



**United Nations
Environment
Programme**



Distr.
GENERAL

UNEP/POPS/INC.5/5
3 August 2000

ORIGINAL: ENGLISH

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

Fifth session

Johannesburg, 4-9 December 2000

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

1. At its fourth session, the Intergovernmental Negotiating Committee invited the Chair, Mr. John Buccini (Canada), to clean up the draft text of the convention included in annex II of UNEP/POPS/INC.4/5 and make the necessary editorial, placement and consistency changes to improve readability and help delegates focus on major issues at the fifth session of the 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 major issues and it would be at the full discretion of the delegates to the fifth session of the Committee whether to use annex II of UNEP/POPS/INC.4/5 or the version edited by the Chair as the basis for negotiation (UNEP/POPS/INC.4/5, para. 103).
2. In response to the above mandate, the Chair prepared the edited text which is included in annex II to the present note. As a preface to the edited text, the Chair prepared commentary which is included in annex I to the present note.

* UNEP/POPS/INC.5/1.

Annex I

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

BACKGROUND:

As requested at the fourth session of the POPS Intergovernmental Negotiating Committee (INC), I reviewed the draft convention text included in Annex II of the meeting report of POPs INC4 (UNEP/POPS/INC.4/5) as well as the INC4 meeting report itself to see how I might assist the negotiators in preparing for INC5 by submitting a Chair's draft text for their consideration. The Chair's draft text is included in Annex II of the present document. Please note that in the final convention, text titles will only be used to name articles and annexes; following normal practice, titles will not be used for paragraphs within articles or annexes.

The purpose of this commentary is to explain the changes that I have made from the draft convention text included in Annex II of UNEP/POPS/INC.4/5 (the "INC4 draft text") in preparing the Chair's draft text, the reasons for them, and to identify some issues that I believe will need to be addressed in order to successfully conclude the negotiations at INC5 in Johannesburg. I have included a table in the appendix to this commentary that gives a listing of all the articles and annexes included in the Chair's draft text, and a brief indication of any changes made.

On the first morning of POPs INC5, I will ask the participants whether they wish to accept the Chair's draft text as the basis for the negotiations, or whether they prefer to work from the INC4 draft text.

ARTICLES THAT WERE NOT CHANGED:

No changes of any sort were made to Articles *N bis*, P, S, T, U, V, W, X, Y or Z.

MINOR EDITORIAL CHANGES:

The first type of changes that I made were those involving minor inconsistencies in style, terminology or presentation. As examples, whenever certain words such as Party, Parties, Depositary, Convention, Secretariat, etc. are used, they should be capitalized, and whenever a specific article of the convention is referred to in the text, the correct style is to capitalize the word "article" (*e.g.*, Article E). In other cases, changes were made to ensure consistent use of terms (*e.g.*, substituting "chemical" for "substance", "objective" for "objectives", etc.), to correct grammar or composition, or to adjust the style used in making references to parts of the convention (*e.g.*, a reference to "D.1" would be changed to "paragraph 1 of Article D"). There were many corrections of this nature made throughout the text.

In the belief that such changes did not alter the content or sense of the text, I identified these changes as "minor edits" but invite readers to draw to my attention any instance where they believe that I may have introduced a significant change to the text through this approach.

Only minor edits were made to Articles *J bis*, N, Q and R.

CHANGES WARRANTING SOME EXPLANATION:

Below are those articles and annexes for which I felt some explanation of the changes is warranted.

Article B: Objective

I developed a short statement of the objective of the convention.

Article C: Definitions

I included definitions of two additional terms: “Party” and “regional economic integration organization”.

Article D: Measures to reduce or eliminate releases

In the INC4 draft text, paragraphs 1, 2, 3 and 4 each contain a phrase in square brackets relating to the availability of technical and financial assistance (as does Article E). As different formulations were used, I replaced the various formulations that were used with a standardized phrase to be used consistently in each of these paragraphs (and in Article E).

Paragraphs 1 and 2 were discussed by a contact group at INC4 and the report of their discussions is included in Annex III of the INC4 meeting report. After reviewing this report, and noting the significant participation that the contact group had and the results that they achieved, I concluded that I could advance the discussions at INC5 by bringing forward some of the group’s proposals. In particular, the contact group examined the potentially confusing series of bracketed options in the INC4 text (“[prohibit] [and] [or] take [other] the legal measures”, etc.) and succeeded in proposing a clarification of the policy options that negotiators should consider in paragraphs 1 and 2. I have, therefore, substituted the relevant language from the contact group in these two paragraphs. This language was also incorporated into my proposal for the first option for paragraph 1 *bis* that was based on a formulation given in the contact group’s report.

The contact group also offered another choice for 1 *bis* that was based on separating the import and export obligations for Parties (*i.e.*, paragraphs 1 *ter* and 1 *quarter* in Appendix I of the contact group report). I attempted to combine these into one paragraph and included a reference to Annex B as well because the same entries for DDT and PCBs appear in each annex and the operative provision must be applicable regardless of whether the negotiators agree to have one annex or two in the final convention. The issue of trade with non-parties was raised late in INC4 and may need to be addressed to come to closure on 1 *bis*. I removed the “[or]” between “[destruction]” and “[disposal]” as the latter term includes the first (see UNEP/POPS/INC.3/3) and the policy option is for one term or the other, and it would not make sense to have both terms separated by “or”.

In my view, paragraph 2 was not sufficiently different from paragraph 1 in the INC4 text. Therefore, I revised it by substituting the word “restrict” for “prohibit” and other bracketed text, and made a few other simplifications to the text.

In paragraph 2 *bis*, I made some minor edits and deleted the lead-in phrase, “With the aim protecting human health and the environment”, as there is now a proposed objective for the convention and the intent of all provisions would be to meet that objective.

In the chapeau to paragraph 3 and in subparagraphs (b) and (e), I removed the references to “substances [that are by-products] listed in Annex C” and substituted “chemicals listed in Annex C”. Subparagraph (a) was redrafted to simplify the text while preserving the sense. Numerous edits were made throughout this paragraph to improve style and consistency.

Paragraph 4 was subjected to minor editing to improve style and clarity: no attempt was made to change the sense.

Article D *bis*: Exemptions

Article Z *bis* from the INC4 draft text was brought forward to form the basis for an article on exemptions, which I believe to be more appropriately placed near Article D. I was also impressed with the first footnote in the report of the INC4 contact group on paragraphs 1 and 2 of Article D and felt that it would be more appropriate to include such a measure in the body of the convention than in a footnote to an Annex. It remains in square brackets for consideration of content and placement by INC5.

Article E: Implementation plans

I attempted to both streamline the text and resolve several issues that had resulted in numerous square brackets occurring in each paragraph of this article. In subparagraph 1 (a), the references to national, subregional and regional were all deleted and the word “[National]” was deleted from the title. In subparagraph 1 (b), the choice of “[one year] [two years]” was eliminated in favour of having “two years” unbracketed to accommodate those countries that indicated the need for additional time to prepare plans. In subparagraph 1 (c), I simplified the text by deleting the entire second sentence that was in square brackets in the INC4 draft text as I believe that this appeared to be redundant to the provision in the first sentence. Paragraph 2 was rewritten to accommodate the positions that were represented in text within several square brackets in the INC4 version.

Article F: Listing of chemicals in Annexes A, B and C

I made minor edits to all paragraphs except the last one (6 *bis*).

I reordered the text in paragraph 3, with the “criteria met” case presented first, and the “criteria not met” case last. In addition, the options for the three outcomes in the “criteria not met” case were clarified.

I redrafted paragraph 4 to combine the last two sentences of the INC4 draft text into one sentence, to simplify the text without changing the sense.

I reordered paragraph 5 to match the flow in paragraph 3 and redrafted to simplify the presentation and clarify options within square brackets. In addition, the provision in paragraph 6 *bis* from the INC 4 draft text was redrafted and added, still bracketed, at the end of paragraph 5, to simplify the article.

The provision in paragraph 7 from the INC 4 draft text was redrafted and added, still bracketed, at the end of paragraph 6, to simplify the article.

Paragraph 7 *bis* was renumbered 6 *bis* without any changes, and remains in square brackets.

Article G: Information exchange

I made changes to 2 paragraphs in Article G. In the chapeau to paragraph 1, I deleted the phrase “[create conditions favourable to]” as I felt that it was sufficiently close to one of the remaining choices *i.e.*, “[facilitate]”. I removed the square brackets enclosing paragraph 4, and also deleted “[chemical]” to clarify the intent of the provision.

Article H: Public information, awareness and education

In the INC4 draft text, paragraph 1 of this article included two options. I chose to redraft paragraph 1 and simplify the proposal by offering one approach, combining it with elements of paragraph 4, and including less detail. I believe that an attempt to specify in any more detail what should be covered by this article would be counterproductive because as the convention becomes more specific, it creates limitations on what Article H might encompass for public information, awareness and education. Another reason for brevity is that any attempt to introduce more specificity here will require considerable time to resolve the various proposals and INC5 might more profitably spend its negotiating time on the major issues that will require resolution to complete the negotiations.

I made minor edits to paragraphs 2 and 3. The intent of subparagraph 4 (ii) was viewed as more appropriately placed in Article J and it appears there as subparagraph 3 (e *bis*).

Paragraph 5 of the INC4 draft text has been unbracketed, renumbered as 4, and redrafted to incorporate the second sentence into the first. In the INC4 draft text, the wording of the second sentence was such that it implied an obligation to establish information centers at the national and regional levels; the current proposal does not do this.

Article I: Research, development and monitoring

In addition to some minor edits, I made two changes to the chapeau of paragraph 1 to simplify the text without changing the sense. However, after reviewing the subparagraphs (a) to (m), I felt that there was a need to streamline the text while identifying the main subject areas that were explicitly or implicitly contained in the numerous statements. Following an analysis of the text, I decided to propose the new subparagraphs (a) to (f) which specify, in a general way, all the main topics that were included in the INC4 version. I believe that an attempt to specify in any more detail what should be covered by this article would be counterproductive because as the convention becomes more specific, it creates limitations on what Article I might encompass for research, development and monitoring. Another reason for brevity is that any attempt to introduce more specificity here will require considerable time to resolve the various proposals and INC5 might more profitably spend its negotiating time on the major issues that will require resolution to complete the negotiations.

In paragraph 2, I unbracketed “within their capabilities” as this phrase was not bracketed in paragraph 1 of the INC4 draft text. In subparagraph (c), I opted for the phrase “Take into account” as I felt that this was more consistent with the overall sense of Article I in general and paragraph 2 in particular. In subparagraph (d), I opted for “accessible” (rather than “available”) as I sensed that this is what most speakers on this issue were supporting.

The text in paragraph 3 of the INC4 draft text has been moved to a new proposed Article L *bis* (discussed below).

Article J: Technical assistance

In revising Article H, I felt that the provision in paragraph 4 (ii) more properly belonged to Article J and I have included it there as 3 (e) *bis*. I used this numbering to prevent any consequential changes to J which might give rise to an impression that I had attempted a systematic revision of J; apart from some minor edits, this was the only change to J.

I was not mandated to make significant changes to Article J, but I would like to draw attention to paragraph 1, which does not create any obligation for Parties. In my view, it reads like a preambular statement and, at INC5, I will ask whether there is any basis for retaining it in Article J.

Article K: Financial resources and mechanisms

I made no substantive changes to this article. In addition to minor edits in other paragraphs, paragraph 2 is presented in a way that clarifies that the first and second sentences (each of which is in square brackets) are options, and I have proposed a formulation for paragraph 8 that combines the options that were included in three separate versions of paragraph 8 in the INC4 draft text. I was encouraged to undertake the latter two changes by participants at the Vevey intersessional meeting on financial resources and mechanisms (reference: UNEP/POPS/INC.5/4).

Article L: Reporting

The INC4 draft text included a third (last) sentence within square brackets: I could see no added value to the proposed text and deleted it.

Article L *bis*: Effectiveness evaluation

In the INC4 draft text, paragraph 3 of Article I contained an effectiveness evaluation provision. There was general support for the measure, which was contained in square brackets, and the Legal Drafting Group suggested that the provision could be in a separate article. In addition, footnotes 15 and 16 to the INC4 report indicated that three additional paragraphs (labelled *5 bis*, *5 ter* and *5 quarter*) were associated with paragraph 3. I have combined this material and drafted a separate article (*L bis*) which I submit, within square brackets, for consideration by INC5.

Article O: Conference of the Parties

I removed the brackets from the text that appeared as paragraph *5 bis* in the INC4 draft text and it appears as paragraph 6 in this version, with the former paragraph 6 now numbered as 7. There is a general expectation that the POPs Review Committee will be a necessary part of the process for adding additional POPs to the convention, and I have tried to anticipate this with this change.

Annex A (Elimination) and Annex B (Restriction)

As the INC4 contact group on paragraphs 1 and 2 of Article D advanced the structure and content of the Annexes A and B, I chose the contact group report as the starting point for my draft and made some changes to simplify the organization and appearance of the annexes, including the tables.

In the INC4 draft text, there was a column labeled “measure” in the tables and this was deleted from both as the entries were always the same for each table. The headings were reformatted to simplify the appearance of the Tables. In addition, I replaced the column heading “country(ies)” with “Parties” in both annexes, since obligations are on Parties, and introduced the column heading “Purpose” in Annex B to reflect the modifications I made to paragraph 2 of Article D.

The footnotes for each of the country entries were eliminated and the first footnote in the contact group report was moved to a new *D bis* (Exemptions), in square brackets, for consideration by INC5. The other 2 footnotes (for DDT and PCBs) were reformatted and edited to constitute Part II of each Annex, as the provisions were of sufficient import that it did not seem reasonable to have such significant provisions in footnotes to an Annex. As a consequence, the tables were labeled as Part I of each annex.

In developing the Chair’s draft text, it occurred to me that, if the two annex approach is finally agreed upon, the PCBs production entry could be placed in Annex A as elimination appears to be agreed upon. This could result in a PCBs entry in Annex A for production and another entry in Annex B for use. Negotiators may wish to consider this point in preparing for INC5.

John Buccini
August 8, 2000

Appendix

Table listing changes by Article and Annex

Article/Para#	Annex	Title	Changes
A		Preamble	Removed brackets from INC4 draft text. Minor edits plus other changes made to several of the recitals.
B		Objective	Proposed new text.
C		Definitions	Added definitions for “Party” and “regional economic integration organization”.
D		Measures to reduce or eliminate releases	In paragraphs 1, 2, 3 and 4, the different phrases in square brackets in the INC4 draft text concerning the availability of technical and financial assistance were replaced with a standardized phrase. In paragraphs 1, 1 <i>bis</i> and 2, the potentially confusing series of bracketed options in the INC4 draft text (“[prohibit] [and] [or] take [other] the legal measures”, etc.) was replaced by language from the INC4 contact group on D.1/2.
1		(Elimination)	Minor edits in addition to the changes noted above for D.
	A	Elimination	The report of the INC4 contact group on D.1/2 was the starting point. Deleted the column labelled “measure” in the tables. The table headings were reformatted to simplify the appearance. Note the change of headings for “Specific exemption” and “Parties” columns and that some entries were reorganized. The footnotes for each of the country entries were eliminated. The first footnote in the contact group report was moved to a new D <i>bis</i> (Exemptions) in square brackets for consideration by INC5. The footnotes for DDT and PCBs were reformatted and edited to constitute Part II of each Annex, and the tables labelled as Part I of each annex.

Article/Para#	Annex	Title	Changes
1 <i>bis</i>		(Post-ban import/export issues)	Two options are put forward based on the report of the INC4 contact group on D.1/2. The first is based on INC4 draft text, the second on separating import and export obligations for Parties (<i>i.e.</i> , paragraphs 1 <i>ter</i> and 1 <i>quarter</i> in the contact group report). Removed the “[or]” between “[destruction]” and “[disposal].
2		(Restriction)	Minor edits in addition to the changes noted above for D. The word “restrict” was substituted for “prohibit” and other (bracketed) text.
	B	Restriction	Same changes as Annex A. Note the new heading of “Purpose” to correspond with new text in D 2.
2 <i>bis</i>		(New chemicals and pesticides)	Deleted the lead-in phrase and made some minor edits.
3		(By-products)	In the chapeau to 3 and in subparagraphs (b) and (e), deleted “substances [that are by-products] listed in Annex C” and substituted “chemicals listed in Annex C”. 3 (a) was redrafted to simplify the text while preserving the sense. Numerous edits were made throughout this paragraph for style and consistency.
	C	POPs subject to release reduction	Minor edits to the headings. The list of toxic equivalency factors (TEFs) at the end of the annex was revised to correct errors present in the INC4 draft text.
4		(Wastes)	Edited to improve style and clarity, without changing the sense.
D <i>bis</i>		Exemptions	New proposal combining former Z <i>bis</i> (unchanged) with footnote #1 from INC4 report of D.1/2 contact group (in square brackets).
E		Implementation plans	Deleted "National" in title. The phrase in square brackets concerning the availability of technical and financial assistance was replaced with the same standardized phrase used in Article D. Changes were made to all paragraphs in an attempt to simplify the text and accommodate the balance of views from INC4.

Article/Para#	Annex	Title	Changes
F		Listing of chemicals in Annexes A, B and C	<p>Minor edits to all paragraphs except 6 <i>bis</i>.</p> <p>The text in 3 was reordered, and the bracketed options for the outcomes in the “criteria not met” case were clarified.</p> <p>4 was redrafted to combine the last two sentences of the INC4 text into one sentence, without changing the sense.</p> <p>5 was reordered (to match 3) and redrafted to simplify the presentation and clarify the bracketed options. Also, the provision in 6 <i>bis</i> from the INC 4 draft text was redrafted and added, still bracketed, at the end of 5, to simplify the article.</p> <p>7 from the INC 4 draft text was redrafted and added, still bracketed, at the end of 6, to simplify the article.</p> <p>7 <i>bis</i> was renumbered 6 <i>bis</i> without any changes, and remains bracketed.</p>
	D	Information requirements and screening criteria	<p>Minor edits.</p> <p>In 1<i>bis</i>/(f), deleted “[is encouraged to]”, leaving “[shall][should]”.</p>
	E	Information requirements for the risk profile	Minor edits.
	F	Information on socio-economic considerations	Minor edits.
G		Information Exchange	<p>Deleted the phrase “[create conditions favourable to]” in the chapeau to 1.</p> <p>Removed the square brackets enclosing paragraph 4, and deleted “[chemical]”.</p>
H		Public information, awareness and education	<p>Redrafted 1, combining with elements of 4, and with less detail.</p> <p>Minor edits were made to 2 and 3.</p> <p>4 (ii) was placed in Article J as 3 (e <i>bis</i>).</p> <p>Last paragraph is unbracketed, renumbered as 4, and the two sentences were combined.</p>

Article/Para#	Annex	Title	Changes
I		Research, development and monitoring	Minor edits. Rewrite of 1 to simplify the text, including replacement of (a) to (m) with new (a) to (f) which specify the main topics included in the INC4 draft text. In chapeau of 2, unbracketed “within their capabilities”. In (c), chose the phrase “Take into account”. In (d), chose “accessible” (rather than “available”). Paragraph 3 from the INC4 draft text was moved to a new proposed Article L <i>bis</i> (discussed below).
J		Technical Assistance	Minor edits, plus addition of 3 (e) bis (from H.4(ii) of INC4 draft text).
J <i>bis</i>		(untitled)	Minor edit.
K		Financial resources and mechanisms	Minor edits.
	2		Separated the 2 options by “OR” (for clarity only).
	8		Combined the 3 options in the INC4 draft text.
L		Reporting	Deleted the last (bracketed) sentence in the INC4 draft text, as it is redundant.
L <i>bis</i>		Effectiveness evaluation	The material formerly in paragraph 3 of Article I (and associated footnotes) in the INC4 draft text, was redrafted as a separate article and enclosed in square brackets.
M		Non-compliance	Removed brackets around "develop and approve".
N		Settlement of Disputes	Minor edit.
N <i>bis</i>		Relationship with other agreements	None.
O		Conference of the Parties	Minor edits to 5(b) and (c). Changed 5 <i>bis</i> to 6 and removed brackets, and changed former 6 to 7.
P		Secretariat	None.
Q		Amendments to the Convention	Minor edit.
R		Adoption and amendment of annexes	Minor edits.
S		Right to vote	None.
T		Signature	None.
U		Ratification, acceptance, approval or accession	None.
V		Entry into force	None.
W		Reservations	None.
X		Withdrawal	None.
Y		Depositary	None.
Z		Authentic texts	None.

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 transported across international boundaries and deposited far from their place of release through air, water and migratory species, where they accumulate in terrestrial and aquatic ecosystems,

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

Acknowledging also that the Arctic ecosystems and especially their 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 7 February 1997 of the Governing Council of the United Nations Environment Programme to initiate international action to protect human health and the environment through measures which will reduce and/or eliminate emissions and discharges of persistent organic pollutants,

Recalling the pertinent provisions of 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,

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

Recognizing the important contribution that the private sector and non-governmental organizations can make in achieving the reduction and/or elimination of emissions and discharges 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

The objective of this Convention is to protect human health and the environment from persistent organic pollutants.

C. Definitions

For the purposes of this Convention:

- (a) "Party" means a State or regional economic integration organization that has consented to be bound by this Convention and for which the Convention is in force;
- (b) "Regional economic integration organization" means an organization constituted by sovereign States of a given region to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention;
- (c) "Parties present and voting" means Parties present and casting an affirmative or negative vote.

D. Measures to reduce or eliminate releases

1. [Within its capabilities and subject to the availability of technical and financial assistance,] each Party shall [prohibit] [or] [take the legal, administrative and other measures necessary to eliminate] the production[, import, export] and use of the chemicals listed in Annex A (Elimination) subject to the provisions of that Annex.

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

OR

[1 bis. Each Party shall ensure that it does not:

- (a) Import a chemical listed in Annex A or B except for:
 - (i) The purpose of environmentally sound [destruction] [disposal]; or
 - (ii) A use or purpose permitted for that Party by Annex A or B; and
- (b) Export a chemical listed in Annex A or B to a Party [without the prior authorization of the importing Party and] except for:
 - (i) The purpose of environmentally sound [destruction] [disposal]; or
 - (ii) Importation by a Party for a use or purpose permitted for that Party by Annex A or B.]

2. [Within its capabilities and subject to the availability of technical and financial assistance,] each Party shall restrict the production and use of the chemicals listed in Annex B (Restriction) to the purposes specified therein, subject to the provisions in that Annex.

2 bis. Each Party that has a regulatory and assessment scheme for new pesticides or industrial chemicals shall take measures to [avoid] [prohibit] [prevent] [regulate] the production [import] [export] and use of newly developed pesticides or industrial chemicals which, taking into consideration the criteria in paragraphs 1(b) to [1(e)] [1(f)] of Annex D, exhibit the characteristics of persistent organic pollutants.

3. Each Party shall at a minimum [, within its capabilities and subject to the availability of technical and financial assistance,] [aim to] take the following measures to reduce the [total] releases derived from anthropogenic sources of [each of] the chemicals 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, feasible and practical measures that can expeditiously achieve source elimination or a realistic and meaningful level of release reduction;

(b) Promote the development and use of [substitute] materials, products and processes to prevent the formation and release of chemicals 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, chemicals listed in Annex C];

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

[(e) Within (x) years of the date of entry into force of this Convention for it, develop and implement an action plan [or, where appropriate, participate in the development and implementation of a regional or subregional action plan] [as part of the implementation plan specified in Article E] designed to identify, characterize and address the release of the chemicals 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 specified by decision of the Conference of the Parties;
- (ii) An evaluation of the adequacy of the laws and policies of the Party relating to the management of such releases;
- (iii) Strategies to meet the obligations of this paragraph, taking into account the evaluations in (i) and (ii) of this subparagraph;
- (iv) Steps to promote education and training with regard to, and awareness of, those strategies;
- (v) Means for monitoring the progress 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 reports submitted pursuant to Article L; and
- (vi) A schedule for implementation of the action plan, including for the strategies and measures identified therein.]

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

(a) Develop, for the chemicals listed in Annex A or B, appropriate strategies for identifying:

(i) Products, articles and wastes consisting of, or containing, those chemicals; and

(ii) Stockpiles of those chemicals;

(b) Manage, as appropriate, stockpiles of chemicals in Annex A or B in a careful and efficient manner and, upon their becoming wastes, treat them in accordance with subparagraph (c) below; [and]

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

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

(ii) Managed so that the persistent organic pollutant content is destroyed or otherwise transformed into chemicals 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]

(d) [Endeavour to] develop appropriate strategies for identifying sites contaminated by chemicals in Annex A, B [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.

D bis. Exemptions

1. Unless otherwise specified in this Convention, paragraphs 1 and 2 of article D shall not apply to quantities of a chemical:

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

[2. Any party taking an exemption in accordance with Annex A or B 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 that involve intentional release into the environment under conditions of normal use, such release shall be to the minimum extent necessary, taking into account any applicable standards and guidelines.]

E. Implementation plans

1. Each Party shall:

(a) Develop [, within its capabilities and subject to the availability of financial and technical assistance,] a plan for the implementation of its obligations under this Convention;

(b) Transmit the implementation plan to the Conference of the Parties within 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 by a decision of the Conference of the Parties.

2. In order to facilitate the development, updating and implementation of the plan referred to in paragraph 1 above, each Party is encouraged, where appropriate, to cooperate directly or through global, regional and subregional organizations, and to consult national stakeholders.

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

1. A Party may submit a proposal to the Secretariat for listing a chemical 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.
2. The Secretariat shall verify whether the proposal contains the information specified in Annex D. If 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]. If the Committee is satisfied that the screening criteria have been fulfilled, the Secretariat shall make the proposal available to all Parties [and observers] and invite them to submit the information specified in Annex E. If the Committee is not satisfied that the screening criteria have been fulfilled, [the Secretariat shall inform all Parties [and observers] accordingly before the proposal is set aside.] [the Secretariat shall inform all Parties [and observers] accordingly and the proposal shall be set aside.] [it shall recommend to the Conference of the Parties that the proposal should be set aside.]
4. The Committee shall review the proposal, taking into account any relevant additional information received, and shall prepare a draft risk profile in accordance with Annex E. It shall make that draft available to all Parties [and observers], collect technical comments from them and, taking those comments into account, complete the risk profile.
5. If, on the basis of the risk profile, the Committee concludes that the proposal should proceed, it shall invite information from all Parties [and observers] relating to the considerations specified in Annex F. It shall then prepare a risk management evaluation that includes an analysis of possible control measures for the chemical in accordance with Annex F. If, on the basis of the risk profile, the Committee concludes that the proposal should not proceed, it shall [set the proposal aside.] [recommend to the Conference of the Parties that the proposal should be set aside. The Conference of the Parties shall decide whether to set the proposal aside.]
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 chemical should be considered by the Conference of the Parties for listing in Annex A, B and/or C. [The Conference of the Parties shall decide whether to list the chemical, and specify its related control measures, in Annex A, B and/or C.]

[6 bis. Lack of scientific certainty due to insufficient relevant scientific information and knowledge regarding a chemical shall not prevent the procedure specified in this article, from proceeding and shall not prevent the listing of chemicals in Annex 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], [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 safety information shall not be regarded as confidential.

H. Public information, awareness and education

1. Each Party shall, within its capabilities, promote and facilitate:
- (a) Awareness among its policy and decision-makers with regard to persistent organic pollutants;
 - (b) Provision of all available information on persistent organic pollutants to the public, taking into account the provisions of paragraph 4 of article G;
 - (c) Development and implementation of educational and public awareness programmes, especially for women and children, on persistent organic pollutants, their health and environmental effects, and alternatives to persistent organic pollutants;
 - (d) Public participation in addressing persistent organic pollutants and their health and environmental effects and in developing adequate responses, including opportunities for providing input at the national level regarding implementation of this Convention;
 - (e) Training of workers, scientists, educators and technical and managerial personnel;
 - (f) Development and exchange of educational and public awareness materials at the international level; and
 - (g) Development and implementation of education and training programmes at the international level.
2. Each Party shall, within its capabilities [and in accordance with its national laws and regulations], ensure that the public has access to 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 the information referred to in paragraph 1 above at the national level and, as appropriate, subregional and regional levels.
4. In providing information on persistent organic pollutants and their alternatives, Parties may use safety data sheets, reports, mass media and other means of communication, and may establish information centres at national and regional levels.

I. Research, development and monitoring

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

- (a) Sources and releases into the environment;
- (b) Presence, levels and trends in the environment and humans;
- (c) Environmental fate and transformation;
- (d) Effects on human health and the environment;
- (e) Socio-economic impacts; and
- (f) Release reduction and/or elimination.

2. In undertaking action under paragraph 1 above, 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 the particular concerns and needs of developing countries and countries with economies in transition and cooperate in improving their 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 accessible to the public.

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] to:

(a) 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) Compile inventories and release registers;]

(c) Develop and implement implementation plans, as specified under article E, taking into account national priorities relevant to this Convention;

(d) 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 L bis];

(e) 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 chemicals listed in Annex A and/or B;

(e bis) Strengthen national [, subregional and regional] institutions and facilitate the exchange or secondment of personnel to train experts;

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

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

(h) Promote programmes on awareness raising and on information dissemination;

[i) Identify [, inventory] and destroy existing stockpiles of obsolete persistent organic pollutants;]

[j) Identify and remediate sites affected by persistent organic pollutants;]

(k) Effect a transition to sustainable alternatives to the chemicals listed in Annex A and/or B;

[l) Facilitate private sector involvement;] and

[m) [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 chemicals listed in Annex A and/or 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.]]

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, within 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.]

OR

[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.]

[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

Submission A

[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
- (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

[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

[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 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

[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 quarter. 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.]

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

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[s] referred to in this article in order to determine [its] [their] effectiveness and level of funding, and to provide recommendations and guidance on measures to improve [its] [their] efficiency and effectiveness and to ensure adequate and sustained funding to meet the needs of the Parties.

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.

[L bis. Effectiveness evaluation

1. Beginning three years after the date of entry into force of this Convention, and periodically thereafter at intervals to be decided by the Conference of the Parties, the Conference shall evaluate the effectiveness of this Convention.

2. In order to facilitate evaluation of the effectiveness of this Convention, 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 and C. This programme shall be implemented by the Parties on a regional basis in accordance with their technical and financial capabilities, using existing monitoring programmes and mechanisms to the extent possible. The

Parties shall report on the results of the monitoring programme, through the Secretariat, to the Conference of the Parties at intervals to be specified by the Conference of the Parties.

3. The evaluation described in paragraph 1 above 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;
- (b) National reports submitted pursuant to article L; and
- (c) Non-compliance information received pursuant to the procedures established under article M.]

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.]

O. Conference of the Parties

1. A Conference of the Parties is hereby established.
2. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme no later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference.
3. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that it is supported by at least one third of the Parties.
4. The Conference of the Parties shall by consensus agree upon and adopt at its first meeting rules of procedure and financial rules for itself and any subsidiary bodies, as well as financial provisions governing the functioning of the Secretariat.
5. The Conference of the Parties shall keep under continuous review and evaluation the implementation of this Convention. It shall perform the functions assigned to it by the Convention and, to this end, shall:
 - (a) Establish such subsidiary bodies as it considers necessary for the implementation of the Convention;
 - (b) Cooperate, where appropriate, with competent international organizations and intergovernmental and non-governmental bodies; and
 - (c) Consider and undertake any additional action that may be required for the achievement of the objectives of the Convention.
6. The 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; and
 - (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.
7. 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 chemical 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 chemical to] Annex [A, B or C]:

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

(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; and

(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.

Annex A: Elimination

Part I

Chemical	Activity	Compliance date	Specific exemption	Party	Expiry/review date
aldrin	production	entry into force	None		
	use	entry into force	articles in use local ectoparasiticide, insecticide	Australia Comoros	to be determined
[chlordane	production	entry into force	None		
	use	entry into force	articles in use: <ul style="list-style-type: none"> • General • additive in plywood adhesives • treated with termiticide in the structures of houses local ectoparasiticide, insecticide termiticide: <ul style="list-style-type: none"> • in buildings and dams • in roads 	Australia Republic of Korea Japan Comoros China Botswana Zambia	to be determined]
[DDT	production	entry into force	vector control use in accordance with Part II of the present Annex	China Russian Federation	to be determined
	use	entry into force	<u>de minimis</u> contaminant found in dicofol vector control use in accordance with Part II of the present Annex	Republic of Korea China Comoros Costa Rica Ecuador Mauritius Papua New Guinea Russian Federation South Africa Zambia	to be determined]
dieldrin	production	entry into force	None		
	use	entry into force	articles in use	Australia	to be determined
endrin	production	entry into force	None		
	use	entry into force	None		

Chemical	Activity	Compliance date	Specific exemption	Party	Expiry/review date
[heptachlor	production	entry into force	protection of underground cables	Russian Federation	to be determined
	use	entry into force	articles in use <ul style="list-style-type: none"> • general • treated with termiticide in the structures of houses subterranean termiticide by pest control operators wood treatment underground cable boxes	Australia Brazil Republic of Korea Japan Papua New Guinea Brazil Russian Federation United States of America	to be determined]
hexachloro-benzene	production	entry into force	Intermediate Solvent in pesticide Wood treatment	Russian Federation Russian Federation Russian Federation	to be determined
	use	entry into force	<u>de minimis</u> contaminant found in chlorothalonil intermediate processing hides solvent in pesticide wood treatment	Republic of Korea Russian Federation United States of America United Republic of Tanzania Nigeria Russian Federation Russian Federation	to be determined
mirex	production	entry into force	None		
	use	entry into force	Termiticide	Australia China	to be determined
Toxaphene	production	entry into force	None		
	use	entry into force	None		

Chemical	Activity	Compliance date	Specific exemption	Party	Expiry/review date
[PCBs	production	entry into force	None		
	use	entry into force	<p>Articles in use:</p> <ul style="list-style-type: none"> • in accordance with Part II of the present Annex • PCB-contaminated paint/ coatings on equipment <p>Equipment built in buildings</p> <p>[PCB containing or contaminated equipment or articles destined for disposal/ destruction]</p>	<p>All Parties</p> <p>Australia Republic of Korea</p> <p>Japan</p> <p>[Ecuador Papua New Guinea]</p>	to be determined

Part IIDDT

- [1. The 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 to a specific Party.
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 Parties 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 Parties, and be supported with monitoring data; and
 - (c) Implementation of alternative products, methods, and strategies for Parties 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 paragraph 3 above 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 meeting of the Conference of the Parties.]

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 and having a concentration of 0.05 per cent 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)]

OR

[Specific exemptions and 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 per cent.

(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 or weights greater than 5 kilograms and having a concentration of 0.05 per cent 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 any releases quickly remedied

(b) No use in areas associated with the production or processing of food or feed; and

(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.]

(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 per cent PCBs but greater than or equal to 0.005 per cent PCBs and having volumes greater than 2 litres 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 any releases 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 per cent 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 paragraph 4 (b) in article D, the equipment referred to in paragraphs (2) and (3).]

Annex B: RestrictionPart I

Chemical	Activity	Compliance date	Purpose	Party	expiry/ review date
[DDT]	Production	entry into force	Disease vector control use in accordance with Part II of the present Annex	China Russian Federation	to be determined
	Use	entry into force	Disease vector control in accordance with Part II of the present Annex dicofol containing DDT as a <u>de minimis</u> contaminant	China Comoros Costa Rica Ecuador Mauritius Papua New Guinea Russian Federation South Africa Zambia Republic of Korea	to be determined]
[PCBs]	Production	entry into force	None		
	Use	entry into force	Articles in use: <ul style="list-style-type: none"> in accordance with Part II of the present Annex PCB-contaminated paint/ coatings on equipment Equipment built in buildings [PCB containing or contaminated equipment or articles destined for disposal/ destruction]	All Parties Australia Republic of Korea Japan [Ecuador Papua New Guinea]	to be determined]

Part II

DDT

- [1. The 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 to a specific Party.
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 Parties 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 Parties, and be supported with monitoring data; and
 - (c) Implementation of alternative products, methods, and strategies for Parties 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 purpose based on a review of the stage of development of the items under paragraph 3 above 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 meeting of the Conference of the Parties.]

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 and having a concentration of 0.05 per cent 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)]

OR

[Specific exemptions and 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 per cent.

(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 or weights greater than 5 kilograms and having a concentration of 0.05 per cent 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 any releases quickly remedied;

(b) No use in areas associated with the production or processing of food or feed; and

(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.]

(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 per cent PCBs but greater than or equal to 0.005 per cent PCBs and having volumes greater than 2 litres 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 any releases 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 per cent 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 paragraph 4 (b) in article D, the equipment referred to in paragraphs (2) and (3).]

Annex C

[Persistent organic pollutants subject to release reduction

Part I

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

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

Part II: Guidance on implementation

A. 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 chemicals;
- (c) The furthering of recovery and recycling of chemicals 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.

B. Indicative list of major source categories 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 vinyl chloride 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 the present 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, which describe the different toxic activity of different congeners of PCDD/PCDF and PCB in comparison to 2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD).

2. The following toxic equivalency factors (TEFs) for humans, published by WHO in 1998, shall be used:

<u>Congener</u>	<u>TEF</u>
2,3,7,8-TCDD	1
1,2,3,7,8-Pentachlorodibenzo-p-dioxin	1
1,2,3,4,7,8-Hexachlorodibenzo-p-dioxin	0.1
1,2,3,7,8,9-Hexachlorodibenzo-p-dioxin	0.1
1,2,3,6,7,8-Hexachlorodibenzo-p-dioxin	0.1
1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin	0.01
Octachlorodibenzo-p-dioxin	0.0001
2,3,7,8-Tetrachlorodibenzofuran	0.1
1,2,3,7,8-Pentachlorodibenzofuran	0.05
2,3,4,7,8-Pentachlorodibenzofuran	0.5
1,2,3,4,7,8-Hexachlorodibenzofuran	0.1
1,2,3,6,7,8-Hexachlorodibenzofuran	0.1
1,2,3,7,8,9-Hexachlorodibenzofuran	0.1
2,3,4,6,7,8-Hexachlorodibenzofuran	0.1
1,2,3,4,6,7,8-Heptachlorodibenzofuran	0.01
1,2,3,4,7,8,9-Heptachlorodibenzofuran	0.01
Octachlorochlorodibenzofuran	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
2,3',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 chemical in Annexes A, B or C shall identify the chemical in the manner described in subparagraph (a) below and provide the information on the chemical, and its transformation products where relevant, relating to the criteria set out in subparagraphs (b) to [(e)] [(f)] below:

- (a) Chemical 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 chemical in water is greater than [two] [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 chemical 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 chemical 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 chemical 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 chemical is sufficient to justify consideration within the scope of this Convention;
- (d) Potential for long-range environmental transport:
 - (i) Measured levels of the chemical in locations distant from the sources of release of the chemical that are of potential concern;
 - (ii) Monitoring data showing that long-range environmental transport of the chemical, 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 chemical 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 chemical. For a chemical 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 chemical within the scope of this Convention[; and][.]

[1 bis.] [(f) Rationale:] [(f) Statement of concern:] [The proposing Party [shall] [should] 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 chemical 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 chemical 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 chemicals;
- (c) Environmental fate, including data and information on the chemical and physical properties and persistence of a chemical and how they are linked to its environmental transport, transfer within and between environmental compartments, degradation and transformation to other chemicals. 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 chemical 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 chemicals 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.
