



**United Nations
Environment
Programme**

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

Mandate and terms of reference for the Expert Group**

Note by the Secretariat

1. The appendix I to the present note contains paragraphs 36 to 38 of the report of the first meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants, held from 2 to 6 May 2005 in Punta del Este, Uruguay (ref. UNEP/POPS/COP.1/31).
2. Appendix II to the present note contains decision SC-1/19 on guidelines on best available techniques and best environmental practices relevant to Article 5 as contained in annex 1 to the Report of the first meeting of the Conference of the Parties to the Stockholm Convention (ref. UNEP/POPS/COP.1/31).
3. The above, along with Article 5 and Annex C of the Stockholm Convention, provide the current mandate and terms of reference of the Expert Group.

* UNEP/POPS/EGBATBEP.1/1

** This document has not been formally edited.

Annex I

Paragraphs 36 to 38 of the report of the first meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants

B. Measures to reduce or eliminate releases from unintentional production

1. Guidelines on best available techniques and best environmental practices

36. Decision SC -1/19 on best available techniques and best environmental practices, submitted by the Committee of the Whole and adopted by the Conference of the Parties as amended, is contained in annex I to the present report.

37. Following adoption of the decision, the Conference agreed that Mr. Yu Gang (China) and Mr. Bo Wahlstrom (Sweden) would serve as co -chairs of the Expert Group on Best Available Techniques and Best Environmental Practices. On the basis of nominations by the regional groups, the Conference agreed that the following countries would represent the regional groups on the Committee:

Africa: Benin, Botswana, Djibouti, Ghana, Kenya, Mali, Nigeria, Rwanda, Tunisia;

Asia and the Pacific: China, Fiji, Japan, Mongolia, Oman, Papua New Guinea, Philippines, Thailand, Yemen;

Central and Eastern Europe: Armenia, Czech Republic, Latvia, Republic of Moldova;

Latin America and the Caribbean: Argentina, Brazil, Chile, Mexico, Uruguay, Venezuela (Bolivarian Republic of);

Western Europe and others: Australia, Austria, Canada, Finland, France, Germany, Iceland, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom.

38. The Conference noted that concerns had been raised as to the importance of regional representation in selecting members of the Expert Group.

Annex II

Decision SC-1/19: guidelines on best available techniques and best environmental practices relevant to Article 5

The Conference of the Parties,

Recalling that the Intergovernmental Negotiating Committee at its sixth meeting established an expert group with the mandate to develop guidelines for best available techniques and provisional guidance for best environmental practices relevant to the provisions of Article 5 of the Convention,

Welcoming the submission of these draft guidelines and provisional guidance,

Expressing its appreciation for the work of the expert group,

Recognizing the usefulness of the draft guidelines on best available techniques and provisional guidance on best environmental practices,

Further recognizing the importance of awareness-raising activities and case studies at regional and national levels in connection with the ongoing work on best available techniques and best environmental practices,

1. *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;

2. *Takes note of* the need for further work to enhance or strengthen the draft document to address those priority areas which have been identified in the terms of reference for the expert group, so that guidelines and guidance may be adopted by the Conference of the Parties at its third session;

3. *Decides* hereby to establish an Expert Group on Best Available Techniques and Best Environmental Practices, with the terms of reference set forth in the annex to the present decision;

4. *Invites* the Parties and others to submit comments on the draft guidelines and provisional guidance to the Secretariat by 31 August 2005 for consideration by the Expert Group at its first meeting.

Annex to decision SC-1/19

Terms of reference for the Expert Group on Best Available Techniques and Best Environmental Practices

I. Mandate

The Expert Group on Best Available Techniques and Best Environmental Practices, established by the Conference of the Parties of the Stockholm Convention on Persistent Organic Pollutants by decision SC-1/19, shall have as its mandate the completion of the tasks identified below relevant to the provisions of Article 5 of the Convention, for consideration by the Conference of the Parties at its third meeting.

II. Tasks

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 SC-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 unintentional POPs, especially source categories listed in Part II of Annex C.

The Expert Group shall also consider input from the six regional consultations held prior to the Conference of the Parties and comments provided by Parties and others on the draft guidelines to the Secretariat pursuant to the request for comments contained in decision SC -1/19. In addition, the Expert Group may make reference to case studies and make editorial refinements, corrections, and technical updates to the document, as appropriate.

The Expert Group shall consider the request from the Conference of the Parties of 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 POPs, 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.

III. Participation

The work of the Expert Group is technical in nature.

The membership of the Expert Group shall be based on ensuring fair geographical distribution among all United Nations regions, and building on the expertise and experience of the previous expert group established by the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants on at its sixth session.

In order to enhance the efficiency of the Expert Group and taking into account budgetary constraints, the number of participants in the meetings of the Expert Group should be kept to a manageable level.

The Expert Group shall consist of 42 members drawn from the regions identified in annex I to decision SC -1/7, as follows:

African States:	9
Asian and Pacific States:	9
Central and Eastern European States:	4
Latin American and Caribbean States:	6
Western European and other States:	14 ¹

It shall be the responsibility of each of the above regions to coordinate internally in order for Parties to appoint and maintain representation and substitution of members, as appropriate.

¹ This number is based on the representation from this region in the former expert group established by the Intergovernmental Negotiating Committee at its sixth session.

The members of the Expert Group shall consist of Government-designated experts from Parties identified in annex I to decision SC -1/7.

The regions shall, at the first meeting of the Conference of the Parties, identify Parties who will designate experts.

Those Parties shall forward the names of their designated experts to the Secretariat by 1 July 2005.

In addition, the meetings of the Expert Group shall be open to non-member experts and observers, as follows:

(a) Intergovernmental (two) and non-governmental organizations (four from environmental non-governmental organizations and four from industrial non-governmental organizations) shall be invited by the co-chairs to participate as non-member experts. A balanced representation of developing and developed countries is encouraged;

(b) The Co-Chairs of the Expert Group may invite additional experts as needed for each meeting with the status of observer. Other experts may include those associated with relevant work conducted under other Conventions.

(c) Meetings of the Expert Group shall be open to observers in accordance with the rules of procedure of the Conference of the Parties and its subsidiary bodies.

In order to promote an open and transparent process, regional networking should be encouraged to ensure the input of a broad representation of views and to offset differences in expertise available to countries at varying stages of development.

Furthermore, all documents under consideration by the Expert Group shall be made available to all interested parties (to the extent feasible), who shall be encouraged to provide written comments.

IV. Recommended qualifications

Participants should have expertise in specialized technical issues or a technological overview and expertise in at least one of the two following areas:

- (a) Relevant environmental policy; or
- (b) The functioning and provisions of the Stockholm Convention.

V. Funding for participation

Financial support, i.e., travel and daily subsistence allowance, shall be made available to Expert Group members and additional invited experts (para. (b) in section III above) from developing countries and countries with economies in transition for participation in meetings of the Expert Group according to United Nations practice. When considering the invitation of additional experts, the Expert Group shall take into account the availability of resources.

VI. Meetings

The Expert Group will meet twice: once prior to the second meeting of the Conference of the Parties; and once prior to the third meeting of the Conference of the Parties.

VII. Officers

At its first meeting, the Conference of the Parties shall designate two co-chairs of the Expert Group for the purpose of facilitating the work of the Expert Group.

VIII. Secretariat

The Secretariat of the Stockholm Convention will provide the Secretariat for the Expert Group.

IX. Administrative and procedural matters

The Expert Group shall apply, *mutatis mutandis*, the rules of procedure of the Conference of the Parties except as otherwise provided in these terms of reference.

X. Agenda

The Secretariat, in consultation with the officers of the Expert Group, shall prepare a provisional agenda for each meeting of the Group. The provisional agenda shall be communicated to all participants of the Expert Group and all interested parties at least six weeks before the start of the meeting.

XI. Languages

English shall be the working language of the Expert Group.

All documents submitted by the Expert Group to the Conference of the Parties shall be translated into Arabic, Chinese, French, Russian and Spanish.

XII. Outputs

(a) The Expert Group shall consider and adopt a meeting report at its first meeting to inform the Conference of the Parties at its second meeting of the results of its discussions;

(b) The Expert Group shall consider and adopt a final report, including its recommendations on guidance and guidelines, for consideration by the Conference of the Parties at its third meeting;

(c) These reports shall be circulated to all participants of the Expert Group meetings and the Conference of the Parties at least six weeks prior to the second and third meetings respectively of the Conference of the Parties, respectively.

XIII. Decision-making on guidelines and provisional guidance

The members of the Expert Group shall seek to reach agreement by consensus. Should consensus not be reached by members, the range of views of members and observers shall be reflected in the report to be submitted to the Conference of the Parties.

XIV. Possible reference materials

(a) Report of the regional workshop held in Bangkok, Thailand, from 13 to 15 March 2002, on national action on measures to reduce or eliminate the releases of by-products from unintentional production as requested by the Stockholm Convention on Persistent Organic Pollutants (UNEP/POPS/EGB.1/INF/4);

(b) Submission by Germany and Thailand to the sixth session of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International

Action on Certain Persistent Organic Pollutants on the regional workshop on national action on measures to reduce or eliminate the releases of by-products from unintentional production as requested by the Stockholm Convention on Persistent Organic Pollutants, Bangkok, Thailand, 13-15 March 2002 (UNEP/POPS/EGB.1/INF/9);

(c) Proceedings of the workshop for South American countries on best available techniques and best environmental practices to support the Stockholm Convention on Persistent Organic Pollutants, Buenos Aires, Argentina, 21-24 October 2002 (UNEP/POPS/EGB.1/INF/6);

(d) Report of the Expert Group on Best Available Techniques and Best Environmental Practices (UNEP/POPS/EGB.3/3);

(e) Draft guidelines on best available techniques and provisional guidance on best environmental practices relevant to Article 5 and Annex C (UNEP/POPS/COP.1/INF/7);

(f) Report by the co-chairs of the Expert Group on Best Available Techniques and Best Environmental Practices (UNEP/POPS/COP.1/8);

(g) Other reference material submitted no later than two months before the meeting.