

ARTICLE 5 Measures to reduce or eliminate releases from unintentional production

Each Party shall at a minimum take the following measures to reduce the total releases derived from anthropogenic sources of each of the chemicals listed in Annex C, with the goal of their continuing minimization and, where feasible, ultimate elimination:

- (a) Develop an action plan or, where appropriate, a regional or subregional action plan within two years of the date of entry into force of this Convention for it, and subsequently implement it as part of its implementation plan specified in Article 7, designed to identify, characterize and address the release of the chemicals listed in Annex C and to facilitate implementation of subparagraphs (b) to (e). 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 the source categories identified in Annex C;
 - (ii) An evaluation of the efficacy 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);
 - (iv) Steps to promote education and training with regard to, and awareness of, those strategies;
 - (v) A review every five years of those strategies and of their success in meeting the obligations of this paragraph; such reviews shall be included in reports submitted pursuant to Article 15;
 - (vi) A schedule for implementation of the action plan, including for the strategies and measures identified therein;
- (b) Promote the application of available, feasible and practical measures that can expeditiously achieve a realistic and meaningful level of release reduction or source elimination;
- (c) Promote the development and, where it deems appropriate, require the use of substitute or modified materials, products and processes to prevent the formation and release of the chemicals listed in Annex C, taking into

consideration the general guidance on prevention and release reduction measures in Annex C and guidelines to be adopted by decision of the Conference of the Parties;

- (d)** Promote and, in accordance with the implementation schedule of its action plan, require the use of best available techniques for new sources within source categories which a Party has identified as warranting such action in its action plan, with a particular initial focus on source categories identified in Part II of Annex C. In any case, the requirement to use best available techniques for new sources in the categories listed in Part II of that Annex shall be phased in as soon as practicable but no later than four years after the entry into force of the Convention for that Party. For the identified categories, Parties shall promote the use of best environmental practices. When applying best available techniques and best environmental practices, Parties should take into consideration the general guidance on prevention and release reduction measures in that Annex and guidelines on best available techniques and best environmental practices to be adopted by decision of the Conference of the Parties;
- (e)** Promote, in accordance with its action plan, the use of best available techniques and best environmental practices:

 - (i)** For existing sources, within the source categories listed in Part II of Annex C and within source categories such as those in Part III of that Annex; and
 - (ii)** For new sources, within source categories such as those listed in Part III of Annex C which a Party has not addressed under subparagraph (d).

When applying best available techniques and best environmental practices, Parties should take into consideration the general guidance on prevention and release reduction measures in Annex C and guidelines on best available techniques and best environmental practices to be adopted by decision of the Conference of the Parties;

- (f)** For the purposes of this paragraph and Annex C:

 - (i)** “Best available techniques” means the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for release limitations designed to prevent and, where that is not practicable, generally to reduce releases of chemicals listed in Part I of Annex C and their impact on the environment as a whole. In this regard:

- (ii) “Techniques” includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;
 - (iii) “Available” techniques means those techniques that are accessible to the operator and that are developed on a scale that allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages; and
 - (iv) “Best” means most effective in achieving a high general level of protection of the environment as a whole;
 - (v) “Best environmental practices” means the application of the most appropriate combination of environmental control measures and strategies;
 - (vi) “New source” means any source of which the construction or substantial modification is commenced at least one year after the date of:
 - a. Entry into force of this Convention for the Party concerned; or
 - b. Entry into force for the Party concerned of an amendment to Annex C where the source becomes subject to the provisions of this Convention only by virtue of that amendment.
- (g) Release limit values or performance standards may be used by a Party to fulfill its commitments for best available techniques under this paragraph.

ARTICLE 6 Measures to reduce or eliminate releases from stockpiles and wastes

1. In order to ensure that stockpiles consisting of or containing chemicals listed either in Annex A or Annex B and wastes, including products and articles upon becoming wastes, consisting of, containing or contaminated with a chemical listed in Annex A, B or C, are managed in a manner protective of human health and the environment, each Party shall:
 - (a) Develop appropriate strategies for identifying:
 - (i) Stockpiles consisting of or containing chemicals listed either in Annex A or Annex B; and