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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 (b) (i) of the provisional agenda*

**Matters for consideration or action by the Conference
of the Parties: measures to reduce or eliminate releases
from unintentional production: best available techniques
and best environmental practices**

**Report of the co-chairs of the Expert Group on Best Available
Techniques and Best Environmental Practices****

Note by the Secretariat

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. At its first meeting, the Conference of the Parties of the Stockholm Convention, adopted decision SC-1/19 on guidelines on best available techniques and best environmental practices relevant to Article 5, which is contained in annex I to the report of the meeting, document UNEP/POPS/COP.1/31.

3. Decision SC-1/19 welcomed the draft guidelines and provisional guidance as contained in document UNEP/POPS/COP.1/INF/7 and encouraged 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 established an expert group with a mandate to complete the tasks identified in section II of its terms of reference contained in the annex to decision SC-1/19 for consideration by the Conference of the Parties at its third meeting.

* UNEP/POPS/COP.3/1.

4. The first meeting of the Expert Group on Best Available Techniques and Best Environmental Practices was held in Geneva, Switzerland, from 28 November to 2 December 2005, and the second meeting of the Expert Group was held in Geneva, Switzerland, from 19 to 24 November 2006. The reports of the meetings are available in the six official United Nations languages as documents UNEP/POPS/EGBATBEP.1/5 and UNEP/POPS/EGBATBEP.2/4, respectively.
5. At its second meeting, the Expert Group completed further work on the draft guidelines on best available techniques and provisional guidance on best environmental practices as requested by Conference of the Parties at its first meeting in its decision SC-1/19 and agreed to forward the draft revised draft guidelines on best available techniques and provisional guidance on best environmental practices to the Conference of the Parties at its third meeting for its consideration and possible adoption. The revised guidelines and provisional guidance are contained in document UNEP/POPS/COP.3/INF/4.
6. A report prepared by the co-chairs of the Expert Group, Mr. Gang Yu (China) and Mr. Bo Wahlström (Sweden), describing the process by which the draft guidelines and provisional guidance were developed, is set forth in the annex to the present note.
7. Among other matters, the Expert Group at its first meeting requested the Secretariat to examine the possibility, funds permitting, of holding:
- (a) Awareness-raising regional workshops in the intersessional period leading up to the second meeting of the Expert Group;
 - (b) A second round¹ of informal consultations to be held between the second meeting of the Expert Group and the third meeting of the Conference of the Parties².
8. In response to the request from the Expert Group, the Secretariat was able to organize a regional awareness-raising workshop on the draft guidelines on best available techniques and best environmental practices for Central and Eastern Europe and West Asian Parties to the Convention, which was held 2-4-October 2006 at the Research Centre for Environmental Chemistry and Ecotoxicology, Faculty of Science, Masaryk University, Brno, Czech Republic. Unfortunately, due to lack of funding and the short period available to complete the necessary arrangements, the Secretariat was unable to hold the regional workshops that had been scheduled for other regions. A series of seven regional and subregional workshops have, however, been scheduled by the Secretariat for the period 2007–2008.
9. In a related matter, the Conference of the Parties, at its first meeting, adopted decision SC-1/20 on guidelines on best available techniques and best environmental practices and guidance on training and awareness-raising activities. Paragraph 1 of the decision requested the Secretariat to initiate activities to promote guidelines on best available techniques and best environmental practices through awareness raising, information dissemination and publicity at regional, subregional and national levels, subject to available funding. Paragraph 2 of the decision urges Parties and non-Parties and other donors in a position to do so to support such activities.
10. In response to the above request the Secretariat has initiated an awareness raising programme aimed at providing information on the draft guidelines at the regional, subregional and national levels, through user-friendly pamphlets and handbooks on the issue.

Possible action by the Conference of the Parties

11. The Conference of the Parties may wish:
- (a) To consider the report by the co-chairs of the Expert Group reproduced in the annex to the present note and the revised draft guidelines on best available techniques and provisional guidance on best environmental practices contained in document UNEP/POPS/COP.3/INF/4;
 - (b) To take note of the report of the Expert Group on the work of its second meeting as contained in document UNEP/POPS/EGBATBEP.2/4;
 - (c) To adopt, for immediate use by Parties, with any amendments, the revised draft guidelines on best available techniques and provisional guidance on best environmental practices;

1 A first round of six informal consultations was undertaken from February to April 2005 (reference: document UNEP/POPS/EGBATBEP.1/INF/4).

2 Report of the Expert Group on the work of its first meeting (UNEP/POPS/EGBATBEP/5), paragraph 52.

- (d) To invite Parties and others to provide to the Secretariat comments on their experience in implementing the revised draft guidelines on best available techniques and provisional guidance on best environmental practices;
- (e) Invite Parties and others, in a position to do so, to fund:
 - (i) Awareness-raising workshops on the guidelines on best available techniques and best environmental practices;
 - (ii) Awareness-raising activities pursuant to decision SC-1/20.

Annex

Report of the co-chairs of the Expert Group on Best Available Techniques and Best Environmental Practices to the Conference of the Parties at its third meeting

1. The Expert Group on Best Available Techniques and Best Environmental Practices was established by the Conference of the Parties in its decision SC-1/19 adopted at its first meeting held in Punta del Este, Uruguay 1-5 May 2005.
2. The Expert Group was tasked with the completion of further work on the enhancement or strengthening, where needed, of the best available techniques and best environmental practices guidelines and guidance document referred to in decision SC-1/19, and set forth in document UNEP/POPS/COP.1/INF/7, 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;
3. In addition to the above tasks the Expert Group was also 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;
4. The Expert Group met twice, the first meeting took place 28 November to 2 December 2005 in Geneva, Switzerland and the second meeting took place from 19 to 24 November 2006 in Geneva, Switzerland. At its first meeting the Expert Group initiated work on the mandate it had been provided with, adopted a work plan and identified the leads to undertake the necessary work during the intersessional period between the first and the second meetings of the Group;
5. In accordance with the above mentioned work plan, the Secretariat sent out a request to members and other interested stakeholders to provide additional relevant information related to the work of the Expert Group by 30 January 2006. Taking into account the submissions received,

intersessional working group coordinators within the Expert Group provided revised guidance on source categories and cross cutting issues draft sections of the guidelines and guidance to the Secretariat by 13 April 2006, who distributed the revised draft guidance to members of the Expert Group and others, for comments by 30 May 2006. The revised draft sections were also made publicly available on the Convention web site (www.pops.int).

6. Taking into account the comments received, the coordinators revised for the second time the drafts of their sections and submitted the revisions to the Secretariat, who hired a technical editor to work on the revised texts and compiled all the sections into one full revised draft guidance document which was made available at the beginning of October on time for the second meeting of the Expert Group.

7. The Expert Group enhanced the document to make it easier to understand and use, made editorial refinements, corrections and technical updates to the document as appropriate, and included references to case studies where relevant in each of the sections of the document.

8. At its second meeting, the Expert Group considered the revised draft of the guidelines and guidance and agreed on further improvements to them. Throughout the process the Expert Group kept in mind its mandate, in particular in undertaking its tasks it constantly underscored the need to identify and more fully address the needs and circumstances of developing countries and regions. As a result, the text of the guidelines was revised, updated and improved. The Expert Group noted however, that despite its efforts additional case studies are still needed and should be identified for future use.

9. By the end of its second meeting the Expert Group considered that it had fulfilled its mandate by enhancing the revised draft guidelines on best available techniques and provisional guidance on best environmental practices and thus it agreed to recommend to the Conference of the Parties that it adopt the document as submitted for its consideration. Furthermore, the Expert Group recommends that the Conference of the Parties encourages the use of the revised draft guidelines and provisional guidance in order to fully field them.

10. The Expert Group expressed its concern regarding the lack of capacity at the national level to put the guidance into practice, and thus saw the need to encourage the Conference of the Parties to provide the necessary financial assistance for the implementation of the guidance.

11. In addition the Expert Group agreed to recommend that the Conference of the Parties should consider how to update the guidelines and guidance as new information and associated issues arise.

12. In addition to the work on the guidelines and provisional guidance, the Expert Group was also given the mandate to 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.

13. In response to the above-mentioned mandate, the Expert Group prepared a report on the issue for consideration by the Conference of the Parties at its third meeting. The text of the report is set forth in annex II of the report of the second meeting of the Expert Group on best available techniques and best environmental practices as set forth in document UNEP/POPS/EGBATBEP.2/4.