

Hazardous Substances and New Organisms (Stockholm Convention) Amendment Bill

Government Bill

As reported from the Foreign Affairs, Defence and
Trade Committee

Commentary

Recommendation

The Foreign Affairs, Defence and Trade Committee has examined the Hazardous Substances and New Organisms (Stockholm Convention) Amendment Bill and recommends that it be passed with the amendments shown.

Background

The Hazardous Substances and New Organisms (Stockholm Convention) Amendment Bill amends the Hazardous Substances and New Organisms Act 1996 to give effect to the requirements of the Stockholm Convention on Persistent Organic Pollutants. Enactment of the bill, together with amendments to the Import Control Act 1988 in the Imports and Exports (Restrictions) Amendment Bill, will enable New Zealand to ratify the Convention.

The main purpose of the bill is to provide for the absolute prohibition on the manufacture, import or use (with a specific, time limited exemption for PCBs ¹) of the persistent organic pollutants (POPs) in Annexes A and B of the Convention, which are listed in Schedule 2 of the bill. The bill also allows for the importation of POPs for the purpose of environmentally sound disposal.

¹ PCBs are Polychlorinated Biphenyls

The previous committee examined the Convention pursuant to the international treaty examination procedures in Standing Orders 384 to 387 and reported to the House on 22 February 2002.

This commentary outlines our consideration of the major issues raised in relation to the bill, and the amendments we recommend.

Interpretation

Definition of ‘environmentally sound disposal’

We recommend omitting paragraph (b) from the definition of ‘environmentally sound disposal’ in clause 4 to allow continued research into phytoremediation treatment processes.

The purpose of the definition, as originally drafted, was to make clear that dilution as a means of disposal is not an acceptable practice and is not environmentally sound. However, phytoremediation and other techniques may involve mixing the POP contaminant with other substances for the purposes of treatment that then irreversibly diminishes the overall mass of POP contamination to an acceptable level and meet the requirements in Article 6 of the Convention. We are advised that phytoremediation treatment processes are likely to be considered and endorsed by the Conference of Parties in guidelines on environmentally sound disposal.

We also recommend the definition refer to the Environmental Risk Management Authority’s (ERMA) ability to give directions as to the disposal of a POP, being directions that are not inconsistent with Article 6 of the Convention.

Definition of ‘persistent organic pollutant’

We considered whether amendment to the definition of ‘persistent organic pollutant’ should be made in order to provide a mechanism for adding other substances to Schedule 2A. We do not believe any change is necessary. Clause 13 in the bill provides for further substances, which are designated as POP chemicals under the Stockholm Convention, to be added by Order in Council to Schedule 2A of the Act under the current definition of the Convention.

We note that the substances listed in the Convention have undergone thorough analysis and testing, and are included because of their particular characteristics. Other chemicals not currently listed in the

Convention can be regulated under existing procedures in the Act for chemical registration and re-assessment.

Definition of ‘Stockholm Convention’

We considered the definition of ‘Stockholm Convention’ in clause 4 of the bill that applies to amendments or substitutions of the Convention. The Regulations Review Committee proposed an amendment so that the definition would limit amendments to the Convention to those that had been included in Schedule 1AA. We are advised that the Committee’s concern is about amendments to the Convention applying automatically in New Zealand’s domestic law. Rather than amend this definition, we have substituted a new definition of environmentally sound disposal so that the rules about disposal are set by ERMA, rather than being set directly by the Convention.

Exemptions from the Act for small-scale research on hazardous substances

We looked at clause 8 of the bill to see if any clarification on the issue of research on hazardous substances in relation to POPs was required. We do not believe any amendments are necessary in this regard. Clause 8 needs to be read in the context of section 33 of the Act. The effect of clause 8 is that if the small-scale use of a substance in research and development creates or involves POP, then the provisions of the Act are deemed to apply. A person will therefore need an ERMA approval before they can, for example, import in accordance with new section 30 small amounts of a POP into containment. If the small-scale use does not create or involve a POP the use is outside the scope of the Act and no approval is required.

New schedules to the Act

We recommend amending clause 13 to allow any specified use or expiry date listed in Schedule 2A to be amended by Order in Council. Under the new provisions, any amendment to the Act must be consistent with the Convention.

Clause 13 of the bill inserts new sections 140A and 140B into the Act. New section 140A provides for new Schedule 2A, which sets out a list of POPs and any permitted use or manufacture, to be amended by the Governor-General by Order in Council. New

section 140B provides for new Schedule 1AA, which sets out the Convention, to be amended or substituted by the Governor-General by Order in Council, in order to keep the schedule up to date. This amendment ensures that if a use or an expiry date for a POP is amended in the Convention, New Zealand is able to incorporate that amendment into its domestic legislation. We note that Schedule 2A will only be able to be amended if the list of permitted uses in the Convention is amended. The same applies for amendments to expiry dates. We further note that new section 140A, as currently drafted, requires that any Order in Council under section 140A must be consistent with the Convention.

Continuation of PCB exemptions application process in the bill

We recommend amending clause 5 so that it contains specific reference to the PCB use exemption in Schedule 2A and to clarify the exemption application process to use and store PCBs under regulations 49J and 49I of the Toxic Substances Regulations 1983. Schedule 2A of the bill contains a list of POPs and any use or manufacture exemptions permitted by the Convention that have also been adopted by New Zealand. It is currently unlawful to import or manufacture PCBs. It is also unlawful to use or store PCBs unless a specific exemption has been granted under regulations 49J and 49I of the Toxic Substances Regulations 1983. The Convention recognises that PCBs are still in use and that their replacement in accordance with more environmentally friendly substances must be undertaken in accordance with a managed replacement plan. The target for the final elimination of PCBs worldwide is 2025. These amendments clarify that Schedule 2A of the bill allows the holder of a current PCB exemption to apply to ERMA for an extension of the exemption.

We recommend that new section 25AC be inserted in the Act to provide for the continuation of the current PCB storage exemptions process under the Toxic Substances Regulations. We agree with Trans Power New Zealand Ltd that the storage of PCBs should continue to be regulated and monitored. This approach is consistent with the Convention and will ensure environmentally sound management of PCBs for which exemptions have been granted. We note that as with the use of PCBs, no new exemptions for storage will be able to be granted once the bill has been passed. However, existing

storage exemptions will be recognized and valid until the expiry of the existing exemption date or any extended date approved through application to ERMA.

Extension of expiry date of PCB use exemption until 2016

We also recommend amending Schedule 2A of the bill to provide for the extension of the expiry date of a PCB exemption until 2016, rather than 2014 as currently drafted. We are told by Trans Power New Zealand Ltd that PCBs are being used widely within the electricity industry inside smaller items, such as transformers and light fittings. Trans Power New Zealand Ltd is supportive of the inclusion of PCBs in the list of POPs in Schedule 2A and is currently removing PCBs from its equipment in accordance with a replacement plan. This amendment will enable Trans Power New Zealand Ltd to complete its replacement plan, which can only make replacements through a limited number of outages per year, by 2016.

Other matters raised by submitters

Managing POPs stockpiles and waste

We recommend that clause 5 be amended so that new section 25AB be inserted into the Act to specify that the storage of POPs, other than PCBs, is to take place under terms and conditions directed by ERMA. We agree with the view of Trans Power New Zealand Ltd that equal importance should be placed on a procedure to ensure environmentally sound management and disposal of all POPs (not just PCBs), including a requirement for notification of previously unknown quantities of POPs on discovery. However, a distinction between PCBs and non-PCB POPs should be drawn, as it is currently unlawful to store PCBs without an exemption and not unlawful to store other POPs (although their use, import and manufacturer may be prohibited).

Dioxin

We considered whether there should be any amendments to address the release of dioxin and furans (known as dioxin) from some combustion activities. We do not believe any amendments are necessary in this regard. The Convention requires parties to minimize and, where feasible, eliminate emissions of dioxin. Dioxin is a

by-product of some combustion processes and is not a substance that is used in a process. Therefore, dioxin is outside the jurisdiction of the Act and is not addressed in the bill. We are advised that New Zealand can meet the obligations of the Convention concerning dioxin emissions reduction through existing legal mechanisms under the Resource Management Act 1991.

Appendix

Committee process

The Hazardous Substances and New Organisms (Stockholm Convention) Amendment Bill was referred to the committee on 20 February 2003. The closing date for submissions was 21 March 2003. We received and considered 3 submissions from interested groups and individuals. Hearing of evidence took 53 minutes and consideration took a further 1 hour and 7 minutes.

We received advice from the Ministry for the Environment.

Committee membership

Hon Peter Dunne (Chairperson, United Future)

Graham Kelly (Deputy Chairperson, Labour)

Tim Barnett (Labour)

Martin Gallagher (Labour)

Keith Locke (Green)

Dr Wayne Mapp (National)

Ron Mark (New Zealand First)

Hon Matt Robson (Progressive)

Dr the Hon Lockwood Smith (National)

Dr Paul Hutchison was a replacement member for this item of business.

**Hazardous Substances and New
Organisms
(Stockholm Convention) Amendment**

Key to symbols used in reprinted bill

As reported from a select committee

Struck out (unanimous)

Subject to this Act,

Text struck out unanimously

New (unanimous)

Subject to this Act,

Text inserted unanimously

(Subject to this Act,)

Words struck out unanimously

Subject to this Act,

Words inserted unanimously

Hon Marian Hobbs

Hazardous Substances and New Organisms (Stockholm Convention) Amendment Bill

Government Bill

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Schedule 1
New Schedule 1AA inserted in principal Act

Schedule 2
New Schedule 2A inserted in principal Act

The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Hazardous Substances and New Organisms (Stockholm Convention) Amendment Act **2002**.

- (2) In this Act, the Hazardous Substances and New Organisms Act 1996¹ is called “the principal Act”.

¹ 1996 No 30

Part 1 Preliminary provisions

- 2 Commencement** 5
This Act comes into force on a day to be appointed by the Governor-General by Order in Council.
- 3 Purpose** 10
The purpose of this Act is to enable New Zealand to comply with the Stockholm Convention on Persistent Organic Pollutants.

Part 2 Amendments to principal Act

- 4 Interpretation** 15
Section 2(1) of the principal Act is amended by inserting, in their appropriate alphabetical order, the following definitions:

Struck out (unanimous)

“**environmentally sound disposal**, in relation to a substance that is a persistent organic pollutant,—

- “(a) means disposal that complies with Article 6 of the Stockholm Convention; but 20
- “(b) does not include diluting the substance with another substance before discharge into the environment

New (unanimous)

“**environmentally sound disposal**, in relation to a substance that is a persistent organic pollutant, means disposal in accordance with directions given by the Authority by notice in the *Gazette*, being directions that are not inconsistent with Article 6 of the Stockholm Convention 25

“persistent organic pollutant—

- “(a) means a substance listed in **Schedule 2A**; and
- “(b) includes a substance containing 1 or more of those substances; but
- “(c) does not include a substance occurring in quantities as unintentional trace contaminants in products and articles

“Stockholm Convention—

- “(a) means the Convention on Persistent Organic Pollutants done at Stockholm on 23 May 2001 and the Annexes to the Convention, a copy of the English text of which is set out in **Schedule 1AA**; and
- “(b) includes (*the Annexes to the Convention and*) any amendments to, or substitutions of, the Convention or the Annexes that are, or will become, binding on New Zealand”.

New (unanimous)

4A Powers, functions, and duties of Authority

Section 11 of the principal Act is amended by inserting, after paragraph (f), the following paragraph:

- “(fa) give directions as to the disposal of persistent organic pollutants:”

5 New sections 25A, 25AB, 25AC and 25B inserted

The principal Act is amended by inserting, after section 25, the following sections:

“25A Prohibition of import, manufacture, or use of persistent organic pollutants

- “(1) No persistent organic pollutant is to be imported or manufactured, and no approval is to be issued to import or manufacture a persistent organic pollutant, except as provided by—
 - “(a) **section 29B**; or
 - “(b) section 30(a); or
 - “(c) section 30(ba), but only for research in a laboratory.
- “(2) A persistent organic pollutant that is manufactured in New Zealand must not be used in New Zealand except for a use specified in **Schedule 2A** for the persistent organic pollutant.

New (unanimous)

“25AB Prohibition on storage of persistent organic pollutants

“(1) A persistent organic pollutant must not be stored in New Zealand.

“(2) However, **subsection (1)** does not apply to—

“(a) a persistent organic pollutant (other than polychlorinated biphenyls) stored in accordance with conditions specified by the Authority by notice in the *Gazette*; or 5

“(b) a persistent organic pollutant in respect of which storage is specified in **Schedule 2A**. 10

“25AC Continuation of certain exemptions under Toxic Substances Regulations 1983

For the purposes of **sections 25A and 25AB and Schedule 2A**, an exemption granted under regulation 49I or regulation 49J of the Toxic Substances Regulations 1983 that is in force immediately before the commencement of the **Hazardous Substances and New Organisms (Stockholm Convention) Amendment Act 2003** continues— 15

“(a) on the same terms and conditions as in force at that time; and 20

“(b) until the expiry of—

“(i) the exemption; or

“(ii) an extension of the exemption (being not later than the close of 2016) granted by the Authority.

“25B Use of persistent organic pollutants imported or manufactured before commencement of Hazardous Substances and New Organisms (Stockholm Convention) Amendment Act 2002 25

“(1) This section applies to persistent organic pollutants imported or manufactured before the commencement of the **Hazardous Substances and New Organisms (Stockholm Convention) Amendment Act 2002**. 30

“(2) No person may use a persistent organic pollutant for a use not specified in **Schedule 2A** if the Authority has issued a direction, by notice in the *Gazette*, restricting the use of the persistent 35

- organic pollutant to the use in that schedule for the persistent organic pollutant.
- “(3) This section does not prevent approvals being granted under—
- “(a) section 30(a); and 5
 - “(b) section 30(ba), but only for research in a laboratory.”
- 6 New section 29B inserted**
- The principal Act is amended by inserting, after section 29A, the following section:
- “29B Applications relating to persistent organic pollutants 10**
- “(1) An application to import a persistent organic pollutant may be granted,—
- “(a) if a use for the persistent organic pollutant is specified in **Schedule 2A**, only for that use; or
 - “(b) if no use for the persistent organic pollutant is specified in **Schedule 2A**, only for the purpose of environmentally sound disposal. 15
- “(2) An application to manufacture a persistent organic pollutant may be granted if manufacture for the persistent organic pollutant is specified in **Schedule 2A**.” 20
- 7 Importing hazardous substances in containment**
- Section 30 of the principal Act is amended by repealing paragraph (a), and substituting the following paragraph:
- “(a) small amounts of any hazardous substance for use as analytical standards where— 25
 - “(i) approval to import or manufacture that substance has been declined; or
 - “(ii) the substance is a persistent organic pollutant; or”.
- 8 Exemptions from Act for small-scale research on hazardous substances 30**
- Section 33 of the principal Act is amended by inserting, after paragraph (b), the following paragraph:
- “(ba) the use does not create or involve a persistent organic pollutant; and”.
- 35

- 9 New section 66A inserted**
The principal Act is amended by inserting, after section 66, the following section:
- “66A Disposal of persistent organic pollutants**
If **Schedule 2A** does not specify a use for a persistent organic pollutant or a specified use has expired,—
- “(a) no person may use the substance; and
- “(b) the Authority may issue a direction, by notice in the *Gazette*, requiring the environmentally sound disposal of the persistent organic pollutant.”
- 10 Offences**
Section 109(1) of the principal Act is amended by inserting, after paragraph (a), the following paragraph:
- “(aa) imports, manufactures, (*or*) uses, or stores a persistent organic pollutant in contravention of this Act; or”.
- 11 Penalties**
Section 114(1) of the principal Act is amended by inserting, after the expression “paragraph (a)”, the words “or paragraph (aa)”.
- 12 Strict liability and defences**
Section 117(1) of the principal Act is amended by inserting, after the expression “paragraph (a)”, the words “or paragraph (aa)”.
- 13 New sections 140A and 140B inserted**
The principal Act is amended by inserting, after section 140, the following sections:
- “140A Persistent organic pollutants**
- “(1) The Governor-General may, by Order in Council, amend **Schedule 2A** to—
- “(a) add any hazardous substance that exhibits the characteristics of a persistent organic pollutant as specified in the Stockholm Convention;
- “(b) include or amend a use for a persistent organic pollutant:

- “(c) include or amend a date on the close of which a use included under **paragraph (b)** ceases to be allowed.
- “(2) An Order in Council made under **subsection (1)** must be consistent with New Zealand’s obligations under the Stockholm Convention. 5
- “140B **Schedule 1AA may be amended or substituted**
The Governor-General may, by Order in Council,—
- “(a) amend **Schedule 1AA** by making any amendments to the text of the Stockholm Convention set out in the Schedule as are required to bring it up to date: 10
- “(b) revoke **Schedule 1AA** and substitute a new schedule setting out in an up-to-date form the text of the Stockholm Convention.”
- 14 Procedure for making Orders in Council** 15
Section 141(1) of the principal Act is amended by inserting, after the words “section 140(1)(i), (j), (m), or (n),”, the words “or **section 140A**,”.
- 15 New section 152A inserted** 20
The principal Act is amended by inserting, after section 152, the following section:
- “152A **Expiry of transitional provisions in relation to persistent organic pollutants**
- “(1) Parts XI to XIII and the Seventh Schedule cease to apply on and from the commencement of— 25
- “(a) the **Hazardous Substances and New Organisms (Stockholm Convention) Amendment Act 2002** to a hazardous substance that is a persistent organic pollutant at the commencement of that Act:
- Struck out (unanimous)**
- “(b) an Order in Council made under **section 140A** that adds a hazardous substance to **Schedule 2A**. 30

New (unanimous)

“(b) an Order in Council made under **section 140A(1)(a)** to a hazardous substance added to **Schedule 2A** by the Order in Council.

“(2) On the expiry, under **subsection (1)**, of Parts XI to XIII and the Seventh Schedule in relation to a persistent organic pollutant, the persistent organic pollutant must no longer be imported or manufactured except in accordance with Part V.” 5

16 New Schedule 1AA inserted

The principal Act is amended by inserting, before the First Schedule, the **Schedule 1AA** set out in **Schedule 1**. 10

17 New Schedule 2A inserted

The principal Act is amended by inserting, after the Second Schedule, the **Schedule 2A** set out in **Schedule 2**.

Schedule 1 s 16
New Schedule 1AA inserted in principal Act

Schedule 1AA s 2(1)
**Stockholm Convention on Persistent Organic
Pollutants** 5

The Parties to this Convention,

Recognizing that persistent organic pollutants possess toxic properties, resist degradation, bioaccumulate and are transported, through air, water and migratory species, across international boundaries and deposited far from their place of release, where they accumulate in terrestrial and aquatic ecosystems, 10

Aware of the health concerns, especially in developing countries, resulting from local exposure to persistent organic pollutants, in particular impacts upon women and, through them, upon future generations, 15

Acknowledging that the Arctic ecosystems and indigenous communities are particularly at risk because of the biomagnification of persistent organic pollutants and that contamination of their traditional foods is a public health issue,

Conscious of the need for global action on persistent organic pollutants, 20

Mindful of decision 19/13 C of 7 February 1997 of the Governing Council of the United Nations Environment Programme to initiate international action to protect human health and the environment through measures which will reduce and/or eliminate emissions and discharges of persistent organic pollutants, 25

Recalling the pertinent provisions of the relevant international environmental conventions, especially the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal including the regional agreements developed within the framework of its Article 11, 30

Recalling also the pertinent provisions of the Rio Declaration on Environment and Development and Agenda 21, 35

Schedule 1AA—continued

Acknowledging that precaution underlies the concerns of all the Parties and is embedded within this Convention,

Recognizing that this Convention and other international agreements in the field of trade and the environment are mutually supportive,

5

Reaffirming that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

10

Taking into account the circumstances and particular requirements of developing countries, in particular the least developed among them, and countries with economies in transition, especially the need to strengthen their national capabilities for the management of chemicals, including through the transfer of technology, the provision of financial and technical assistance and the promotion of cooperation among the Parties,

15

Taking full account of the Programme of Action for the Sustainable Development of Small Island Developing States, adopted in Barbados on 6 May 1994,

20

Noting the respective capabilities of developed and developing countries, as well as the common but differentiated responsibilities of States as set forth in Principle 7 of the Rio Declaration on Environment and Development,

25

Recognizing the important contribution that the private sector and non-governmental organizations can make to achieving the reduction and/or elimination of emissions and discharges of persistent organic pollutants,

30

Underlining the importance of manufacturers of persistent organic pollutants taking responsibility for reducing adverse effects caused by their products and for providing information to users, Governments and the public on the hazardous properties of those chemicals,

35

Schedule 1AA—continued

Conscious of the need to take measures to prevent adverse effects caused by persistent organic pollutants at all stages of their life cycle,

Reaffirming Principle 16 of the Rio Declaration on Environment and Development which states that national authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment, 5
10

Encouraging Parties not having regulatory and assessment schemes for pesticides and industrial chemicals to develop such schemes,

Recognizing the importance of developing and using environmentally sound alternative processes and chemicals, 15

Determined to protect human health and the environment from the harmful impacts of persistent organic pollutants,

Have agreed as follows:

Article 1

Objective 20

Mindful of the precautionary approach as set forth in Principle 15 of the Rio Declaration on Environment and Development, the objective of this Convention is to protect human health and the environment from persistent organic pollutants.

Article 2 25

Definitions

For the purposes of this Convention:

(a) “Party” means a State or regional economic integration organization that has consented to be bound by this Convention and for which the Convention is in force; 30

(b) “Regional economic integration organization” means an organization constituted by sovereign States of a given region to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly

Schedule 1AA—continued

authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention;

(c) “Parties present and voting” means Parties present and casting an affirmative or negative vote.

Article 3

5

Measures to reduce or eliminate releases from intentional
production and use

1. Each Party shall:

(a) Prohibit and/or take the legal and administrative measures necessary to eliminate: 10

(i) Its production and use of the chemicals listed in Annex A subject to the provisions of that Annex; and

(ii) Its import and export of the chemicals listed in Annex A in accordance with the provisions of paragraph 2; and 15

(b) Restrict its production and use of the chemicals listed in Annex B in accordance with the provisions of that Annex.

2. Each Party shall take measures to ensure:

(a) That a chemical listed in Annex A or Annex B is imported only: 20

(i) For the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6; or

(ii) For a use or purpose which is permitted for that Party under Annex A or Annex B; 25

(b) That a chemical listed in Annex A for which any production or use specific exemption is in effect or a chemical listed in Annex B for which any production or use specific exemption or acceptable purpose is in effect, taking into account any relevant provisions in existing international prior informed consent instruments, is exported only: 30

(i) For the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6;

Schedule 1AA—continued

- (ii) To a Party which is permitted to use that chemical under Annex A or Annex B; or
- (iii) To a State not Party to this Convention which has provided an annual certification to the exporting Party. Such certification shall specify the intended use of the chemical and include a statement that, with respect to that chemical, the importing State is committed to:
- a. Protect human health and the environment by taking the necessary measures to minimize or prevent releases; 10
 - b. Comply with the provisions of paragraph 1 of Article 6; and
 - c. Comply, where appropriate, with the provisions of paragraph 2 of Part II of Annex B. 15
- The certification shall also include any appropriate supporting documentation, such as legislation, regulatory instruments, or administrative or policy guidelines. The exporting Party shall transmit the certification to the Secretariat within sixty days of receipt. 20
- (c) That a chemical listed in Annex A, for which production and use specific exemptions are no longer in effect for any Party, is not exported from it except for the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6; 25
- (d) For the purposes of this paragraph, the term “State not Party to this Convention” shall include, with respect to a particular chemical, a State or regional economic integration organization that has not agreed to be bound by the Convention with respect to that chemical. 30
3. Each Party that has one or more regulatory and assessment schemes for new pesticides or new industrial chemicals shall take measures to regulate with the aim of preventing the production and use of new pesticides or new industrial chemicals which, taking into consideration the criteria in paragraph 1 of Annex D, exhibit the characteristics of persistent organic pollutants. 35

Schedule 1AA—continued

4. Each Party that has one or more regulatory and assessment schemes for pesticides or industrial chemicals shall, where appropriate, take into consideration within these schemes the criteria in paragraph 1 of Annex D when conducting assessments of pesticides or industrial chemicals currently in use. 5
5. Except as otherwise provided in this Convention, paragraphs 1 and 2 shall not apply to quantities of a chemical to be used for laboratory-scale research or as a reference standard.
6. Any Party that has a specific exemption in accordance with Annex A or a specific exemption or an acceptable purpose in accordance with Annex B shall take appropriate measures to ensure that any production or use under such exemption or purpose is carried out in a manner that prevents or minimizes human exposure and release into the environment. For exempted uses or acceptable purposes that involve intentional release into the environment under conditions of normal use, such release shall be to the minimum extent necessary, taking into account any applicable standards and guidelines. 10
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Article 4

Register of specific exemptions 20

1. A Register is hereby established for the purpose of identifying the Parties that have specific exemptions listed in Annex A or Annex B. It shall not identify Parties that make use of the provisions in Annex A or Annex B that may be exercised by all Parties. The Register shall be maintained by the Secretariat and shall be available to the public. 25
2. The Register shall include:
- (a) A list of the types of specific exemptions reproduced from Annex A and Annex B;
 - (b) A list of the Parties that have a specific exemption listed under Annex A or Annex B; and 30
 - (c) A list of the expiry dates for each registered specific exemption.

Schedule 1AA—continued

3. Any State may, on becoming a Party, by means of a notification in writing to the Secretariat, register for one or more types of specific exemptions listed in Annex A or Annex B.
4. Unless an earlier date is indicated in the Register by a Party, or an extension is granted pursuant to paragraph 7, all registrations of specific exemptions shall expire five years after the date of entry into force of this Convention with respect to a particular chemical. 5
5. At its first meeting, the Conference of the Parties shall decide upon its review process for the entries in the Register.
6. Prior to a review of an entry in the Register, the Party concerned shall submit a report to the Secretariat justifying its continuing need for registration of that exemption. The report shall be circulated by the Secretariat to all Parties. The review of a registration shall be carried out on the basis of all available information. Thereupon, the Conference of the Parties may make such recommendations to the Party concerned as it deems appropriate. 10
15
7. The Conference of the Parties may, upon request from the Party concerned, decide to extend the expiry date of a specific exemption for a period of up to five years. In making its decision, the Conference of the Parties shall take due account of the special circumstances of the developing country Parties and Parties with economies in transition. 20
8. A Party may, at any time, withdraw an entry from the Register for a specific exemption upon written notification to the Secretariat. The withdrawal shall take effect on the date specified in the notification. 25
9. When there are no longer any Parties registered for a particular type of specific exemption, no new registrations may be made with respect to it.

Article 5 30

Measures to reduce or eliminate releases from
unintentional production

Each Party shall at a minimum take the following measures to reduce the total releases derived from anthropogenic sources of each of the chemicals listed in Annex C, with the goal of their continuing minimization and, where feasible, ultimate elimination: 35

Schedule 1AA—continued

- (a) Develop an action plan or, where appropriate, a regional or subregional action plan within two years of the date of entry into force of this Convention for it, and subsequently implement it as part of its implementation plan specified in Article 7, designed to identify, characterize and address the release of the chemicals listed in Annex C and to facilitate implementation of subparagraphs (b) to (e). The action plan shall include the following elements: 5
- (i) An evaluation of current and projected releases, including the development and maintenance of source inventories and release estimates, taking into consideration the source categories identified in Annex C; 10
 - (ii) An evaluation of the efficacy of the laws and policies of the Party relating to the management of such releases; 15
 - (iii) Strategies to meet the obligations of this paragraph, taking into account the evaluations in (i) and (ii);
 - (iv) Steps to promote education and training with regard to, and awareness of, those strategies;
 - (v) A review every five years of those strategies and of their success in meeting the obligations of this paragraph; such reviews shall be included in reports submitted pursuant to Article 15; 20
 - (vi) A schedule for implementation of the action plan, including for the strategies and measures identified therein; 25
- (b) Promote the application of available, feasible and practical measures that can expeditiously achieve a realistic and meaningful level of release reduction or source elimination;
- (c) Promote the development and, where it deems appropriate, require the use of substitute or modified materials, products and processes to prevent the formation and release of the chemicals listed in Annex C, taking into consideration the general guidance on prevention and release reduction measures in Annex C and guidelines to be adopted by decision of the Conference of the Parties; 30 35

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(d) Promote and, in accordance with the implementation schedule of its action plan, require the use of best available techniques for new sources within source categories which a Party has identified as warranting such action in its action plan, with a particular initial focus on source categories identified in Part II of Annex C. In any case, the requirement to use best available techniques for new sources in the categories listed in Part II of that Annex shall be phased in as soon as practicable but no later than four years after the entry into force of the Convention for that Party. For the identified categories, Parties shall promote the use of best environmental practices. When applying best available techniques and best environmental practices, Parties should take into consideration the general guidance on prevention and release reduction measures in that Annex and guidelines on best available techniques and best environmental practices to be adopted by decision of the Conference of the Parties;

(e) Promote, in accordance with its action plan, the use of best available techniques and best environmental practices:

- (i) For existing sources, within the source categories listed in Part II of Annex C and within source categories such as those in Part III of that Annex; and
- (ii) For new sources, within source categories such as those listed in Part III of Annex C which a Party has not addressed under subparagraph (d).

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 and guidelines on best available techniques and best environmental practices to be adopted by decision of the Conference of the Parties;

(f) For the purposes of this paragraph and Annex C:

- (i) “Best available techniques” means the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for release limitations designed to prevent and, where that is not

Schedule 1AA—continued

practicable, generally to reduce releases of chemicals listed in Part I of Annex C and their impact on the environment as a whole. In this regard:

- (ii) “Techniques” includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned; 5
- (iii) “Available” techniques means those techniques that are accessible to the operator and that are developed on a scale that allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages; and 10
- (iv) “Best” means most effective in achieving a high general level of protection of the environment as a whole; 15
- (v) “Best environmental practices” means the application of the most appropriate combination of environmental control measures and strategies;
- (vi) “New source” means any source of which the construction or substantial modification is commenced at least one year after the date of: 20
 - a. Entry into force of this Convention for the Party concerned; or
 - b. Entry into force for the Party concerned of an amendment to Annex C where the source becomes subject to the provisions of this Convention only by virtue of that amendment. 25
- (g) Release limit values or performance standards may be used by a Party to fulfill its commitments for best available techniques under this paragraph. 30

Article 6

Measures to reduce or eliminate releases from stockpiles
and wastes

- 1. In order to ensure that stockpiles consisting of or containing chemicals listed either in Annex A or Annex B and wastes, including 35

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products and articles upon becoming wastes, consisting of, containing or contaminated with a chemical listed in Annex A, B or C, are managed in a manner protective of human health and the environment, each Party shall:

- (a) Develop appropriate strategies for identifying: 5
 - (i) Stockpiles consisting of or containing chemicals listed either in Annex A or Annex B; and
 - (ii) Products and articles in use and wastes consisting of, containing or contaminated with a chemical listed in Annex A, B or C; 10
- (b) Identify, to the extent practicable, stockpiles consisting of or containing chemicals listed either in Annex A or Annex B on the basis of the strategies referred to in subparagraph (a);
- (c) Manage stockpiles, as appropriate, in a safe, efficient and environmentally sound manner. Stockpiles of chemicals listed either in Annex A or Annex B, after they are no longer allowed to be used according to any specific exemption specified in Annex A or any specific exemption or acceptable purpose specified in Annex B, except stockpiles which are allowed to be exported according to paragraph 2 of Article 3, shall be deemed to be waste and shall be managed in accordance with subparagraph (d); 15 20
- (d) Take appropriate measures so that such wastes, including products and articles upon becoming wastes, are:
 - (i) Handled, collected, transported and stored in an environmentally sound manner; 25
 - (ii) Disposed of in such a way that the persistent organic pollutant content is destroyed or irreversibly transformed so that they do not exhibit the characteristics of persistent organic pollutants or otherwise disposed of in an environmentally sound manner when destruction or irreversible transformation does not represent the environmentally preferable option or the persistent organic pollutant content is low, taking into account international rules, standards, and guidelines, including those that may be developed pursuant to paragraph 2, and relevant global and 30 35

Schedule 1AA—continued

- regional regimes governing the management of hazardous wastes;
- (iii) Not permitted to be subjected to disposal operations that may lead to recovery, recycling, reclamation, direct reuse or alternative uses of persistent organic pollutants; and 5
- (iv) Not transported across international boundaries without taking into account relevant international rules, standards and guidelines;
- (c) Endeavour to develop appropriate strategies for identifying sites contaminated by chemicals listed in Annex A, B or C; if remediation of those sites is undertaken it shall be performed in an environmentally sound manner. 10
2. The Conference of the Parties shall cooperate closely with the appropriate bodies of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal to, inter alia: 15
- (a) Establish levels of destruction and irreversible transformation necessary to ensure that the characteristics of persistent organic pollutants as specified in paragraph 1 of Annex D are not exhibited; 20
- (b) Determine what they consider to be the methods that constitute environmentally sound disposal referred to above; and
- (c) Work to establish, as appropriate, the concentration levels of the chemicals listed in Annexes A, B and C in order to define the low persistent organic pollutant content referred to in paragraph 1 (d)(ii). 25

Article 7

Implementation plans

1. Each Party shall:
- (a) Develop and endeavour to implement a plan for the implementation of its obligations under this Convention; 30
- (b) Transmit its implementation plan to the Conference of the Parties within two years of the date on which this Convention enters into force for it; and

Schedule 1AA—continued

(c) Review and update, as appropriate, its implementation plan on a periodic basis and in a manner to be specified by a decision of the Conference of the Parties.

2. The Parties shall, where appropriate, cooperate directly or through global, regional and subregional organizations, and consult their national stakeholders, including women's groups and groups involved in the health of children, in order to facilitate the development, implementation and updating of their implementation plans. 5

3. The Parties shall endeavour to utilize and, where necessary, establish the means to integrate national implementation plans for persistent organic pollutants in their sustainable development strategies where appropriate. 10

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. 15

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. 20

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. 25

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 30

(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. 35

Schedule 1AA—continued

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. 5 10
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. 15
7. If, on the basis of the risk profile conducted in accordance with Annex E, the Committee decides: 20
- (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 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 25 30
- (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 35

Schedule 1AA—continued

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 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.

Article 9

Information exchange

1. Each Party shall facilitate or undertake the exchange of information relevant to:

(a) The reduction or elimination of the production, use and release of persistent organic pollutants; and

(b) Alternatives to persistent organic pollutants, including information relating to their risks as well as to their economic and social costs.

2. The Parties shall exchange the information referred to in paragraph 1 directly or through the Secretariat.

3. Each Party shall designate a national focal point for the exchange of such information.

4. The Secretariat shall serve as a clearing-house mechanism for information on persistent organic pollutants, including information

Schedule 1AA—continued

provided by Parties, intergovernmental organizations and non-governmental organizations.

5. For the purposes of this Convention, information on health and safety of humans and the environment shall not be regarded as confidential. Parties that exchange other information pursuant to this Convention shall protect any confidential information as mutually agreed. 5

Article 10

Public information, awareness and education

1. Each Party shall, within its capabilities, promote and facilitate: 10
 - (a) Awareness among its policy and decision makers with regard to persistent organic pollutants;
 - (b) Provision to the public of all available information on persistent organic pollutants, taking into account paragraph 5 of Article 9; 15
 - (c) Development and implementation, especially for women, children and the least educated, of educational and public awareness programmes on persistent organic pollutants, as well as on their health and environmental effects and on their alternatives;
 - (d) Public participation in addressing persistent organic pollutants and their health and environmental effects and in developing adequate responses, including opportunities for providing input at the national level regarding implementation of this Convention; 20
 - (e) Training of workers, scientists, educators and technical and managerial personnel; 25
 - (f) Development and exchange of educational and public awareness materials at the national and international levels; and
 - (g) Development and implementation of education and training programmes at the national and international levels.
2. Each Party shall, within its capabilities, ensure that the public has access to the public information referred to in paragraph 1 and that the information is kept up-to-date. 30
3. Each Party shall, within its capabilities, encourage industry and professional users to promote and facilitate the provision of the

Schedule 1AA—continued

information referred to in paragraph 1 at the national level and, as appropriate, subregional, regional and global levels.

4. In providing information on persistent organic pollutants and their alternatives, Parties may use safety data sheets, reports, mass media and other means of communication, and may establish information centres at national and regional levels. 5

5. Each Party shall give sympathetic consideration to developing mechanisms, such as pollutant release and transfer registers, for the collection and dissemination of information on estimates of the annual quantities of the chemicals listed in Annex A, B or C that are released or disposed of. 10

Article 11

Research, development and monitoring

1. The Parties shall, within their capabilities, at the national and international levels, encourage and/or undertake appropriate research, development, monitoring and cooperation pertaining to persistent organic pollutants and, where relevant, to their alternatives and to candidate persistent organic pollutants, including on their: 15

(a) Sources and releases into the environment; 20

(b) Presence, levels and trends in humans and the environment;

(c) Environmental transport, fate and transformation;

(d) Effects on human health and the environment;

(e) Socio-economic and cultural impacts; 25

(f) Release reduction and/or elimination; and

(g) Harmonized methodologies for making inventories of generating sources and analytical techniques for the measurement of releases.

2. In undertaking action under paragraph 1, the Parties shall, within their capabilities: 30

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- (a) Support and further develop, as appropriate, international programmes, networks and organizations aimed at defining, conducting, assessing and financing research, data collection and monitoring, taking into account the need to minimize duplication of effort; 5
- (b) Support national and international efforts to strengthen national scientific and technical research capabilities, particularly in developing countries and countries with economies in transition, and to promote access to, and the exchange of, data and analyses;
- (c) Take into account the concerns and needs, particularly in the field of financial and technical resources, of developing countries and countries with economies in transition and cooperate in improving their capability to participate in the efforts referred to in subparagraphs (a) and (b); 10
- (d) Undertake research work geared towards alleviating the effects of persistent organic pollutants on reproductive health; 15
- (e) Make the results of their research, development and monitoring activities referred to in this paragraph accessible to the public on a timely and regular basis; and
- (f) Encourage and/or undertake cooperation with regard to storage and maintenance of information generated from research, development and monitoring. 20

Article 12

Technical assistance

1. The Parties recognize that rendering of timely and appropriate technical assistance in response to requests from developing country Parties and Parties with economies in transition is essential to the successful implementation of this Convention. 25
2. The Parties shall cooperate to provide timely and appropriate technical assistance to developing country Parties and Parties with economies in transition, to assist them, taking into account their particular needs, to develop and strengthen their capacity to implement their obligations under this Convention. 30

Schedule 1AA—continued

3. In this regard, technical assistance to be provided by developed country Parties, and other Parties in accordance with their capabilities, shall include, as appropriate and as mutually agreed, technical assistance for capacity-building relating to implementation of the obligations under this Convention. Further guidance in this regard shall be provided by the Conference of the Parties. 5
4. The Parties shall establish, as appropriate, arrangements for the purpose of providing technical assistance and promoting the transfer of technology to developing country Parties and Parties with economies in transition relating to the implementation of this Convention. These arrangements shall include regional and subregional centres for capacity-building and transfer of technology to assist developing country Parties and Parties with economies in transition to fulfil their obligations under this Convention. Further guidance in this regard shall be provided by the Conference of the Parties. 10 15
5. The Parties shall, in the context of this Article, take full account of the specific needs and special situation of least developed countries and small island developing states in their actions with regard to technical assistance.

Article 13 20

Financial resources and mechanisms

1. Each Party undertakes to provide, within its capabilities, financial support and incentives in respect of those national activities that are intended to achieve the objective of this Convention in accordance with its national plans, priorities and programmes. 25
2. The developed country Parties shall provide new and additional financial resources to enable developing country Parties and Parties with economies in transition to meet the agreed full incremental costs of implementing measures which fulfill their obligations under this Convention as agreed between a recipient Party and an entity participating in the mechanism described in paragraph 6. Other Parties may also on a voluntary basis and in accordance with their capabilities provide such financial resources. Contributions from other sources should also be encouraged. The implementation of these commitments shall take into account the need for adequacy, 30 35

Schedule 1AA—continued

predictability, the timely flow of funds and the importance of burden sharing among the contributing Parties.

3. Developed country Parties, and other Parties in accordance with their capabilities and in accordance with their national plans, priorities and programmes, may also provide and developing country Parties and Parties with economies in transition avail themselves of financial resources to assist in their implementation of this Convention through other bilateral, regional and multilateral sources or channels. 5
4. The extent to which the developing country Parties will effectively implement their commitments under this Convention will depend on the effective implementation by developed country Parties of their commitments under this Convention relating to financial resources, technical assistance and technology transfer. The fact that sustainable economic and social development and eradication of poverty are the first and overriding priorities of the developing country Parties will be taken fully into account, giving due consideration to the need for the protection of human health and the environment. 10 15
5. The Parties shall take full account of the specific needs and special situation of the least developed countries and the small island developing states in their actions with regard to funding. 20
6. A mechanism for the provision of adequate and sustainable financial resources to developing country Parties and Parties with economies in transition on a grant or concessional basis to assist in their implementation of the Convention is hereby defined. The mechanism shall function under the authority, as appropriate, and guidance of, and be accountable to the Conference of the Parties for the purposes of this Convention. Its operation shall be entrusted to one or more entities, including existing international entities, as may be decided upon by the Conference of the Parties. The mechanism may also include other entities providing multilateral, regional and bilateral financial and technical assistance. Contributions to the mechanism shall be additional to other financial transfers to developing country Parties and Parties with economies in transition as reflected in, and in accordance with, paragraph 2. 25 30 35

Schedule 1AA—continued

7. Pursuant to the objectives of this Convention and paragraph 6, the Conference of the Parties shall at its first meeting adopt appropriate guidance to be provided to the mechanism and shall agree with the entity or entities participating in the financial mechanism upon arrangements to give effect thereto. The guidance shall address, inter alia: 5
- (a) The determination of the policy, strategy and programme priorities, as well as clear and detailed criteria and guidelines regarding eligibility for access to and utilization of financial resources including monitoring and evaluation on a regular basis of such utilization; 10
- (b) The provision by the entity or entities of regular reports to the Conference of the Parties on adequacy and sustainability of funding for activities relevant to the implementation of this Convention; 15
- (c) The promotion of multiple-source funding approaches, mechanisms and arrangements;
- (d) The modalities for the determination in a predictable and identifiable manner of the amount of funding necessary and available for the implementation of this Convention, keeping in mind that the phasing out of persistent organic pollutants might require sustained funding, and the conditions under which that amount shall be periodically reviewed; and 20
- (e) The modalities for the provision to interested Parties of assistance with needs assessment, information on available sources of funds and on funding patterns in order to facilitate coordination among them. 25
8. The Conference of the Parties shall review, not later than its second meeting and thereafter on a regular basis, the effectiveness of the mechanism established under this Article, its ability to address the changing needs of the developing country Parties and Parties with economies in transition, the criteria and guidance referred to in paragraph 7, the level of funding as well as the effectiveness of the performance of the institutional entities entrusted to operate the financial mechanism. It shall, based on such review, take appropriate action, if necessary, to improve the effectiveness of the mechanism, including by means of recommendations and guidance on measures 30 35

Schedule 1AA—continued

to ensure adequate and sustainable funding to meet the needs of the Parties.

Article 14Interim financial arrangements

The institutional structure of the Global Environment Facility, operated in accordance with the Instrument for the Establishment of the Restructured Global Environment Facility, shall, on an interim basis, be the principal entity entrusted with the operations of the financial mechanism referred to in Article 13, for the period between the date of entry into force of this Convention and the first meeting of the Conference of the Parties, or until such time as the Conference of the Parties decides which institutional structure will be designated in accordance with Article 13. The institutional structure of the Global Environment Facility should fulfill this function through operational measures related specifically to persistent organic pollutants taking into account that new arrangements for this area may be needed.

Article 15Reporting

1. Each Party shall report to the Conference of the Parties on the measures it has taken to implement the provisions of this Convention and on the effectiveness of such measures in meeting the objectives of the Convention. 20
2. Each Party shall provide to the Secretariat:
 - (a) Statistical data on its total quantities of production, import and export of each of the chemicals listed in Annex A and Annex B or a reasonable estimate of such data; and 25
 - (b) To the extent practicable, a list of the States from which it has imported each such substance and the States to which it has exported each such substance. 30
3. Such reporting shall be at periodic intervals and in a format to be decided by the Conference of the Parties at its first meeting.

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Article 16

Effectiveness evaluation.

1. Commencing four years after the date of entry into force of this Convention, and periodically thereafter at intervals to be decided by the Conference of the Parties, the Conference shall evaluate the effectiveness of this Convention. 5
2. In order to facilitate such evaluation, the Conference of the Parties shall, at its first meeting, initiate the establishment of arrangements to provide itself with comparable monitoring data on the presence of the chemicals listed in Annexes A, B and C as well as their regional and global environmental transport. These arrangements: 10
 - (a) Should be implemented by the Parties on a regional basis when appropriate, in accordance with their technical and financial capabilities, using existing monitoring programmes and mechanisms to the extent possible and promoting harmonization of approaches; 15
 - (b) May be supplemented where necessary, taking into account the differences between regions and their capabilities to implement monitoring activities; and 20
 - (c) Shall include reports to the Conference of the Parties on the results of the monitoring activities on a regional and global basis at intervals to be specified by the Conference of the Parties.
3. The evaluation described in paragraph 1 shall be conducted on the basis of available scientific, environmental, technical and economic information, including: 25
 - (a) Reports and other monitoring information provided pursuant to paragraph 2;
 - (b) National reports submitted pursuant to Article 15; and
 - (c) Non-compliance information provided pursuant to the procedures established under Article 17. 30

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Article 17

Non-compliance

The Conference of the Parties shall, as soon as practicable, develop and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Convention and for the treatment of Parties found to be in non-compliance. 5

Article 18

Settlement of disputes

1. Parties shall settle any dispute between them concerning the interpretation or application of this Convention through negotiation or other peaceful means of their own choice. 10

2. When ratifying, accepting, approving or acceding to the Convention, or at any time thereafter, a Party that is not a regional economic integration organization may declare in a written instrument submitted to the depositary that, with respect to any dispute concerning the interpretation or application of the Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation: 15

(a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties in an annex as soon as practicable; 20

(b) Submission of the dispute to the International Court of Justice.

3. A Party that is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2 (a). 25

4. A declaration made pursuant to paragraph 2 or paragraph 3 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the depositary. 30

5. The expiry of a declaration, a notice of revocation or a new declaration shall not in any way affect proceedings pending before an arbitral tribunal or the International Court of Justice unless the parties to the dispute otherwise agree.

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6. If the parties to a dispute have not accepted the same or any procedure pursuant to paragraph 2, and if they have not been able to settle their dispute within twelve months following notification by one party to another that a dispute exists between them, the dispute shall be submitted to a conciliation commission at the request of any party to the dispute. The conciliation commission shall render a report with recommendations. Additional procedures relating to the conciliation commission shall be included in an annex to be adopted by the Conference of the Parties no later than at its second meeting. 5

Article 19 10

Conference of the Parties

1. A Conference of the Parties is hereby established.
2. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme no later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be decided by the Conference. 15
3. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party provided that it is supported by at least one third of the Parties. 20
4. The Conference of the Parties shall by consensus agree upon and adopt at its first meeting rules of procedure and financial rules for itself and any subsidiary bodies, as well as financial provisions governing the functioning of the Secretariat. 25
5. The Conference of the Parties shall keep under continuous review and evaluation the implementation of this Convention. It shall perform the functions assigned to it by the Convention and, to this end, shall: 30
 - (a) Establish, further to the requirements of paragraph 6, such subsidiary bodies as it considers necessary for the implementation of the Convention;
 - (b) Cooperate, where appropriate, with competent international organizations and intergovernmental and non-governmental bodies; and 35

Schedule 1AA—continued

(c) Regularly review all information made available to the Parties pursuant to Article 15, including consideration of the effectiveness of paragraph 2 (b) (iii) of Article 3;

(d) Consider and undertake any additional action that may be required for the achievement of the objectives of the Convention. 5

6. The Conference of the Parties shall, at its first meeting, establish a subsidiary body to be called the Persistent Organic Pollutants Review Committee for the purposes of performing the functions assigned to that Committee by this Convention. In this regard:

(a) The members of the Persistent Organic Pollutants Review Committee shall be appointed by the Conference of the Parties. Membership of the Committee shall consist of government-designated experts in chemical assessment or management. The members of the Committee shall be appointed on the basis of equitable geographical distribution; 10
15

(b) The Conference of the Parties shall decide on the terms of reference, organization and operation of the Committee; and

(c) The Committee shall make every effort to adopt its recommendations by consensus. If all efforts at consensus have been exhausted, and no consensus reached, such recommendation shall as a last resort be adopted by a two-thirds majority vote of the members present and voting. 20

7. The Conference of the Parties shall, at its third meeting, evaluate the continued need for the procedure contained in paragraph 2 (b) of Article 3, including consideration of its effectiveness. 25

8. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in matters covered by the Convention, and which has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties. 30
35

Schedule 1AA—continued

Article 20

Secretariat

1. A Secretariat is hereby established.
2. The functions of the Secretariat shall be:
 - (a) To make arrangements for meetings of the Conference of the Parties and its subsidiary bodies and to provide them with services as required; 5
 - (b) To facilitate assistance to the Parties, particularly developing country Parties and Parties with economies in transition, on request, in the implementation of this Convention; 10
 - (c) To ensure the necessary coordination with the secretariats of other relevant international bodies;
 - (d) To prepare and make available to the Parties periodic reports based on information received pursuant to Article 15 and other available information; 15
 - (e) To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and
 - (f) To perform the other secretariat functions specified in this Convention and such other functions as may be determined by the Conference of the Parties. 20
3. The secretariat functions for this Convention shall be performed by the Executive Director of the United Nations Environment Programme, unless the Conference of the Parties decides, by a three-fourths majority of the Parties present and voting, to entrust the secretariat functions to one or more other international organizations. 25

Article 21

Amendments to the Convention

1. Amendments to this Convention may be proposed by any Party. 30
2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption.

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The Secretariat shall also communicate proposed amendments to the signatories to this Convention and, for information, to the depositary.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting. 5

4. The amendment shall be communicated by the depositary to all Parties for ratification, acceptance or approval. 10

5. Ratification, acceptance or approval of an amendment shall be notified to the depositary in writing. An amendment adopted in accordance with paragraph 3 shall enter into force for the Parties having accepted it on the ninetieth day after the date of deposit of instruments of ratification, acceptance or approval by at least three-fourths of the Parties. Thereafter, the amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits its instrument of ratification, acceptance or approval of the amendment. 15

Article 22 20

Adoption and amendment of annexes

1. Annexes to this Convention shall form an integral part thereof and, unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to any annexes thereto. 25

2. Any additional annexes shall be restricted to procedural, scientific, technical or administrative matters.

3. The following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention:

(a) Additional annexes shall be proposed and adopted according to the procedure laid down in paragraphs 1, 2 and 3 of Article 21; 30

(b) Any Party that is unable to accept an additional annex shall so notify the depositary, in writing, within one year from the date of communication by the depositary of the adoption of the

Schedule 1AA—continued

- additional annex. The depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous notification of non-acceptance in respect of any additional annex, and the annex shall thereupon enter into force for that Party subject to subparagraph (c); and 5
- (c) On the expiry of one year from the date of the communication by the depositary of the adoption of an additional annex, the annex shall enter into force for all Parties that have not submitted a notification in accordance with the provisions of subparagraph (b).
4. The proposal, adoption and entry into force of amendments to Annex A, B or C shall be subject to the same procedures as for the proposal, adoption and entry into force of additional annexes to this Convention, except that an amendment to Annex A, B or C shall not enter into force with respect to any Party that has made a declaration with respect to amendment to those Annexes in accordance with paragraph 4 of Article 25, in which case any such amendment shall enter into force for such a Party on the ninetieth day after the date of deposit with the depositary of its instrument of ratification, acceptance, approval or accession with respect to such amendment. 10 15
5. The following procedure shall apply to the proposal, adoption and entry into force of an amendment to Annex D, E or F: 20
- (a) Amendments shall be proposed according to the procedure in paragraphs 1 and 2 of Article 21;
- (b) The Parties shall take decisions on an amendment to Annex D, E or F by consensus; and 25
- (c) A decision to amend Annex D, E or F shall forthwith be communicated to the Parties by the depositary. The amendment shall enter into force for all Parties on a date to be specified in the decision.
6. If an additional annex or an amendment to an annex is related to an amendment to this Convention, the additional annex or amendment shall not enter into force until such time as the amendment to the Convention enters into force. 30

Schedule 1AA—continued

Article 23

Right to vote

1. Each Party to this Convention shall have one vote, except as provided for in paragraph 2.
2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa. 5

Article 24 10

Signature

This Convention shall be open for signature at Stockholm by all States and regional economic integration organizations on 23 May 2001, and at the United Nations Headquarters in New York from 24 May 2001 to 22 May 2002. 15

Article 25

Ratification, acceptance, approval or accession

1. This Convention shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. It shall be open for accession by States and by regional economic integration organizations from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the depositary. 20
2. Any regional economic integration organization that becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to this Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently. 25 30

Schedule 1AA—continued

3. In its instrument of ratification, acceptance, approval or accession, a regional economic integration organization shall declare the extent of its competence in respect of the matters governed by this Convention. Any such organization shall also inform the depositary, who shall in turn inform the Parties, of any relevant modification in the extent of its competence. 5

4. In its instrument of ratification, acceptance, approval or accession, any Party may declare that, with respect to it, any amendment to Annex A, B or C shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto. 10

Article 26

Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession. 15

2. For each State or regional economic integration organization that ratifies, accepts or approves this Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession. 20

3. For the purpose of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of that organization. 25

Schedule 1AA—continued

Article 27

Reservations

No reservations may be made to this Convention.

Article 28

Withdrawal

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1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the depositary.

2. Any such withdrawal shall take effect upon the expiry of one year from the date of receipt by the depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal. 10

Article 29

Depositary

15

The Secretary-General of the United Nations shall be the depositary of this Convention.

Article 30

Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. 20

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Stockholm on this twenty-second day of May, two thousand and one. 25

Schedule 1AA—continued

Annex A

ELIMINATION

Part I

Chemical	Activity	Specific exemption	
Aldrin* CAS No: 309-00-2	Production	None	5
	Use	Local ectoparasiticide Insecticide	
Chlordane* CAS No: 57-74-9	Production	As allowed for the Parties listed in the Register	10
	Use	Local ectoparasiticide Insecticide Termiticide Termiticide in buildings and dams Termiticide in roads Additive in plywood adhesives	15
Dieldrin* CAS No: 60-57-1	Production	None	
	Use	In agricultural operations	
Endrin* CAS No: 72-20-8	Production	None	20
	Use	None	
Heptachlor* CAS No: 76-44-8	Production	None	
	Use	Termiticide Termiticide in structures of houses Termiticide (subterranean) Wood treatment In use in underground cable boxes	25
Hexachlorobenzene CAS No: 118-74-1	Production	As allowed for the Parties listed in the Register	30
	Use	Intermediate Solvent in pesticide Closed system site limited intermediate	
Mirex* CAS No: 2385-85-5	Production	As allowed for the Parties listed in the Register	35
	Use	Termiticide	
Toxaphene* CAS No: 8001-35-2	Production	None	
	Use	None	40
Polychlorinated Biphenyls (PCB)*	Production	None	
	Use	Articles in use in accordance with the provisions of Part II of this Annex	

Schedule 1AA—continued

Notes:

- (i) Except as otherwise specified in this Convention, quantities of a chemical occurring as unintentional trace contaminants in products and articles shall not be considered to be listed in this Annex; 5
- (ii) This note shall not be considered as a production and use specific exemption for purposes of paragraph 2 of Article 3. Quantities of a chemical occurring as constituents of articles manufactured or already in use before or on the date of entry into force of the relevant obligation with respect to that chemical, shall not be considered as listed in this Annex, provided that a Party has notified the Secretariat that a particular type of article remains in use within that Party. The Secretariat shall make such notifications publicly available; 10 15
- (iii) This note, which does not apply to a chemical that has an asterisk following its name in the Chemical column in Part I of this Annex, shall not be considered as a production and use specific exemption for purposes of paragraph 2 of Article 3. Given that no significant quantities of the chemical are expected to reach humans and the environment during the production and use of a closed-system site-limited intermediate, a Party, upon notification to the Secretariat, may allow the production and use of quantities of a chemical listed in this Annex as a closed-system site-limited intermediate that is chemically transformed in the manufacture of other chemicals that, taking into consideration the criteria in paragraph 1 of Annex D, do not exhibit the characteristics of persistent organic pollutants. This notification shall include information on total production and use of such chemical or a reasonable estimate of such information and information regarding the nature of the closed-system site-limited process including the amount of any non-transformed and unintentional trace contamination 20 25 30 35

Schedule 1AA—continued

- of the persistent organic pollutant-starting material in the final product. This procedure applies except as otherwise specified in this Annex. The Secretariat shall make such notifications available to the Conference of the Parties and to the public. Such production or use shall not be considered a production or use specific exemption. Such production and use shall cease after a ten-year period, unless the Party concerned submits a new notification to the Secretariat, in which case the period will be extended for an additional ten years unless the Conference of the Parties, after a review of the production and use decides otherwise. The notification procedure can be repeated; 5
- (iv) All the specific exemptions in this Annex may be exercised by Parties that have registered exemptions in respect of them in accordance with Article 4 with the exception of the use of polychlorinated biphenyls in articles in use in accordance with the provisions of Part II of this Annex, which may be exercised by all Parties. 15 20

Part II

Polychlorinated biphenyls

Each Party shall:

- (a) With regard to the elimination of the use of polychlorinated biphenyls in equipment (e.g. transformers, capacitors or other receptacles containing liquid stocks) by 2025, subject to review by the Conference of the Parties, take action in accordance with the following priorities: 25
- (i) Make determined efforts to identify, label and remove from use equipment containing greater than 10 per cent polychlorinated biphenyls and volumes greater than 5 litres; 30
- (ii) Make determined efforts to identify, label and remove from use equipment containing greater than 35

Schedule 1AA—continued

- 0.05 per cent polychlorinated biphenyls and volumes greater than 5 litres;
- (iii) Endeavour to identify and remove from use equipment containing greater than 0.005 percent polychlorinated biphenyls and volumes greater than 0.05 litres; 5
- (b) Consistent with the priorities in subparagraph (a), promote the following measures to reduce exposures and risk to control the use of polychlorinated biphenyls:
- (i) Use only in intact and non-leaking equipment and only in areas where the risk from environmental release can be minimised and quickly remedied; 10
- (ii) Not use in equipment in areas associated with the production or processing of food or feed;
- (iii) When used in populated areas, including schools and hospitals, all reasonable measures to protect from electrical failure which could result in a fire, and regular inspection of equipment for leaks; 15
- (c) Notwithstanding paragraph 2 of Article 3, ensure that equipment containing polychlorinated biphenyls, as described in subparagraph (a), shall not be exported or imported except for the purpose of environmentally sound waste management; 20
- (d) Except for maintenance and servicing operations, not allow recovery for the purpose of reuse in other equipment of liquids with polychlorinated biphenyls content above 0.005 per cent; 25
- (e) Make determined efforts designed to lead to environmentally sound waste management of liquids containing polychlorinated biphenyls and equipment contaminated with polychlorinated biphenyls having a polychlorinated biphenyls content above 0.005 per cent, in accordance with paragraph 1 of Article 6, as soon as possible but no later than 2028, subject to review by the Conference of the Parties; 30
- (f) In lieu of note (ii) in Part I of this Annex, endeavour to identify other articles containing more than 0.005 per cent polychlorinated biphenyls (e.g. cable-sheaths, cured caulk and 35

Schedule 1AA—continued

painted objects) and manage them in accordance with paragraph 1 of Article 6;

(g) Provide a report every five years on progress in eliminating polychlorinated biphenyls and submit it to the Conference of the Parties pursuant to Article 15;

5

(h) The reports described in subparagraph (g) shall, as appropriate, be considered by the Conference of the Parties in its reviews relating to polychlorinated biphenyls. The Conference of the Parties shall review progress towards elimination of polychlorinated biphenyls at five year intervals or other period, as appropriate, taking into account such reports.

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Schedule 1AA—continued

Annex B

RESTRICTION

Part I

Chemical	Activity	Acceptable purpose or specific exemption	5
DDT (1,1,1-trichloro-2,2-bis(4- chlorophenyl)ethane) CAS No: 50-29-3	Production	<u>Acceptable purpose:</u> Disease vector control use in accordance with Part II of this Annex <u>Specific exemption:</u> Intermediate in production of dicofol Intermediate	10
	Use	<u>Acceptable purpose:</u> Disease vector control in accordance with Part II of this Annex <u>Specific exemption:</u> Production of dicofol Intermediate	15 20

Notes:

- (i) Except as otherwise specified in this Convention, quantities of a chemical occurring as unintentional trace contaminants in products and articles shall not be considered to be listed in this Annex; 25
- (ii) This note shall not be considered as a production and use acceptable purpose or specific exemption for purposes of paragraph 2 of Article 3. Quantities of a chemical occurring as constituents of articles manufactured or already in use before or on the date of entry into force of the relevant obligation with respect to that chemical, shall not be considered as listed in this Annex, provided that a Party has notified the Secretariat that a particular type of article remains in use within that Party. The Secretariat shall make such notifications publicly available; 30
35
- (iii) This note shall not be considered as a production and use specific exemption for purposes of paragraph 2 of Article 3. Given that no significant quantities of the chemical are expected to reach humans and the environment during the production and use of a closed-system site-limited intermediate, a Party, upon notification to the Secretariat, may allow the 40

Schedule 1AA—continued

- production and use of quantities of a chemical listed in this Annex as a closed-system site-limited intermediate that is chemically transformed in the manufacture of other chemicals that, taking into consideration the criteria in paragraph 1 of Annex D, do not exhibit the characteristics of persistent organic pollutants. This notification shall include information on total production and use of such chemical or a reasonable estimate of such information and information regarding the nature of the closed-system site-limited process including the amount of any non-transformed and unintentional trace contamination of the persistent organic pollutant-starting material in the final product. This procedure applies except as otherwise specified in this Annex. The Secretariat shall make such notifications available to the Conference of the Parties and to the public. Such production or use shall not be considered a production or use specific exemption. Such production and use shall cease after a ten-year period, unless the Party concerned submits a new notification to the Secretariat, in which case the period will be extended for an additional ten years unless the Conference of the Parties, after a review of the production and use decides otherwise. The notification procedure can be repeated;
- (iv) All the specific exemptions in this Annex may be exercised by Parties that have registered in respect of them in accordance with Article 4.

Part II

DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane)

1. The production and use of DDT shall be eliminated except for Parties that have notified the Secretariat of their intention to produce and/or use it. A DDT Register is hereby established and shall be available to the public. The Secretariat shall maintain the DDT Register.
2. Each Party that produces and/or uses DDT shall restrict such production and/or use for disease vector control in accordance with the World Health Organization recommendations and guidelines on the use of DDT and when locally safe, effective and affordable alternatives are not available to the Party in question.

Schedule 1AA—continued

3. In the event that a Party not listed in the DDT Register determines that it requires DDT for disease vector control, it shall notify the Secretariat as soon as possible in order to have its name added forthwith to the DDT Register. It shall at the same time notify the World Health Organization. 5
4. Every three years, each Party that uses DDT shall provide to the Secretariat and the World Health Organization information on the amount used, the conditions of such use and its relevance to that Party's disease management strategy, in a format to be decided by the Conference of the Parties in consultation with the World Health Organization. 10
5. With the goal of reducing and ultimately eliminating the use of DDT, the Conference of the Parties shall encourage:
- (a) Each Party using DDT to develop and implement an action plan as part of the implementation plan specified in Article 7. That action plan shall include: 15
- (i) Development of regulatory and other mechanisms to ensure that DDT use is restricted to disease vector control;
- (ii) Implementation of suitable alternative products, methods and strategies, including resistance management strategies to ensure the continuing effectiveness of these alternatives; 20
- (iii) Measures to strengthen health care and to reduce the incidence of the disease. 25
- (b) The Parties, within their capabilities, to promote research and development of safe alternative chemical and non-chemical products, methods and strategies for Parties using DDT, relevant to the conditions of those countries and with the goal of decreasing the human and economic burden of disease. Factors to be promoted when considering alternatives or combinations of alternatives shall include the human health risks and environmental implications of such alternatives. Viable alternatives to DDT shall pose less risk to human health and the environment, be suitable for disease control based on conditions in the Parties in question and be supported with monitoring data. 30 35
6. Commencing at its first meeting, and at least every three years thereafter, the Conference of the Parties shall, in consultation with the World Health Organization, evaluate the continued need for

Schedule 1AA—continued

DDT for disease vector control on the basis of available scientific, technical, environmental and economic information, including:

- (a) The production and use of DDT and the conditions set out in paragraph 2;
- (b) The availability, suitability and implementation of the alternatives to DDT; and 5
- (c) Progress in strengthening the capacity of countries to transfer safely to reliance on such alternatives.

7. A Party may, at any time, withdraw its name from the DDT Registry upon written notification to the Secretariat. The withdrawal shall take effect on the date specified in the notification. 10

Schedule 1AA—continued

Annex C

UNINTENTIONAL PRODUCTION

Part I: Persistent organic pollutants subject to the requirements of
Article 5

This Annex applies to the following persistent organic pollutants when formed and released unintentionally from anthropogenic sources: 5

Chemical	
Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) Hexachlorobenzene (HCB) (CAS No: 118-74-1) Polychlorinated biphenyls (PCB)	10

Part II: Source categories

Polychlorinated dibenzo-p-dioxins and dibenzofurans, hexachlorobenzene and polychlorinated biphenyls are unintentionally formed and released from thermal processes involving organic matter and chlorine as a result of incomplete combustion or chemical reactions. The following industrial source categories have the potential for comparatively high formation and release of these chemicals to the environment: 15

- (a) Waste incinerators, including co-incinerators of municipal, hazardous or medical waste or of sewage sludge; 20
- (b) Cement kilns firing hazardous waste;
- (c) Production of pulp using elemental chlorine or chemicals generating elemental chlorine for bleaching;
- (d) The following thermal processes in the metallurgical industry: 25
 - (i) Secondary copper production;
 - (ii) Sinter plants in the iron and steel industry;
 - (iii) Secondary aluminium production;
 - (iv) Secondary zinc production. 30

Schedule 1AA—continued

Part III: Source categories

- Polychlorinated dibenzo-p-dioxins and dibenzofurans, hexachlorobenzene and polychlorinated biphenyls may also be unintentionally formed and released from the following source categories, including:
- (a) Open burning of waste, including burning of landfill sites; 5
 - (b) Thermal processes in the metallurgical industry not mentioned in Part II;
 - (c) Residential combustion sources;
 - (d) Fossil fuel-fired utility and industrial boilers; 10
 - (e) Firing installations for wood and other biomass fuels;
 - (f) Specific chemical production processes releasing unintentionally formed persistent organic pollutants, especially production of chlorophenols and chloranil;
 - (g) Crematoria; 15
 - (h) Motor vehicles, particularly those burning leaded gasoline;
 - (i) Destruction of animal carcasses;
 - (j) Textile and leather dyeing (with chloranil) and finishing (with alkaline extraction); 20
 - (k) Shredder plants for the treatment of end of life vehicles;
 - (l) Smouldering of copper cables;
 - (m) Waste oil refineries.

Part IV: Definitions

- 1. For the purposes of this Annex: 25
 - (a) “Polychlorinated biphenyls” means aromatic compounds formed in such a manner that the hydrogen atoms on the biphenyl molecule (two benzene rings bonded together by a single carbon-carbon bond) may be replaced by up to ten chlorine atoms; and
 - (b) “Polychlorinated dibenzo-p-dioxins” and “polychlorinated dibenzofurans” are tricyclic, aromatic compounds formed by two benzene rings connected by two oxygen atoms in polychlorinated dibenzo-p-dioxins and by one oxygen atom and one carbon-carbon bond in polychlorinated dibenzofurans and the hydrogen atoms of which may be replaced by up to eight chlorine atoms. 35

Schedule 1AA—continued

2. In this Annex, the toxicity of polychlorinated dibenzo-p-dioxins and dibenzofurans is expressed using the concept of toxic equivalency which measures the relative dioxin-like toxic activity of different congeners of polychlorinated dibenzo-p-dioxins and dibenzofurans and coplanar polychlorinated biphenyls in comparison to 2,3,7,8-tetrachlorodibenzo-p-dioxin. The toxic equivalent factor values to be used for the purposes of this Convention shall be consistent with accepted international standards, commencing with the World Health Organization 1998 mammalian toxic equivalent factor values for polychlorinated dibenzo-p-dioxins and dibenzofurans and coplanar polychlorinated biphenyls. Concentrations are expressed in toxic equivalents.

Part V: General guidance on best available techniques and best environmental practices

This Part provides general guidance to Parties on preventing or reducing releases of the chemicals listed in Part I.

A. General prevention measures relating to both best available techniques and best environmental practices

Priority should be given to the consideration of approaches to prevent the formation and release of the chemicals listed in Part I. Useful measures could include:

- (a) The use of low-waste technology;
- (b) The use of less hazardous substances;
- (c) The promotion of the recovery and recycling of waste and of substances generated and used in a process;
- (d) Replacement of feed materials which are persistent organic pollutants or where there is a direct link between the materials and releases of persistent organic pollutants from the source;
- (e) Good housekeeping and preventive maintenance programmes;
- (f) Improvements in waste management with the aim of the cessation of open and other uncontrolled burning of wastes, including the burning of landfill sites. When considering proposals to construct new waste disposal facilities, consideration should be given to alternatives such as activities to minimize the generation of municipal and medical waste, including resource recovery, reuse,

Schedule 1AA—continued

recycling, waste separation and promoting products that generate less waste. Under this approach, public health concerns should be carefully considered;

(g) Minimization of these chemicals as contaminants in products; 5

(h) Avoiding elemental chlorine or chemicals generating elemental chlorine for bleaching.

B. Best available techniques

The concept of best available techniques is not aimed at the prescription of any specific technique or technology, but at taking into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions. Appropriate control techniques to reduce releases of the chemicals listed in Part I are in general the same. In determining best available techniques, special consideration should be given, generally or in specific cases, to the following factors, bearing in mind the likely costs and benefits of a measure and consideration of precaution and prevention: 10 15

- (a) General considerations:
- (i) The nature, effects and mass of the releases concerned: techniques may vary depending on source size; 20
 - (ii) The commissioning dates for new or existing installations;
 - (iii) The time needed to introduce the best available technique; 25
 - (iv) The consumption and nature of raw materials used in the process and its energy efficiency;
 - (v) The need to prevent or reduce to a minimum the overall impact of the releases to the environment and the risks to it; 30
 - (vi) The need to prevent accidents and to minimize their consequences for the environment;
 - (vii) The need to ensure occupational health and safety at workplaces; 35
 - (viii) Comparable processes, facilities or methods of operation which have been tried with success on an industrial scale;

Schedule 1AA—continued

- (ix) Technological advances and changes in scientific knowledge and understanding.
- (b) General release reduction measures: When considering proposals to construct new facilities or significantly modify existing facilities using processes that release chemicals listed in this Annex, priority consideration should be given to alternative processes, techniques or practices that have similar usefulness but which avoid the formation and release of such chemicals. In cases where such facilities will be constructed or significantly modified, in addition to the prevention measures outlined in section A of Part V the following reduction measures could also be considered in determining best available techniques:
- (i) Use of improved methods for flue-gas cleaning such as thermal or catalytic oxidation, dust precipitation, or adsorption; 15
 - (ii) Treatment of residuals, wastewater, wastes and sewage sludge by, for example, thermal treatment or rendering them inert or chemical processes that detoxify them; 20
 - (iii) Process changes that lead to the reduction or elimination of releases, such as moving to closed systems; 20
 - (iv) Modification of process designs to improve combustion and prevent formation of the chemicals listed in this Annex, through the control of parameters such as incineration temperature or residence time. 25

C. Best environmental practices

The Conference of the Parties may develop guidance with regard to best environmental practices.

Schedule 1AA—continued

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; and 10
 - (ii) Structure, including specification of isomers, where applicable, and the structure of the chemical class; 15
 - (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 20
 - (ii) Evidence that the chemical is otherwise sufficiently persistent to justify its consideration within the scope of this Convention;
 - (c) Bio-accumulation: 25
 - (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 K_{ow} 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 30
 - (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; 35

Schedule 1AA—continued

- (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 5
 - (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 10
- (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 20
 - (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. 25
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. 30

Schedule 1AA—continued

Annex E

INFORMATION REQUIREMENTS FOR THE RISK PROFILE

- The purpose of the review is to evaluate whether 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. For this purpose, a risk profile shall be developed that further elaborates on, and evaluates, the information referred to in Annex D and includes, as far as possible, the following types of information:
- (a) Sources, including as appropriate:
 - (i) Production data, including quantity and location;
 - (ii) Uses; and
 - (iii) Releases, such as discharges, losses and emissions;
 - (b) Hazard assessment for the endpoint or endpoints of concern, including a consideration of toxicological interactions involving multiple chemicals;
 - (c) Environmental fate, including data and information on the chemical and physical properties of a chemical as well as its persistence and how they are linked to its environmental transport, transfer within and between environmental compartments, degradation and transformation to other chemicals. A determination of the bio-concentration factor or bio-accumulation factor, based on measured values, shall be available, except when monitoring data are judged to meet this need;
 - (d) Monitoring data;
 - (e) Exposure in local areas and, in particular, as a result of long-range environmental transport, and including information regarding bio-availability;
 - (f) National and international risk evaluations, assessments or profiles and labelling information and hazard classifications, as available; and
 - (g) Status of the chemical under international conventions.

Schedule 1AA—continued

Annex F

INFORMATION ON SOCIO-ECONOMIC CONSIDERATIONS

- An evaluation should be undertaken regarding possible control measures for chemicals under consideration for inclusion in this Convention, encompassing the full range of options, including management and elimination. For this purpose, relevant information should be provided relating to socio-economic considerations associated with possible control measures to enable a decision to be taken by the Conference of the Parties. Such information should reflect due regard for the differing capabilities and conditions among the Parties and should include consideration of the following indicative list of items:
- (a) Efficacy and efficiency of possible control measures in meeting risk reduction goals:
 - (i) Technical feasibility; and
 - (ii) Costs, including environmental and health costs;
 - (b) Alternatives (products and processes):
 - (i) Technical feasibility;
 - (ii) Costs, including environmental and health costs;
 - (iii) Efficacy;
 - (iv) Risk;
 - (v) Availability; and
 - (vi) Accessibility;
 - (c) Positive and/or negative impacts on society of implementing possible control measures:
 - (i) Health, including public, environmental and occupational health;
 - (ii) Agriculture, including aquaculture and forestry;
 - (iii) Biota (biodiversity);
 - (iv) Economic aspects;
 - (v) Movement towards sustainable development; and
 - (vi) Social costs;
 - (d) Waste and disposal implications (in particular, obsolete stocks of pesticides and clean-up of contaminated sites):
 - (i) Technical feasibility; and
 - (ii) Cost;
 - (e) Access to information and public education;
 - (f) Status of control and monitoring capacity; and

Schedule 1AA—continued

(g) Any national or regional control actions taken, including information on alternatives, and other relevant risk management information.

s 17

Schedule 2
New Schedule 2A inserted in principal Act

s 2(1)

Schedule 2A
Persistent organic pollutants

Substance	Use or <u>storage</u>	Manufacture	Expiry of <u>permitted use or storage</u>	5
Aldrin CAS No: 309-00-2				10
Chlordane CAS No: 57-74-9				15
Dieldrin CAS No: 60-57-1				20
Endrin CAS No: 72-20-8				25
Heptachlor CAS No: 76-44-8				30
Hexachlorobenzene CAS No: 118-74-1				35
Mirex CAS No: 2385-85-5				40
Toxaphene CAS No: 8001-35-2				45
Polychlorinated Biphenyls (PCB)	<i>(in accordance with an exemption granted under regulation 49J of the Toxic Substances Regulations 1983 before the commencement of the Hazardous Substances and New Organisms (Stockholm Convention) Amendment Act 2002 in accordance with an exemption—</i>		at the expiry of—	25
	(a) <u>granted under regulation 49I or regulation 49J of the Toxic Substances Regulations 1983; and</u>		(a) the exemption; or	30
	(b) <u>that is in force immediately before the commencement of the Hazardous Substances and New Organisms (Stockholm Convention) Amendment Act 2003</u>		(b) an extension of the expiry of the exemption (being not later than the close of (2014) 2016) granted by the Authority	40
DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane) CAS No: 50-29-3				50

**Hazardous Substances and New
Organisms (Stockholm
Convention) Amendment**

Schedule 2

Legislative history

21 May 2002

Introduction (Bill 218-1)

20 February 2003

First reading and referral to Foreign Affairs, Defence
and Trade Committee
