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**United Nations
Environment
Programme**

**Expert Group on Best Available Techniques and
Best Environmental Practices**

First meeting

Geneva, Switzerland, 28 November –2 December 2005

Item 3 of the provisional agenda*

**Further work on enhancement or strengthening, as appropriate,
of the guidelines on best available techniques and provisional
guidance on best environmental practices relevant to the provisions
of Article 5 of the Stockholm Convention on Persistent Organic Pollutants**

**Tasks of the Expert Group on Best Available Techniques and Best
Environmental Practices¹**

Note by the Secretariat

I. Background

1. Subparagraphs (d) and (e) of Article 5 of the Stockholm Convention on Persistent Organic Pollutants include the provision that:

“... 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 of the Convention] and guidelines on best available techniques and best environmental practices to be adopted by decision of the Conference of the Parties”².

2. The Conference of Plenipotentiaries on the Stockholm Convention, held in Stockholm on 22 and 23 May 2001, invited the Intergovernmental Negotiating Committee:

“to focus its efforts during the interim period on those activities required or encouraged by the Convention that will facilitate the rapid entry into force and effective implementation of the Convention upon its entry into force, including, for consideration by the Conference of the Parties, the development of ...”, inter alia, “... guidelines on best available techniques ...” (UNEP/POPS/CONF/4, appendix I, resolution 1, Para. 4).

3. The Conference of Plenipotentiaries decided also that the Committee should develop provisional guidance on best environmental practices relevant to the provisions of Article 5 for consideration by the Conference of the Parties upon the entry into force of the Convention (ibid, Para. 7).

* UNEP/POPS/EGBATBEP.1/1.

¹ This document has not been formally edited.

² The terms “best available techniques” and “best environmental practices” are defined in subparagraph (f) of Article 5 of the Stockholm Convention

4. In response to the above provisions, at its sixth session the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants, established an Expert Group on best available techniques/best environmental practices to develop guidelines on best available techniques and provisional guidance on best environmental practices relevant to the provisions of Article 5 of the Convention, for consideration by the Conference of the Parties upon entry into force of the Convention (see paragraph 75 and annex VII of the report of the session, UNEP/POPS/INC.6/22).

5. The Expert Group completed its work in three sessions, and submitted draft guidelines on best available techniques and provisional guidance on best environmental practices (see document UNEP/POPS/COP.1/INF/7) to the first meeting of the Conference of the Parties of the Stockholm Convention for its consideration and possible adoption.

6. At its first meeting held 2-6 May 2005 in Punta del Este, Uruguay, the Conference of the Parties to the Stockholm Convention, adopted decision SC-1/19 on guidelines on best available techniques and best environmental practices relevant to Article 5.

7. Decision SC-1/19 welcomes the draft guidelines and provisional guidance and encourages Parties to take the draft guidelines and provisional guidance into consideration, where practicable and feasible, in the development of action plans and other activities related to unintentionally produced persistent organic pollutants. It also establishes an Expert Group with a mandate to complete the tasks identified in section II of its terms of reference, for consideration by the Conference of the Parties at its third meeting.

II. Draft guidelines on best available techniques and provisional guidance on best environmental practices relevant to Article 5 and Annex C

8. The draft guidelines on best available techniques and provisional guidance on best environmental practices relevant to Article 5 and Annex C of the Stockholm Convention as contained in document UNEP/POPS/COP.1/INF/7 consist of six sections.

9. **Section I** provides background information on the guidelines/guidance including purpose and structure, a brief description of the characteristics and risks of the chemicals listed in Annex C of the Convention, relevant provisions of the SC, Article 5 and Annex C and, a summary of required measures under these provisions and their relationship to the Basel Convention.

10. **Section II** provides guidance on the consideration of alternatives, including a checklist that may be used in applying best available techniques to new sources, and information on other considerations of the Stockholm Convention including, health, safety, environmental, social and economic considerations.

11. **Section III** contains general guidance, applicable principles and descriptions of considerations that cut across multiple source categories.

12. **Section IV** contains a compilation of summaries provided for each source category in sections V and VI.

13. **Sections V and VI:** contain specific guidelines for each source category listed in Part II and Part III of Annex C of the Convention. For each of the source-specific guidelines, the following information is provided: a summary, process description, sources of chemicals listed in Annex C, primary and secondary measures, performance standards and performance reporting.

III. Tasks of the Expert Group

14. The Expert Group is tasked with the completion of further work on the enhancement or strengthening, where need be, of the best available techniques and best environmental practices guidelines and guidance document referred to in decision S-1/19, to assist the implementation of action plans, with emphasis on the following priority areas:

- (a) Enhancement of the document to make it easier to understand and use;

- (b) Enhancement of the guidelines to identify and more fully address needs and circumstances of developing countries and regions, particularly with respect to sources of relevance to developing countries of substances listed in Annex C to the Convention;
 - (c) Provision of additional information on available alternatives, including indigenous ones, and on the use of substitute or modified materials, products and processes, with respect to Annex C sources, and development of criteria for evaluating alternatives;
 - (d) Identification of considerations that countries may take into account in establishing requirements for best available techniques, including economic and social considerations as described in the Convention;
 - (e) Inclusion of additional information on achievable release performance levels; and
 - (f) Provision of additional references for measuring, monitoring and reporting releases of unintentionally produced persistent organic pollutants, especially source categories listed in Part II of Annex C of the Convention;
15. In addition to the above tasks the Expert Group is expected to:
- (a) Consider the input from the six regional consultations held prior to the first meeting of the Conference of the Parties;
 - (b) Consider comments provided by Parties and others pursuant to the request contained in decision SC-1/19;
 - (c) Make reference to case studies;
 - (d) Make editorial refinements, corrections and technical updates to the document as appropriate;
 - (e) Consider the request from the Conference of the Parties to the Basel Convention at its seventh session, and if practicable, develop information on best available techniques and best environmental practices with respect to unintentionally produced persistent organic pollutants, including recent technologies for destruction and irreversible transformation listed in the Basel Convention's general technical guidelines, as referred to in decision SC-1/21 of the Conference of the Parties;

IV. Possible action by the Expert Group

16. When addressing task (a) as referenced in paragraph 14 above, the Expert Group may wish to consider:
- (i) **Identifying** the audience to be targeted by the guidelines and guidance (decision makers, regulators, technical personnel and other stakeholders implementing provisions of the Stockholm Convention), taking into account the different issues covered by each of the current sections of the document;
 - (ii) **Setting up** a process to collect and incorporate, as appropriate, into the draft guidelines/guidance, the relevant editorial comments submitted by Parties and others, as well as any textual corrections and technical updates deemed necessary by the Expert Group;
 - (iii) **Requesting** the Secretariat to further elaborate, based on the comments received during the meeting, its proposal to make the guidelines and guidance a more user friendly document, for consideration and if appropriate adoption by the Expert Group at its next meeting;
17. When addressing tasks (b) and (d) as referenced in paragraph 14 above, the Expert Group may wish to consider:

- (i) **Identifying** the needs and circumstances of developing countries and regions, in light of the comments provided by Parties and others pursuant to decision SC-1/19 (see document UNEP/POPS/EGBATBEP.1/INF/5) particularly with respect to sources of relevance to developing countries of substances listed in Annex C to the Convention, not covered by the draft guidelines/guidance and **setting up** a process to avail itself of the necessary additional information required in order to address them;
- (ii) **Inviting** members of the Expert Group to identify relevant case studies or examples of specific issues, that can assist in the identification of, or address more fully the needs and circumstances of developing countries and regions, in particular with respect to sources of relevance to developing countries of substances listed in Annex C to the Convention;
- (iii) **Including** in the guidelines and guidance, relevant additional information on achievable release performance levels;
- (iv) **Identifying** relevant input from the regional consultations on the draft guidelines and guidance, held prior to the first meeting of the Conference of the Parties to the Stockholm Convention as contained in document UNEP/POPS/EGBATBEP.1/INF/4;
- (v) **Identifying** the relevant comments provided by Parties and others pursuant to the request contained in decision SC-1/19 (see document UNEP/POPS/EGBATBEP.1/INF/5), to be reflected in the guidelines and guidance document;
- (vi) **Setting up** a process to identify and collect during the intersessional period between the first and the second meetings of the Expert Group, additional references for measuring, monitoring and reporting releases of unintentionally produced persistent organic pollutants, especially source categories listed in Part II of Annex C of the Convention;
- (vii) **Identifying** considerations that countries may take into account in establishing requirements for best available techniques, including economic and social considerations as described in the Convention;
- (viii) **Setting up** a process for collecting and incorporate, as appropriate, into the draft guidelines/guidance, the relevant information identified by the Expert Group.

18. When addressing task (c) as referenced in paragraph 14 above, the Expert Group may wish to consider:

- (i) **Setting up** a process to identify and avail itself of additional information on available alternatives, including indigenous ones, and on the use of substitute or modified materials, products and processes, with respect to Annex C sources;
- (ii) **Setting up** a process to develop criteria for evaluating alternatives;
- (iii) **Inviting** members of the Expert Group to provide additional information on available alternatives, including indigenous ones, and on the use of substitute or modified materials, products and processes, with respect to Annex C sources;
- (iv) **Identifying and collecting** information on relevant case studies on available alternatives, including indigenous ones, and on the use of substitute or modified materials, products and processes, with respect to Annex C.

19. In addition the Expert Group may wish to consider **adopting** a work plan and identifying leads to undertake the necessary work during the intersessional period between the first and the second meetings of the Expert Group;