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**Conference of the Parties of the Stockholm
Convention on Persistent Organic Pollutants**

Third meeting

Dakar, 30 April–4 May 2007

Item 5 (a) (ii) of the provisional agenda*

**Matters for consideration or action by the Conference of the Parties:
measures to reduce or eliminate releases from intentional production
and use: exemptions**

Review process for entries in the register of specific exemptions**

Note by the Secretariat

1. At its first meeting, the Conference of the Parties in its decision SC-1/24 adopted a review process for entries in the register of specific exemptions, with the exception of paragraphs 4 and 5, with a view to taking a decision on those paragraphs at a subsequent meeting of the Conference of the Parties. The review process is set out in annex I to the present note.
2. At its second meeting, the Conference of the Parties in its decision SC-2/3 decided to resume consideration of the unresolved issues in the review process for entries in the Register of Specific Exemptions, as adopted by the Conference in decision SC-1/24, at its third meeting.
3. Also in decision SC-2/3, the Conference noted that the criteria to be applied in the review process for entries in the Register of Specific Exemptions established under Article 4 of the Convention and which are set out in annex II to the present note, shall be taken into account by the Conference when it considers the unresolved issues in the review process referred to in paragraph 2 above.

Possible action by the Conference of the Parties

4. The Conference may wish to consider and adopt, with any amendments, paragraphs 4 and 5 of the review process, as set out in annex I to the present note.

* UNEP/POPS/COP.3/1.

** Stockholm Convention, Article 4, paragraph 5; reports of the Conference of the Parties on the work of its first meeting (UNEP/POPS/COP.1/31), annex I, decision SC-1/24, and on the work of its second meeting (UNEP/POPS/COP.2/30), annex I, decision SC-2/3.

Annex I

Review process for entries in the Register of Specific Exemptions that was adopted at the first meeting of the Conference of the Parties excepting paragraphs 4 and 5

Pursuant to paragraph 6 of Article 4 of the Stockholm Convention on Persistent Organic Pollutants, the review process for entries in the Register of Specific Exemptions will be as follows:

1. A Party may submit a request for an extension of an entry in the Register by submitting a report to the Secretariat justifying its continuing need for registration of the exemption. The extension request report shall be submitted at least 12 months before the last meeting of the Conference of the Parties that takes place before the expiry date.

2. The Secretariat shall circulate the extension request report to all Parties and observers at least 11 months before the meeting of the Conference of the Parties referred to in paragraph 1 and request that they submit other available information relevant to the report, as far as possible in the English language, at least 6 months before the meeting of the Conference of the Parties referred to in paragraph 1 above.

3. The Secretariat shall collect, translate as necessary, and submit all available information together with the extension request report to all Parties at least 5 months before the meeting of the Conference of the Parties referred to in paragraph 1 above.

[4. The group of experts should meet at least 4 months before the meeting of the Conference of the Parties referred to in paragraph 1 above to review the extension request report and any other available information relevant to it and develop recommendations to the Conference of the Parties, taking into consideration technological and economic aspects, including availability of alternatives and emissions control options. Wherever possible, consensus should be reached within the group on the final recommendation. If all endeavours for consensus fail, the different views of the experts shall be outlined in detail in a report to the Conference of the Parties.

5. The Secretariat shall circulate the recommendation and any report of the group of experts to all Parties and observers not later than 3 months before the meeting of the Conference of the Parties referred to in paragraph 1 above.]

6. The Conference of the Parties shall decide at its meeting on the request for an extension of an entry in the Register, prior to the expiry date of the entry.

Annex II

Criteria to be applied in the review process for entries in the register of specific exemptions

A. Production

1. The extension of a specific exemption for production of a chemical listed in Annex A or Annex B of the Convention may be granted by the Conference of the Parties to a State Party which requests such an extension pursuant to paragraphs 6 and 7 of Article 4 of the Convention if the following conditions have been met:

(a) The Party has submitted a justification for the continuing need for the exemption pursuant to paragraph 6 of Article 4 of the Convention that establishes that the extension is necessary for health or safety or is critical for the functioning of society;

(b) The national implementation plan required by Article 7 of the Convention (as originally submitted or as updated in accordance with Article 7) contains a strategy aimed at phasing out the production for which the extension is requested as soon as is feasible;

(c) In accordance with the strategy in subparagraph (b) above, all feasible measures have been taken by the Party to minimize the production of the chemical for which the extension is requested, including legal or administrative measures, as well as to prevent illegal production and human exposure and release into the environment;

(d) The chemical for which the extension is requested is not available in sufficient quantity and quality from existing stockpiles, bearing in mind the need for the chemical by developing countries or countries with economies in transition;

(e) In the case of a developing country Party or a Party with an economy in transition, the Party has requested technical assistance pursuant to Article 12 or financial assistance pursuant to Article 13 of the Convention in order to phase out as soon as is feasible the production for which the extension is requested.

B. Use

2. The extension of a specific exemption for use of a chemical listed in Annex A or Annex B of the Convention may be granted by the Conference of the Parties to a State Party which requests such an extension of use pursuant to paragraphs 6 and 7 of Article 4 of the Convention if the following conditions have been met:

(a) The Party has submitted a justification for the continuing need for the exemption pursuant to paragraph 6 of Article 4 of the Convention that establishes that the extension is necessary for health or safety or is critical for the functioning of society;

(b) The national implementation plan required by Article 7 of the Convention (as originally submitted or as updated in accordance with Article 7) contains a strategy aimed at phasing out the use for which the extension is requested as soon as is feasible;

(c) There are no technically and economically feasible alternatives that are available and acceptable to the Party from the standpoint of environment and health and that can entirely replace the use in the Party as from the expiry date of the specific exemption;

(d) In accordance with the strategy in subparagraph (b) above, all feasible measures have been taken by the Party to minimize the use, including legal or administrative measures, and to prevent illegal use of the chemical for which the extension is requested;

(e) In accordance with the strategy in paragraph (b) above, the Party has adopted measures to prevent or minimize human exposure to and release into the environment of the chemical for which the extension is requested and to ensure availability of public information regarding release prevention controls;

(f) In the case of a developing country Party or a Party with an economy in transition, the Party has requested technical assistance pursuant to Article 12 of the Convention in order to phase out as soon as is feasible the use for which the extension is requested.