



Stockholm Convention on Persistent Organic Pollutants

Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants Ninth meeting

Geneva, 29 April–10 May 2019

Item 5 (e) of the provisional agenda*

**Matters related to the implementation of the Convention:
listing of chemicals in Annex A, B or C to the Convention**

Proposals to amend Article 8 of and Annex D to the Stockholm Convention

Note by the Secretariat

I. Introduction

1. On 27 July 2018, the Secretariat received from the Russian Federation proposals to amend Article 8 of and Annex D to the Stockholm Convention on Persistent Organic Pollutants. The proposals are set out in annex I to the present note, without formal editing. For the convenience of the Parties, annex II to the present note shows in tracked changes the proposed amendments to the current text of Article 8 and Annex D. An explanatory note, in English only, provided by the Russian Federation, is set out in document UNEP/POPS/COP.9/INF/9.
2. Pursuant to paragraph 2 of Article 21, paragraph 3 (a) of Article 22 and paragraph 5 (a) of Article 22 of the Convention, on 26 October 2018, more than six months before the ninth meeting of the Conference of the Parties to the Stockholm Convention, the Secretariat communicated to the Parties to the Convention the proposals to amend Article 8 of and Annex D to the Convention.¹ A compilation of comments received from Parties relating to the proposed amendments is set out in document UNEP/POPS/COP.9/INF/24.
3. Pursuant to paragraph 2 of Article 21, paragraph 3 (a) of Article 22 and paragraph 5 (a) of Article 22 of the Convention, amendments to the Convention and to Annex D are to be adopted at a meeting of the Conference of the Parties.
4. Pursuant to paragraph 3 of Article 21 of the Convention, the Parties are to make every effort to reach agreement on any proposed amendment to the Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment as a last resort is to be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. If the Conference of the Parties decides to adopt an amendment to the Convention, it will enter into force in accordance with paragraphs 4 and 5 of Article 21 of the Convention.
5. Pursuant to paragraph 5 (b) of Article 22 of the Convention, the Parties shall take decisions on an amendment to Annex D by consensus. Pursuant to paragraph 5 (c) of Article 22 of the Convention if the Conference of the Parties decides to adopt an amendment to Annex D, it will enter into force for all Parties on a date to be specified in the decision.

* UNEP/POPS/COP.9/1.

¹ Available at <http://chm.pops.int/TheConvention/Communications/tabid/3391/Default.aspx>.

II. Proposed action

6. The Conference of the Parties may wish to consider adopting the proposed amendments to Article 8 of and Annex D to the Stockholm Convention set out in annex I to the present note.

Annex I

Proposals to amend Article 8 of and Annex D to the Stockholm Convention

1. Proposal to amend Article 8 of the Stockholm Convention submitted by the Russian Federation

(a) In subparagraph “a” of paragraph 7 to replace the words “lack of full scientific certainty shall not prevent the proposal from proceeding” with the words “The risk management evaluation is prepared on the basis of certain and reproducible scientific data”.

(b) In paragraph 9 to replace the words “any scientific uncertainty” with the words “scientific certainty and reproducibility of the data”.

2. Proposal to amend Annex D to the Stockholm Convention submitted by the Russian Federation

In subparagraphs “b”(i) and “c”(ii) of paragraph 1 after the sign “;” to replace the conjunction “or” with the conjunction “and”.

Annex II

Tracked changes to the current texts of Article 8 and Annex D of the Stockholm Convention reflecting the amendment proposals

“ARTICLE 8 Listing of chemicals in Annexes A, B and C

1. A Party may submit a proposal to the Secretariat for listing a chemical in Annexes A, B and/or C. The proposal shall contain the information specified in Annex D. In developing a proposal, a Party may be assisted by other Parties and/or by the Secretariat.
2. The Secretariat shall verify whether the proposal contains the information specified in Annex D. If the Secretariat is satisfied that the proposal contains the information so specified, it shall forward the proposal to the Persistent Organic Pollutants Review Committee.
3. The Committee shall examine the proposal and apply the screening criteria specified in Annex D in a flexible and transparent way, taking all information provided into account in an integrative and balanced manner.
4. If the Committee decides that:
 - (a) It is satisfied that the screening criteria have been fulfilled, it shall, through the Secretariat, make the proposal and the evaluation of the Committee available to all Parties and observers and invite them to submit the information specified in Annex E; or
 - (b) It is not satisfied that the screening criteria have been fulfilled, it shall, through the Secretariat, inform all Parties and observers and make the proposal and the evaluation of the Committee available to all Parties and the proposal shall be set aside.
5. Any Party may resubmit a proposal to the Committee that has been set aside by the Committee pursuant to paragraph 4. The resubmission may include any concerns of the Party as well as a justification for additional consideration by the Committee. If, following this procedure, the Committee again sets the proposal aside, the Party may challenge the decision of the Committee and the Conference of the Parties shall consider the matter at its next session. The Conference of the Parties may decide, based on the screening criteria in Annex D and taking into account the evaluation of the Committee and any additional information provided by any Party or observer, that the proposal should proceed.
6. Where the Committee has decided that the screening criteria have been fulfilled, or the Conference of the Parties has decided that the proposal should proceed, the Committee shall further review the proposal, taking into account any relevant additional information received, and shall prepare a draft risk profile in accordance with Annex E. It shall, through the Secretariat, make that draft available to all Parties and observers, collect technical comments from them and, taking those comments into account, complete the risk profile.
7. If, on the basis of the risk profile conducted in accordance with Annex E, the Committee decides:
 - (a) That the chemical is likely as a result of its long-range environmental transport to lead to significant adverse human health and/or environmental effects such that global action is warranted, the proposal shall proceed. ~~Lack of full scientific certainty shall not prevent the proposal from proceeding.~~ **The risk management evaluation is prepared on the basis of certain and reproducible scientific data.** The Committee shall, through the Secretariat, invite information from all Parties and observers relating to the considerations specified in Annex F. It shall then prepare a risk management evaluation that includes an analysis of possible control measures for the chemical in accordance with that Annex; or
 - (b) That the proposal should not proceed, it shall, through the Secretariat, make the risk profile available to all Parties and observers and set the proposal aside.
8. For any proposal set aside pursuant to paragraph 7 (b), a Party may request the Conference of the Parties to consider instructing the Committee to invite additional information from the proposing Party and other Parties during a period not to exceed one year. After that period and on the basis of any information received, the Committee shall reconsider the proposal pursuant to paragraph 6 with a priority to be decided by the Conference of the Parties. If, following this procedure, the Committee again sets the proposal aside, the Party may challenge the decision of the Committee and the Conference of the Parties shall consider the matter at its next session. The Conference of the Parties

may decide, based on the risk profile prepared in accordance with Annex E and taking into account the evaluation of the Committee and any additional information provided by any Party or observer, that the proposal should proceed. If the Conference of the Parties decides that the proposal shall proceed, the Committee shall then prepare the risk management evaluation.

9. The Committee shall, based on the risk profile referred to in paragraph 6 and the risk management evaluation referred to in paragraph 7 (a) or paragraph 8, recommend whether the chemical should be considered by the Conference of the Parties for listing in Annexes A, B and/or C. The Conference of the Parties, taking due account of the recommendations of the Committee, including **scientific certainty and reproducibility of the data**~~including any scientific uncertainty~~, shall decide, in a precautionary manner, whether to list the chemical, and specify its related control measures, in Annexes A, B and/or C.”

“ANNEX D Information requirements and screening criteria

1. A Party submitting a proposal to list a chemical in Annexes A, B and/or C shall identify the chemical in the manner described in subparagraph (a) and provide the information on the chemical, and its transformation products where relevant, relating to the screening criteria set out in subparagraphs (b) to (e):

- (a) Chemical identity:
 - (i) Names, including trade name or names, commercial name or names and synonyms, Chemical Abstracts Service (CAS) Registry number, International Union of Pure and Applied Chemistry (IUPAC) name;
 - (ii) and
 - (iii) Structure, including specification of isomers, where applicable, and the structure of the chemical class;
- (b) Persistence:
 - (i) Evidence that the half-life of the chemical in water is greater than two months, or that its half-life in soil is greater than six months, or that its half-life in sediment is greater than six months; ~~or~~and
 - (ii) Evidence that the chemical is otherwise sufficiently persistent to justify its consideration within the scope of this Convention;
- (c) Bio-accumulation:
 - (i) Evidence that the bio-concentration factor or bio-accumulation factor in aquatic species for the chemical is greater than 5,000 or, in the absence of such data, that the log Kow is greater than 5;
 - (ii) Evidence that a chemical presents other reasons for concern, such as high bio-accumulation in other species, high toxicity or ecotoxicity; ~~or~~and
 - (iii) Monitoring data in biota indicating that the bio-accumulation potential of the chemical is sufficient to justify its consideration within the scope of this Convention;
- (d) Potential for long-range environmental transport:
 - (i) Measured levels of the chemical in locations distant from the sources of its release that are of potential concern;
 - (ii) Monitoring data showing that long-range environmental transport of the chemical, with the potential for transfer to a receiving environment, may have occurred via air, water or migratory species; or
 - (iii) Environmental fate properties and/or model results that demonstrate that the chemical has a potential for long-range environmental transport through air, water or migratory species, with the potential for transfer to a receiving environment in locations distant from the sources of its release. For a chemical that migrates significantly through the air, its half-life in air should be greater than two days;

And
- (e) Adverse effects:

- (i) Evidence of adverse effects to human health or to the environment that justifies consideration of the chemical within the scope of this Convention; or
- (ii) Toxicity or ecotoxicity data that indicate the potential for damage to human health or to the environment.

2. The proposing Party shall provide a statement of the reasons for concern including, where possible, a comparison of toxicity or ecotoxicity data with detected or predicted levels of a chemical resulting or anticipated from its long-range environmental transport, and a short statement indicating the need for global control.

3. The proposing Party shall, to the extent possible and taking into account its capabilities, provide additional information to support the review of the proposal referred to in paragraph 6 of Article 8. In developing such a proposal, a Party may draw on technical expertise from any source.
