

A BILL

FOR

AN ACT TO GIVE EFFECT IN THE FEDERAL REPUBLIC OF NIGERIA, TO THE
STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS AND
FOR RELATED MATTER

Sponsored by Hon. Gyang Istifanus Dung

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria:

1 1. Ratification of the Stockholm Convention on Persistent
2 Organic Pollutants.

3 2. Enforcement of the Stockholm Convention on Persistent
4 Organic Pollutants

5 As from the commencement of this Bill, the provisions of Stockholm
6 Convention on Persistent Organic Pollutants set out in the Schedule to this
7 Bill, shall subject as thereunder provided have the force of law in the Federal
8 Republic of Nigeria and shall be given full recognition and effect and be
9 applied by all authorities and persons exercising legislative, executive or
10 judicial powers in Nigeria.

11 3. This Bill may be cited as the Stockholm Convention on Citation
12 Persistent Organic Pollutants (Ratification and Enforcement) Bill, 2016.

SCHEDULE

14 The States Parties to the present Convention, CONSCIOUS of the dangers
15 that persistent organic pollutants possess toxic properties, resist
16 degradation, bioaccumulate and are transported, through air, water and
17 migratory species, across international boundaries and deposited far from
18 their place of release, where they accumulate in terrestrial and aquatic
19 ecosystems;
20 Aware of the health concerns, especially in developing countries, resulting

1 from local exposure to persistent organic pollutants, in particular impacts upon
2 women and, through them, upon future generations, CONSCIOUS of the need
3 to take measures to prevent adverse effects caused by persistent organic
4 pollutants and DETERMINED to protect human health and the environment
5 from the harmful impacts of persistent organic pollutants,

6 HAVE AGREED as follows:

7 *Clause 1 - Objective*

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

12 *Clause 2 - Definitions*

13 For the purposes of this Convention:

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

17 (b) "Regional economic integration organization" means an
18 organization constituted by sovereign States of a given region to which its
19 member States have transferred competence in respect of matters governed by
20 this Convention and which has been duly authorized, in accordance with its
21 internal procedures, to sign, ratify, accept, approve or accede to this
22 Convention;

23 (c) "Parties present and voting" means Parties present and casting an
24 affirmative or negative vote.

25 *Clause 3 - Measures to reduce or eliminate releases from intentional*
26 *production and use.*

27 1. Each Party shall:

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

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

1 the provisions of that Annex; and

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

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

6 2. Each Party shall take measures to ensure:

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

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

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

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

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

19 (ii) To a Party which is permitted to use that chemical under Annex
20 A or Annex B; or

21 (iii) To a State not Party to this Convention which has provided an
22 annual certification to the exporting Party. Such certification shall specify
23 the intended use of the chemical and include a statement that, with respect to
24 that chemical, the importing State is committed to:

25 (a) Protect human health and the environment by taking the
26 necessary measures to minimize or prevent releases;

27 (b) Comply with the provisions of paragraph 1 of Clause 6; and

28 (c) Comply, where appropriate, with the provisions of paragraph 2
29 of Part II of Annex B.

30 The certification shall also include any appropriate supporting

1 documentation, such as legislation, regulatory instruments, or administrative
2 or policy guidelines. The exporting Party shall transmit the certification to the
3 Secretariat within sixty days of receipt.

4 (d) That a chemical listed in Annex A, for which production and use
5 specific exemptions are no longer in effect for any Party, is not exported from it
6 except for the purpose of environmentally sound disposal as set forth in
7 paragraph 1 (d) of Clause 6;

8 (f) For the purposes of this paragraph, the term "State not Party to this
9 Convention" shall include, with respect to a particular chemical, a State or
10 regional economic integration organization that has not agreed to be bound by
11 the Convention with respect to that chemical.

12 3. Each Party that has one or more regulatory and assessment
13 schemes for new pesticides or new industrial chemicals shall take measures to
14 regulate with the aim of preventing the production and use of new pesticides or
15 new industrial chemicals which, taking into consideration the criteria in
16 paragraph 1 of Annex D, exhibit the characteristics of persistent organic
17 pollutants.

18 4. Each Party that has one or more regulatory and assessment
19 schemes for pesticides or industrial chemicals shall, where appropriate, take
20 into consideration within these schemes the criteria in paragraph 1 of Annex D
21 when conducting assessments of pesticides or industrial chemicals currently in
22 use.

23 5. Except as otherwise provided in this Convention, paragraphs 1 and
24 2 shall not apply to quantities of a chemical to be used for laboratory-scale
25 research or as a reference standard.

26 6. Any Party that has a specific exemption in accordance with Annex
27 A or a specific exemption or an acceptable purpose in accordance with Annex B
28 shall take appropriate measures to ensure that any production or use under such
29 exemption or purpose is carried out in a manner that prevents or minimizes
30 human exposure and release into the environment. For exempted uses or

1 acceptable purposes that involve intentional release into the environment
2 under conditions of normal use, such release shall be to the minimum extent
3 necessary, taking into account any applicable standards and guidelines.

4 *Clause 4 - Register of specific exemptions*

5 1. A Register is hereby established for the purpose of identifying
6 the Parties that have specific exemptions listed in Annex A or Annex B. It
7 shall not identify Parties that make use of the provisions in Annex A or
8 Annex B that may be exercised by all Parties. The Register shall be
9 maintained by the Secretariat and shall be available to the public.

10 2. The Register shall include:

11 (a) A list of the types of specific exemptions reproduced from
12 Annex A and Annex B;

13 (b) A list of the Parties that have a specific exemption listed under
14 Annex A or Annex B; and

15 (c) A list of the expiry dates for each registered specific exemption.

16 3. Any State may, on becoming a Party, by means of a notification
17 in writing to the Secretariat, register for one or more types of specific
18 exemptions listed in Annex A or Annex B.

19 4. Unless an earlier date is indicated in the Register by a Party, or
20 an extension is granted pursuant to paragraph 7, all registrations of specific
21 exemptions shall expire five years after the date of entry into force of this
22 Convention with respect to a particular chemical.

23 5. At its first meeting, the Conference of the Parties shall decide
24 upon its review process for the entries in the Register.

25 6. Prior to a review of an entry in the Register, the Party concerned
26 shall submit a report to the Secretariat justifying its continuing need for
27 registration of that exemption. The report shall be circulated by the
28 Secretariat to all Parties. The review of a registration shall be carried out
29 based on all available information. Thereupon, the Conference of the Parties

1 may make such recommendations to the Party concerned as it deems
2 appropriate.

3 7. The Conference of the Parties may, upon request from the Party
4 concerned, decide to extend the expiry date of a specific exemption for a period
5 of up to five years. In making its decision, the Conference of the Parties shall
6 take due account of the special circumstances of the developing country Parties
7 and Parties with economies in transition.

8 8. A Party may, at any time, withdraw an entry from the Register for a
9 specific exemption upon written notification to the Secretariat. The withdrawal
10 shall take effect on the date specified in the notification.

11 9. When there are no longer any Parties registered for a particular
12 type of specific exemption, no new registrations may be made with respect to it.

13 *Clause 5 - Measures to reduce or eliminate releases from*
14 *unintentional production*

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

19 (a) Develop an action plan or, where appropriate, a regional or
20 subregional action plan within two years of the date of entry into force of this
21 Convention for it, and subsequently implement it as part of its implementation
22 plan specified in Clause 7, designed to identify, characterize and address the
23 release of the chemicals listed in Annex C and to facilitate implementation of
24 subparagraphs (b) to (e). The action plan shall include the following elements:

25 (i) An evaluation of current and projected releases, including the
26 development and maintenance of source inventories and release estimates,
27 taking into consideration the source categories identified in Annex C;

28 (ii) An evaluation of the efficacy of the laws and policies of the Party
29 relating to the management of such releases;

30 (iii) Strategies to meet the obligations of this paragraph, taking into

1 account the evaluations in (i) and (ii);

2 (iv) Steps to promote education and training with regard to, and
3 awareness of, those strategies;

4 (v) A review every five years of those strategies and of their success
5 in meeting the obligations of this paragraph; such reviews shall be included
6 in reports submitted pursuant to Clause 15;

7 (vi) A schedule for implementation of the action plan, including for
8 the strategies and measures identified therein;

9 (b) Promote the application of available, feasible and practical
10 measures that can expeditiously achieve a realistic and meaningful level of
11 release reduction or source elimination;

12 (c) Promote the development and, where it deems appropriate,
13 require the use of substitute or modified materials, products and processes to
14 prevent the formation and release of the chemicals listed in Annex C, taking
15 into consideration the general guidance on prevention and release reduction
16 measures in Annex C and guidelines to be adopted by decision of the
17 Conference of the Parties;

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

1 decision of the Conference of the Parties;

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

4 (i) For existing sources, within the source categories listed in Part II of
5 Annex C and within source categories such as those in Part III of that Annex;
6 and

7 (ii) For new sources, within source categories such as those listed in
8 Part III of Annex C which a Party has not addressed under subparagraph (d).
9 When applying best available techniques and best environmental practices,
10 Parties should take into consideration the general guidance on prevention and
11 release reduction measures in Annex C and guidelines on best available
12 techniques and best environmental practices to be adopted by decision of the
13 Conference of the Parties;

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

15 (i) "Best available techniques" means the most effective and
16 advanced stage in the development of activities and their methods of operation
17 which indicate the practical suitability of particular techniques for providing in
18 principle the basis for release limitations designed to prevent and, where that is
19 not practicable, generally to reduce releases of chemicals listed in Part I of
20 Annex C and their impact on the environment as a whole. In this regard:

21 (ii) "Techniques" includes both the technology used and the way in
22 which the installation is designed, built, maintained, operated and
23 decommissioned;

24 (iii) "Available" techniques means those techniques that are
25 accessible to the operator and that are developed on a scale that allows
26 implementation in the relevant industrial sector, under economically and
27 technically viable conditions, taking into consideration the costs and
28 advantages; and

29 (iv) "Best" means most effective in achieving a high general level of
30 protection of the environment as a whole;

1 (v) "Best environmental practices" means the application of the
2 most appropriate combination of environmental control measures and
3 strategies;

4 (vi) "New source" means any source of which the construction or
5 substantial modification is commenced at least one year after the date of:

6 (a) Entry into force of this Convention for the Party concerned; or

7 (b) Entry into force for the Party concerned of an amendment to
8 Annex C where the source becomes subject to the provisions of this
9 Convention only by virtue of that amendment.

10 (g) Release limit values or performance standards may be used by a
11 Party to fulfill its commitments for best available techniques under this
12 paragraph.

13 *Clause 6 - Measures to reduce or eliminate releases from stockpiles*
14 *and wastes*

15 1. In order to ensure that stockpiles consisting of or containing
16 chemicals listed either in Annex A or Annex B and wastes, including
17 products and articles upon becoming wastes, consisting of, containing or
18 contaminated with a chemical listed in Annex A, B or C, are managed in a
19 manner protective of human health and the environment, each Party shall:

20 (a) Develop appropriate strategies for identifying:

21 (i) Stockpiles consisting of or containing chemicals listed either in
22 Annex A or Annex B; and

23 (ii) Products and articles in use and wastes consisting of,
24 containing or contaminated with a chemical listed in Annex A, B or C;

25 (b) Identify, to the extent practicable, stockpiles consisting of or
26 containing chemicals listed either in Annex A or Annex B on the basis of the
27 strategies referred to in subparagraph (a);

28 (c) Manage stockpiles, as appropriate, in a safe, efficient and
29 environmentally sound manner. Stockpiles of chemicals listed either in
30 Annex A or Annex B, after they are no longer allowed to be used according

1 to any specific exemption specified in Annex A or any specific exemption or
2 acceptable purpose specified in Annex B, except stockpiles which are allowed
3 to be exported according to paragraph 2 of Clause 3, shall be deemed to be
4 waste and shall be managed in accordance with subparagraph (d);

5 (d) Take appropriate measures so that such wastes, including products
6 and articles upon becoming wastes, are:

7 (i) Handled, collected, transported and stored in an environmentally
8 sound manner;

9 (ii) Disposed of in such a way that the persistent organic pollutant
10 content is destroyed or irreversibly transformed so that they do not exhibit the
11 characteristics of persistent organic pollutants or otherwise disposed of in an
12 environmentally sound manner when destruction or irreversible
13 transformation does not represent the environmentally preferable option or the
14 persistent organic pollutant content is low, taking into account international
15 rules, standards, and guidelines, including those that may be developed
16 pursuant to paragraph 2, and relevant global and regional regimes governing
17 the management of hazardous wastes;

18 (iii) Not permitted to be subjected to disposal operations that may lead
19 to recovery, recycling, reclamation, direct reuse or alternative uses of
20 persistent organic pollutants; and

21 (iv) Not transported across international boundaries without taking
22 into account relevant international rules, standards and guidelines;

23 (e) Endeavour to develop appropriate strategies for identifying sites
24 contaminated by chemicals listed in Annex A, B or C; if remediation of those
25 sites is undertaken it shall be performed in an environmentally sound manner.

26 2. The Conference of the Parties shall cooperate closely with the
27 appropriate bodies of the Basel Convention on the Control of Transboundary
28 Movements of Hazardous Wastes and their Disposal to, inter alia:

29 (a) Establish levels of destruction and irreversible transformation
30 necessary to ensure that the characteristics of persistent organic pollutants as

1 specified in paragraph 1 of Annex D are not exhibited;

2 (b) Determine what they consider to be the methods that constitute
3 environmentally sound disposal referred to above; and

4 (c) Work to establish, as appropriate, the concentration levels of the
5 chemicals listed in Annexes A, B and C in order to define the low persistent
6 organic pollutant content referred to in paragraph 1 (d)(ii).

7 *Clause 7- Implementation plans*

8 1. Each Party shall:

9 (a) Develop and endeavour to implement a plan for the
10 implementation of its obligations under this Convention; .

11 (b) Transmit its implementation plan to the Conference of the
12 Parties within two years of the date on which this Convention enters into
13 force for it; and

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

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

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

26 *Clause 8 - Listing of chemicals in Annexes A, B and C*

27 1. A Party may submit a proposal to the Secretariat for listing a
28 chemical in Annexes A, B and/or C.

29 The proposal shall contain the information specified in Annex D. In

1 developing a proposal, a Party may be assisted by other Parties and/or by the
2 Secretariat.

3 2. The Secretariat shall verify whether the proposal contains the
4 information specified in Annex D. If the Secretariat is satisfied that the
5 proposal contains the information so specified, it shall forward the proposal to
6 the Persistent Organic Pollutants Review Committee.

7 3. The Committee shall examine the proposal and apply the screening
8 criteria specified in Annex D in a flexible and transparent way, taking all
9 information provided into account in an integrative and balanced manner.

10 4. If the Committee decides that:

11 (a) It is satisfied that the screening criteria have been fulfilled, it shall,
12 through the Secretariat, make the proposal and the evaluation of the Committee
13 available to all Parties and observers and invite them to submit the information
14 specified in Annex E; or

15 (b) It is not satisfied that the screening criteria have been fulfilled, it
16 shall, through the Secretariat, inform all Parties and observers and make the
17 proposal and the evaluation of the Committee available to all Parties and the
18 proposal shall be set aside.

19 5. Any Party may resubmit a proposal to the Committee that has been
20 set aside by the Committee pursuant to paragraph 4. The resubmission may
21 include any concerns of the Party as well as a justification for additional
22 consideration by the Committee. If, following this procedure, the Committee
23 again sets the proposal aside, the Party may challenge the decision of the
24 Committee and the Conference of the Parties shall consider the matter at its
25 next session. The Conference of the Parties may decide, based on the screening
26 criteria in Annex D and taking into account the evaluation of the Committee
27 and any additional information provided by any Party or observer, that the
28 proposal should proceed.

29 6. Where the Committee has decided that the screening criteria have
30 been fulfilled, or the Conference of the Parties has decided that the proposal

1 should proceed, the Committee shall further review the proposal, taking into
2 account any relevant additional information received, and shall prepare a
3 draft risk profile in accordance with Annex E. It shall, through the
4 Secretariat, make that draft available to all Parties and observers, collect
5 technical comments from them and, taking those comments into account,
6 complete the risk profile.

7 7. If, on the basis of the risk profile conducted in accordance with
8 Annex E, the Committee decides:

9 (a) That the chemical is likely as a result of its long-range
10 environmental transport to lead to significant adverse human health and/or
11 environmental effects such that global action is warranted, the proposal
12 shall proceed. Lack of full scientific certainty shall not prevent the proposal
13 from proceeding. The Committee shall, through the Secretariat, invite
14 information from all Parties and observers relating to the considerations
15 specified in Annex F. It shall then prepare a risk management evaluation that
16 includes an analysis of possible control measures for the chemical in
17 accordance with that Annex; or

18 (b) That the proposal should not proceed, it shall, through the
19 Secretariat, make the risk profile available to all Parties and observers and
20 set the proposal aside.

21 8. For any proposal set aside pursuant to paragraph 7 (b), a Party
22 may request the Conference of the Parties to consider instructing the
23 Committee to invite additional information from the proposing Party and
24 other Parties during a period not to exceed one year. After that period and on
25 the basis of any information received, the Committee shall reconsider the
26 proposal pursuant to paragraph 6 with a priority to be decided by the
27 Conference of the Parties. If, following this procedure, the Committee again
28 sets the proposal aside, the Party may challenge the decision of the
29 Committee and the Conference of the Parties shall consider the matter at its
30 next session. The Conference of the Parties may decide, based on the risk

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

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

14 *Clause 9 - Information exchange*

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

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

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

21 2. The Parties shall exchange the information referred to in paragraph
22 1 directly or through the Secretariat.

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

25 4. The Secretariat shall serve as a clearing-house mechanism for
26 information on persistent organic pollutants, including information provided
27 by Parties, intergovernmental organizations and nongovernmental
28 organizations.

29 5. For the purposes of this Convention, information on health and
30 safety of humans and the environment shall not be regarded as confidential.

1 Parties that exchange other information pursuant to this Convention shall
2 protect any confidential information as mutually agreed.

3 *Clause 10 - Public information, awareness and education*

4 1. Each Party shall, within its capabilities, promote and facilitate:

5 (a) Awareness among its policy and decision makers with regard to
6 persistent organic pollutants;

7 (b) Provision to the public of all available information on persistent
8 organic pollutants, taking into account paragraph 5 of Clause 9;

9 (c) Development and implementation, especially for women,
10 children and the least educated, of educational and public awareness
11 programmes on persistent organic pollutants, as well as on their health and
12 environmental effects and on their alternatives;

13 (d) Public participation in addressing persistent organic pollutants
14 and their health and environmental effects and in developing adequate
15 responses, including opportunities for providing input at the national level
16 regarding implementation of this Convention;

17 (e) Training of workers, scientists, educators and technical and
18 managerial personnel;

19 (f) Development and exchange of educational and public
20 awareness materials at the national and international levels; and

21 (g) Development and implementation of education and training
22 programmes at the national and international levels.

23 2. Each Party shall, within its capabilities, ensure that the public
24 has access to the public information referred to in paragraph 1 and that the
25 information is kept up-to-date.

26 3. Each Party shall, within its capabilities, encourage industry and
27 professional users to promote and facilitate the provision of the information
28 referred to in paragraph 1 at the national level and, as appropriate,
29 subregional, regional and global levels.

30 4. In providing information on persistent organic pollutants and

- 1 their alternatives, Parties may use safety data sheets, reports, mass media and
2 other means of communication, and may establish information centres at
3 national and regional levels.

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

8 *Clause 11- Research, development and monitoring*

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

- 14 (a) Sources and releases into the environment;
- 15 (b) Presence, levels and trends in humans and the environment;
- 16 (c) Environmental transport, fate and transformation;
- 17 (d) Effects on human health and the environment;
- 18 (e) Socio-economic and cultural impacts;
- 19 (f) Release reduction and/or elimination; and
- 20 (g) Harmonized methodologies for making inventories of generating
21 sources and analytical techniques for the measurement of releases.

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

- 24 (a) Support and further develop, as appropriate, international
25 programmes, networks and organizations aimed at defining, conducting,
26 assessing and financing research, data collection and monitoring, taking into
27 account the need to minimize duplication of effort;

- 28 (b) Support national and international efforts to strengthen national
29 scientific and technical research capabilities, particularly in developing
30 countries and countries with economies in transition, and to promote access to.

1 and the exchange of, data and analyses;

2 (c) Take into account the concerns and needs, particularly in the
3 field of financial and technical resources, of developing countries and
4 countries with economies in transition and cooperate in improving their
5 capability to participate in the efforts referred to in subparagraphs (a) and
6 (b);

7 (d) Undertake research work geared towards alleviating the effects
8 of persistent organic pollutants on reproductive health;

9 (e) Make the results of their research, development and monitoring
10 activities referred to in this paragraph accessible to the public on a timely
11 and regular basis; and

12 (f) Encourage and/or undertake cooperation with regard to storage
13 and maintenance of information generated from research, development and
14 monitoring.

15 *Clause 12 - Technical assistance*

16 1. The Parties recognize that rendering of timely and appropriate
17 technical assistance in response to requests from developing country Parties
18 and Parties with economies in transition is essential to the successful
19 implementation of this Convention.

20 2. The Parties shall cooperate to provide timely and appropriate
21 technical assistance to developing country Parties and Parties with
22 economies in transition, to assist them, taking into account their particular
23 needs, to develop and strengthen their capacity to implement their
24 obligations under this Convention.

25 3. In this regard, technical assistance to be provided by developed
26 country Parties, and other Parties in accordance with their capabilities, shall
27 include, as appropriate and as mutually agreed, technical assistance for
28 capacity-building relating to implementation of the obligations under this
29 Convention. Further guidance in this regard shall be provided by the
30 Conference of the Parties.

1 4. The Parties shall establish, as appropriate, arrangements for the
2 purpose of providing technical assistance and promoting the transfer of
3 technology to developing country Parties and Parties with economies in
4 transition relating to the implementation of this Convention. These
5 arrangements shall include regional and subregional centres for capacity-
6 building and transfer of technology to assist developing country Parties and
7 Parties with economies in transition to fulfil their obligations under this
8 Convention. Further guidance in this regard shall be provided by the
9 Conference of the Parties.

10 5. The Parties shall, in the context of this Clause, take full account of
11 the specific needs and special situation of least developed countries and small
12 island developing states in their actions with regard to technical assistance.

13 *Clause 13 - Financial resources and mechanisms*

14 1. Each Party undertakes to provide, within its capabilities, financial
15 support and incentives in respect of those national activities that are intended to
16 achieve the objective of this Convention in accordance with its national plans,
17 priorities and programmes.

18 2. The developed country Parties shall provide new and additional
19 financial resources to enable developing country Parties and Parties with
20 economies in transition to meet the agreed full incremental costs of
21 implementing measures which fulfill their obligations under this Convention
22 as agreed between a recipient Party and an entity participating in the
23 mechanism described in paragraph 6. Other Parties may also on a voluntary
24 basis and in accordance with their capabilities provide such financial
25 resources.

26 Contributions from other sources should also be encouraged. The
27 implementation of these commitments shall take into account the need for
28 adequacy, predictability, the timely flow of funds and the importance of burden
29 sharing among the contributing Parties.

30 3. Developed country Parties, and other Parties in accordance with

1 their capabilities and in accordance with their national plans, priorities and
2 programmes, may also provide and developing country Parties and Parties
3 with economies in transition avail themselves of financial resources to assist
4 in their implementation of this Convention through other bilateral, regional
5 and multilateral sources or channels.

6 4. The extent to which the developing country Parties will
7 effectively implement their commitments under this Convention will
8 depend on the effective implementation by developed country Parties of
9 their commitments under this Convention relating to financial resources,
10 technical assistance and technology transfer. The fact that sustainable
11 economic and social development and eradication of poverty are the first
12 and overriding priorities of the developing country Parties will be taken
13 fully into account, giving due consideration to the need for the protection of
14 human health and the environment.

15 5. The Parties shall take full account of the specific needs and
16 special situation of the least developed countries and the small island
17 developing states in their actions with regard to funding.

18 6. A mechanism for the provision of adequate and sustainable
19 financial resources to developing country Parties and Parties with
20 economies in transition on a grant or concessional basis to assist in their
21 implementation of the Convention is hereby defined. The mechanism shall
22 function under the authority, as appropriate, and guidance of, and be
23 accountable to the Conference of the Parties for the purposes of this
24 Convention. Its operation shall be entrusted to one or more entities,
25 including existing international entities, as may be decided upon by the
26 Conference of the Parties. The mechanism may also include other entities
27 providing multilateral, regional and bilateral financial and technical
28 assistance. Contributions to the mechanism shall be additional to other
29 financial transfers to developing country Parties and Parties with economies
30 in transition as reflected in, and in accordance with, paragraph 2.

1 7. Pursuant to the objectives of this Convention and paragraph 6, the
2 Conference of the Parties shall at its first meeting adopt appropriate guidance
3 to be provided to the mechanism and shall agree with the entity or entities
4 participating in the financial mechanism upon arrangements to give effect
5 thereto. The guidance shall address, inter alia:

6 (a) The determination of the policy, strategy and programme
7 priorities, as well as clear and detailed criteria and guidelines regarding
8 eligibility for access to and utilization of financial resources including
9 monitoring and evaluation on a regular basis of such utilization;

10 (b) The provision by the entity or entities of regular reports to the
11 Conference of the Parties on adequacy and sustainability of funding for
12 activities relevant to the implementation of this Convention;

13 (c) The promotion of multiple-source funding approaches,
14 mechanisms and arrangements;

15 (d) The modalities for the determination in a predictable and
16 identifiable manner of the amount of funding necessary and available for the
17 implementation of this Convention, keeping in mind that the phasing out of
18 persistent organic pollutants might require sustained funding, and the
19 conditions under which that amount shall be periodically reviewed; and

20 (e) The modalities for the provision to interested Parties of assistance
21 with needs assessment, information on available sources of funds and on
22 funding patterns in order to facilitate coordination among them.

23 8. The Conference of the Parties shall review, not later than its second
24 meeting and thereafter on a regular basis, the effectiveness of the mechanism
25 established under this Clause, its ability to address the changing needs of the
26 developing country Parties and Parties with economies in transition, the
27 criteria and guidance referred to in paragraph 7, the level of funding as well as
28 the effectiveness of the performance of the institutional entities entrusted to
29 operate the financial mechanism. It shall, based on such review, take
30 appropriate action, if necessary, to improve the effectiveness of the

1 mechanism, including by means of recommendations and guidance on
2 measures to ensure adequate and sustainable funding to meet the needs of
3 the Parties.

4 *Clause 14 - Interim financial arrangements*

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

17 *Clause 15 - Reporting*

18 1. Each Party shall report to the Conference of the Parties on the
19 measures it has taken to implement the provisions of this Convention and on
20 the effectiveness of such measures in meeting the objectives of the
21 Convention.

22 2. Each Party shall provide to the Secretariat:

23 (a) Statistical data on its total quantities of production, import and
24 export of each of the chemicals listed in Annex A and Annex B or a
25 reasonable estimate of such data; and

26 (b) To the extent practicable, a list of the States from which it has
27 imported each such substance and the States to which it has exported each
28 such substance.

29 3. Such reporting shall be at periodic intervals and in a format to
30 be decided by the Conference of the Parties at its first meeting.

1 *Clause 16 - Effectiveness evaluation*

2 1. Commencing four years after the date of entry into force of this
3 Convention, and periodically thereafter at intervals to be decided by the
4 Conference of the Parties, the Conference shall evaluate the effectiveness of
5 this Convention.

6 2. In order to facilitate such evaluation, the Conference of the Parties
7 shall, at its first meeting, initiate the establishment of arrangements to provide
8 itself with comparable monitoring data on the presence of the chemicals listed
9 in Annexes A, B and C as well as their regional and global environmental
10 transport. These arrangements:

11 (a) Should be implemented by the Parties on a regional basis when
12 appropriate, in accordance with their technical and financial capabilities, using
13 existing monitoring programmes and mechanisms to the extent possible and
14 promoting harmonization of approaches;

15 (b) May be supplemented where necessary, taking into account the
16 differences between regions and their capabilities to implement monitoring
17 activities; and

18 (c) Shall include reports to the Conference of the Parties on the results
19 of the monitoring activities on a regional and global basis at intervals to be
20 specified by the Conference of the Parties.

21 3. The evaluation described in paragraph 1 shall be conducted on the
22 basis of available scientific, environmental, technical and economic
23 information, including:

24 (a) Reports and other monitoring information provided pursuant to
25 paragraph 2;

26 (b) National reports submitted pursuant to Clause 15; and

27 (c) Non-compliance information provided pursuant to the procedures
28 established under Clause 17.

29 *Clause 17 - Non-compliance*

30 The Conference of the Parties shall, as soon as practicable, develop and

1 approve procedures and institutional mechanisms for determining non-
2 compliance with the provisions of this Convention and for the treatment of
3 Parties found to be in non-compliance.

4 *Clause 18 - Settlement of disputes*

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

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

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

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

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

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

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

29 6. If the parties to a dispute have not accepted the same or any
30 procedure pursuant to paragraph 2, and if they have not been able to settle

1 their dispute within twelve months following notification by one party to
2 another that a dispute exists between them, the dispute shall be submitted to a
3 conciliation commission at the request of any party to the dispute. The
4 conciliation commission shall render a report with recommendations.
5 Additional procedures relating to the conciliation commission shall be
6 included in an annex to be adopted by the Conference of the Parties no later
7 than at its second meeting.

8 *Clause 19 - Conference of the Parties*

9 1. A Conference of the Parties is hereby established.

10 2. The first meeting of the Conference of the Parties shall be
11 convened by the Executive Director of the United Nations Environment
12 Programme no later than one year after the entry into force of this Convention.
13 Thereafter, ordinary meetings of the Conference of the Parties shall be held at
14 regular intervals to be decided by the Conference.

15 3. Extraordinary meetings of the Conference of the Parties shall be
16 held at such other times as may be deemed necessary by the Conference, or at
17 the written request of any Party provided that it is supported by at least one third
18 of the Parties.

19 4. The Conference of the Parties shall by consensus agree upon and
20 adopt at its first meeting rules of procedure and financial rules for itself and any
21 subsidiary bodies, as well as financial provisions governing the functioning of
22 the Secretariat.

23 5. The Conference of the Parties shall keep under continuous review
24 and evaluation the implementation of this Convention. It shall perform the
25 functions assigned to it by the Convention and, to this end, shall:

26 (a) Establish, further to the requirements of paragraph 6, such
27 subsidiary bodies as it considers necessary for the implementation of the
28 Convention;

29 (b) Cooperate, where appropriate, with competent international
30 organizations and intergovernmental and non-governmental bodies; and

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

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

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

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

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

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

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

25 8. The United Nations, its specialized agencies and the
26 International Atomic Energy Agency, as well as any State not Party to this
27 Convention, may be represented at meetings of the Conference of the Parties
28 as observers. Any body or agency, whether national or international,
29 governmental or non-governmental, qualified in matters covered by the
30 Convention, and which has informed the Secretariat of its wish to be

1 represented at a meeting of the Conference of the Parties as an observer may be
2 admitted unless at least one third of the Parties present object. The admission
3 and participation of observers shall be subject to the rules of procedure adopted
4 by the Conference of the Parties.

5 *Clause 20 - Secretariat*

6 1. A Secretariat is hereby established.

7 2. The functions of the Secretariat shall be:

8 (a) To make arrangements for meetings of the Conference of the
9 Parties and its subsidiary bodies and to provide them with services as required;

10 (b) To facilitate assistance to the Parties, particularly developing
11 country Parties and Parties with economies in transition, on request, in the
12 implementation of this Convention;

13 (c) To ensure the necessary coordination with the secretariats of other
14 relevant international bodies;

15 (d) To prepare and make available to the Parties periodic reports based
16 on information received pursuant to Clause 15 and other available information;

17 (e) To enter, under the overall guidance of the Conference of the
18 Parties, into such administrative and contractual arrangements as may be
19 required for the effective discharge of its functions; and

20 (f) To perform the other secretariat functions specified in this
21 Convention and such other functions as may be determined by the Conference
22 of the Parties.

23 3. The secretariat functions for this Convention shall be performed
24 by the Executive Director of the United Nations Environment Programme,
25 unless the Conference of the Parties decides, by a three-fourths majority of the
26 Parties present and voting, to entrust the secretariat functions to one or more
27 other international organizations.

28 *Clause 21 - Amendments to the Convention*

29 1. Amendments to this Convention may be proposed by any Party.

30 2. Amendments to this Convention shall be adopted at a meeting of

1 the Conference of the Parties. The text of any proposed amendment shall be
2 communicated to the Parties by the Secretariat at least six months before the
3 meeting at which it is proposed for adoption. The Secretariat shall also
4 communicate proposed amendments to the signatories to this Convention
5 and, for information, to the depositary.

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

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

13 5. Ratification, acceptance or approval of an amendment shall be
14 notified to the depositary in writing.

15 An amendment adopted in accordance with paragraph 3 shall enter into
16 force for the Parties having accepted it on the ninetieth day after the date of
17 deposit of instruments of ratification, acceptance or approval by at least
18 three-fourths of the Parties. Thereafter, the amendment shall enter into force
19 for any other Party on the ninetieth day after the date on which that Party
20 deposits its instrument of ratification, acceptance or approval of the
21 amendment.

22 *Clause 22 - Adoption and amendment of annexes*

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

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

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

30 (a) Additional annexes shall be proposed and adopted according to

1 the procedure laid down in paragraphs 1, 2 and 3 of Clause 21;

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

5 The depositary shall without delay notify all Parties of any such notification
6 received. A Party may at any time withdraw a previous notification of non-
7 acceptance in respect of any additional annex, and the annex shall thereupon
8 enter into force for that Party subject to subparagraph (c); and

9 (c) On the expiry of one year from the date of the communication by
10 the depositary of the adoption of an additional annex, the annex shall enter into
11 force for all Parties that have not submitted a notification in accordance with
12 the provisions of subparagraph (b).

13 4. The proposal, adoption and entry into force of amendments to
14 Annex A, B or C shall be subject to the same procedures as for the proposal,
15 adoption and entry into force of additional annexes to this Convention, except
16 that an amendment to Annex A, B or C shall not enter into force with respect to
17 any Party that has made a declaration with respect to amendment to those
18 Annexes in accordance with paragraph 4 of Clause 25, in which case any such
19 amendment shall enter into force for such a Party on the ninetieth day after the
20 date of deposit with the depositary of its instrument of ratification, acceptance,
21 approval or accession with respect to such amendment.

22 5. The following procedure shall apply to the proposal, adoption and
23 entry into force of an amendment to Annex D, E or F:

24 (a) Amendments shall be proposed according to the procedure in
25 paragraphs 1 and 2 of Clause 21;

26 (b) The Parties shall take decisions on an amendment to Annex D, E or
27 F by consensus; and

28 (c) A decision to amend Annex D, E or F shall forthwith be
29 communicated to the Parties by the depositary. The amendment shall enter into
30 force for all Parties on a date to be specified in the decision.

1 6. If an additional annex or an amendment to an annex is related to
2 an amendment to this Convention, the additional annex or amendment shall
3 not enter into force until such time as the amendment to the Convention
4 enters into force.

5 *Clause 23- Right to vote*

6 1. Each Party to this Convention shall have one vote, except as
7 provided for in paragraph 2.

8 2. A regional economic integration organization, on matters within
9 its competence, shall exercise its right to vote with a number of votes equal
10 to the number of its member States that are Parties to this Convention. Such
11 an organization shall not exercise its right to vote if any of its member States
12 exercises its right to vote, and vice versa.

13 *Clause 24 - Signature*

14 This Convention shall be open for signature at Stockholm by all States and
15 regional economic integration organizations on 23 May 2001, and at the
16 United Nations Headquarters in New York from 24 May 2001 to 22 May
17 2002.

18 *Clause 25 - Ratification, acceptance, approval or accession*

19 1. This Convention shall be subject to ratification, acceptance or
20 approval by States and by regional economic integration organizations. It
21 shall be open for accession by States and by regional economic integration
22 organizations from the day after the date on which the Convention is closed
23 for signature.

24 Instruments of ratification, acceptance, approval or accession shall be
25 deposited with the depositary.

26 2. Any regional economic integration organization that becomes a
27 Party to this Convention without any of its member States being a Party shall
28 be bound by all the obligations under the Convention. In the case of such
29 organizations, one or more of whose member States is a Party to this
30 Convention, the organization and its member States shall decide on their

1 respective responsibilities for the performance of their obligations under the
2 Convention. In such cases, the organization and the member States shall not be
3 entitled to exercise under the Convention concurrently.

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

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

13 *Clause 26 - Entry into force*

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

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

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

26 *Clause 27 - Reservations*

27 No reservations may be made to this Convention.

28 *Clause 28 - Withdrawal*

29 1. At any time after three years from the date on which this
30 Convention has entered into force for a Party, that Party may withdraw from the

1 Convention by giving written notification to the depositary.

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

6 *Clause 29 - Depositary*

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

9 *Clause 30 - Authentic texts*

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

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

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

Annex A
Elimination
Part I

Chemical	Activity	Specific exemption
Aldrin* CAS No: 309-00-2	Production	None
	Use	Local ectoparasiticide Insecticide
Chlordane* CAS No: 57-74-9	Production	As allowed for the Parties listed in the Register
	Use	Local ectoparasiticide Insecticide Termiticide Termiticide in buildings and dams Termiticide in roads Additive in plywood adhesives
Dieldrin* CAS No: 60-57-1	Production	None
	Use	In agricultural operations
Endrin* CAS No: 72-20-8	Production	None
	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
Hexachlorobenzene CAS No: 118-74-1	Production	As allowed for the Parties listed in the Register
	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
	Use	Termiticide
Toxaphene* CAS No: 8001-35-2	Production	None
	Use	None
Polychlorinated Biphenyls (PCB)*	Production	None
	Use	Articles in use in accordance with the provisions of Part II of this Annex

1 Notes:

2 (i) Except as otherwise specified in this Convention, quantities of a
3 chemical occurring as unintentional trace contaminants in products and
4 articles shall not be considered to be listed in this Annex;

5 (ii) This note shall not be considered as a production and use
6 specific exemption for purposes of paragraph 2 of Clause 3. Quantities of a
7 chemical occurring as constituents of articles manufactured or already in
8 use before or on the date of entry into force of the relevant obligation with
9 respect to that chemical, shall not be considered as listed in this Annex,
10 provided that a Party has notified the Secretariat that a particular type of
11 article remains in use within that Party. The Secretariat shall make such
12 notifications publicly available;

13 (iii) This note, which does not apply to a chemical that has an
14 asterisk following its name in the Chemical column in Part I of this Annex,
15 shall not be considered as a production and use specific exemption for
16 purposes of paragraph 2 of Clause 3. Given that no significant quantities of
17 the chemical are expected to reach humans and the environment during the
18 production and use of a closed-system site-limited intermediate, a Party,
19 upon notification to the Secretariat, may allow the production and use of
20 quantities of a chemical listed in this Annex as a closed-system site-limited
21 intermediate that is chemically transformed in the manufacture of other
22 chemicals that, taking into consideration the criteria in paragraph 1 of Annex
23 D, do not exhibit the characteristics of persistent organic pollutants. This
24 notification shall include information on total production and use of such
25 chemical or a reasonable estimate of such information and information
26 regarding the nature of the closed-system site-limited process including the
27 amount of any non-transformed and unintentional trace contamination of
28 the persistent organic pollutant-starting material in the final product. This
29 procedure applies except as otherwise specified in this Annex. The
30 Secretariat shall make such notifications available to the Conference of the

1 Parties and to the public. Such production or use shall not be considered a
2 production or use specific exemption. Such production and use shall cease
3 after a ten-year period, unless the Party concerned submits a new notification to
4 the Secretariat, in which case the period will be extended for an additional ten
5 years unless the Conference of the Parties, after a review of the production and
6 use decides otherwise. The notification procedure can be repeated;

7 (iv) All the specific exemptions in this Annex may be exercised by
8 Parties that have registered exemptions in respect of them in accordance with
9 Clause 4 with the exception of the use of polychlorinated biphenyls in articles
10 in use in accordance with the provisions of Part II of this Annex, which may be
11 exercised by all Parties.

12 Part II - Polychlorinated biphenyls

13 Each Party shall:

14 (a) With regard to the elimination of the use of polychlorinated
15 biphenyls in equipment (e.g. transformers, capacitors or other receptacles
16 containing liquid stocks) by 2025, subject to review by the Conference of the
17 Parties, take action in accordance with the following priorities:

18 (i) ~~Make~~ determined efforts to identify, label and remove from use
19 equipment containing greater than 10 per cent polychlorinated biphenyls and
20 volumes greater than 5 litres;

21 (ii) Make determined efforts to identify, label and remove from use
22 equipment containing greater than 0.05 per cent polychlorinated biphenyls and
23 volumes greater than 5 litres;

24 (iii) Endeavour to identify and remove from use equipment
25 containing greater than 0.005 percent polychlorinated biphenyls and volumes
26 greater than 0.05 litres;

27 (b) Consistent with the priorities in subparagraph (a), promote the
28 following measures to reduce exposures and risk to control the use of
29 polychlorinated biphenyls:

30 (i) Use only in intact and non-leaking equipment and only in areas

1 where the risk from environmental release can be minimised and quickly
2 remedied;

3 (ii) Not use in equipment in areas associated with the production or
4 processing of food or feed;

5 (iii) When used in populated areas, including schools and
6 hospitals, all reasonable measures to protect from electrical failure which
7 could result in a fire, and regular inspection of equipment for leaks;

8 (c) Notwithstanding paragraph 2 of Clause 3, ensure that
9 equipment containing polychlorinated biphenyls, as described in
10 subparagraph (a), shall not be exported or imported except for the purpose of
11 environmentally sound waste management;

12 (d) Except for maintenance and servicing operations, not allow
13 recovery for the purpose of reuse in other equipment of liquids with
14 polychlorinated biphenyls content above 0.005 per cent;

15 (e) Make determined efforts designed to lead to environmentally
16 sound waste management of liquids containing polychlorinated biphenyls
17 and equipment contaminated with polychlorinated biphenyls having a
18 polychlorinated biphenyls content above 0.005 per cent, in accordance with
19 paragraph 1 of Clause 6, as soon as possible but no later than 2028, subject to
20 review by the Conference of the Parties;

21 (f) In lieu of note (ii) in Part I of this Annex, endeavour to identify
22 other articles containing more than 0.005 per cent polychlorinated
23 biphenyls (e.g. cable-sheaths, cured caulk and painted objects) and manage
24 them in accordance with paragraph 1 of Clause 6;

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

28 (h) The reports described in subparagraph (g) shall, as appropriate,
29 be considered by the Conference of the Parties in its reviews relating to
30 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.

Annex B

Restriction

Part I

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

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;
- (ii) This note shall not be considered as a production and use acceptable purpose or specific exemption for purposes of paragraph 2 of Clause 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;
- (iii) This note shall not be considered as a production and use specific exemption for purposes of paragraph 2 of Clause 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

1 chemically transformed in the manufacture of other chemicals that, taking
2 into consideration the criteria in paragraph 1 of Annex D, do not exhibit the
3 characteristics of persistent organic pollutants.

4 This notification shall include information on total production and use of
5 such chemical or a reasonable estimate of such information and information
6 regarding the nature of the closed-system site-limited process including the
7 amount of any non-transformed and unintentional trace contamination of
8 the persistent organic pollutant-starting material in the final product. This
9 procedure applies except as otherwise specified in this Annex. The
10 Secretariat shall make such notifications available to the Conference of the
11 Parties and to the public. Such production or use shall not be considered a
12 production or use specific exemption. Such production and use shall cease
13 after a ten-year period, unless the Party concerned submits a new
14 notification to the Secretariat, in which case the period will be extended for
15 an additional ten years unless the Conference of the Parties, after a review of
16 the production and use decides otherwise. The notification procedure can be
17 repeated:

18 (iv) All the specific exemptions in this Annex may be exercised by
19 Parties that have registered in respect of them in accordance with Clause 4.

20 **Part II - DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane)**

21 1. The production and use of DDT shall be eliminated except for
22 Parties that have notified the Secretariat of their intention to produce and/or
23 use it. A DDT Register is hereby established and shall be available to the
24 public. The Secretariat shall maintain the DDT Register.

25 2. Each Party that produces and/or uses DDT shall restrict such
26 production and/or use for disease vector control in accordance with the
27 World Health Organization recommendations and guidelines on the use of
28 DDT and when locally safe, effective and affordable alternatives are not
29 available to the Party in question.

30 3. In the event that a Party not listed in the DDT Register

1 determines that it requires DDT for disease vector control, it shall notify the
2 Secretariat as soon as possible in order to have its name added forthwith to the
3 DDT Register. It shall at the same time notify the World Health Organization.

4 4. Every three years, each Party that uses DDT shall provide to the
5 Secretariat and the World Health Organization information on the amount
6 used, the conditions of such use and its relevance to that Party's disease
7 management strategy, in a format to be decided by the Conference of the
8 Parties in consultation with the World Health Organization.

9 5. With the goal of reducing and ultimately eliminating the use of
10 DDT, the Conference of the Parties shall encourage:

11 (a) Each Party using DDT to develop and implement an action plan as
12 part of the implementation plan specified in Clause 7. That action plan shall
13 include:

14 (i) Development of regulatory and other mechanisms to ensure that
15 DDT use is restricted to disease vector control;

16 (ii) Implementation of suitable alternative products, methods and
17 strategies, including resistance management strategies to ensure the continuing
18 effectiveness of these alternatives;

19 (iii) Measures to strengthen health care and to reduce the incidence of
20 the disease.

21 (b) The Parties, within their capabilities, to promote research and
22 development of safe alternative chemical and non-chemical products, methods
23 and strategies for Parties using DDT, relevant to the conditions of those
24 countries and with the goal of decreasing the human and economic burden of
25 disease.

26 Factors to be promoted when considering alternatives or combinations of
27 alternatives shall include the human health risks and environmental
28 implications of such alternatives. Viable alternatives to DDT shall pose less
29 risk to human health and the environment, be suitable for disease control based
30 on conditions in the Parties in question and be supported with monitoring data.

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 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

(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.

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:

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

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

1 release of these chemicals to the environment:

2 (a) Waste incinerators, including co-incinerators of municipal.
3 hazardous or medical waste or of sewage sludge;

4 (b) Cement kilns firing hazardous waste;

5 (c) Production of pulp using elemental chlorine or chemicals
6 generating elemental chlorine for bleaching;

7 (d) The following thermal processes in the metallurgical industry:

8 (i) Secondary copper production;

9 (ii) Sinter plants in the iron and steel industry;

10 (iii) Secondary aluminium production;

11 (iv) Secondary zinc production.

12 **Part III - Source categories**

13 Polychlorinated dibenzo-p-dioxins and dibenzofurans, hexachlorobenzene
14 and polychlorinated biphenyls may also be unintentionally formed and
15 released from the following source categories, including:

16 (a) Open burning of waste, including burning of landfill sites;

17 (b) Thermal processes in the metallurgical industry not mentioned in

18 Part II;

19 (c) Residential combustion sources;

20 (d) Fossil fuel-fired utility and industrial boilers;

21 (e) Firing installations for wood and other biomass fuels;

22 (f) Specific chemical production processes releasing unintentionally
23 formed persistent organic pollutants, especially production of chlorophenols
24 and chloranil;

25 (g) Crematoria;

26 (h) Motor vehicles, particularly those burning leaded gasoline;

27 (i) Destruction of animal carcasses;

28 (j) Textile and leather dyeing (with chloranil) and finishing (with
29 alkaline extraction);

30 (k) Shredder plants for the treatment of end of life vehicles;

1 (l) Smouldering of copper cables;

2 (m) Waste oil refineries.

3 Part IV - Definitions

4 1. For the purposes of this Annex:

5 (a) "Polychlorinated biphenyls" means aromatic compounds
6 formed in such a manner that the hydrogen atoms on the biphenyl molecule
7 (two benzene rings bonded together by a single carbon-carbon bond) may be
8 replaced by up to ten chlorine atoms; and

9 (b) "Polychlorinated dibenzo-p-dioxins" and "polychlorinated
10 dibenzofurans" are tricyclic, aromatic compounds formed by two benzene
11 rings connected by two oxygen atoms in polychlorinated dibenzo-p-dioxins
12 and by one oxygen atom and one carbon-carbon bond in polychlorinated
13 dibenzofurans and the hydrogen atoms of which may be replaced by up to
14 eight chlorine atoms.

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

26 Part V - General guidance on best available techniques and best
27 environmental practices

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

30 A. General prevention measures relating to both best available techniques

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

4 (a) The use of low-waste technology;

5 (b) The use of less hazardous substances;

6 (c) The promotion of the recovery and recycling of waste and of
7 substances generated and used in a process;

8 (d) Replacement of feed materials which are persistent organic
9 pollutants or where there is a direct link between the materials and releases of
10 persistent organic pollutants from the source;

11 (e) Good housekeeping and preventive maintenance programmes;

12 (f) Improvements in waste management with the aim of the cessation
13 of open and other uncontrolled burning of wastes, including the burning of
14 landfill sites. When considering proposals to construct new waste disposal
15 facilities, consideration should be given to alternatives such as activities to
16 minimize the generation of municipal and medical waste, including resource
17 recovery, reuse, recycling, waste separation and promoting products that
18 generate less waste. Under this approach, public health concerns should be
19 carefully considered;

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

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

23 B. Best available techniques:

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

1 benefits of a measure and consideration of precaution and prevention:

2 (a) General considerations:

3 (i) The nature, effects and mass of the releases concerned:

4 techniques may vary depending on source size;

5 (ii) The commissioning dates for new or existing installations;

6 (iii) The time needed to introduce the best available technique;

7 (iv) The consumption and nature of raw materials used in the
8 process and its energy efficiency;

9 (v) The need to prevent or reduce to a minimum the overall impact
10 of the releases to the environment and the risks to it;

11 (vi) The need to prevent accidents and to minimize their
12 consequences for the environment;

13 (vii) The need to ensure occupational health and safety at
14 workplaces;

15 (viii) Comparable processes, facilities or methods of operation
16 which have been tried with success on an industrial scale;

17 (ix) Technological advances and changes in scientific knowledge
18 and understanding.

19 (b) General release reduction measures: When considering
20 proposals to construct new facilities or significantly modify existing
21 facilities using processes that release chemicals listed in this Annex, priority
22 consideration should be given to alternative processes, techniques or
23 practices that have similar usefulness but which avoid the formation and
24 release of such chemicals. In cases where such facilities will be constructed
25 or significantly modified, in addition to the prevention measures outlined in
26 section A of Part V the following reduction measures could also be
27 considered in determining best available techniques:

28 (i) Use of improved methods for flue-gas cleaning such as thermal
29 or catalytic oxidation, dust precipitation, or adsorption;

30 (ii) Treatment of residuals, wastewater, wastes and sewage sludge

1 indicating the need for global control.

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

6 Annex E

7 Information Requirements for the Risk Profile

8 The purpose of the review is to evaluate whether the chemical is likely, as a
9 result of its long-range environmental transport, to lead to significant adverse
10 human health and/or environmental effects, such that global action is
11 warranted. For this purpose, a risk profile shall be developed that further
12 elaborates on, and evaluates, the information referred to in Annex D and
13 includes, as far as possible, the following types of information:

14 (a) Sources, including as appropriate:

15 (i) Production data, including quantity and location;

16 (ii) Uses; and

17 (iii) Releases, such as discharges, losses and emissions;

18 (b) Hazard assessment for the endpoint or endpoints of concern,
19 including a consideration of toxicological interactions involving multiple
20 chemicals;

21 (c) Environmental fate, including data and information on the
22 chemical and physical properties of a chemical as well as its persistence and
23 how they are linked to its environmental transport, transfer within and between
24 environmental compartments, degradation and transformation to other
25 chemicals. A determination of the bio-concentration factor or bio-
26 accumulation factor, based on measured values, shall be available, except
27 when monitoring data are judged to meet this need;

28 (d) Monitoring data;

29 (e) Exposure in local areas and, in particular, as a result of long-range
30 environmental transport, and including information regarding bio-availability;

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- 1 (ii) Agriculture, including aquaculture and forestry;
- 2 (iii) Biota (biodiversity);
- 3 (iv) Economic aspects;
- 4 (v) Movement towards sustainable development; and
- 5 (vi) Social costs;
- 6 (d) Waste and disposal implications (in particular, obsolete stocks of
- 7 pesticides and clean-up of contaminated sites):
- 8 (i) Technical feasibility; and
- 9 (ii) Cost;
- 10 (e) Access to information and public education;
- 11 (f) Status of control and monitoring capacity; and
- 12 (g) Any national or regional control actions taken, including
- 13 information on alternatives, and other relevant risk management information.

EXPLANATORY MEMORANDUM

This Bill provides for the ratification and enforcement of the Stockholm Convention on persistent organic pollutants.