



POPS INC-7 HIGHLIGHTS: WEDNESDAY, 16 JULY 2003

On the third day of the Seventh Session of the Intergovernmental Negotiating Committee (INC-7), delegates met in morning and afternoon Plenary sessions to discuss issues regarding non-compliance, reporting, the register of specific exemptions and DDT. The Legal Drafting Group (LDG) met throughout the day to discuss arbitration and conciliation rules and the draft terms of reference (ToR) of the Persistent Organic Pollutants (POPs) Review Committee (POPRC).

PLENARY

LDG Chair Anne Daniel (Canada) reported on the LDG's progress. She announced the impending release of conference room papers (CRPs) on Conference of the Parties (COP) rules of procedures, financial rules, and arbitration and conciliation rules. Daniel noted that it was planned that an open contact group on non-compliance would convene in the afternoon, and that the LDG would hold an evening session, if necessary.

Budget Group Chair Fernando Luginis (Uruguay) reported to Plenary on Tuesday's budget meeting. Noting the lack of agreement on the budget format, he explained that the Secretariat is preparing two possible alternatives. He said the first alternative is based on a model stemming from the Montreal Protocol and Basel Convention that compares budgets from 2003-2005, and the second follows the INC-6 budget format presented to INC-6. He said the Budget Group would meet again to consider these two options.

Regarding the POPRC, VENEZUELA, on behalf of the Latin American and Caribbean Group (GRULAC), supported by NIGERIA, on behalf of the African Group, and others stated that, to be legitimate, the discussion on geographic representation and managing observer participation had to be carried out in Plenary, and not within the LDG. INC Chair John Buccini (Canada) emphasized that the LDG would not resolve policy issues and that the draft ToR on the POPRC would be forwarded to Plenary for discussion.

On the creation of a non-compliance contact group, GRULAC, with CHINA, requested that INC-7 concentrate instead on issues such as the financial mechanism, technical assistance and technology transfer. CHINA, with CUBA, EGYPT and others stressed that discussing non-compliance prior to the Convention's entry into force would be premature and, with CHILE and others, drew attention to the late start of non-compliance discussions under the Basel Convention.

SWITZERLAND, with ITALY, on behalf of the EU, emphasized the benefit of exchanging views on non-compliance in an open discussion. Reminding delegates of the agreement on Monday to consider non-compliance if time allows, Chair Buccini explained that the proposed contact group would be open and would serve as a forum for exchange. He adjourned discussion until the afternoon Plenary, when MOROCCO, on behalf of G-77/China, stated that discussion of non-compliance at INC-7 was linked to issues such as technical assistance and should be postponed until COP-1. GEORGIA, on behalf of Eastern European countries, stressed the importance of creating compliance incentives. CANADA highlighted that non-compliance is often due to a lack of capacity and is a priority issue for INC-7 and beyond. Noting the lack of consensus on this issue, INC Chair Buccini suggested that individual delegations pursue an exchange of views on non-compliance on an informal basis.

PREPARATIONS FOR THE COP: Reporting: The Secretariat presented submissions received in response to requests for information contained in a number of INC-6 decisions (UNEP/POPS/INC.7/INF/16) and its note on the format and timing of Party reporting (UNEP/POPS/INC.7/19). She explained that the note contains, *inter alia*, a draft reporting format and field testing of the format and proposes that Parties submit the first report to COP-3 and every four years thereafter.

Several delegates supported the suggested reporting format and timing, with some emphasizing the need to ensure compatibility, efficiency, and conciseness in reporting. The EU recommended that conducting the field tests should not have significant financial implications. The GAMBIA stressed the need for field testing. EGYPT highlighted the need for technical assistance in measuring dioxin and furan releases. MOROCCO suggested addressing the obligations related to Best Available Techniques (BAT) and Best Environmental Practices (BEP). JAPAN expressed concern with the reporting items pertaining to Article 5 (Measures to reduce or eliminate releases from unintentional production). The Secretariat clarified that these items do not create new reporting obligations, but help measure progress toward the minimization of unintentionally produced POPs, provided that the relevant information is available.

Chair Buccini noted general support for the proposed timing and reporting format. He invited further submissions on the Secretariat's note, and clarified that the field test report and the revisions to the draft format based on the field test results will be submitted for consideration by COP-1.

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Register of specific exemptions: The Secretariat introduced its note on the register of specific exemptions (UNEP/POPS/INC.7/5), with annexes containing: a possible format for country reporting of requests for specific exemptions; a possible review process for entries in the register of specific exemptions; and a revised draft format of the register.

Regarding the draft format for country reporting, SWITZERLAND and others supported the draft and agreed that it should be used on an interim basis. JAPAN suggested, and delegates agreed, that information on existing stockpiles should refer to industrial chemicals as well as pesticides. Concerning information on POPs production, he stressed the need to protect business confidentiality. The US said he does not perceive a requirement to report confidential business information in the proposed format.

Drawing attention to the Convention's objectives, the EU underscored that extensions of exemptions should only be granted in exceptional cases. Stating that the proposed format includes unnecessary elements, the US supported a minimal subset instead, underscoring that the format should facilitate reporting. The GAMBIA suggested giving more prominence to the section on alternatives and substitutes to POPs, proposing that countries explain in their exemption requests why substitutes are not acceptable.

The EU and US suggested, and delegates agreed, to amend the title to clarify that it is a format for country reporting prior to requesting an extension. Chair Buccini said the reporting format would be revised and distributed as a CRP.

Regarding the possible review process for entries in the register, the EU suggested, and delegates agreed, that Parties should submit extension request reports at least 12 months before the COP, rather than 10 months, to allow a more thorough review, and because bilateral cooperation may eliminate the need for an extension. CHINA, supported by MEXICO and ECUADOR, said there is no need to establish a new expert group to review information. The EU proposed that the decision on whether to establish an expert group should be deferred to COP-1.

AUSTRALIA proposed, and delegates agreed, to delete text that states that decisions on extensions should be taken by consensus or, if not possible, by a three-fourths majority vote.

IRAN said the Secretariat should circulate the extension request reports to all Parties, but not observers. KENYA, supported by MOROCCO, MEXICO, EGYPT and CHINA, asked for a restriction on possible observers in the process. Responding to Morocco's concern regarding the status of non-Party members, Chair Buccini clarified that they would be considered observers, along with non-governmental and intergovernmental organizations, and delegates agreed to include a footnote to this effect.

EGYPT and others opposed text that states that, as far as possible, information should be submitted in English. The Secretariat suggested, and delegates agreed, to retain brackets on this text. Delegates also agreed that the Secretariat would assist COP-1 in deciding on this matter by providing information on the expected time and cost of translating submissions received in other languages.

Chair Buccini indicated that a revised version of the possible review process for entries in the register, incorporating delegates' comments, would be presented later in the week.

Regarding the draft format of the register of specific exemptions, COLOMBIA proposed publishing the names of companies authorized to produce substances. The Secretariat said this information could be included in the "remarks" column.

Noting general agreement on the format of the register, Chair Buccini said it would be submitted to COP-1 for consideration, with minor amendments.

DDT: The Secretariat introduced a possible format for reporting on DDT (UNEP/POPS/INC.7/3 and /4). SOUTH AFRICA, on behalf of the African Group, noted the need for clarity on, *inter alia*, training, management, compliance and monitoring. IRAN and MEXICO raised concerns about the reporting obligations of countries that do not currently use DDT but are listed in the DDT Register.

Delegates agreed to amend language in the documents to indicate the reporting duties that apply to all Parties in the Register, not only those currently using or producing DDT.

Several delegates stressed the importance of promoting affordable and effective alternatives to DDT, and CHINA requested more proactive research on alternatives. COLOMBIA, supported by the RUSSIAN FEDERATION, proposed that the Secretariat provide information on the costs of alternatives.

Expressing general support for the proposed reporting format, the content of the documents, and the field test, delegates urged rapid completion of the field test and agreed that Parties should provide information using the revised draft format six months prior to COP-1.

IN THE CORRIDORS

As INC-7 passed its halfway mark, delegates' progress slowed down as they turned their attention to non-compliance and the register of specific exemptions. Many delegates expressed surprise at the "sudden conviction" of developing countries to postpone consideration on non-compliance. Meanwhile, several developing country delegates said they were unable to adequately prepare because insufficient notice was given before the meeting that non-compliance would be discussed.

Some expressed concern that as a result of the lengthy discussions on the register of specific exemptions, the time available to discuss outstanding matters, and in particular the financial resources and mechanisms, may have been curtailed. A few suggested that a contact group might have been a better forum for this time-consuming deliberation.

THINGS TO LOOK FOR TODAY

PLENARY: Plenary will meet at 10:00 am in Room 2 to discuss financial resources and mechanisms, interim financial arrangements, guidelines on BAT and guidance on BEP, evaluation of current and projected releases of chemicals listed in Annex C, and information exchange.

LDG: The LDG may meet at a time and place to be announced in Plenary to discuss any outstanding issues, including arbitration and conciliation rules and/or the ToR for the POPRC.

BUDGET GROUP: The Group may meet at a time and place to be announced after receipt of the Secretariat's draft budget formats.