/2/3), as meaning that a proposal could be considered as satisfying the criteria if one of them was marginally not met, but two or more were amply met. The Committee noted that the word "preventative" was intended to also have this same meaning.

59. During the plenary discussion of Annexes D, E and F, several representatives noted that acceptance of the words "flexible" or "preventative" was linked to the level of values for the criteria in the convention and one representative said that his country may wish to revisit use of the term "flexible" if the criteria thresholds were significantly lowered.

60. In regard to Annex D, paragraph 1 (e) on adverse effects, the Committee recalled paragraph 70 of the report of the Intergovernmental Negotiating Committee at its third session (UNEP/POPS/INC.3/4) and noted the broad interpretation of the phrase "toxicity or ecotoxicity data", described in paragraph 53 of the report of the second session of the Criteria Expert Group (UNEP/POPS/CEG.2/3). A number of representatives including the offerer noted that this meaning was consistent with that intended by the phrase "other evidence of adverse effects" in subparagraph (e) (ii) of draft Annex D.

61. Several representatives noted the importance of environmental fate parameters such as volatility and recalled, in that regard, paragraph 45 of the report of the second session of the Criteria Expert Group, which indicated that there were "many environmental fate properties which [are] relevant for assessing long-range environmental transport".

62. Following a discussion in the Committee, no agreement was reached on the half-life value in water for persistence, or on the log Kow value for bio-accumulation. Similarly, the Committee did not reach a consensus on the form or location of paragraph (f) of Annex D. The Committee agreed to transmit to the legal drafting group a revised version of article F and Annexes D, E and F for its consideration.

63. In his report to plenary, the Chair of the legal drafting group outlined the rationale behind the amendments proposed by the group, drawing particular attention to the need to clarify the issues pertaining to "observers". On the question of who should be informed about proposals and

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decisions at different stages of the process, the group had noted that, if the intention were to disseminate some or all of the information very broadly, the secretariat could be required to inform all Parties individually, while making the information available to the public on the convention's Web site. Furthermore, the group considered that the Intergovernmental Negotiating Committee should be the body to decide on what categories of observers should be entitled to submit comments or information for consideration by the POPs Review Committee.

64. The Committee agreed to incorporate the revised draft article F, as well as the draft Annexes D, E and F, into the draft text of the convention for consideration at its fifth session.

10. Draft article G, on information exchange

65. In its discussion of draft article G, the negotiating group further refined the text in the light of the proposals made by several representatives. The group took note that the definition of a clearing-house mechanism, as applicable to this article, still may need to be clarified with respect to article J. A number of representatives raised the matter of designating national focal points as opposed to utilizing the existing POPs focal points. It was agreed that the secretariat would prepare a new version of draft article G, taking into account the proposals made in the discussion, for transmission to the legal drafting group.

66. In his report to plenary, the Chair of the legal drafting group drew attention to a revised draft of article G that had been prepared by the group, which incorporated some minor reordering as well as drafting changes to paragraphs 2 and 4 designed to eliminate ambiguities. The Committee agreed to incorporate the revised draft into the draft text of the convention for consideration at its fifth session.

Draft article H, on public information, awareness and education

67. During the discussion in the negotiating group, some representatives underscored the need for a common approach for all countries, while other representatives stressed the need to set out differentiated responsibilities, noting in particular differences among countries in carrying out recognized obligations. Several representatives pointed to the need to differentiate between the role of States and that of the non-state actors. The negotiating group considered various proposals by representatives as well as a proposal submitted by a regional economic integration organization and its member States. The group agreed to request the secretariat to prepare a consolidated text with options in brackets. The group also agreed to forward the consolidated text to the legal drafting group.

68. In his report to plenary, the Chair of the legal drafting group drew attention to a revised draft of article H that had been prepared by the group, incorporating two drafting options for paragraph 1. He noted the need to qualify the scope of the terms "information" in paragraphs 2 and 3, and "existing bodies" in the chapeau to paragraph 4. One representative noted that the word "available", which the Committee had decided to include before the word "information", appeared to have been omitted from option 2 and the text was revised accordingly. Another representative expressed the view that the use of the word "available" made the bracket phrase unnecessary. A

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number of representatives expressed concern that it had been decided to retain the brackets around the words [and in accordance with its national laws and regulations]. The Committee agreed to incorporate the revised draft into the draft text of the convention for consideration at its fifth session.

Article I, on research, development and monitoring

69. Noting the importance of this subject, a number of representatives made proposals. Some representatives considered that the convention should take into account the needs of developing countries. One representative, speaking on behalf of a regional economic integration organization and its member States, proposed new wording for article I to emphasize the key points, while maintaining the wording on such issues as chemical alternatives and monitoring levels in the environment. Another representative called for research and monitoring results to be made publicly available where appropriate. During discussion in the negotiating group, many representatives welcomed a proposal submitted by one representative to set out provisions for evaluating the effectiveness of the future convention through a global monitoring programme operated in regions. The Committee agreed to add the proposal to the existing text and requested the secretariat to prepare a consolidated text based on the various proposals. The group also agreed to forward the consolidated text to the legal drafting group.

70. In his report to plenary, the Chair of the legal drafting group introduced a revised draft of article I, and drew particular attention to the need to clarify the meaning of the bracketed words at the end of paragraph 1(k) in the event of their retention; and to the desirability of making paragraph 3 and the consequential amendments to article O the subject of a separate article. The Committee agreed to incorporate the revised draft into the draft text of the convention for consideration at its fifth session.

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

A. Report of the Implementation Aspects Group

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

72. The Group met from 20 to 22 March 2000, to consider proposals for draft articles J and K. It agreed to base its discussions on the draft texts prepared by the Bureau of the Group, on the basis of the mandate provided to it at the third session of the Intergovernmental Negotiating Committee, (UNEP/POPS/INC.4/3). The Group also had before it a document prepared by the secretariat pertaining to clearing-house mechanisms for technical and financial assistance and capacity-building networks for chemical management (UNEP/POPS/INC.4/INF/4) as well as written proposals submitted by several delegations concerning draft articles J and K.

73. During the general debate, all representatives who took the floor thanked the Bureau and the secretariat for the inter-sessional work undertaken to prepare the draft text. There was general agreement on the need to ensure that technical and financial assistance would be available to developing countries and countries with economies in transition to assist them to meet their obligations under the future instrument. There were

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several options proposed, however, regarding the mechanisms such assistance could be channelled through and the central principles upon which the mechanisms should rest.

74. During specific discussions on draft article J, all representatives who took the floor noted the importance that technical assistance and capacity-building activities would have on achieving the objectives of the future instrument. Many noted that a properly constructed clearing-house function or capacity-building network could be instrumental to facilitating and coordinating such measures. Support was also voiced for Governments encouraging appropriate private sector involvement. Several representatives highlighted the need to develop appropriate modalities for relevant technology transfer. One representative emphasized that integrated pest management was a viable alternative to many uses of certain POPs and an appropriate focus for technical assistance. Several representatives noted that aspects of article J could change once the Intergovernmental Negotiating Committee had finalized the related details of the future international instrument.

75. Following extended and specific discussions, including consideration of several issues by a drafting group, the Group agreed to forward draft article J to the Intergovernmental Negotiating Committee for its consideration.

76. During specific discussions on draft article K, all representatives who took the floor emphasized the need for developing countries and countries with economies in transition to have financial assistance in order to meet the objectives of the future international instrument. Many representatives believed that a new, separate, and independent financial mechanism should be established to assist developing countries and countries with economies in transition. Some referred to the Multilateral Fund of the Montreal Protocol in this context. In their view, creating a new mechanism funded with mandatory contributions would provide assurance that future assistance would be available, that it would be adequate to meet the needs of eligible countries, and that the assistance would be targeted to the specific actions countries must take to implement the future instrument. They noted that a new mechanism would also avoid problems that could arise should the Parties attempt to rely on existing institutions such as GEF that would be insufficiently responsive, focused on issues unrelated to POPs, or not directly responsible to the Conference of the Parties. One representative expressed caution over the use of existing financial institutions for delivering financial assistance to developing countries and countries with economies in transition, without prior evaluation of the weaknesses and strengths of them vis-à-vis the requirements of the convention. That representative then concluded that such an evaluation should provide deeper insight into the appropriate options to Governments during the diplomatic conference, on issuing a resolution on financial arrangements towards entry into force of the convention.

77. Many other representatives favoured utilizing a combination of existing institutions, including GEF, with some proposing that sophisticated facilitation and coordination functions could be played by a capacity assistance network. In their view, creating a new financial institution for

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POPs could actually be counter-productive as it could, inter alia: take years for it to be established and distribute funds; carry unnecessary bureaucratic expenditures; limit opportunities to coordinate and optimize the synergies offered by existing programme and funding sources; fail to capitalize on opportunities available in the private and non-governmental sectors; lead to an unintended decline in the overall availability of relevant financial resources; and produce ratification difficulties for particular Parties. A group of representatives also underlined that the designation of GEF as the financial mechanism to cover the incremental cost of measures to implement the convention would assure efficient implementation, quick support during the interim period until entry into force of the convention and provide highest leverage for donor funding. One representative emphasized that capacity-building activities under GEF were usually fully funded. Emphasizing their Governments current and future commitment to providing financial assistance, several representatives noted that the absence of a new funding institution need not mean the absence of new financial assistance or a new type of funding mechanism.

78. Representatives exchanged views regarding elements that would be important to the process of providing financial assistance to help assist Parties implement the future convention, including, inter alia, how the Parties could ensure that funds would be used most efficiently and effectively; what options should exist if a financial mechanism did not meet the needs of the Parties; what types of criteria should be used to evaluate the provision of financial assistance and the operation of such mechanism; and what lessons could be drawn from the experience of existing mechanisms. There was general agreement concerning the importance of the Conference of the Parties providing clear guidance.

79. Following further discussions on the basis of the Bureau paper and several proposals tabled by a number of representatives or groups of representatives, the Group agreed to forward draft article K to the Intergovernmental Negotiating Committee for its consideration.

80. Following the report by the Chair of the Implementation Aspects Group on its deliberations, the full Committee began a detailed review of articles J and K on the basis of the draft text presented to it by the Group.

B. Draft article J

81. Regarding article J, several representatives expressed the view that the obligation to provide technical assistance should be explicit and not modified by text that implied that the provision of such assistance by developed country Parties was conditional. Several representatives, emphasizing their commitment to providing technical assistance, stated that technical assistance was most successful when it was founded on a basis of partnership and cooperation between donors and recipients. A number of representatives noted that important technical assistance could be provided on south-south and regional bases. Some representatives noted that technical assistance should not be limited to capacity-building activities. Many representatives reflecting the importance attached to the provision of technical assistance, voiced their concern at the apparent lack of consensus regarding the article J text forwarded by the Implementation Aspects Group.

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Several representatives supported removal of the brackets around paragraph 1 on the condition that provisions making fulfilment of obligations in other articles conditional upon receipt of financial assistance would also be deleted. As these discussions would occur at a later time, one representative reserved the right to reopen discussion of paragraph 1 of article J.

82. The Committee took note of a proposal within the text provided by the Implementation Aspects Group concerning the creation of a capacity assistance network. The Committee noted that there had been no opportunity to discuss the text of the new draft article in plenary. It agreed that this was a complex and interesting text with cross-cutting issues that would be influenced by discussions on, inter alia, articles J and K, which would also determine the inclusion and location of the draft article within the text of the convention. On this basis, the Committee agreed to separate the proposal into a new draft article, J bis, and to revisit the proposal at its next session.

83. Following further discussion, the Committee forwarded draft article J on technical assistance to the legal drafting group for its consideration.

84. In his report to plenary, the Chair of the legal drafting group said that a few minor editorial changes had been made to the text which had otherwise remained unchanged. He noted that the group had introduced brackets around the text "to developing country Parties and Parties with economies in transition" in the third line of paragraph 2 for purely grammatical reasons.

85. The meeting requested that the secretariat undertake inter-sessional work on the costing of a capacity assistance network described in article J bis for the fifth session of the Intergovernmental Negotiating Committee. One representative expressed his delegation's willingness to be of assistance in that regard.

86. The Committee agreed to incorporate the draft article J into the draft text of the convention for consideration at its fifth session.

C. Draft article K

87. During discussions of draft article K on financial assistance, the Chair requested those delegations that had submitted proposals within paragraph 4 to introduce and explain the background of those submissions. Representatives of Canada, the European Community and its member States, and the United States of America introduced the different submissions under proposal 1 of paragraph 4.

88. The representative of Canada stated that the proposal to establish a capacity assistance network as a central, but not the only, element of a package to provide financial and technical assistance reflected his delegation's beliefs regarding: the size and diversity of assistance activities currently underway through bilateral and multilateral channels; the size and diversity of the needs for such assistance among developing countries and countries with economies in transition; and the need to

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identify, link and coordinate existing and new sources of assistance with the existing and future needs. He reiterated his country's commitment to the provision of new and additional financial resources, noting the \$20 million (Canadian) fund for POPs activities that Canada had recently established as evidence of this commitment.

89. A representative speaking on behalf of the European Community and its member States noted that their proposal would take advantage of opportunities presented by utilizing GEF as the financial mechanism for a future convention while avoiding problems associated with creating a new mechanism. GEF was an internationally recognized source of environmental funding that would, if requested, establish a new operational programme to respond to the needs of a future convention. Concerns for the operational record of GEF should and would be addressed by strengthening that organization. He said that GEF stood ready to supply financial assistance from its current budget during the interim period before a future convention could enter into operation and the need for new and additional resources could be addressed through the normal replenishment cycle.

90. The representative of the United States of America stated that it was important that a future convention have a mechanism designed for its specific needs and for which the Conference of the Parties could set clear priorities and clear criteria for access to resources. In his view, however, this did not necessitate the creation of a new institution or multilateral fund. More efficient and effective, he believed, would be utilizing a combination of existing institutions and mobilizing new and additional resources, coordinated and brokered by a capacity assistance network. Under this proposal, perceived shortfalls in available assistance would be brought to the attention of, and addressed by, the Conference of the Parties, which would also review the operation of the mechanism on a regular basis.

91. Brazil, China, India, Nigeria and South Africa spoke on behalf of the Group of 77 and China and introduced proposal 2 within paragraph 4 of draft article K. They emphasized that developing countries must have stable and sufficient financial assistance in order to meet the objectives of a future international instrument on POPs. It was their firmly held view that creating a new, independent mechanism funded with mandatory contributions provided the necessary assurance that future assistance would be available, that it would be adequate to meet the needs of eligible countries, and that it would be targeted to their specific needs. They noted that, although many international organizations were undertaking activities on POPs, the coordination of these activities and cooperation of those organizations would itself prove a cumbersome task. In the view of the Group of 77 and China, GEF had proven itself insufficiently responsive and was already focused on issues unrelated to POPs. Charging GEF to accommodate the needs of this convention would take just as long as creating a new efficient financial mechanism, patterned in broad terms on the Multilateral Fund of the Montreal Protocol. They noted that the capacity assistance network as proposed by Canada could be worthy of consideration as a useful supplement to, but not as a replacement for, a new multilateral fund.

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92. One representative speaking on behalf of some countries with economies in transition stated that despite their best efforts, these countries would require financial assistance to implement their obligations under a future convention. He noted that a number of international institutions including, inter alia, UNEP, GEF, the Organisation for Economic Cooperation and Development (OECD) and UNITAR, had already begun working with, and providing useful assistance to, countries in his region on projects involving POPs management and elimination. Based on their experiences, these countries supported the involvement of GEF in the provision of that assistance, as well as the concept of a capacity assistance network to coordinate new and existing financial assistance. He concluded by expressing his strong support for cooperation among all Parties in addressing POPs, including the provision of financial assistance.

93. During general plenary discussion of draft article K, many representatives stated that developing countries and countries with economies in transition would not be able to implement their obligations under a future convention unless they received financial assistance from developed countries. They stated that this core understanding, which did not detract from their commitment to address POPs, was the basis for the proposals by the Group of 77 and China regarding articles J and K. Many other representatives emphasized their present and future commitment to providing financial assistance to developing countries and countries with economies in transition to assist them address POPs and implement their obligations under a future international instrument. One representative stated that financing should be linked to the degree of commitment of each party in fulfilling the objectives of the convention and the efforts made to that end. One representative noted that statements by both the Group of 77 and China and the United States of America called for the development of a new mechanism. Another representative requested that the secretariat continue to gather information on the existing national and international organizations providing, or capable of providing, financial assistance for POPs.

94. The Committee believed that in order to further the discussions on financial resources and mechanisms, it would be useful to undertake inter-sessional work. It agreed that the Chair should convene a small group, the composition of which would be one person each from Cameroon, Canada, China, Colombia, Czech Republic, Denmark, Dominican Republic, France, India, Iran (Islamic Republic of), Japan, Micronesia (Federated States of), Nigeria, Norway, Poland, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay. The Chair suggested that the group meet at the end of June and that it produce a document that would facilitate discussions on articles J bis and K for representatives attending the fifth session of the Committee. The Chair expressed his hope that the group would analyse the views that had been put forward and help find a path forward that would help satisfy the interests of the Committee. It would seek to build bridges among the Parties and clarify the issues. The Chair noted that the group would not attempt to redraft article K but would be looking for common ground on which to prepare proposals for financial resources and mechanisms.

12. Draft articles L-Z, on final provisions

Draft articles N, Q, S, T, U, X, Y and Z

95. The Chair reported that the legal drafting group had considered and presented to the Committee texts for draft articles N, Q, S, T, U, X, Y and Z. He noted that these texts were final provisions that were common to many multilateral agreements. Those draft articles were provisionally approved, and forwarded without change to the fifth session of the Committee.

Draft articles O, P, R and V

96. The Chair reported that the legal drafting group had considered and presented to the Committee text for draft articles O, P, R and V. The Committee noted several potential issues requiring further discussion and agreed to discuss these articles at its fifth session on the basis of the drafts provided by the legal drafting group.

97. In the discussion under article P on the secretariat, the representative of Switzerland brought to the attention of the Committee a proposal jointly prepared by Switzerland and Germany on the location of the secretariat. The Committee agreed to annex the text to the report of the meeting (annex VII) and to forward it to the fifth session of the Committee for its consideration and possible endorsement as a resolution to be put forward to the diplomatic conference in Stockholm.

Draft article O bis, on a persistent organic pollutants review committee

98. The secretariat outlined for plenary a proposal submitted by a group of countries, and contained in a conference room paper, for the establishment of a persistent organic pollutants review committee. The proposal was very similar to the language already used in the Rotterdam Convention, and was the same as the proposal contained in the report of the Criteria Expert Group at its second session (UNEP/POPS/CEG/2/3, annex I, section B). The Committee agreed to incorporate the proposal, within square brackets, into the draft text of the convention for consideration at its fifth session.

13. Draft article Z bis, on general exemptions

99. One representative requested that the title of the article remain in square brackets as the issue had not been discussed thoroughly during the fourth session.

New proposals

100. Five new proposals for the text of articles were introduced by their proponents in the form of conference room papers. The representative of Canada, speaking also on behalf of Norway and the European Community, introduced a proposed text for new paragraph D 2 ter. The representative of the United States of America introduced proposals concerning a draft article F bis and a new text of article R. The representative of Colombia introduced a text on liability and compensation, which she noted would most appropriately be placed, not as article Z ter, but under article N or as an

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article N bis. 2/ The representative of Islamic Republic of Iran introduced a text on inclusion of the concept of destruction in article D, paragraph 1. The Committee agreed to annex the texts of the five proposals to the report of the meeting (see annex V), for consideration at its fifth session.

V. OTHER MATTERS

A. Future activities and offers by Governments

101. 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.4/INF/6) and informed the meeting of the current status of financial contributions and the timetable for future meetings. He said that the fifth session of the Intergovernmental Negotiating Committee would be held from 4 to 9 December 2000 in Johannesburg, at the invitation of the Government of South Africa. He also announced that the meeting of the Conference of the Plenipotentiaries would be held from 21 to 23 May 2001 in Stockholm. The representative of South Africa confirmed her country's offer to host the fifth session of the Committee, which had been made possible by a pledge by the Government of Denmark.

102. A few representatives raised concern over the dates of the fifth session of the Intergovernmental Negotiating Committee which will coincide with another meeting.

103. One representative while acknowledging the significant progress that had been made since the first session of the Intergovernmental Negotiating Committee, pointed out the need for effective preparation of the fifth session of the Intergovernmental Negotiating Committee. The Committee invited the Chair to clean up the draft text of the convention and make the necessary editorial, placement and consistency changes to improve readability and help delegates focus on major issues at the fifth meeting of the Intergovernmental Negotiating Committee. An attempt could also be made to address some of the non-contentious brackets. In accepting the responsibility, the Chair noted that he would not attempt to resolve the major issues and it would be at the full discretion of delegates to the fifth meeting of the Intergovernmental Negotiating Committee whether to use annex II to the present report or the version edited by the Chair.

104. The representative of the United States of America announced that his Government was providing \$350,000 for a UNEP workshop on dioxins in Asia to be co-sponsored by a country of that region and for country-based activities on dioxins.

^{2/} Note from the secretariat: An article N bis pertaining to relationship with other agreements is already included in square brackets in the draft text of the convention. This proposal may need to be renumbered accordingly.

105. One representative expressed an interest in participating in a POPs workshop and it was indicated that a workshop organised jointly by UNEP, SPREP and the secretariat of the Basel Convention, would be held on POPs, the Rotterdam Convention and the Basel Convention in Fiji in May 2000.

B. Preliminary draft resolutions

106. The Committee requested the secretariat to develop preliminary draft resolutions for possible adoption by the Conference of the Plenipotentiaries for discussion by the Committee at its fifth session. The following were identified, inter alia, as elements which the secretariat should consider in drafting the resolution: elaboration of options for interim arrangements in general; interim arrangements to enable the POPs review committee to start its work, on a provisional basis, as soon as possible; establishment of an interim secretariat function; continuation of the Intergovernmental Negotiating Committee until the entry into force of the convention; financing for interim arrangements; and a decision asking the interim secretariat to develop a draft memorandum of understanding with the GEF secretariat for consideration at the first Conference of the Parties.

VI. ADOPTION OF THE REPORT

107. The Committee adopted the report on the work of its fourth session on Saturday, 25 March 2000, on the basis of the draft report that had been circulated under the symbols UNEP/POPS/INC.4/L.1, L.1/Add.1, L.1/Add.2 and L.2/Rev.1 on the understanding that finalization of the report would be entrusted to the Rapporteur, working in consultation with the secretariat.

VII. CLOSURE OF THE SESSION

108. In his closing remarks, the Chair expressed gratitude to all those who had contributed to the success of the fourth session of the Intergovernmental Negotiating Committee. He thanked in particular the Government of Germany for having hosted the fourth session. Following that exchange of courtesies, the Chair declared the meeting closed at 7 p.m. on Saturday, 25 March 2000.

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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 provisionally approved by plenary:

N, Q, S, T, U, X, Y, Z, Annexes E and F
2. Articles considered by plenary and the legal drafting group:

D.2 bis, D.3, D.4, E, F, G, H, I, J, Annex D
3. Articles under consideration by the plenary:

A, B, C, D.1, D.1 bis, D.2, D.2 ter, J bis, K, L, M, N bis, O, P, R, V, W, Z bis, Annexes A, B, C
4. Proposals for consideration at the fifth session of the Intergovernmental Negotiating Committee (the text of each is included in annex V, except for the submission by the European Community and its member States on draft article D.1 bis, which is included in annex VI):

Submission by Canada, Norway, European Community and its member States and others: Article D related to chemicals currently in use

Submission by Colombia: Liability and compensation for damage resulting from the use and intentional or unintentional introduction into the environment of POPs

Submission by the European Community and its member States on draft article D.1 bis

Submission by the Islamic Republic of Iran: Proposed text for inclusion of the concept of destruction in paragraph 1, article D

Submission by the United States of America: Draft article F bis, on process for adjusting schedules in Annexes A, B or C

Submission by the United States of America: article R, on adoption and amendment of annexes

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Annex IIDRAFT TEXT OF AN INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR IMPLEMENTING
INTERNATIONAL ACTION ON CERTAIN PERSISTENT ORGANIC POLLUTANTSA. Preamble

[The Parties to this Convention,

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

Acknowledging the health concerns, particularly in developing countries, resulting from local exposure to persistent organic pollutants, in particular women, and through them future generations,

Acknowledging also that the Arctic ecosystems and especially its indigenous people are particularly at risk because of the biomagnification of persistent organic pollutants, and that contamination of their natural foods is a public health issue for them,

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

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

Reaffirming the precautionary approach as set forth in Principle 15 of the Rio Declaration on Environment and Development,

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

Recognizing the relevant international environmental conventions, especially the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal,

Reaffirming that States have, in accordance with the Charter of the United Nations and the principles of international law, the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment or development of other States or of areas beyond the limits of national jurisdiction,

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Taking into account the circumstances and particular requirements of developing countries and countries with economies in transition, in particular the need to strengthen national capabilities for the management of chemicals, including the transfer of technology, providing financial and technical assistance and promoting cooperation among the Parties,

Recognizing the important contribution the private sector and non-governmental organizations can make in assisting in the reduction and/or elimination of emissions of persistent organic pollutants,

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

Have agreed as follows:]

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

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 */

*/ 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.

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.

New chemicals */

2 bis. With the aim of protecting human health and the environment, each Party having 1/ a regulatory and assessment scheme for new pesticides and industrial chemicals, shall take measures within those schemes to [avoid] [prohibit] [prevent] [regulate] the production [import] [export] and use of newly developed pesticides and industrial chemicals which, taking into consideration the criteria in Annex D.1(b) to [D.1(e)] [D.1(f)], exhibit the characteristics of persistent organic pollutants.

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

3. Each Party shall at a minimum [, consistent with its capabilities and subject to the availability of technical and financial assistance,] [aim to] take the following measures to reduce the [total 2/] releases derived from anthropogenic sources of [each of] the substances [that are by-products] 3/ listed in Annex C, with the [aim] [goal] of their continuing minimization [and [where [technically and economically] feasible] ultimate elimination]:

(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 development and use of [substitute] materials, products and processes to prevent the formation and release of substances [that are by-products] 3/ listed in Annex C [and, where appropriate, require the use of substitute materials, products and technologies instead of those which release or have the potential to release substances [that are by-products] 3/ listed in Annex C];

1/ Plenary asked the legal drafting group whether this language, which is intended to extend the obligation to Parties having (either at the time of entry into force or if developed at a later date) such a scheme for "new" pesticides and industrial chemicals, achieved its purpose. The legal drafting group confirmed that the language does accomplish its purpose.

2/ Plenary has noted that clarification was needed.

3/ Plenary has noted that further elaboration was required.

(c) [Require] [Promote] the use of best available techniques [and/or other prevention strategies] for new sources within major source categories [, identified in a list in Annex C] [and for which Annex C specifies that best available techniques exist,] taking into consideration the general guidance on release reduction measures [given in Annex C] and the guidelines on best available techniques to be 4/ 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 a list in Annex C] [and for which Annex C specifies that best available techniques exist,] taking into consideration the general guidance on release reduction measures [given in Annex C] and the guidelines on best available techniques to be 4/ developed by the Conference of the Parties [as well as the feasibility, cost and timing] 5/;

[(e) Within (x) years of the date of entry into force of this Convention for it, develop and implement a national action plan [or, where appropriate, participate in the development and implementation of 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 the substances [that are by-products] 3/ listed in Annex C and to facilitate implementation of subparagraphs (a) to (d) above. The action plan shall include the following elements:

- (i) An evaluation of current and projected releases, including the development and maintenance of source inventories and release estimates taking into consideration guidance to be 6/ given by the Conference of the Parties;
- (ii) An evaluation of the adequacy of the policies and laws of the Party directed towards the management of such releases 7/;
- (iii) Strategies to meet the obligations of this paragraph, taking into account the evaluations in subparagraphs (i) and (ii) above;

4/ The legal drafting group advises that the words "to be" are necessary since the Conference of the Parties cannot develop the guidelines referred to until its first meeting at the earliest.

5/ The legal drafting group considers that it is important to specify to what the "feasibility, cost and timing" relates.

6/ The legal drafting group advises that the words "to be" are necessary since the Conference of the Parties cannot develop guidelines referred to until its first meeting at the earliest.

7/ Plenary noted that clarification was needed.

- (iv) Steps to promote education, training and awareness of those strategies;
- (v) Means for monitoring the progress 8/ of those strategies, including a review every (x) years of the strategies and their success in meeting the obligations of this paragraph. Such reviews shall be included in national reports submitted pursuant to article L of this Convention; and
- (vi) A schedule for the action plan, including for the strategies and measures identified therein.] 9/

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

4. In order to ensure that stockpiles, wastes, as well as products and articles upon becoming wastes, consisting of or containing a substance listed in Annex A, B [or C] are managed in a manner protective of human health and the environment against the adverse effects that may result from that substance, each Party shall [, consistent with its capabilities and subject to the availability of technical and financial assistance]:

(a) Develop, for the substances listed in Annexes A and/or B, appropriate strategies for identifying products and articles still in use and wastes consisting of or containing those substances and, in particular, for identifying stockpiles of those substances;

(b) Manage, as appropriate, existing stockpiles of substances listed in Annexes A and/or B in a careful and efficient manner and, upon becoming wastes, treat them in accordance with subparagraph (c) below; [and]

[(c) Take measures to ensure that wastes, as well as stockpiles, products and articles upon becoming wastes, are:

- (i) handled, transported and stored in an environmentally sound manner; and

8/ The legal drafting group is concerned that the phrase "monitoring progress of the strategies" is unclear and wonders whether the intention is to say, for example, "monitoring the effectiveness of the strategies" or "monitoring progress towards achievement of the strategies".

9/ The legal drafting group noted that these subparagraphs depended upon other articles.

- (ii) managed so that the persistent organic pollutant content is destroyed or otherwise transformed into substances that do not possess the properties of persistent organic pollutants as specified in Annex D or, when appropriate, otherwise disposed of in an environmentally sound manner consistent with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal ;] [and] 10/

10/ The Plenary has requested advice from the legal drafting group on "whether the formulation is adequate to include reference to the decisions of the Conference of the Parties of the Basel Convention and its technical guidance" and "the legal implications of having a reference to Basel Convention in this article and to advise on the appropriate formulation in the text".

The legal drafting group advises, given the complexity of these questions, that the Intergovernmental Negotiating Committee should request the secretariat to prepare and circulate analysis and options on them for consideration by the Intergovernmental Negotiating Committee at its fifth session. The analysis and options should take into account the following issues.

One possible interpretation is that reference to 'the Basel Convention' as an entire instrument would necessarily include the Convention and its annexes, the decisions of the Conference of the Parties of the Basel Convention and the technical guidelines. Another possible interpretation is that such a reference would necessarily include the Convention and its annexes as well as the technical guidelines. A third interpretation is that such a reference should only be considered to refer to the text of the Convention and its annexes.

The following theoretical possibilities have been identified by the legal drafting group as possible ways of referencing the Basel Convention:

- (a) making direct reference to 'waste', 'disposal' and 'environmentally sound' in conjunction with the phrase 'as defined in the Basel Convention', but clearly restricting them to those set forth in the Basel Convention at the time of the adoption of the text of the POPs convention (July 2001);
- (b) copying the definitions used in the Basel Convention into the POPs convention without making any reference to their source;
- (c) making provision for automatic incorporation into the POPs convention of any further evolution of the definitions and/or technical guidelines under the Basel Convention;
- (d) making no explicit reference to the Basel Convention, but leaving it to the Conference of the Parties or to Parties individually to determine how to interpret the relevant terms.

The legal drafting group recognized that there may be other possibilities.

/...

(d) [Endeavour to] [D][d]evelop appropriate strategies for identifying sites contaminated by substances listed in Annexes A, B [and/or C] and, if remediation of those sites is considered to be feasible and practical, to ensure that such remediation is performed in an environmentally sound manner.

E. [National] Implementation plans ^{11/}

1. Each Party shall:

(a) Develop [, consistent with its capabilities and subject to the accessibility of [sufficient][and timely] financial and technical assistance where appropriate,] a national [, subregional] [or regional] plan for the implementation of the provisions of this Convention;

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

(c) Update the implementation plan at regular intervals [and in a manner] to be specified in a decision of the Conference of the Parties. [Each such plan shall include information on how the Party intends to meet its obligations under this Convention and any other relevant information specified in a decision of the Conference of the Parties.]

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

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

1. A 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 specified in Annex D. In submitting a proposal, a Party may be assisted by other Parties and/or by the Secretariat.

1.

As noted by the Intergovernmental Negotiating Committee in paragraph 60 of document UNEP/POPS/INC.3/4, the Parties to the Basel Convention and the future Parties to the POPs convention will not necessarily be identical. This does not rule out cross-referencing between the two conventions.

Another issue is whether the legal status of any decisions or guidelines imported into the POPs Convention is different from their legal status under the Basel Convention.

^{11/} The legal drafting group noted that it will need to revisit this article, article D, paragraph 3 and article L in order to ensure consistency between them.

/...

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

3. The Committee shall examine the proposal and apply the screening criteria specified in Annex D in a [flexible,] [preventative,] transparent and integrative manner [, taking into account the precautionary principle]. Where the Committee is not satisfied that the screening criteria have been fulfilled, [the Secretariat shall inform all Parties [and observers 12/] accordingly [before] [and] the proposal [is][shall be] set aside.] [it shall recommend to the Conference of the Parties whether the proposal should be set aside.] Where the Committee is satisfied that the screening criteria have been fulfilled, it shall make the proposal available to all Parties [and observers 12/] and invite them to submit the information specified 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 12/] and shall collect technical comments from them. The Committee shall then complete the risk profile, taking these comments into account.

12/ At the third session of the Intergovernmental Negotiating Committee a contact group discussed whether there was a need to identify "observers" in article F. In response to the question put to it, the legal drafting group noted that, should this term be used in article F, it would be necessary to clarify which entities would be considered as "observers".

This raises two issues. The first concerns the question of determining which States, organizations and/or individuals should be informed at different stages of the process about proposals and decisions. The second concerns the question of which States, organizations and/or individuals should be invited to submit comments or information for consideration by the Committee.

With regard to the first issue, if it is the intention of the Intergovernmental Negotiating Committee to disseminate some or all of the information in question (i.e. the decision to set a proposal aside, the proposal and the draft risk profile) very broadly, it would be possible to deal with the matter by requiring the Secretariat to inform all Parties individually whilst making the information in question available to the public at large (through the Convention's web site).

With regard to the second issue, the legal drafting group notes that the present bracketed text contemplates that observers could submit information and technical comments and that any such information and comments received should be taken into account. It is for the Intergovernmental Negotiating Committee to decide what categories of observers should be entitled to submit such information and technical comments.

/...

5. If, on the basis of the risk profile, [the Committee considers that the proposal should not proceed, it shall recommend to the Conference of the Parties that the proposal should be set aside.] [the Committee decides that the proposal should not proceed, the proposal shall be set aside.] If the Committee decides that the proposal should proceed, it shall invite information from all Parties [and observers 12/] relating to the considerations specified in Annex F. The Committee shall then prepare a risk management evaluation that 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 above and the risk management evaluation referred to in paragraph 5 above, 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.

[6 bis. Pursuant to a recommendation of the Committee under paragraph 3 or 5 above, the Conference of the Parties shall decide whether to set aside a proposal for listing a substance in Annex A, B and/or C.]

[7. Pursuant to a recommendation of the Committee under paragraph 6 above, the Conference of the Parties shall decide whether to list the substance, and specify its related control measures, in Annex A, B and/or C.]

[7 bis. Lack of scientific certainty due to insufficient relevant scientific information and knowledge regarding a substance shall not prevent the procedure specified in this article, from proceeding and shall not prevent the listing of substances in Annexes A, B and/or C.]

G. Information exchange

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

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

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

2. Each Party shall designate a national focal point for purposes of the exchange of the information referred to in paragraph 1 above. Parties shall exchange such information directly or through the Secretariat.

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

[4. Parties that exchange information pursuant to this Convention shall protect any confidential information as mutually agreed. For purposes of this Convention, human and environmental health and [chemical] safety information shall not be regarded as confidential.]

H. Public information, awareness and education

Option 1

1. Each Party shall [, within its capabilities,] [taking into account its common but differentiated responsibilities and its specific national and regional development priorities] promote and facilitate the provision of information at the national and, as appropriate, international levels [, and in accordance with its national laws and regulations]. This should include available information on:

(i) [Individual] [P][p]ersistent organic pollutants to the public, including [on][to] those who [produce,] use [and/]or release persistent organic pollutants, including information pertaining to the assessment of hazard and risk, pollution prevention, risk reduction, economic and social impacts, 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];

Option 2

1. Each Party shall [, within its capabilities,] [taking into account its common but differentiated responsibilities and its specific national and regional development priorities] promote and facilitate:

(i) The provision of available information on [individual] persistent organic pollutants to the public, including [on][to] those who [produce,] use [and/]or release persistent organic pollutants, including information pertaining to the assessment of hazard and risk, pollution prevention, risk reduction, economic and social impacts, 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 [the use of] persistent organic pollutants and their [short and long term] health and environmental effects [, especially for women and children,][and on alternatives to persistent organic pollutants];

(iii) Public participation in relevant forums that address persistent organic pollutants and their health and environmental effects and in 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 [as well as workers][; and][;][.]

[(v) Enhancing awareness among policy and decision-makers with regard to issues associated with persistent organic pollutants[; and] [.]]

[(vi) Training in ways of reducing the effects of persistent organic pollutants on human health and the environment, including the evaluation of relative risks.]

2. Each Party shall, within its capabilities [and in accordance with its national laws and regulations], ensure that the public has access to [relevant][the] information [referred to in paragraph 1 above] and that that information is kept up-to-date.

3. Each Party shall, within its capabilities, [encourage][ensure that] industry and professional users [to] promote and facilitate the provision of [relevant] information at national and, as appropriate, subregional and regional levels.

4. Each Party shall [cooperate in] [facilitate] and promote at the international level using, where appropriate, existing bodies:

(i) The development [of means for promoting awareness] and exchange of educational and public awareness materials on [the use of] persistent organic pollutants[,] [and] their [short and long term] health and environmental effects [and alternatives to them]; [and]

(ii) The development and implementation of education and training programmes, including [, where appropriate,] [the strengthening of national [, subregional and regional] 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 [.] [; and]

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

[5. 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.]

I. Research, development and monitoring

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

/...

[(a) Releases, persistence in different media, long-range environmental 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 and long term][E][e]ffects on human health and the environment [, including the quantification and the socio-economic impacts of such effects];

[(d) Monitoring their levels in the environment, in humans and in products and estimating their releases;]

(e) [Best available technologies and practices, including good agricultural practices such as integrated pest management encompassing, inter alia, biological control and indigenous knowledge and practices,] [Methods] to prevent, reduce or eliminate release into [, and impact upon,] the environment;

[(f) 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;]

(g) [Chemical and] [N][n]on-chemical alternatives, including indigenous knowledge and practices;

[(h) Their environmental behaviour and bioavailability;]

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

[(j) Approaches for integrating appropriate information, including that obtained under subparagraphs (a) to (h) above, on measured or modelled environmental levels, pathways and effects on human health and the environment, for the purpose of formulating control strategies that [accord equal regard to the social and economic effects of reduction and/or elimination as to scientific evaluation] [take into account economic, social and technological factors];]

[(k) Methods for estimating national releases and projecting future releases of individual persistent organic pollutants [and for evaluating how to use such estimates and projections to structure future obligations][; and] [;] [.]]

[(l) Levels of the chemicals listed in Annexes A, B or C contained as contaminants in other substances, chemical products, manufactured articles or residual materials, the significance of those levels for long-range environmental transport, and techniques to reduce the levels of those contaminants [; and][.]]

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

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

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

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

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

(d) Make the results of the research and monitoring activities referred to in this paragraph publicly [available][accessible]. 13/

[3. In order to facilitate evaluation of the effectiveness of the Convention [pursuant to article O (5) bis]14/, the Conference of the Parties at its first meeting shall initiate the development of a harmonized global monitoring programme to monitor the presence and movement in the environment of the chemicals listed in Annexes A, B or C. This programme shall be implemented by Parties on a regional basis in accordance with their technical and financial capabilities, using existing monitoring programmes and mechanisms as much as possible. The Secretariat shall present periodic reports on the results of the programme for the Conference of the Parties.]15/ 16/

13/ The legal drafting group will need to ensure the compatibility of this paragraph with, inter alia, the provisions of articles G and H.

14/ Note from the secretariat: An article O, paragraph 5 bis pertaining to a POPs review committee is already included in the draft convention. This option may need to be renumbered accordingly.

15/ Consequential changes: add, after article O, paragraph 5, the following:

5 bis Beginning three years after the date of entry into force of this Convention, and periodically thereafter as decided by the Conference of the Parties, the Conference shall evaluate the effectiveness of this Convention in achieving its objectives.

/...

J. Technical assistance

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

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

3. In this regard, technical assistance to be provided by [developed country] Parties [and other Parties in accordance with their capabilities] shall include, inter alia [, as appropriate [and as mutually agreed], technical assistance for capacity-building related to implementation under this Convention]:

(a) To review, in cooperation with, as appropriate, relevant international organizations, available infrastructure, capacity and institutions at the regional, subregional, national and local levels, and to examine needs and options for strengthening them for the purposes of this Convention;

[(b) To compile inventories and release registers;] 17/

1. _____

5 ter The evaluation described in paragraph 5 bis shall be conducted on the basis of available scientific, environmental, technical and economic information, including:

(a) Reports and other information provided from the harmonized global monitoring programme referred to in Article I;

(b) National reports submitted pursuant to article L; and

(c) Non-compliance information received pursuant to the procedures established under article M.

5 quarter The Conference of the Parties shall, after the evaluation referred to in paragraphs 5 bis and 5 ter, consider and undertake any additional action it deems appropriate to achieve the objective of this Convention.

16/ The legal drafting group notes that, should the negotiating group decide that proposed paragraph 3 of article I and the consequential amendments to article O are to be included in the Convention, consideration should be given to this being done in a separate article.

17/ The legal drafting group noted that these subparagraphs depended upon other articles.

/...

(c) To develop and implement [national] implementation plans, as specified under article E, taking into account national priorities relevant to this Convention; 17/

(d) To train decision makers, managers and personnel who are responsible for the collection and analysis of data regarding the effects of persistent organic pollutants and their alternatives on the environment and human health[, including with respect to any data collection and analysis required by the harmonized global monitoring programme established by the Conference of the Parties under article I]; 17/

(e) To develop and strengthen training and research [capacity] at the national, subregional and regional levels for monitoring releases of persistent organic pollutants, [maintaining efforts] [continuously] to reduce [or eliminate] their use, and identifying, developing and introducing environmentally sound alternatives to the substances listed in Annex A and/or annex B; 17/

(f) To assist in developing and implementing regulatory controls, including all appropriate techniques for enforcing them;

(g) To strengthen capacity to meet the reporting requirements specified under article L;

(h) To promote programmes on awareness raising and on information dissemination;

[(i) To identify [, inventory] and destroy existing stockpiles of obsolete persistent organic pollutants;] 17/

[(j) To identify and remediate sites affected by persistent organic pollutants;] 17/

(k) To effect a transition to sustainable alternatives to the substances listed in Annex A and/or Annex B; 17/

[(l) To facilitate private sector involvement;]

[(m) To [promote access to and the] transfer [of] appropriate clean and environmentally sound technology [and related know-how and rights] including, in particular, those for the production of alternatives to the substances listed in Annex A and/or Annex B, as mutually agreed and as relevant to the functions specified in subparagraphs () to () above;]

[3. The Parties shall establish arrangements for the purpose of providing technical assistance [and the transfer of technology] to developing countries and countries with economies in transition related to the implementation of this Convention. [These arrangements shall include regional and subregional centres for capacity-building and transfer of technology to assist developing country Parties and Parties with economies in transition to fulfil their obligations under this Convention.]]

/...

[4. Each Party shall, in reporting under article L, include information relevant to the implementation of this article.] 18/

J bis.

[In order to increase the effectiveness and efficiency of the efforts of Parties to provide technical assistance pursuant to paragraph 2, the secretariat shall, under the overall supervision of the Conference of the Parties, perform a capacity assistance network function that shall:

(a) Identify and maintain an inventory of sources of technical assistance that may be made available for activities relevant to the implementation of the convention, including private sector technical assistance sources and mechanisms and those of non-governmental organizations, as well as national, bilateral and multilateral sources;

(b) Maintain an inventory of requests made by developing country Parties and Parties with economies in transition for technical assistance for activities relevant to the implementation of the provisions of the Convention, including capacity-building where related to implementation;

(c) Assist Parties to identify and give advice on the requirements for accessing specific sources of technical assistance and foster linkages between the sources identified in paragraph (a) and the requests for assistance identified under paragraph (b);

(d) Maintain information on persons, agencies and organizations expert in the management of chemicals that are persistent organic pollutants and their alternatives;

(e) Facilitate the involvement of the private sector and other non-governmental organizations in providing technical assistance related to the implementation of the Convention; and

(f) Identify and draw to the attention of the Conference of the Parties, requests for assistance under paragraph (b) of which the capacity assistance network is aware that are not being met.]

K. Financial resources and mechanisms

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 objective of this Convention.

2. [The developed country Parties shall provide developing country Parties and Parties with economies in transition with financial assistance in order to implement the Convention.] [In addition the developed country parties, and other parties in accordance with their capabilities shall also [seek to mobilize] [provide] financial and other resources to assist developing country parties and parties with economies in transition, in their implementation of the Convention.]

18/ The legal drafting group noted that this paragraph depended upon other articles.

/...

[3. The Conference of the Parties shall promote the availability of financial resources and [arrangements for technical assistance and technology transfer,] [mechanism[s] and shall encourage the [development][strengthening] of such mechanism[s] to seek to maximize the availability of funding for] to assist developing country Parties and Parties with economies in transition to implement [their obligations deriving from this] convention.]

[4.]

[PROPOSAL 1 19/

Submission A 20/

[4. In order to increase the effectiveness and efficiency of existing financial mechanisms, the Secretariat shall, under the overall supervision of the Conference of the Parties, perform a capacity assistance network function that shall:

(a) Identify and maintain an inventory of sources of financial resources that may be made available for activities relevant to the implementation of the convention, including private sector funding sources and mechanisms and those of non-governmental organizations, as well as national, bilateral and multilateral funding sources;

(b) Maintain an inventory of requests made by developing country Parties and Parties with economies in transition for financial assistance for activities relevant to the implementation of the provisions of the convention, including capacity-building where related to implementation;

(c) Assist Parties to identify the requirements for accessing specific funding sources, including multiple-source funding, and foster linkages between the providers of financial resources identified in subparagraph (a) and the Parties requesting assistance identified in subparagraph (b);

(d) Provide relevant information about the subject matter of this Convention and any programme priorities established by the Conference of the Parties to existing funds and financial mechanisms at the subregional, regional and global levels to support more effectively the implementation of this Convention;

(e) Enable and encourage the involvement of the private sector in providing financial assistance; and

19/ The countries that have submitted the various elements of Proposal 1 have stated their intention to attempt to combine these elements into a single proposal.

20/ Submitted by Canada.

/...

(f) Identify and draw to the attention of the Conference of the Parties and existing multilateral funding and technical sources, categories of requests for assistance under subparagraph (b) that are not being or cannot be met.]

Submission B 21/

[4. To this end the institutional structure of the Global Environment Facility (GEF), operated in accordance with the Instrument for the Establishment of the Restructured GEF, shall provide the mechanism for the provision of financial support to meet the agreed incremental costs of measures which fulfil the obligations of this Convention. This mechanism shall function under the guidance of the Conference of the Parties and be accountable to it for the purposes of this Convention.

4 bis Pursuant to the objectives of this Convention and paragraph 4 above, the Conference of the Parties shall at its first meeting determine the policy, strategy, programme priorities and eligibility criteria relating to the access and utilization of resources provided through the financial mechanism. The Conference of the Parties and the institutional structure of the financial mechanism shall agree on arrangements to give effect to these requirements.

4 ter The Conference of the Parties shall, at its first meeting, also consider for adoption policies that promote multiple-source funding approaches and other innovative arrangements for the provision of financial resources.]

Submission C 22/

[4. A financial mechanism consisting of a coordinated approach to financial assistance for providing resources to recipient Parties on a grant or concessional basis as appropriate to assist in the effective implementation of this convention is hereby established. Such mechanism shall be comprised of one or more existing international entities that will undertake the operations of the mechanism, and the capacity-building assistance network. The Conference of the Parties shall provide guidance to the financial mechanism on programme priorities related to the Convention. The Conference of the Parties and the entity or entities shall agree upon arrangements to give effect to this guidance. GEF shall be one of the international entities entrusted with the operation of the financial mechanism referred to in this paragraph.

4 bis. Taking into account those categories identified by the capacity-building assistance network for which requests for assistance are not being met, the Conference of the Parties shall consider for adoption policies and approaches to strengthen existing funds and financial mechanisms at the

21/ Submitted by the European Community and its member States.

22/ Submitted by the United States of America.

subregional, regional and global levels to support more effectively the implementation of the Convention [and shall seek to increase the possibilities for funding from bilateral assistance programmes.]

[PROPOSAL 2 23/

[4. A mechanism for the provision of financial resources is hereby established, with contributions from the developed country Parties, in order to provide developing country Parties and Parties with economies in transition with adequate and sustained financial support to implement the Convention.

4 bis. To this end, the Conference of the Parties shall, at its first meeting, establish, inter alia, an independent multilateral fund, consisting of regular and obligatory contributions from the developed country Parties.

4 ter Contributions to the multilateral fund shall be additional to other financial transfers to developing country Parties and Parties with economies in transition and shall meet costs including technology transfer to such Parties, for fulfilling the obligations under the Convention.

4 quater The Secretariat shall present to the Conference of the Parties, at its first meeting, a proposal for the budget and the operational procedure of the multilateral fund, based on submissions received from the Parties.]

5. Developed country Parties[, and other Parties in accordance with their capabilities,] may also provide, and developing country 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.

[6. Parties 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.] 24/

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

23/ Submitted by the Group of 77 and China.

24/ The legal drafting group noted that this paragraph depended on the resolution of article E.

[8. The Conference of the Parties shall review, on a regular basis, the financial mechanism[s] [referred to] under this article in order to provide recommendations and guidance on measures to improve their effectiveness and on the possible extension of their scope to cover new needs that may be identified during the implementation of this convention.]

OR

[8. The Conference of the Parties shall review on a regular basis the financial mechanism(s) referred to under this article and take appropriate actions to improve [their] [its] effectiveness if necessary.]

OR

[8. The Conference of the Parties shall review, not later than at the second Conference of the Parties, and after that on a regular basis, the financial mechanism established under this article in order to determine its effectiveness and the level of funding, and to take necessary measures to improve its efficiency and to ensure adequate and sustained funding.]

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.

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

(a) The members of the Persistent Organic Pollutants Review Committee shall be appointed by the Conference of the Parties. Membership of the Committee shall consist of a limited number of government-designated experts in chemical assessment or management. The members of the Committee shall be appointed on the basis of equitable geographical distribution, including ensuring a balance between developed and developing Parties;

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

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

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.

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. [...]

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.

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.

/...

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.

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 25/

[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;

(...)

25/ 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.			

/...

[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> substance in use <u>a/</u> in underground cable boxes wood treatment	Brazil, Republic of Korea United States of America Brazil	t.b.d. t.b.d. 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 processing hides intermediate <u>a/</u>	Nigeria United Republic of Tanzania United States of America	d.o.e. - 5 years <u>f/</u> d.o.e. - 5 years t.b.d.
mirex	production	elimination	e.i.f.	<u>d/</u>	<u>d/</u>	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.
toxaphene	production	elimination	e.i.f.			
	use	elimination	e.i.f.			
[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] dm³ 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] dm³ 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

[Persistent organic pollutants subject to release reduction

Part I: Persistent organic pollutants subject to the requirements
of article D.3

Substance
Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) Hexachlorobenzene (HCB) Polychlorinated biphenyls (PCB)

Part II: Guidance on implementation

1: General guidance on release reduction measures

1. Referring to article D.3 (c) and (d) best available techniques (BAT) shall be applied to prevent, reduce or eliminate releases of those POPs listed in Part I. In identifying BAT the guidance given by the Conference of the Parties should be taken into account. The Conference of the Parties should cooperate with non-governmental organizations and intergovernmental organizations in the development of technical guidance.

2. In determining BAT, special consideration should be given, generally or in specific cases, to the factors below, bearing in mind the likely costs and benefits of a measure and the principles of precaution and prevention:

- (a) The use of low-waste technology;
- (b) The use of less hazardous substances;
- (c) The furthering of recovery and recycling of substances generated and used in the process and of waste;
- (d) Comparable processes, facilities or methods of operation which have been tried with success on an industrial scale;
- (e) Technological advances and changes in scientific knowledge and understanding;
- (f) The nature, effects and volume of the emissions concerned;
- (g) The commissioning dates for new or existing installations;
- (h) The time needed to introduce the best available technique;
- (i) The consumption and nature of raw materials (including water) used in the process and its energy efficiency;
- (j) The need to prevent or reduce to a minimum the overall impact of the emissions on the environment and the risks to it;
- (k) The need to prevent accidents and to minimise their consequences for the environment.

/...

3. The concept of BAT is not aimed at the prescription of any specific technique or technology, but at taking into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions.

4. There are several approaches to prevent and if that is not possible to control the releases of POPs listed in Part I from different sources. These include the replacement of relevant feed materials, process modifications (including maintenance and operational control) and retrofitting existing plants. The following list provides a general indication of available measures, which may be implemented either separately or in combination:

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

(b) Best environmental practices such as good housekeeping and preventive maintenance programmes;

(c) Development of waste management with the aim of cessation of open and other uncontrolled burning of wastes including burning of landfill sites. In this development the public health concerns should be carefully considered;

(d) Minimization of the unintentional POPs by-products in chemicals and products;

(e) Process changes, such as moving to closed systems;

(f) Modification of process design to ensure complete combustion; thus preventing the formation of POPs, through the control of parameters such as incineration temperature or residence time;

(g) Methods for flue-gas cleaning such as thermal or catalytic incineration or oxidation, dust precipitation, adsorption;

(h) Treatment of residuals, wastes and sewage sludge by, for example, thermal treatment or rendering them inert;

(i) Avoiding elemental chlorine as bleaching agent.

2: Indicative list of major sources of POPs releases

1. PCDD/PCDF are emitted from thermal processes involving organic matter and chlorine as a result of incomplete combustion or chemical reactions. Major sources of PCDD/PCDF may be as follows:

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

(b) Open field burning of waste, including burning of landfill sites;

(c) Residential combustion;

(d) Combustion of fossil fuels in utility and industrial boilers;

/...

- (e) Firing installations for wood;
- (f) Thermal processes in metallurgical industry;

The following processes may be important sources for PCDD/PCDF-emissions:

- (i) Sinter plants in the iron and steel industry;
 - (ii) Production of steel;
 - (iii) Primary and secondary production of copper;
 - (iv) Smelting plants in the secondary aluminium industry.
- (g) Specific chemicals production processes releasing intermediates or by-products;

The following processes may be important sources for PCDD/PCDF emissions:

- (i) Production of 2,4,5-Trichlorophenol;
 - (ii) Production of Pentachlorophenol;
 - (iii) Production of Chloranil;
 - (iv) Production of other chlorinated aromatics;
 - (v) Production of vinylchloride by oxychlorination.
- (h) Production of pulp using elemental chlorine for bleaching;
- (i) Textile/leather dyeing (with chloranil) and finishing (alkaline extraction);
- (j) Smouldering of copper cables;
- (k) Scavengers and halogenated additives in petrol and lubricants for motor engines.

2. Releases of HCB and PCB result from the same type of thermal and chemical processes as those emitting PCDD/PCDF, and HCB and PCB are formed by a similar mechanism. Major sources of HCB and PCB releases may be as follows:

- (a) For HCB :
 - (i) Waste incineration plants, including co-incineration;
 - (ii) Thermal sources of metallurgical industries; and
 - (iii) Use of chlorinated fuels in furnace installations;

/...

(b) For PCB:

Waste oil refineries.

Appropriate control techniques to reduce HCB and PCB releases are in general the same as those used for reduction of PCDD/PCDF releases in the same processes.

Part III: Definition pertaining to this Annex

1. For the purposes of this Annex:

(a) Dioxins and furans (PCDD/PCDF) mean: Polychlorinated dibenzo-p-dioxins (PCDD) and polychlorinated dibenzofurans (PCDF) which are tricyclic, aromatic compounds formed by two benzene rings which are connected by two oxygen atoms in PCDD and by one oxygen atom in PCDF and the hydrogen atoms of which may be replaced by up to eight chlorine atoms.

(b) Measured values of PCDD/PCDF and PCB are expressed in toxic equivalents (TE), which describe the different toxic activity of different congeners of PCDD/PCDF and PCB in comparison to 2,3,7,8-TCDD.

2. The following equivalence factors for humans, published by WHO in 1998 shall be used:

WHO	
2,3,7,8-TCDD	1
1,2,3,7,8-PeCDD	1
1,2,3,4,7,8-HxCDD	0,1
1,2,3,7,8,9-HxCDD	0,1
1,2,3,6,7,8-HxCDD	0,1
1,2,3,4,6,7,8-HpCDD	0,01
PCDD	0,0001
2,3,7,8-TCDF	0,1
1,2,3,7,8-PeCDF	0,05
2,3,4,7,8-PeCDF	0,5
1,2,3,4,7,8-HxCDF	0,1
1,2,3,6,7,8-HxCDF	0,1
1,2,3,7,8,9-HxCDF	0,1
2,3,4,6,7,8-HxCDF	0,1
1,2,3,4,6,7,8-HpCDF	0,01
1,2,3,4,7,8,9-HpCDF	0,01
PCDF	0,0001
3,3',4,4'-PCB	0.0001
3,4,4',5-PCB	0.0001
3,3',4,4',5-PCB	0.1
3,3',4,4',5,5'-PCB	0.01
2,3,3',4,4'-PCB	0.0001
2,3,4,4',5-PCB	0.0005
,3',4,4',5-PCB	0.0001
2',3,4,4',5-PCB	0.0001
2,3,3',4,4',5-PCB	0.0005
2,3,3',4,4',5'-PCB	0.0005
2,3',4,4',5,5'-PCB	0.00001
2,3,3',4,4',5-PCB	0.0001]

/...

Annex D

INFORMATION REQUIREMENTS AND SCREENING CRITERIA

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

(a) Substance identity, including:

- (i) Names: trade name(s), commercial name(s) and synonyms, Chemical Abstracts Service (CAS) Registry number, International Union of Pure and Applied Chemistry (IUPAC) name; and
- (ii) Structure, including specification of isomers, where applicable, and the structure of the chemical class.

(b) Persistence:

- (i) Evidence that the half-life of the substance in water is greater than [two months] [six months], or that its half-life in soil is greater than six months, or that its half-life in sediment is greater than six months; or
- (ii) Evidence that the substance is otherwise sufficiently persistent to justify consideration within the scope of this 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];
- (ii) Evidence that a substance presents other reasons for concern, such as high bio-accumulation in other species, high toxicity or ecotoxicity; or
- (iii) Monitoring data in biota indicating that the bio-accumulation potential of the substance is sufficient to justify consideration within the scope of this 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;

/...

- (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, 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, 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:
- (i) Toxicity or ecotoxicity data that indicate the potential for damage to human health or to the environment; [and, where available] [or]
 - (ii) Other evidence of adverse effects to human health or to the environment that justifies consideration of the substance within the scope of this Convention[; and][.]

[1 bis.] [(f) Rationale] [(f) Statement of concern]:] [The proposing Party [shall] [should] [is 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 a short statement indicating the need for global control].

2. The proposing Party shall, to the extent possible and taking into account its capabilities, provide additional information to support the review of the proposal referred to in paragraph 4 of article F. In developing such a proposal, a Party may draw on technical expertise from any source.

Annex E

INFORMATION REQUIREMENTS FOR THE RISK PROFILE

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

- (a) Sources, including as appropriate:
 - (i) production data, including quantity and location;
 - (ii) uses; and
 - (iii) releases, such as discharges, losses and emissions;
- (b) Hazard assessment for 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, and including information regarding bio-availability;
- (f) National and international risk evaluations, assessments or profiles and labelling information and hazard classifications, as available; and
- (g) Status of the substance under international conventions.

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 this 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:

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

- (i) Technical feasibility; and
- (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; and
- (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; and
- (vi) Social costs;

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

/...

- (i) Technical feasibility; and
- (ii) Cost;
- (e) Access to information and public education;
- (f) Status of control and monitoring capacity; and
- (g) Any national or regional control actions taken, including information on alternatives, and other relevant risk management information.

Annex IIIREPORT OF THE CHAIR OF THE CONTACT GROUP ON PARAGRAPHS 1 AND 2 OF DRAFT
ARTICLE D AND ITS ASSOCIATED ANNEXESREPORT OF THE CO-CHAIRS OF THE CONTACT GROUP ON
PARAGRAPHS 1 AND 2 OF DRAFT ARTICLE D AND
ITS ASSOCIATED ANNEXES

1. The contact group comprised representatives of at least 28 countries. The group's mandate, as received from the Chair of the Intergovernmental Negotiating Committee included article D.1/D.1**bis**/D.2 as amended in plenary UNEP/POPS/INC.4/CRP.48, UNEP/POPS/INC.4/INF/2 as updated with additional government submissions, UNEP/POPS/INC.4/CRP.16 (European Union), UNEP/POPS/INC.4/CRP.26/rev 1 (South Africa), UNEP/POPS/INC.4/CRP.46 (Iran, Islamic Republic of), UNEP/POPS/INC.4/CRP.42 (United States of America), UNEP/POPS/INC.4/CRP.43 (United States of America), and UNEP/POPS/INC.4/CRP.44 (United States of America). According to its written mandate, the contact group was to review the text of D.1/D.1 **bis**/D.2, with a view to addressing import and export, and possibly also transit, and consider matters of consistent use of terms among the three paragraphs; and review new entries to Annexes A and B, with specific reference to the UNEP/POPS/INC.4/CRP.26 on DDT. A question was raised by one representative as to whether UNEP/POPS/INC.4/CRP.42 on article Z **bis** was within the group's mandate. The Co-Chair, after confirming the point with the Committee Chair, reported to the contact group that UNEP/POPS/INC.4/CRP.42 was within the mandate given to the contact group and that this issue could be raised, directly with the Committee Chair. The contact group also considered several "non-papers" submitted into the room by delegates from the European Union, Canada, and the United States of America.

A. Paragraph 1, 1 bis and 2 of article D

2. The contact group discussed and, after exploring and failing to find a compromise acceptable to the countries in the contact group, agreed on text for articles D.1 and D.2, as shown in Appendix I to this report. Regarding D.1 **bis**, the contact group modified the text coming from plenary to reflect a consistent approach developed for this item. The contact group considered a proposal to split the import and export aspects of this article into separate paragraphs, D.1 **ter** and D.1 **quater**, respectively. Following discussion, these approaches to this article were included as alternative bracketed text, including a footnote. The issue of trans-shipment came up in discussions and the contact group noted that one way to deal with the issue would be to define "import" as including only goods marked for final destination in a particular country. Footnote 1 of UNEP/POPS/INC.4/CRP.48 and article D.1.b in UNEP/POPS/INC.4/CRP.46 were discussed and it was agreed by the contact group not to include these points in the text put forward by the contact group (as they are dealt with under article D.4.b). A non-paper containing additional proposals relating to import and export issues under D.1 **bis** was introduced and considered; the non-paper included an aspect of import and export controls, pertaining to non-Parties to the future Convention, not found in article D.1 **bis** as submitted by the plenary to the contact group

/...

(UNEP/POPS/INC.4/CRP.48). After several interventions on the issue of moving these proposals into the proposed convention text to be put forward by the contact group, the Co-Chair of the contact group ruled that given the non-paper status of the proposals and, because there had been no discussion of non-Party trade provisions in any of the preceding meetings of the Intergovernmental Negotiating Committee or this contact group on Annexes D.1 and D.2, these proposals could not be included in the proposed text put forward by the contact group. The Co-Chair's recollection was checked prior to the ruling with the secretariat. The final version of that draft text, as considered by the contact group, can be found in Attachment 1.

B. Annexes A and B

3. The contact group discussed the documents referred to in this paragraph and it was agreed to add the text from UNEP/POPS/INC.4/CRP.44 as a footnote to each of these Annexes (see footnote 1/ in Appendix II to the present report). An observer raised a question as to whether this footnote entry should include management of production wastes. UNEP/POPS/INC.4/CRP.26/rev 1 on DDT was discussed and revised to take account of the views expressed and the agreed text of the Annex entry, including revisions to country specific exemptions, were inserted as fully bracketed text (as footnote 2/) in both Annexes A and B. A similar process was applied to UNEP/POPS/INC.4/CRP.43 on PCBs. The contact group discussed but did not reach agreement on including a proposed paragraph under the PCBs entry which would refer to relevant obligations in other international agreements (see Attachment 2). After additional discussion, bracketed text relating to paragraphs 1 through 4 in UNEP/POPS/INC.4/CRP.43 was inserted (as footnote 3/) into both Annexes A and B. Other chemicals in Annex A were reviewed and updated to reflect the information in UNEP/POPS/INC.4/INF/2, UNEP/POPS/INC.4/INF/2/corr.1, and written country submissions. Some countries provided oral updates as regards their exemption needs. Several delegates indicated the possible need to revise their submissions depending on the resolution of the General Exemptions provisions. In view of the limited discussion time, the contact group proposed that the Committee consider having the secretariat, in preparation for discussion at the fifth session of the Intergovernmental Negotiating Committee, request submissions from countries regarding country specific exemptions for production and use (for purposes of updating current information and identifying any newly identified needs in this regard). It was suggested that the requested information include an indication of the basis for each production or use exemption, source of the chemical (production, import, stockpiles), and quantity, if possible.

C. General exemptions

4. The contact group took up UNEP/POPS/INC.4/CRP.42 concerning general exemptions and discussed whether it was necessary to continue considering it given the extent of disagreement in the room. After several interventions, the Co-Chair of the contact group ruled that UNEP/POPS/INC.4/CRP.42 text was to be resolved before going on to other items. It was then agreed to add into article Z bis as currently bracketed, one unbracketed and three bracketed proposed general exemptions from UNEP/POPS/INC.4/CRP.42, with modification of the text in one instance and modifications to the brackets in other instances in relation to UNEP/POPS/INC.4/CRP.42 (see Appendix III to

/...

this report). Regarding footnote 9 (on article Z bis) appearing in UNEP/POPS/INC.3/4, representatives discussed, without resolution, the possible location of the four proposed general exemptions in the Convention text. A number of countries emphasized their position that the location of the four exemptions was still open and questioned the need for an article on general exemptions. A non-paper with information relating to conditions and reporting requirements for consideration in regard to exemptions was introduced and briefly considered. An excerpt of that text can be found in Attachment 3.

Attachment 1.

Draft article D.1 quinquiens

[Each party shall ensure that a chemical listed in Annex A, the production and use of which all Parties have not yet [prohibited] [or] [taken the legal, administrative and other measures necessary to eliminate], is only allowed to be exported by that Party to Parties which have a specific exemption under Annex A, [or to any other Party exclusively] for the purpose of environmentally sound [destruction] [or] [disposal] [and upon the prior authorisation of the importing Party]].

[Draft Article D.1 sexiens

Notwithstanding the provisions of this article, exports referred to in paragraph D.1 ter to D.1. quater may only be permitted to any State not Party to this Convention, if that State is determined, in a decision by the Conference of the Parties to be in full compliance with article ... and have submitted written data to that effect to the secretariat or, where applicable, according to the transitional provisions.]

Attachment 2.

The draft text follows: Nothing in the provisions of this annex supercedes obligations in previous international agreements.

Attachment 3.

Notes on criteria and reporting requirements in relation to possible exemptions for consideration in the convention text.

Purpose: To identify the specific conditions that may need to apply to exemptions identified in the draft text of the Convention and by other Parties through conference room paper 42 (Proposed General Exemptions).

Background:

In order to ensure a common understanding of the obligations under article D of the Convention it is important to identify those uses of the substances in Annexes A, B and C that are exempted.

Although exemptions have already been proposed in article Z bis, and conference room paper 42, (Proposed General Exemptions) there is no description of the conditions that should apply (e.g. ensuring safe use, minimizing environmental release, geographical restriction, time limits, reporting etc.,).

The present note provides suggestions to guide the discussion within the contact group.

It is not the intention of the note to convey where all or any of these exemptions should be located. It is possible that some general exemptions (e.g. conference room paper 42), could be placed in the chapeaux of Annexes A, B or C while others could be placed in a separate article. This is a matter that can be further discussed at the fifth session of the Intergovernmental Negotiating Committee.

Examples of Conditions and Associated Exemptions From an existing International Agreement

1. A Party may grant an exemption from article D, paragraphs XX, in respect of a particular substance, provided that the exemption is not granted or used in a manner that would undermine the objectives of the present convention, and only for the following purposes and under the following conditions:

- (F) For research other than that referred to in paragraph A above, if:
 - (i) No significant quantity of the substance is expected to reach the environment during the proposed use and subsequent disposal;
 - (ii) The objectives and parameters of such research are subject to assessment and authorization by the Party; and
 - (iii) In the event of a significant release of a substance into the environment, the exemption will terminate immediately, measures will be taken to mitigate the release as appropriate, and an assessment of the containment measures will be conducted before research may resume;
- (G) To manage as necessary a public health emergency, if:
 - (i) No suitable alternative measures are available to the Party to address the situation;
 - (ii) The measures taken are proportional to the magnitude and severity of the emergency;
 - (iii) Appropriate precautions are taken to protect human health and the environment and to ensure that the substance is not used outside the geographical area subject to the emergency;

/...

- (iv) The exemption is granted for a period of time that does not exceed the duration of the emergency; and
- (v) Upon termination of the emergency, any remaining stocks of the substance are subject to the provisions of article D, {paragraph 4 ?}
- (H) For a minor application judged to be essential by the Party, if:
 - (i) The exemption is granted for a maximum of XXX years;
 - (ii) The exemption has not previously been granted by it under this article;
 - (iii) No suitable alternatives exist for the proposed use;
 - (iv) The Party has estimated the emissions of the substance resulting from the exemption and their contribution to the total emissions of the substance from the Parties;
 - (v) Adequate precautions are taken to ensure that the emissions to the environment are minimized; and
 - (vi) Upon termination of the exemption, any remaining stocks of the substance are subject to the provisions of article D, {paragraph 4 ?}

2. Each Party shall, no later than ninety days after granting an exemption under paragraph 1 above, provide the secretariat with, as a minimum, the following information:

- (a) The chemical name of the substance subject to the exemption;
- (b) The purpose for which the exemption has been granted;
- (c) The conditions under which the exemption has been granted;
- (d) The length of time for which the exemption has been granted;
- (e) Those to whom, or the organization to which, the exemption applies; and
- (f) For an exemption granted under paragraphs F and H above, the estimated emissions of the substance as a result of the exemption and an assessment of their contribution to the total emissions of the substance from the Parties.

Appendix IArticle D

MEASURES TO REDUCE OR ELIMINATE RELEASES

Prohibition of the production and use of certain persistent organic pollutants

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

[1 bis. F 1/ Each Party shall ensure that a chemical listed in Annex A , the production and use of which all Parties have [prohibited] [or] [taken the legal, administrative and other measures necessary to eliminate] shall not be exported or imported [or placed in transit operation] except for the purpose of environmentally sound [destruction] [or] [disposal] [and upon the prior authorization of the importing country].]

[1 ter. 1/ Each party shall ensure that a chemical listed in Annex A, the production and use of which that Party has [prohibited] [or] [taken the legal, administrative and other measures necessary to eliminate], is not imported by that Party except for the purpose of environmentally sound [destruction] [or] [disposal].]

[1 quater. 1/ Each party shall ensure that a chemical listed in Annex A, the production and use of which all Parties have [prohibited] [or] [taken the legal, administrative and other measures necessary to eliminate], is not exported by that Party except for the purpose of environmentally sound [destruction] [or] [disposal] [and upon the prior authorization of the importing Party].]

Restrictions on the production and use of certain persistent organic pollutants

2. [Subject to the accessibility of financial and technical assistance,] each Party shall [prohibit] [or] [take the legal, administrative and other measures necessary to eliminate] the [production] [and] use of the chemicals listed in Annex B, (Restriction), in accordance with the provisions in that Annex. [Production of Annex B chemicals shall be restricted to those Parties

1/ 1 ter and 1 quater, in combination, represent an alternative to 1 bis.

specified in Annex B, and these Parties shall periodically report to the secretariat the total quantity of each Annex B chemical produced during that period. Use of Annex B chemicals shall be restricted to the Parties and uses specified in Annex B, and those Parties shall periodically report to the Secretariat the total quantity of each Annex B chemical imported for that use by a Party during that period.] 2/

2/ Appropriately amended, a corresponding addition to paragraph D1 could also be considered as regards country specific use exemptions. Placement of this bracketed text could also occur under the reporting article L.

Appendix IISubmitted by the contact group on article D, paragraphs 1 and 2 to plenaryAnnex A: Elimination

Substance	Activity	Measure	Compliance date	Specific exemptions <u>a/g/</u> <u>l/</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.	Articles in use Local ectoparasiticide, insecticide	Australia Comoros	t.b.d. t.b.d.
[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 Termiticide in roads Articles in use <u>a/h/</u> Articles in use	China <u>i/</u> Zambia, Botswana Republic of Korea Australia	t.b.d t.b.d t.b.d. t.b.d.
				Articles in use/treated with termiticide in structures component of houses Local ecoparasiticide, insecticide	Japan Comoros	t.b.d t.b.d]
[DDT	production	Elimination, production limited to disease vector control <u>2/</u>	ongoing	Storage/production for vector control Production limited to vector control	China Russian Federation	t.b.d. t.b.d.

	Use	elimination, use limited to disease vector control <u>2/</u>	ongoing	use limited to vector control disease Vector Control vector control disinfectant, used by malaria (health) service <u>de minimis</u> contaminant <u>k/</u>	Russian Federation South Africa, Zambia China <u>j/</u> , Papua New Guinea <u>l/</u> , Ecuador, Mauritius, Costa Rica <u>m/</u> Comoros Republic of Korea	t.b.d. t.b.d t.b.d. t.b.d. 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.			
[heptachlor	production	elimination	e.i.f.		Russian Federation	t.b.d.

	use	elimination	e.i.f.	<p>articles in use <u>a/</u></p> <p>articles in use</p> <p>substance in use <u>a/</u> in underground cable boxes</p> <p>wood treatment</p> <p>articles in use/treated with termiticide in the structures of houses</p> <p>subterranean termiticide by pest control operators</p>	<p>Brazil, Republic of Korea <u>n/</u></p> <p>Australia</p> <p>United States of America, Russian Federation</p> <p>Brazil</p> <p>Japan</p> <p>Papua New Guinea <u>o/</u></p>	<p>t.b.d.</p> <p>t.b.d.</p> <p>t.b.d.</p> <p>t.b.d.</p> <p>t.b.d.]</p>
Hexachloro-benzene	production	elimination	e.i.f.	<p>production limited to intermediate <u>a/</u>, wood treatment, solvent in pesticide</p>	<p>Russian Federation</p>	<p>t.b.d.</p>

	use	elimination	e.i.f.	solvent in pesticide	Nigeria	t.b.d.
				use limited to intermediate <u>a</u> /, wood treatment, solvent in pesticide	Russian Federation	t.b.d.
				processing hides	United Republic of Tanzania	d.o.e. - 5 years
				intermediate <u>a</u> /	United States of America	t.b.d.
				intermediate <u>p</u> /	Ecuador	t.b.d.
				<u>de minimis</u> contaminant <u>g</u> /	Republic of Korea	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 <u>r</u> /	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.			
[PCBs	production	elimination	e.i.f.			
	use	elimination, except as specified <u>3/</u>	e.i.f.	<p>see PCBs entry below <u>3/</u></p> <p>articles in use</p> <p>articles in use <u>s/</u></p> <p>equipment built in buildings</p> <p>PCB containing or contaminated equipment or articles destined for disposal/destruction</p>	<p>Various countries <u>t/u/v/</u></p> <p>Australia</p> <p>Republic of Korea</p> <p>Japan</p> <p>Ecuador, Papua New Guinea <u>w/</u></p>	<p>t.b.d.</p> <p>t.b.d.</p> <p>t.b.d.</p> <p>t.b.d.</p> <p>t.b.d.]</p>

Annex B: Restriction

Substance	Activity	Nature of restriction	Compliance date	Specific exemptions <u>a</u> / <u>1</u> /		
				Use/production	COUNTRY(IES)	Date of expiry of review <u>b</u> /
[DDT	production	Elimination, production limited to disease vector control <u>2</u> /	ongoing	storage/production for vector control production limited to vector control	China Russian Federation	t.b.d. t.b.d

/...

	use	elimination, use limited to disease vector control <u>z</u> /	ongoing	limited to vector control	Russian Federation	t.b.d.
				disease Vector Control	South Africa, Zambia	t.b.d.
				vector control	China <u>j</u> / Papua New Guinea <u>l</u> / Ecuador, Mauritius, Costa Rica <u>m</u> /	t.b.d.
				disinfectant, used by malaria (health) service	Comoros	t.b.d.
				<u>de minimis</u> contaminant <u>k</u> /	Republic of Korea	t.b.d.

[PCBs	production	elimination	e.i.f. <u>d</u> /			
	use	restriction <u>3</u> /	e.i.f.	see PCBs entry below <u>3</u> / articles in use articles in use <u>g</u> / equipment built in buildings PCB containing or contaminated equipment/articles destined for disposal/destruction	various countries <u>t/u/v</u> / Australia Republic of Korea Japan Ecuador, Papua New Guinea <u>w</u> /	t.b.d. t.b.d. t.b.d. t.b.d.]

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.

g/ As of December 31, 1999, responses addressing POPs exemptions had been received from: Armenia, Australia, Bahrain, Barbados, China, Comoros, Costa Rica, Ecuador, European Union (Finland on behalf of), Gambia, Hungary, Iceland, Indonesia, Ireland, Japan, Lao People's Democratic Republic, Mauritius, New Zealand, Niger, Norway, Papua New Guinea, Philippines, Republic of Korea, Saint Kitts and Nevis, Switzerland and United States of America.

h/ Used as an additive in plywood adhesives.

i/ Chlordane is a termiticide in China and cannot be eliminated until an effective and affordable alternative is available.

j/ DDT use in China cannot be eliminated until an effective and affordable alternative is available.

k/ Found in Dicofol as a contaminant (maximum concentration 1 per cent)

l/ Papua New Guinea intends to phase out the use of DDT in the near future, as soon as cheaper alternatives are identified.

m/ In Costa Rica, DDT may be used by the Ministry of Health as an insecticide in defined areas and where no substitute is available, in cases of emergency, to stop the transmission of malaria.

n/ In the Republic of Korea other specific uses are still under investigation

o/ Papua New Guinea intends to phase out the use of heptachlor in the near future, as soon as cheaper alternatives are identified.

p/ Generated as a by-product of certain undefined processes.

q/ Found in chlorothalonil as a contaminant (by-product) (maximum concentration 0.05 per cent)

r/ Mirex is a termiticide in China and cannot be eliminated until its effective and affordable alternative is available.

s/ In the Republic of Korea, the investigation to identify PCBs in equipment and use categories is still under way.

/...

t/ China favours the elimination of production and restriction of PCB use. Articles/equipment containing PCBs already in use or produced before the convention enters into effect should be allowed to be used for their useful lifetime (until they are overdue).

u/ [Proposed] exemptions for PCBs (see Boxes 1 or 2 above) are requested by Mauritius.

v/ Ecuador indicates the need for international technical assistance for the elimination of PCBs, as they do not know or have proper disposal methods or facilities for waste transformers and associated PCBs.

w/ Papua New Guinea states that the disposal or destruction of contaminated old PCB articles and contaminated oils is still an issue.

Footnotes introduced by the contact group on article D, paragraphs 1 and 2 at the fourth session of the Intergovernmental Negotiating Committee:

1/ Each Party taking an exemption under this column shall take appropriate measures to ensure that any production or use under such exemption is carried out in a manner that prevents or minimizes release into the environment and human exposure. For exempted uses which involve intentional release into the environment under conditions of normal use, such release shall be the minimum necessary, taking into account any applicable international standards and guidelines.

2/ DDT specific exemptions and use

DDT use as provided below:

[1. Use of DDT shall be allowed only for disease vector control in accordance with World Health Organization (WHO) recommendations and guidelines on the use of DDT and when locally effective and affordable alternatives are not available in a specific country.

2. Each party that uses DDT shall provide the secretariat and WHO with information on the conditions of such use, and its relevance to that party's disease management strategy, in a format to be decided by the Conference of the Parties, and in consultation with WHO.

3. With a view to reducing, and ultimately, eliminating the use of DDT, the Conference of the Parties shall promote, subject to available financial and technical assistance:

(a) Development of regulatory and other mechanisms [in countries using DDT] to ensure that DDT use is restricted to disease vector control;

/...

(b) Research and development of alternative chemical and non-chemical products, methods and strategies for countries using DDT, relevant to the conditions of those countries and the goal of decreasing the human and economic burden of disease. Factors to be promoted when considering alternatives or combinations of alternatives shall include human health risks and environmental implications of such products, methods or strategies. Viable alternatives to DDT must pose less risk to human health and the environment, be [comparably cost effective] for disease control based on conditions in specific countries, and be supported with monitoring data; and

(c) Implementation of alternative products, methods, and strategies for countries using DDT, including resistance management strategies to ensure the continuing effectiveness of these alternatives.

4. No later than one year after entry into force of the convention and periodically thereafter, the Conference of the Parties shall, in consultation with WHO, evaluate the continued need for this exemption based on a review of the stage of development of the items under this Annex entry and, including:

- (a) The production and use of DDT and the conditions set out in paragraph 1 above;
- (b) The availability, suitability and implementation of the alternatives to DDT; and
- (c) Progress in strengthening countries' capacity to shift safely to reliance on such alternatives.

5. In the event that a Party not listed in this Annex determines that it requires DDT for disease control, it may notify the secretariat. Upon receipt of such notification such Party shall be added to the list in this Annex on a provisional basis. Such provisional listing shall be reviewed at the next Conference of the Parties.]

3/ PCBs: specific exemptions, uses:

PCBs in use as of the date of entry into force, provided that such Parties shall

/...

[(1) Endeavour to characterize PCB uses and/or locations of equipment (i.e. transformers, capacitors or other receptacles containing residual liquid stocks) which contain identifiable PCBs as described in subparagraphs (2) and (3). These efforts should initially be directed at equipment having volumes greater than 5 litres and PCB concentrations greater than 0.05%. 1/

(2) 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] [dm³] or weights greater than 5 kilograms and having a concentration of 0.05% PCBs or greater, as soon as possible, but no later than 31 December [20XX]. Promote the following measures to reduce exposures and risk within [x] years of entry into force to control the use of these PCBs:

- [(a) Use only in intact and non-leaking equipment and only in areas where the risk from environmental release can be minimized and quickly remedied.
- [(b) No use in areas associated with the production or processing of food or feed .
- [(c) When used in populated areas, all reasonable measures to protect from electrical failure which could result in a fire and regular inspection of this equipment for leaks.]2/

(3) Endeavour to eliminate the use of identifiable PCBs in equipment (i.e. transformers, capacitors or other receptacles containing residual liquid stocks) having a concentration of less than 0.05% PCBs but greater than or equal to 0.005% PCBs and having volumes greater than 2 [litres] [dm³] or weights greater than 2 kilograms by 31 December [20XX]. Endeavour to use only in intact and non-leaking equipment in areas where the risk from environmental release can be minimized and quickly remedied and in other priority areas, including schools and hospitals.

(4) Make determined efforts designed to lead to the disposal or destruction in an environmentally sound manner of all liquid PCBs removed from equipment referred to in paragraphs (2 and 3) and other liquid PCBs containing more than 0.005% PCBs not in equipment within [x] years of removal from use but no later than 31 December [20XX]. Store such PCBs and equipment in a secure manner and dispose or decontaminate in an environmentally sound manner, as required in article D.4.b., the equipment referred to in paragraphs (2) and (3).]

1/ This last sentence could be retained in the Annex item for PCBs or be communicated via guidance in an Intergovernmental Negotiating Committee meeting record.

2/ As an alternative to this placement in the Annex item on PCBs, footnote 1/ appearing in Annexes A and B which speaks to the need for Parties to manage risks of substances during the phase-out period could be substituted for the specifics contained here.

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Appendix III

Additional text on article Z-bis proposed by the contact group on article D, paragraphs 1 and 2.

(b) Occurring as [unintentional] [incidental] [de minimis] [trace] 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 [and] site-limited intermediate that is chemically transformed in the manufacture of other chemicals; or

(e) Which, prior to the entry into force of the relevant obligation for the relevant Party, are in the possession of an individual end user for his or her personal use and in amounts consistent with such use.]

Annex IV

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

Submitted to plenary

Introduction

1. The contact group comprised representatives of 23 countries (Argentina, Australia, Brazil, Canada, Denmark, France, Germany, Iceland, Italy, Jamaica, Japan, Republic of Korea, Netherlands, New Zealand, Norway, Philippines, Portugal, South Africa, Sweden, Thailand, United States of America, Uruguay, and Zambia), the European Community as well as several observers from academic, industrial and environmental non-governmental organizations. The group considered article D, paragraph 3 and its Annex. The terms of reference were as follows:

(a) Proceed from the discussions in the negotiating group and further develop the chapeau of paragraph 3 in article D;

(b) Further develop subparagraphs (a-d) of paragraph D.3;

(c) Consider the elements of national implementation plans as they relate to by-products (subparagraph (e));

(d) Consider Annex C;

(e) Consider the use of the terms "by-products" and "anthropogenic sources";

(f) Clarify occurrences of "and/or" in the text to determine which of the words was appropriate in each case.

Paragraph 3

2. With regard to the first bracket in the chapeau, the negotiating group noted that the issue of capacity and availability of financial assistance arose throughout the text of the draft convention and was not part of the mandate of the contact group.

3. Considerable effort was required to come up with agreed text to the chapeau. With regard to the brackets around the word "total", there was concern among some delegations with the lack of clarity of that term as it applies to releases. The goal of "ultimate elimination" was extensively discussed in the contact group. A number of delegations could not accept the goal of "ultimate elimination" unless it was qualified with appropriate modifying phrases. The contact group had an extensive discussion of the term "where feasible" as a modifier to the goal of ultimate elimination. Some delegations saw the need to further modify the term to include "technical and economic considerations". There was a strong consensus within the group that whatever modifiers to the goal of ultimate elimination were used their meaning should include both technical and economic considerations. In this regard, the contact group suggests that the legal drafting group be asked to consider language that would appropriately reflect this intent.

/...

4. The term "goal" was suggested for grammatical reasons if the bracketed word "aim" were retained in the first sentence of the chapeau.
5. With regard to subparagraph (a), the group concluded that the term "and/or" was appropriate in the context of this paragraph.
6. With regard to subparagraph (b) some delegations felt that the word "substitute" unnecessarily limited the available management strategies for materials, for example, material separation.
7. Some delegations expressed concern that the term "by-product" did not adequately describe the types of substances envisioned for listing in Annex C and further elaboration of that term would be required.
8. On subparagraph (c), the use of the terms "promote" and "require" reflect the difference in view as to whether the requirements for "best available techniques" for new sources should be mandatory.
9. On subparagraphs (c) and (d) "best available techniques" for new and existing sources, one of the remaining issues relates to the degree to which measures taken for new major sources should differ from measures taken for existing sources. The distinction between "new" and "existing" also needs clarification.
10. A definition of "best available techniques" was not developed. There was a broad agreement that the term should be broad and inclusive and should include prevention strategies, feasibility, timing and cost considerations. The bracketed text "and/or other prevention strategies" could be removed when such definition had been approved. Further, it was noted that "best available techniques" could vary between countries.
11. The need to include a listing of "major source categories" as well as the existence of "best available techniques" for these categories was discussed but could not be resolved, and thus remains bracketed.
12. On Annex C, it was agreed that the draft Annex proposed by the European Community and its member States provided a useful basis for further negotiations and should replace the existing draft Annex C in the report from the third session of the Intergovernmental Negotiating Committee. The entire Annex C requires further work and has to be adjusted to properly reflect the requirements in subparagraphs (c) and (d).
13. A definition of "best available techniques" has been provided by the European Community for consideration in article C (see appendix). However, concern was expressed that this draft definition is too narrow and does not meet the requirement of being broad and inclusive. The contact group agreed that this language would be useful along with the draft for Annex C in preparation for the fifth session of the Intergovernmental Negotiating Committee.

14. Delegates will need to consider the appropriate content and structure of Annex C in the intersessional period and come prepared to complete the negotiations on this Annex at the fifth session of the Intergovernmental Negotiating Committee.

On subparagraph (e) the group agreed on the elements of national implementation plans which relate to by-product releases. The placement of this text remains to be determined. Some delegations prefer to place these elements in article E.

Annex V

NEW PROPOSALS FOR DRAFT ARTICLES TO BE INCLUDED IN THE DRAFT TEXT

1. SUBMISSION BY CANADA, NORWAY AND THE EUROPEAN COMMUNITY
AND ITS MEMBER STATES

Article D related to chemicals currently in use

Background

In the interest of a consistent proactive approach to the regulation and assessment of industrial chemicals and pesticides with respect to the characteristics of persistence, bioaccumulation, toxicity and potential for long-range environmental transport, the following additional text is proposed for inclusion as paragraph 2 ter within article D.

Proposed text for new paragraph D 2 ter:

With the aim of protecting human health and the environment each Party having regulatory and assessment schemes for pesticides and industrial chemicals [shall] [shall, where appropriate] [should] take into consideration within those schemes the criteria in Annex D 1 (b) to (e) when conducting assessments of pesticides and industrial chemicals 1/ currently in use.

2. SUBMISSION BY COLOMBIA

Liability and compensation for damage resulting from the use and intentional or unintentional introduction into the environment of persistent organic pollutants

The Conference of the Parties shall, at its first meeting, adopt a process for the elaboration of international rules in the field of liability and compensation for damage resulting from the use and intentional or unintentional introduction into the environment of persistent organic pollutants and shall endeavour to complete this process within two years.

3. SUBMISSION BY IRAN

Proposed text for inclusion of concept of the destruction in paragraph 1, article D

1. [Subject to the accessibility of financial and technical assistance], each party shall:

(a) Prohibit [continue with text of paragraph 1 of article D as contained in UNEP/POPS/INC.3/4 as amended most recently by plenary];

1/ The text could be simplified to "chemicals" if there is a scope article or definition limiting the term to pesticides and industrial chemicals.

(b) Destruct any stockpile of POPs which is located in its territory and/or any place under its jurisdiction.

[1 bis. Each [continue with text of paragraph 1 bis of article D as contained in UNEP/POPS/INC.3/4 as amended most recently by plenary.]

4. SUBMISSION BY THE UNITED STATES OF AMERICA

Draft article F bis

Process for adjusting schedules in Annexes A, B or C

1. Adjustments to the schedules associated with substances listed in Annexes A, B or C may be proposed by any Party. The text of any proposed adjustment shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. Proposals shall be based on and include new information relevant to the risk profile or risk management evaluation referred to in article F of this convention.
2. Proposed adjustments shall be considered for adoption by the Conference of the Parties. The Conference of the Parties may, prior to considering the proposal for adoption, refer the proposal to the Persistent Organic Pollutants Review Committee for an evaluation and recommendation.
3. The Parties shall make every effort to reach agreement on adoption of any proposed adjustment by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the adjustment shall as a last resort be adopted by a [three-fourths] majority vote of the Parties present and voting at the meeting. 2/ 3/

5. SUBMISSION BY THE UNITED STATES OF AMERICA

Article 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:

2/ The entry-into-force procedure for such adjustments would be addressed in article R.

3/ Depending on the structure of the annexes, this procedure might also include a provision to allow a Party more easily to remove any country-specific exemptions it may have invoked for itself.

/...

(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. [...]

~~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.

~~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;

(c) The amendment shall be communicated by the Depositary to all Parties for ratification, acceptance or approval.

(d) 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 [30 Parties or a quarter of the Parties, whichever is greater]. 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.

/...

4 ter. The following procedure shall apply to the proposal, adoption and entry into force of amendments to move a substance from Annex B to Annex A:
4/

(a) Amendments shall be proposed according to the procedure in article F bis;

(b) The adoption of amendments shall be subject to the same procedures as the adoption of amendments to the Convention;

(c) The amendment shall be communicated by the Depositary to all Parties for ratification, acceptance or approval;

(d) 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 [some threshold or ratio of 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.

4 quarter. The following procedure shall apply to the proposal, adoption and entry into force of amendments to Annexes A, B or C, other than amendments addressed in paragraphs 4 bis or 4 ter.

(a). Amendments shall be proposed according to the procedure in article F bis.

(b) The adoption and entry into force of amendments shall be subject to the same procedures as the adoption and entry into force of additional annexes to the Convention, except as provided in subparagraph (c) below.

(c) Any amendment under this paragraph shall not enter into force for any Party that has made a declaration with respect to amendments to Annexes A, B or C in accordance with [the entry into force provision], until the ninetieth day after the date of deposit with the Depositary of its instrument of ratification, acceptance approval or accession with respect to such annex or amendment.

[Note: Will also need to add a provision to article U (Ratification, acceptance, approval or accession), to provide that "In its instrument of ratification, acceptance, approval or accession, any Party may declare that, with respect to it, any amendment to change a control measure in Annexes A, B or C shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.]

4/ This provision requires a separate paragraph from the one governing the addition of new chemicals because it will use a different procedure for proposing changes, referring to F bis rather than F.

/...

~~OPTION 3: CONSENSUS AND AUTOMATICITY~~

[4qin]. 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 Depository. The amendment shall enter into force for all Parties on a date specified in the decision.

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.

Annex VI

SUBMISSION BY THE EUROPEAN COMMUNITY AND ITS MEMBER STATES

Article D.1 bis

1 bis. Each Party shall ensure that a chemical listed in Annex A, the production and use of which that Party has prohibited is not imported by that Party except for the purpose of environmentally sound destruction .

1 ter.

1/ Each Party shall ensure that a chemical listed in Annex A, the production and use of which all Parties have not yet prohibited, is only allowed to be exported by that Party to Parties which have a specific exemption under Annex A, or exclusively for the purpose of environmentally sound destruction.

1 quater. Each Party shall ensure that a chemical listed in Annex A, the production and use of which all Parties have prohibited, is not exported by that Party except for the purpose of environmentally sound destruction.

1 quinqüens. Notwithstanding the provisions of this article, exports referred to in paragraph D.1 ter and D.1. quater may only be permitted to any State not Party to this Convention, if that State is determined, in a decision by the Conference of the Parties to be in full compliance with article xx 2/ and have submitted written data to that effect to the Secretariat or, where applicable, according to the transitional provisions.

1/ This paragraph corresponds to paragraph 1 quater as presented by European Community in the contact group on article D, paragraphs 1 and 2. This paragraph 1 quater is included in an attachment to the report of the chairs of the contact group.

2/ Since the negotiations on, inter alia, article D are still going on at this moment, it is not possible to make a proper reference to the relevant articles concerned.

/...

Annex VII

SUBMISSION BY GERMANY AND SWITZERLAND

Proposed resolution concerning the secretariat

The following text is proposed as a possible resolution to be adopted by the Conference of Plenipotentiaries when it meets in Stockholm in May, 2001 to adopt and sign the future POPs convention.

Resolution concerning the secretariat

The Conference,

Having met in Stockholm on 21, 22 and 23 May 2001,

1. Welcomes with appreciation the generous offers to host the secretariat of the Stockholm Convention received from Germany and from Switzerland and invites the said countries to provide full and detailed information on their proposals;
2. Notes that paragraph 3 of article P of the Convention provides for the Executive Director of the United Nations Environment Programme to perform the secretariat functions specified in the Convention;
3. Calls upon the Executive Director of the United Nations Environment Programme to consider the offers received from Germany and Switzerland, as well as any other offers, and to provide a comparative analysis of those offers regarding the physical location of the secretariat for consideration and decision by the Conference of the Parties at its first meeting. The preparation of such analyses should be carried out in consultation with the Intergovernmental Negotiating Committee.

Annex VIII

VIEWS EXPRESSED BY NON-GOVERNMENTAL ORGANIZATIONS

1. The representatives of indigenous peoples organizations and environmental non-governmental organizations drew attention to the impact of POPs on health, particularly of women, fetuses and new-born children, and to the consequences of bio-accumulation of POPs in the northern zone of the planet. Stressing that the ultimate goal of the convention should be the elimination of POPs as products and by-products, they underlined the need to strictly apply the precautionary approach also in the selection of technologies to treat POPs stockpiles, since obsolete incineration-based options were not environmentally sound.
2. A spokesperson for environmental non-governmental organizations from Latin America, Asia, Africa and the countries with economies in transition appealed to the Intergovernmental Negotiating Committee at its fourth session to establish financial and technical mechanisms to ensure and increase the capacities of developing countries and countries with economies in transition, and to provide access to environmentally sound and proven technologies for dealing with POPs stockpiles.
3. A representative of an environmental non-governmental organization noted the importance of applying the precautionary principle to the criteria for adding new POPs to the convention, especially in relation to the application of the initial screening criteria, and to the evaluation of the risk profile.
4. Regarding draft article K on financial assistance, the representative of a non-governmental organization recalled the financial and technical obstacles encountered during efforts to remediate a relatively small area contaminated by POPs in one developing country. In his view, this was a telling example of the need for accessible, stable financial assistance. Another representative stated that the success or failure of a future convention would depend on the provision of adequate financial resources to developing countries. While a capacity assistance network would be useful, a safety net of assured assistance was also necessary. Another representative recalled the Rio Declaration on Environment and Development and stated that it was now time for developed countries to assure a predictable supply of resources for POPs in line with their previously stated commitments to provide financial assistance to developing countries and countries with economies in transition.

Annex IXLIST OF DOCUMENTS BEFORE THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE
AT ITS FOURTH SESSION

SYMBOL	TITLE	DATE	LANGUAGES
UNEP/POPS/INC.3/4	Report of the Intergovernmental Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants on the work of its third session (note: includes draft negotiating text in Annex II)	17 September 1999	All languages
UNEP/POPS/INC.4/1	Provisional agenda	4 November 1999	All languages
UNEP/POPS/INC.4/2	"Best available techniques" and related concepts	18 November 1999	All languages
UNEP/POPS/INC.4/3	Results of the Implementation Aspects Group Bureau consultation held from 8 to 9 November 1999 in Geneva	24 November 1999	All languages
UNEP/POPS/INC.4/4	Analysis of the terms "de minimis contaminant", "constituent in article" and "closed-system intermediate"	30 December 1999	All languages
UNEP/POPS/INC.4/INF/1	Scenario note for the fourth session of the Intergovernmental Negotiating Committee	8 December 1999	All languages
UNEP/POPS/INC.4/INF/2 (+ Corrigendum 1)	Information received from Governments regarding possible specific exemptions from the prohibition or elimination of the production or use of the 10 intentionally produced persistent organic pollutants: aldrin, chlordane, dieldrin, DDT, endrin, heptachlor, hexachloroene, mirex, polychlorinated biphenyls, and toxaphene. Government responses in table format as requested by the Committee	18 November 1999 (Corr.1, 14 March 2000)	All languages English only

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SYMBOL	TITLE	DATE	LANGUAGES
UNEP/POPS/INC.4/INF/3 (+ Addendum 1)	Information received from Governments regarding possible specific exemptions from the prohibition or elimination of the production or use of the 10 intentionally produced persistent organic pollutants: aldrin, chlordane, dieldrin, DDT, endrin, heptachlor, hexachlorobenzene, mirex, polychlorinated biphenyls, and toxaphene. Text of responses	17 January 2000 (Add.1, 14 March 2000)	English only English only
UNEP/POPS/INC.4/INF/4	Clearing-house mechanisms for technical and financial assistance and capacity-building networks for chemicals management	3 March 1999	English only
UNEP/POPS/INC.4/INF/5	Master list of actions on the reduction and/or elimination of the releases of persistent organic pollutants	3 March 2000	English only
UNEP/POPS/INC.4/INF/6	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	10 March 2000	All languages
UNEP/POPS/INC.4/INF/7	Related work on persistent organic pollutants under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	8 March 2000	English only
UNEP/POPS/INC.4/INF/8	Related work on persistent organic pollutants under the International Maritime Organization	8 March 2000	All languages
UNEP/POPS/INC.4/INF/9	Information documents on the World Health Organization's action plan for the reduction of reliance on DDT use for public health purposes	14 March 2000	All languages
UNEP/POPS/INC.4/INF/10 (Revs.1-5)	List of documents available at the session	19, 22, 23, 24, 25 March 2000	English only
UNEP/POPS/INC.4/INF/11/ Rev.1	List of Participants	24 March 2000	English only
UNEP/POPS/INC.4/CRP.1	Submission by Canada: Proposal on provisions for evaluating the effectiveness of the Convention	19 March 2000	English and French only

SYMBOL	TITLE	DATE	LANGUAGES
UNEP/POPS/INC.4/CRP.2	Submission by the United States of America: Current and prospective international POPs activities implemented and/or funded by United States Government agencies	19 March 2000	English only
UNEP/POPS/INC.4/CRP.3	Submission by the European Community and its member States: Position of the European Community and its member States on draft article I	20 March 2000	English only
UNEP/POPS/INC.4/CRP.4	Submission by the European Community and its member States: Position of the European Community and its member States on draft article H	20 March 2000	English only
UNEP/POPS/INC.4/CRP.5	Submission by Australia: Chemicals management and Australia's aid programme	20 March 2000	English only
UNEP/POPS/INC.4/CRP.6	Proposal from African Group on articles J and K: Article J on technical assistance	20 March 2000	English only
UNEP/POPS/INC.4/CRP.7	Submission by Bolivia and Venezuela on article H	20 March 2000	English and Spanish
UNEP/POPS/INC.4/CRP.8	Submitted by the Legal Drafting Group to the plenary: Article D. Measures to reduce or eliminate releases, by-products	20 March 2000	All languages
UNEP/POPS/INC.4/CRP.8/Rev.1	Submitted by the contact group on Article D.3 to the plenary: Article D. Measures to reduce or eliminate releases, by-products	23 March 2000	All languages
UNEP/POPS/INC.4/CRP.9	Submitted by the Legal Drafting Group to the plenary: Annex D: Information requirements and criteria for the proposal and screening of proposed persistent organic pollutants	20 March 2000	All languages
UNEP/POPS/INC.4/CRP.10	Submitted by the Legal Drafting Group to the plenary: Annex D. Measures to reduce or eliminate releases, new chemicals	20 March 2000	All languages
UNEP/POPS/INC.4/CRP.11	Submission by Canada: Article J A capacity assistance network	20 March 2000	English only
UNEP/POPS/INC.4/CRP.12	Submitted by the Chair of the Implementation Aspects Group: Article J. Technical assistance	20 March 2000	English only

SYMBOL	TITLE	DATE	LANGUAGES
UNEP/POPS/INC.4/CRP.12/Rev.1	Submitted by the Chair of the Implementation Aspects Group: Article J. <u>Technical assistance</u>	21 March 2000	All languages
UNEP/POPS/INC.4/CRP.13	Article H. Public information, awareness and education. Edited by the secretariat at the request of plenary on the basis of government proposals.	20 March 2000	All languages
UNEP/POPS/INC.4/CRP.13/Rev.1	Article H. Public information, awareness and education. Revised by plenary and submitted to the legal drafting group	22 March 2000	English only
UNEP/POPS/INC.4/CRP.13/Rev.2	Submitted by the legal drafting group to plenary: Article H - Public information, awareness and education	23 March 2000	All languages
UNEP/POPS/INC.4/CRP.14	Submission by the Polish delegation on article K	20 March 2000	English only
UNEP/POPS/INC.4/CRP.15	Article I. Research, development and monitoring. Edited by the secretariat at the request of plenary on the basis of government proposals	20 March 2000	All languages
UNEP/POPS/INC.4/CRP.15/Rev.1	Article I. Research, development and monitoring. Revised by plenary and submitted to the legal drafting group	22 March 2000	English only
UNEP/POPS/INC.4/CRP.15/Rev.2	Article I. Research, development and monitoring. Revised by the legal drafting group and submitted to plenary	24 March 2000	All languages
UNEP/POPS/INC.4/CRP.16	Submission by the European Union and its Member States: Article D: Position of the European Union and its member States on draft article D	21 March 2000	English only
UNEP/POPS/INC.4/CRP.17	Submission by the European Community and its Member States: Article E: Position of the European Community and its member States on draft article E. National implementation plans	21 March 2000	English only
UNEP/POPS/INC.4/CRP.18	Submission by the European Community and its member States: Article G: Position of the European Community and its member States on draft article G. Information exchange	21 March 2000	English only

SYMBOL	TITLE	DATE	LANGUAGES
UNEP/POPS/INC.4/CRP.19	Submission by South Africa>: Article E. Sub-article to be included in the text	21 March 2000	English only
UNEP/POPS/INC.4/CRP.20	Submitted by the negotiating group to the legal drafting group. Article E: National implementation plans	21 March 2000	English only
UNEP/POPS/INC.4/CRP.20/Rev.1	Submitted by the legal drafting group to plenary. Article E: National implementation plans	21 March 2000	All languages
UNEP/POPS/INC.4/CRP.21	Submission by the European Community and its member States: Article D, paragraph 3. Reduction in the release of persistent organic pollutants that are by-products [with the aim of their elimination]	21 March 2000	English only
UNEP/POPS/INC.4/CRP.22	Submission by the European Community and its member States: Article D, paragraph 4. Management of stockpiles, products, articles and wastes consisting of or containing certain persistent organic pollutants	22 March 2000	English only
UNEP/POPS/INC.4/CRP.23	Submission by the European Community and its member States: Annex C. Persistent organic pollutants subject to release	21 March 2000	English only
UNEP/POPS/INC.4/CRP.24	Submission by Norway: Article D, Paragraph 3 (b). Measures to reduce or eliminate releases	21 March 2000	English only
UNEP/POPS/INC.4/CRP.25	Submission by Nigeria: Stand-alone paragraph for Article D. Measures to reduce or eliminate releases, paragraph 3.	21 March 2000	English only
UNEP/POPS/INC.4/CRP.26	Submission by South Africa: DDT entry in control for Annex B	21 March 2000	English only
UNEP/POPS/INC.4/CRP.26/Rev.1	Submission by South Africa: DDT entry in control for Annex B. Revised text	23 March 2000	English only
UNEP/POPS/INC.4/CRP.27	Chapeau for article D as revised by the negotiating group for revision by the contact group on article D.	21 March 2000	English only

SYMBOL	TITLE	DATE	LANGUAGES
UNEP/POPS/INC.4/CRP.28	Submission by the Group of 77 and China. Article K: Financial resources and mechanisms	22 March 2000	English only
UNEP/POPS/INC.4/CRP.29	Submission by Canada, Norway and the European Community and its Member States Article D: related to chemicals currently in use	22 March 2000	English only
UNEP/POPS/INC.4/CRP.29/Rev.1	Submission by Canada, Norway and the European Community and its Member States Article D: related to chemicals currently in use. Revised text	24 March 2000	English only
UNEP/POPS/INC.4/CRP.30	Submission by Canada, United States of America, Australia and Norway. Article O: Conference of the Parties	22 March 2000	English only
UNEP/POPS/INC.4/CRP.31	Submitted by Australia, Canada, Norway, the United States of America and the European Community and its member States. Article D: paragraph 2 bis	22 March 2000	English only
UNEP/POPS/INC.4/CRP.31/Rev.1	Submitted by plenary to the legal drafting group. Article D: paragraph 2 bis	23 March 2000	English only
UNEP/POPS/INC.4/CRP.31/Rev.2	Submitted by the legal drafting group to plenary. Article D: paragraph 2 bis	23 March 2000	All languages
UNEP/POPS/INC.4/CRP.32	Submitted by the negotiating group to the legal drafting group. Article G: Information exchange	22 March 2000	English only
UNEP/POPS/INC.4/CRP.32/Rev.1	Submitted by the legal drafting group to plenary. Article G: Information exchange	23 March 2000	All languages
UNEP/POPS/INC.4/CRP.33	Submission by the European Community and its member States. Annex D: Information requirements and criteria for the proposal and screening of proposed persistent organic pollutants	22 March 2000	English only
UNEP/POPS/INC.4/CRP.34	Submission by the European Community and its member States. Article F: Listing of substances in annexes A, B and/or C	22 March 2000	English only
UNEP/POPS/INC.4/CRP.35	Submission by the Russian Federation. Article H: Public information, awareness and education	22 March 2000	Russian and English

SYMBOL	TITLE	DATE	LANGUAGES
UNEP/POPS/INC.4/CRP.36	Submission by the group of Arab States	22 March 2000	Arabic and English
UNEP/POPS/INC.4/CRP.37	ARTICLE F: Listing of substances in Annexes A, B and/or C. Revised text, reflecting discussion in the negotiating group, 22 March 2000, afternoon session, submitted to plenary	22 March 2000	English only
UNEP/POPS/INC.4/CRP.38	ARTICLE D, PARAGRAPH 4: Management and disposal of wastes containing certain persistent organic pollutants. From the contact group on Article D, paragraphs 4 and 5 to plenary	22 March 2000	All languages
UNEP/POPS/INC.4/CRP.38/Rev.1	ARTICLE D, PARAGRAPH 4: Management and disposal of wastes containing certain persistent organic pollutants. From the contact group on Article D, paragraphs 4 and 5 to plenary. Revised text	23 March 2000	All languages
UNEP/POPS/INC.4/CRP.38/Rev.2	ARTICLE D, PARAGRAPH 4: Management and disposal of wastes containing certain persistent organic pollutants. Submitted by plenary to the legal drafting group	24 March 2000	English only
UNEP/POPS/INC.4/CRP.39	Submission by the United States of America. Article R: Adoption and amendment of annexes	23 March 2000	English only
UNEP/POPS/INC.4/CRP.40	Submission by the United States of America. Draft article F <u>bis</u> : process for adjusting schedules in annexes A, B or C	23 March 2000	English only
UNEP/POPS/INC.4/CRP.41	Submission by the Philippines. Article B: Objectives	23 March 2000	English only
UNEP/POPS/INC.4/CRP.42	Submission by the United States of America. Article Z <u>bis</u> : Review of prior developments relating to and proposal for dealing with general exemptions (b) through (e)	23 March 2000	English only
UNEP/POPS/INC.4/CRP.43	Submission by the United States of America. Review of and proposal for handling PCBs in Annex A and/or B	23 March 2000	English only

SYMBOL	TITLE	DATE	LANGUAGES
UNEP/POPS/INC.4/CRP.44	Submission by the United States of America. Specific exemption footnote to Annex A and Annex B	23 March 2000	English only
UNEP/POPS/INC.4/CRP.45	Submitted by plenary to the legal drafting group. Annex D: Information requirements and criteria for the proposal and screening of proposed persistent organic pollutants	23 March 2000	English only
UNEP/POPS/INC.4/CRP.45/Rev.1	Submitted by the legal drafting group to plenary. Annexes D, E and F: First revision, Thursday, 23 March, afternoon session. Annex D: Information requirements and screening criteria	23 March 2000	All languages
UNEP/POPS/INC.4/CRP.46	Submission by Iran to plenary. Proposed text for inclusion of concept of the destruction in paragraph 1, Article D	23 March 2000	English only
UNEP/POPS/INC.4/CRP.47	Submission by Colombia. Article Z <u>ter</u> : Liability and compensation for damage resulting from the use and intentional or unintentional introduction into the environment of persistent organic pollutants	23 March 2000	English only
UNEP/POPS/INC.4/CRP.48	Submitted by the plenary to the contact group on article D, paragraphs 1 and 2. Article D: Measures to reduce or eliminate releases	23 March 2000	English only
UNEP/POPS/INC.4/CRP.48/Rev.1	Submitted by the contact group on article D, paragraphs 1 and 2 to plenary - Measures to reduce or eliminate releases	24 March 2000	All languages
UNEP/POPS/INC.4/CRP.49	Report of the Chair of the contact group on paragraph 3 of draft article D and its associated annex.	23 March 2000	All languages
UNEP/POPS/INC.4/CRP.50	Submitted by the contact group on article D, paragraph 3 and annex C: Persistent organic pollutants subject to release reduction	23 March 2000	All languages
UNEP/POPS/INC.4/CRP.51	Submission by Venezuela. Article B: Objective	24 March 2000	English and Spanish

SYMBOL	TITLE	DATE	LANGUAGES
UNEP/POPS/INC.4/CRP.52	Submission by Germany and Switzerland: Proposed resolution concerning the <u>secretariat</u>	24 March 2000	English only
UNEP/POPS/INC.4/CRP.53	Submission by Gambia: <u>proposed amendments</u>	24 March 2000	English only
UNEP/POPS/INC.4/CRP.54	Submission by Gambia: <u>preamble</u>	24 March 2000	English only
UNEP/POPS/INC.4/CRP.55	Submission by Benin/Comoros: proposed amendment to the <u>preamble</u>	24 March 2000	English and French only
UNEP/POPS/INC.4/CRP.56	Draft article J: revised by <u>the plenary</u>	24 March 2000	All languages
UNEP/POPS/INC.4/CRP.56/Rev.1	Draft article J: submitted to legal drafting group by <u>plenary</u>	24 March 2000	English only
UNEP/POPS/INC.4/CRP.57	ARTICLE A: Submitted by the Chair of the Intergovernmental Negotiating Committee to <u>plenary</u>	24 March 2000	English only
UNEP/POPS/INC.4/CRP.58	Submission by the European Community and its member States. <u>Draft article D.1 bis</u>	24 March 2000	English only
UNEP/POPS/INC.4/CRP.58/Rev.1	Submission by the European Community and its member States on draft article D.1 <u>bis</u>	25 March 2000	English only
UNEP/POPS/INC.4/CRP.59	Submission by the United States of America: <u>Article K</u>	24 March 2000	English only
UNEP/POPS/INC.4/CRP.60	Submission by the European Community and its member States on any other <u>business</u>	24 March 2000	English only
UNEP/POPS/INC.4/CRP.61	Submitted by the contact group on article D, paragraphs 1 and 2 to <u>plenary: Annex A - Elimination</u>	24 March 2000	All languages
UNEP/POPS/INC.4/CRP.62	Report of the Co-chairs of the contact group on paragraphs 1 and 2 of draft article D and <u>its associated annexes</u>	24 March 2000	All languages
UNEP/POPS/INC.4/CRP.63	Status of proposed draft articles and annexes for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic <u>Pollutants</u>	25 March 2000	English only

UNEP/POPS/INC.4/CRP.64	Submission by Portugal on behalf of the European Community and its member States article K	25 March 2000	English only
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SYMBOL	TITLE	DATE	LANGUAGES
UNEP/POPS/INC.4/CRP.65	PROPUESTA DE URUGUAY Articulo B Objetivos	25 March 2000	Spanish only
UNEP/POPS/INC.4/CRP.66	Submission by the Philippines: Article D: Measures to reduce or eliminate releases	25 March 2000	English only
UNEP/POPS/INC.4/CRP.67	Submission by India and China Article A Proposed elements to the preamble	25 March 2000	English only
UNEP/POPS/INC.4/L.1	Draft report of the meeting	24 March 2000	All languages
UNEP/POPS/INC.4/L.1/ Add.1	Draft report of the meeting, addendum 1	25 March 2000	All languages
UNEP/POPS/INC.4/L.1/ Add.2	Draft report of the meeting, addendum 2	25 March 2000	All languages
UNEP/POPS/INC.4/L.2/ Rev.1	Draft revised report of the Implementation Aspects Group	22 March 2000	All languages
