POPS INC-4 HIGHLIGHTS: THURSDAY, 23 MARCH 2000

Delegates met in Plenary throughout the day to address the annexes detailing information requirements for listing of chemicals (Annexes D, E and F), and considered, under measures to reduce or eliminate releases (Article D): new chemicals; prohibition on the production and use of certain POPs; and restriction on the production and use of certain POPs, Plenary also received the IAG's report and briefly discussed technical assistance (Article J).

PLENARY CONTACT GROUP REPORTS: Halldor Thorgeirsson (Iceland), Chair of the contact group on by-products, reported that the group had reached agreement on, \textit{inter alia}: the role of the COP to provide guidelines on best available technologies, and identifying the implications this has for interim arrangements; and the proposal to use an EU proposal on Annex C (chemicals subject to reporting and reduction or elimination requirements) as the basis for further discussions at INC-5. He said the group would continue to meet to continue work on the chapeau and on by-product terms.

Peter Hinchcliffe (UK), Chair of the contact group on the management and disposal of wastes, noted agreement on the majority of text despite deeply held positions. He said the remaining brackets relate mainly to technical detail, and can be resolved easily. He introduced the revised text forwarded by the contact group, which, \textit{inter alia}, streamlines stockpiles and wastes into one provision, and, regarding disposal, calls for consistency with the Basel Convention, where appropriate.

ANNEXES ON INFORMATION REQUIREMENTS FOR LISTING OF SUBSTANCES: The Secretariat outlined the development of these annexes, noting the high degree of consensus achieved at previous meetings. He remarked that Annex F is clean text.

Information Requirements for the Risk Profile (Annex E): Delegates accepted proposals from POLAND, AUSTRALIA and JAPAN for minor modifications to the text, resulting in clean text.

Information Requirements and Criteria for the Proposal and Screening of Proposed POPs (Annex D): On the information requirements that parties proposing additional POPs are to provide, the EU, supported by CANADA, specified that this information be on the properties of the substance and its transformation products, where relevant. The US preferred information on the substance, and its transformation products, where appropriate, and delegates agreed.

With regard to the criteria for persistence in water, many countries, including the EU, SWITZERLAND, NORWAY, the RUSSIAN FEDERATION, POLAND, SOUTH AFRICA, INDONESIA, MALAYSIA, PAPUA NEW GUINEA and KUWAIT, supported a half-life greater than two months, while the US, CANADA, INDIA, MOLDOVA, the REPUBLIC OF KOREA, JAPAN, AUSTRALIA and others supported a half-life in water of six months. VENEZUELA remarked that, in tropical conditions, a two month half-life could be too long. The options remain bracketed.

On the bioaccumulation criteria, the EU, SWITZERLAND, NORWAY, the RUSSIAN FEDERATION, POLAND, INDONESIA, MALAYSIA, PAPUA NEW GUINEA, INDIA and KUWAIT supported a log Kow greater than 4, and the US, CANADA, MOLDOVA, the REPUBLIC OF KOREA, JAPAN, AUSTRALIA and others opposed, expressing their support for a log Kow greater than 5. SOUTH AFRICA suggested a log Kow between 4 and 7, but later supported 4. The text contains bracketed options for a log Kow greater than 4 or 5.

On the adverse effects criteria, the EU called to specify that evidence be of adverse effect “on human health and the environment.” SWITZERLAND and CANADA supported this. On whether parties proposing POPs would need to provide toxicity data and/or other evidence, the EU and INDONESIA preferred “or,” while AUSTRALIA preferred “and/or.” The options remain bracketed. Delegates agreed to delete text stating that information on adverse effects will be considered a crucial element for the analysis of environmental and health costs.

On criteria for a “criteria summary” which requests parties proposing POPs to provide a statement of the reasons for concern, the EU proposed that parties be “encouraged to” submit such a statement, the REPUBLIC OF KOREA supported “should,” and CANADA, the US, AUSTRALIA and MOLDOVA preferred “shall,” with the understanding that this would be “where possible.” Several countries, including the EU, CANADA, AUSTRALIA and CAMEROON suggested alternative names for the summary such as a “rational statement” or “reasons for concern.” JAPAN requested that such a statement include information on exposure. Some delegates, including the EU and JAPAN, supported deleting a requirement for the statement to demonstrate “the need for global control,” and others, including KUWAIT, CANADA and AUSTRALIA, opposed. Chair Buccini proposed “a short statement indicating the need for global control,” and JAPAN and the EU requested time for consideration.

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The RUSSIAN FEDERATION, supported by ARGENTINA and MOLDOVA, noted the role of volatility in secondary emissions, and stressed its inclusion in the evaluation of potential for long-range transport. The Secretariat explained that volatility is addressed as an aspect of environmental fate properties. Contested text remains in brackets and Article F and its annexes were submitted to the LDG.

MEASURES TO REDUCE OR ELIMINATE RELEASES:
New Chemicals: The EU presented revised text on behalf of AUSTRALIA, CANADA, NORWAY and the US, which: defines the scope of the article’s application as the production and use of “newly developed pesticides and industrial chemicals”; limits its application to parties having “a regulatory and assessment scheme” for such pesticides and chemicals; and makes reference to specific criteria provisions in Annex D. The proposal was supported by SWITZERLAND and the CZECH REPUBLIC, as well as NEPAL and VENEZUELA who proposed including reference to import and export. On reference to import and export, the US cautioned on the need for consistency with the rest of the article. The GAMBIA proposed reference to “consumer” chemicals. On bracketed text on measures to “avoid,” “prevent,” and “regulate” new POPs, VENEZUELA added “prohibit.”

Prohibition of the Production and Use of Certain POPs:
Regarding prohibition of production and use, the US presented simplified text on behalf of the EU, JAPAN, AUSTRALIA, NEW ZEALAND, SWITZERLAND, CANADA and NORWAY, which, inter alia, adds reference to taking administrative and other measures, and moves provisions on import and export to abis paragraph addressing destruction of banned substances. The RUSSIAN FEDERATION, the GAMBIA, IRAN, KUWAIT, URUGUAY, SAUDI ARABIA, LESOTHO and others advocated retention of import and export. KUWAIT and THAILAND called for prohibiting “transit.” SAUDI ARABIA preferred “passage.”

INDONESIA supported the separate provision on banning export and import of prohibited substances, but proposed deletion of language on environmentally sound destruction. JAMAICA expressed concern over a time lag between prohibition of a chemical and the cessation of import and export, but supported moving the reference to import and export on condition that language be amended to resolve this concern. COLOMBIA supported adding language on the prior authorization of an importing country. IRAN and KUWAIT supported provision for destruction of stockpiles, with IRAN calling for language on destruction within a territory and any area under a party’s jurisdiction.

Restrictions on the Production and Use of Certain POPs:
Regarding restriction on production and use, the US, on behalf of the EU, JAPAN, AUSTRALIA, NEW ZEALAND, SWITZERLAND, CANADA and NORWAY presented identical text as in the provision on prohibition. A contact group, co-chaired by Henk Bouwman (South Africa) and Charles Auer (US), was established to address these provisions and, inter alia: the issues of import, export and transit; the related Annexes A and B; a South African proposal on DDT; and the issue of destruction.

REPORT OF THE IAG: IAG Chair Cardenas introduced and highlighted the report of the IAG (UNEP/POPS/INC.4/L.2/Rev.1). She noted the report’s division into a general descriptive section on IAG discussions and an annex containing draft text for technical assistance (Article J) and financial resources and mechanisms (Article K). On the revised Article K, she noted two proposed options for a mechanism: one comprised of three submitted proposals on the use of existing mechanisms; and the other a proposal for the establishment of a new mechanism. She emphasized that informal consultations were in progress to integrate the three proposals within the first option.

TECHNICAL ASSISTANCE (ARTICLE J): Chair Buccini opened discussion on technical assistance and asked whether brackets could be removed from a provision detailing the operation of a Capacity Assistance Network. The EU opposed removing the brackets until further consideration of related text in Article K.

On the provision requiring parties to cooperate to provide technical assistance through recognizing the rendering of assistance upon request is essential to implementing the convention, the US agreed to remove brackets on such recognition if conditions for financial and technical assistance attached to other requirements in the convention are removed. Regarding “upon request,” the US preferred “in response to specific needs.” The EU opposed, indicating that the intent of “upon request” is to provide a “demand led” approach, and that the US proposal would fail to do this. The US responded that “in response to” captures this intent. The RUSSIAN FEDERATION proposed “upon a justified request.” Concerning “cooperate to” provide technical assistance, the PHILIPPINES called to delete “cooperate to,” noting that this, “upon request,” and similar language is designed to allow developed countries to evade their responsibilities in eliminating POPs. Chair Buccini postponed further discussions on the article.

CONTACT GROUPS
BY-PRODUCTS: The contact group focused most of its discussion on the chapeau and considered two proposals: one which has the aim of continuing minimization and ultimate elimination; and another which qualifies elimination with “where feasible.” The group focused on the proposal which calls on parties to take the measures outlined in the provision’s sub-paragraphs to reduce releases derived from anthropogenic sources of POPs listed in Annex C with the aim of their continuing minimization and, where feasible, ultimate elimination. Many countries agreed that adding a qualifier to elimination was necessary. Noting lack of clarity on “feasible,” one developing country proposed elimination should be “technically and economically feasible.” Others understood the term to include economic, technical and practical feasibility. A group of countries proposed language on reducing “total” releases, which other delegations opposed, and the reference remains bracketed. Delegates also debated language on whether the measures should be taken at a minimum. No agreement was reached on the chapeau language. The group also briefly discussed the term by-product. One group of countries submitted a definition on best available techniques and proposed that it be considered for inclusion in the definitions (Article C).

IN THE CORRIDORS
With concerns mounting over the slow progress of negotiations, a number of delegates and observers speculated on the possible need for an INC-6. Several reasons floating around the corridors for the lag in progress include: divisions within groups; non-customary alliances between certain developing countries and JUSCANZ; wayward interventions in Plenary; and low representation of developing countries and countries with economies in transition in contact group discussions.

THINGS TO LOOK FOR TODAY
PLENARY: Plenary will meet at 10:00 am to hear reports from the contact group on by-products and informal drafting groups, and to consider Article D, Article J, and Article K. Plenary will also meet in an evening session.