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

Fifth session

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Item 4 of the provisional agenda*

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

An international legally binding instrument for implementing international action
on certain persistent organic pollutants

Draft text by the Chair

Note by the secretariat

Addendum

Annexed to the present note is an addendum to annex I: Commentary to accompany the Chair's draft POPs Convention text, to UNEP/POPS/INC.5/5 provided by the Chair of the Intergovernmental Negotiating Committee, Mr. John Buccini (Canada). This information is circulated as received and has not been formally edited.

* UNEP/POPS/INC.5/1.

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Annex

**COMMENTARY TO ACCOMPANY
THE CHAIR'S DRAFT CONVENTION TEXT**

ADDENDUM:

Following distribution of the Chair's draft text and the accompanying commentary (UNEP/POPS/INC5/5), I received a few requests for clarification of some of the changes that I incorporated in the text. The following comments are intended to clarify the points that were raised.

Annex A (Elimination) and Annex B (Restriction):

One difference in construction between the INC4 draft text (Annex II of UNEP/POPS/INC.4/5) and the Chair's draft text (Annex II of UNEP/POPS/INC.5/5) that may require clarification involves Annexes A and B. In the Chair's draft text, I have removed the column with the heading "Measure". In the INC4 draft text this column was used to express whether production or use of a chemical was to be completely eliminated or whether production and use was to be eliminated except for certain types of production and use. In effect, such exceptions would apply to all countries. In the simplified construction used in the Chair's draft text, the same objective would be accomplished by including the exemption in the "Specific exemption" column and placing the phrase "All Parties" across from it in the "Parties" column. As regards DDT, Part II of each Annex would allow DDT use according to the stipulated criteria by any Party upon notification to the secretariat and until the decision of the next COP.

Article J (Technical assistance):

In eliminating the footnotes that were present in the INC4 draft text, I may have left out some information that negotiators should keep in mind with regard to several of the provisions that are in square brackets. As noted in the report of INC4, the provisions in the paragraph 4 and subparagraphs 3 (b), (c), (d), (e), (i), (j) and (k) were placed in square brackets because it was recognized that these provisions were dependent upon agreement of provisions in other articles. Negotiators should therefore remember this when discussing these provisions.
