



POPS INC-5 HIGHLIGHTS WEDNESDAY, 6 DECEMBER 2000

Delegates met in morning, afternoon and evening Plenary sessions to consider Articles H (Public information, awareness and education), I (Research, development and monitoring), E (Implementation plans), D (Measures to reduce or eliminate releases), L (Reporting) and L *bis* (Effectiveness evaluation), M (Non-compliance), N (Settlement of disputes), and O (Conference of Parties). The Contact Groups on Prohibition and Restriction, and on Byproducts also convened.

PLENARY

UPDATE FROM THE PROHIBITION AND RESTRICTION CONTACT GROUP: Contact Group Co-Chair Peter Hinchcliffe (UK) reported good progress, with: provisionally agreed text on prohibition; agreement on restriction; and a good discussion on general exemptions. He highlighted remaining work on: Annexes A and B; country-specific exemptions; trade; and new chemicals.

PUBLIC INFORMATION, AWARENESS AND EDUCATION (ARTICLE H): On ensuring access to information, CANADA and THAILAND supported text on accordance with national laws and regulations. THE GAMBIA suggested this was superfluous. The EU, supported by the CZECH REPUBLIC, proposed deletion of this text and preferred ensuring public access to "public" information. This was agreed.

THAILAND supported language that each Party shall "ensure" industry and professional users facilitate the provision of information. SOUTH AFRICA and CANADA supported "encourage." Delegates agreed, on the understanding that governments may take stronger measures.

The text proposed by the US on developing mechanisms, such as PRTRs, for collecting and disseminating information was supported by ICELAND, THE GAMBIA and the RUSSIAN FEDERATION, but opposed by SOUTH AFRICA. THAILAND opposed specific reference to PRTRs. The text was provisionally agreed without changes.

RESEARCH, DEVELOPMENT AND MONITORING (ARTICLE I): Delegates agreed Parties shall "encourage and/or undertake" appropriate research, development, monitoring and cooperation pertaining to POPs "and, where relevant, to their alternatives." The UKRAINE added candidate POPs. To items identified for such activities, MALI supported adding agricultural impacts. The US advocated specifying socioeconomic "and cultural" impacts. CANADA advocated specifying environmental "movement," fate and transformation. CAMEROON preferred "transport." ZAMBIA proposed an item on data storage. The REPUBLIC OF KOREA opposed any changes. Proposals remain bracketed.

On specific requirements, THE GAMBIA advocated "national and" international efforts to strengthen, *inter alia*, research capabilities. Delegates agreed. On taking into account concerns and needs of developing countries and CEITs in specified activities,

CHINA advocated this be particularly in the field of technical and financial resources. The US, with the EU, but opposed by CHINA and others, preferred addressing this under Articles J and K. China's proposal was bracketed. On making results of certain research and monitoring activities publicly accessible, CAMEROON specified research, "development" and monitoring and BANGLADESH added "on a timely and regular basis." Delegates agreed. THE GAMBIA proposed a provision on gearing research towards alleviating effects of POPs on reproductive health. The proposal was bracketed.

IMPLEMENTATION PLANS (ARTICLE E): On developing an implementation plan for obligations, CUBA proposed removing brackets around "within its capabilities and subject to the availability of financial and technical assistance." SOUTH AFRICA proposed adding this to a reference on updating implementation plans. The language in each reference remains bracketed.

PAKISTAN proposed, and delegates accepted, text on updating plans at "periodic" instead of "regular" intervals. ZAMBIA suggested Parties "review," as opposed to "update," implementation plans. CANADA suggested, and delegates accepted, language stating Parties shall: develop and endeavor to implement plans; and review and update plans. ZAMBIA proposed, and delegates accepted, that Parties "shall," where appropriate, cooperate via organizations and consult stakeholders. INDIA suggested, and delegates accepted, language on consultation to facilitate the development, "implementation" and updating of plans. On consultation, THE GAMBIA and MALI called for reference to women's groups. CANADA suggested "groups concerned with women's and children's health." Delegates accepted both suggestions.

MEASURES TO REDUCE OR ELIMINATE RELEASES (ARTICLE D): Wastes: CANADA, supported by CAMEROON, the US, AUSTRALIA, GHANA, the REPUBLIC OF KOREA, ZAMBIA, MALAYSIA and others, supported reference to the Basel Convention and lifting of all brackets, pending resolution of discussions on financial assistance.

The EU noted its proposal (UNEP/POPS/INC.5/CRP.51) that: POPs wastes should be destroyed or transformed into a non-POP material, and if not possible, disposed of only in an environmentally sound manner; calls for close cooperation between the POPs and Basel Conventions; specifically mentions POPs-contaminated products; and states POPs wastes should not be recycled. NORWAY, BELGIUM and PANAMA supported EU text stating that not all Basel disposal methods are applicable to POPs. A contact group, chaired by Richard Ballhorn (Canada) and Henk Bouman (South Africa), was established to continue discussion.

REPORTING (ARTICLE L): Chair Buccini outlined updated text and a related proposal that refer to, *inter alia*: statistical data on chemicals listed in Annexes A and B; a list of States to which Parties are exporting and from which Parties are importing these chemicals; and copies of certification. Noting the similarities between Articles L and E, SOUTH AFRICA called for deletion of

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Article E. CHAD said reporting should be at "periodic" intervals. BRAZIL advised that contents of reports should be a COP decision. Delegates accepted the modified text, and the proposal remains bracketed.

EFFECTIVENESS EVALUATION (ARTICLE L bis): SOUTH AFRICA called for the article's deletion. The EU, with JAPAN, proposed deletion of references to "harmonized" global monitoring systems, and suggested "existing." The US proposed language on, *inter alia*, arrangements to provide the COP with monitoring data. The RUSSIAN FEDERATION noted a harmonized global system should integrate existing regional systems. PAKISTAN suggested a timeframe of four years to allow time for data collection. Supporting the article, CAMEROON expressed concerns about capacity building. BRAZIL suggested language on "taking into account specific situations." Chair Buccini noted a CRP reissue would incorporate these concerns.

NON-COMPLIANCE (ARTICLE M): On development and approval of procedures and institutional mechanisms for determining non-compliance, BANGLADESH suggested, and after discussion delegates accepted, removing the brackets from "as soon as practicable."

SETTLEMENT OF DISPUTES (ARTICLE N): Noting minor changes, delegates agreed on Article N.

CONFERENCE OF THE PARTIES (ARTICLE O): Delegates did not agree whether ordinary COP meetings shall be held at "regular" or "periodic" intervals. IRAN, with PAKISTAN, advocated deleting a reference to "a limited number of" government-designated experts in the POPs Review Committee, noting this was a COP decision. The US, with AUSTRALIA and the EU, opposed deletion. The reference was bracketed. Regarding POPs Review Committee members being appointed on the basis of equitable geographical distribution, BRAZIL, with COLOMBIA, advocated deleting "including ensuring a balance between developed and developing Parties." The EU opposed and the reference was bracketed. Consideration of an EU elaboration on reporting was deferred.

CONTACT GROUPS

PROHIBITION AND RESTRICTION: The contact group addressed issues relating to general exemptions, Annexes A (Exemption) and B (Restriction), import and export, and chemicals currently in use.

On a US proposal to include two additional general exemptions, delegates failed to agree on text to include general exemptions for unintentional trace contaminants and for articles already in use. Delegates agreed that reference to exemptions should be included as a paragraph within Article D (Measures to reduce or eliminate releases), rather than as a separate article.

On Annexes A and B, delegates debated the merits of differentiated implementation and compliance dates for developed countries, developing countries and CEITs, and agreed to address this further in Plenary. They discussed a US non-paper on country-specific exemptions (CSEs) for Annex A. The non-paper includes options on rules regarding CSEs for countries that accede after entry into force, as well as rules to review, change or terminate CSEs. It proposes the establishment of a separate registry that would provide an additional window of time between INC-5 and the Conference of Plenipotentiaries, while also avoiding the problem of listing non-parties to the Convention within the Annex. After informal consultations in the afternoon, the evening session agreed on key criteria that would form the basis of text to implement a registry-based approach for CSEs. Questions were raised regarding, *inter alia*, a proposed five-year ceiling for the expiry dates. A small group was convened late evening and developed draft text establishing a registry with equivalent legal effect to Annex A. Pending possible further discussion, text will be revised and presented to Plenary.

Delegates agreed that DDT be included only in Annex B, and PCBs only in Annex A. An EU CRP on specific exemptions and uses for PCBs was distributed late evening. An informal group was convened and revised the proposal, prioritizing actions according

to concentrations and volumes of PCBs. A CRP from South Africa and the EU on Annex B restrictions on DDT was briefly discussed and will be considered further on Thursday.

After some discussion on import and export, delegates agreed to base discussion on a CRP submitted by a number of WEOG and Eastern European countries and Japan, that draws on the *bis* options in the Chair's draft convention text, and includes additional provisions on trade between non-parties. Some Latin American countries voiced concerns with the CRP's provision on trade with non-parties, as well as with the qualifier limiting the import obligation to chemicals "with respect to which that Party is bound under the Convention." After failure to make progress, a small informal group was convened. The revised text resulting from these consultations will be presented to Plenary on Thursday.

On chemicals currently in use, delegates agreed to include a paragraph that had been omitted from the Chair's text, by which Parties "shall, where appropriate," consider Annex D criteria when conducting assessments of pesticides and industrial chemicals.

BYPRODUCTS: Delegates discussed most of the subparagraphs and Annex C, but did not conclude discussions. On the chapeau, delegates attempted to clarify the term "total" with respect to releases derived from anthropogenic sources. Regarding reducing releases of "each of" the chemicals in Annex C, some delegates felt the qualification was necessary to ensure that each chemical is treated separately. Both references remain bracketed. On the subparagraph addressing use of substitutes, delegates agreed to include reference to "modified" material, products and processes, but did not agree whether use should be required, where appropriate. On BATs for new sources, delegates did not agree whether to "require" or "promote" use.

The group spent much of its time on Annex C, using the EU-proposed Annex as a basis for discussion. On Part I (POPs subject to the Article's requirements), delegates agreed to replace a chapeau reference to "thermal and chemical processes" with "anthropogenic sources." On Part II (major source categories), some delegates reiterated that sources listed are not major in all countries, but did not agree whether to modify the heading to "source categories" or "indicative list of major source categories of POPs releases." Delegates debated specific source listings, but no agreement was reached on, *inter alia*, how and whether to qualify waste incineration and whether to include thermal processes in the metallurgical industry. On Part IV (definitions), debate revolved around a definition for BAT and "available," some countries calling for language to better reflect that BAT varies from country to country, particularly between developed and developing countries. An informal group was established to further discuss the issue.

On Part V (general guidance of release reduction measures), delegates modified the heading to include prevention and agreed to expand the scope beyond BATs and best environmental practices for reducing releases, to identifying "means" for reducing or preventing releases. A small group was established to further streamline the section.

IN THE CORRIDORS

Murmurs of concern sounded in some quarters Wednesday over the pace of progress at INC-5. Several participants observed that a mushrooming of contact groups and the revisiting of old debates, on wastes for instance, did not bode well for clearing the numerous remaining brackets. Although an eagerly anticipated and potentially catalytic G-77/China CRP on financial mechanisms improved prospects for momentum, some cautioned that issues such as interim measures, the precautionary principle, draft decisions for the Diplomatic Conference and reviewing the entire convention, could take up significantly more time than anticipated.

THINGS TO LOOK FOR TODAY

PLENARY: Delegates will reconvene in Plenary at 10:00 am in Ballroom 1 to hear reports from the Contact Groups and return to Article K (Financial resources and mechanisms).

CONTACT GROUPS: The Contact Group on Byproducts will meet at 9:00 am in Committee Room 5. The Contact Group on Wastes is expected to meet in the afternoon.