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EXECUTIVE BODY FOR THE CONVENTION ON
LONG-RANGE TRANSBOUNDARY AIR POLLUTION

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Item 4 of the provisional agenda

DRAFT DECISIONS ON METHODS AND PROCEDURES FOR REVIEWING THE
PROTOCOL ON PERSISTENT ORGANIC POLLUTANTS (POPs),
REASSESSING/RE-EVALUATING CERTAIN POPs, AND CONSIDERING PROPOSALS FOR
NEW SUBSTANCES

Prepared by the Co-Chairmen of the Expert Group on Persistent Organic Pollutants
in collaboration with the secretariat

Introduction

1. The Executive Body at its twentieth session, while recognizing that the 1998 Protocol on Persistent Organic Pollutants (POPs) was likely to soon enter into force, noted with satisfaction that the Working Group on Strategies and Review at its thirty-fourth session had invited the Co-Chairs of the Expert Group on POPs to prepare suggestions for the process of handling proposals for adding substances to the Protocol and other review items.

Documents prepared under the auspices or at the request of the Executive Body for the Convention on Long-range Transboundary Air Pollution for GENERAL circulation should be considered provisional unless APPROVED by the Executive Body.

2. The Co-Chairs of the Expert Group in discussion with a number of other experts, and in collaboration with the secretariat, have drawn up proposals for procedures, methods and timing for future consideration by the Executive Body and by the Parties to the Protocol.

3. This document, which outlines these proposals, identifies action needed at the first session of the Executive Body following the entry into force of the Protocol and at its subsequent sessions, as well as action by the Executive Body's subsidiary bodies. It addresses three specific requirements for procedures as identified in the chapter below.

I. ELEMENTS FOR A REVIEW OF THE PROTOCOL

4. *The sufficiency and effectiveness reviews.* Article 10, paragraph 3, of the Protocol on POPs states that: "The Parties shall, at sessions of the Executive Body, review the sufficiency and effectiveness of the obligations set out in the Protocol. ... The procedures, methods and timing for such reviews shall be specified by the Parties at a session of the Executive Body. ... The first such review shall be completed no later than three years after the present Protocol enters into force". The procedures, methods and timing described below may serve as those required under article 10, paragraph 3, if they are adopted by the Parties to the Protocol at a session of the Executive Body.

5. *The scheduled use reassessments, evaluations and reviews.* There are requirements to reassess/re-evaluate/review certain POPs as specified in annexes I, II and III to the Protocol:

(a) Annex I. Review the availability and feasibility of alternatives to DDT no later than one year after entry into force, and thereafter as necessary;

(b) Annex I. Re-evaluate the remaining use of heptachlor no later than two years after entry into force;

(c) Annexes I and II. Reassess the production and use of polychlorinated terphenyls and "ugilec" by 31 December 2004;

(d) Annex II. Reassess DDT use as a chemical intermediate to produce dicofol no later than two years after entry into force;

(e) Annex II. Reassess the restricted uses of lindane no later than two years after entry into force.

6. *New substances.* New substances may be proposed by a Party to the Protocol as specified under article 14, paragraph 6, taking account of Executive Body decision 1998/2. The decision

foresees one or more technical reviews to be initiated by the Parties to the Protocol at a session of the Executive Body.

7. The procedures described below do not cover the more general reviewing of information, including the reports by the Implementation Committee, as specified under article 10, paragraph 1, of the Protocol, nor the specific review of progress towards achieving the obligations, as specified in article 10, paragraph 2, except information required for the review of sufficiency and effectiveness.

II. TIMING AND ASSOCIATED POSSIBLE ACTIONS BY PARTIES TO THE PROTOCOL

8. Because of the limited time available to meet deadlines, the Parties to the Protocol may wish to decide upon action for all three areas of work at the first session of the Executive Body after the date of entry into force. The Parties to the Protocol may agree to:

(a) Initiate the sufficiency and effectiveness review to ensure that it is completed in time for the Executive Body's session two years later, i.e. "within three years of entry into force". For example, if the Protocol enters into force in October 2003, the review must be completed before October 2006, i.e. at the session of the Executive Body scheduled for December 2005;

(b) Initiate the reassessment to ensure that the deadlines are met, i.e. no later than one year or two years after entry into force, or by 31 December 2004. The information already prepared by the Expert Group on POPs may be used as a basis for this purpose in order to meet the very short deadlines. It should be noted that the deadline for DDT (para. 5 (a) above) will present special difficulties and may require a decision by the Parties to the Protocol already at the first session of the Executive Body after entry into force of the Protocol;

(c) Take action to initiate the technical reviews of any new substances proposed as amendments to annexes I, II or III. There is no prescribed time frame for processing proposals. The Parties to the Protocol shall discuss amendment proposals at any session of the Executive Body if the proposal has been circulated ninety days in advance (art. 14, para. 2).

9. Each of the three processes may lead the Parties to the Protocol, meeting at a subsequent session of the Executive Body, to conclude that the Protocol should be amended. Negotiation of such amendments may follow the review or reassessment work. After negotiations, the Parties may wish to join several amendment issues (possibly stemming from all three review/reassessment processes) into an amendment package to be adopted jointly. This could be scheduled at any session of the Executive Body after 2005.

III. METHODS

10. To coordinate and perform the necessary technical work, it is proposed that the Executive Body should establish a new task force to take over from the existing Expert Group on POPs. It is further proposed that its mandate should be targeted at the technical work required by the Parties for the review and reassessment processes under the Protocol and that participation should be open to experts from all Parties to the Convention as well as from recognized intergovernmental and non-governmental organizations. A draft decision for establishing a task force, together with a proposed mandate, is annexed below.

11. It is recommended that no new formal subsidiary bodies should be created specifically for the Parties to the Protocol. Instead it is proposed that:

(a) The Executive Body's existing scientific subsidiary bodies (i.e. the EMEP Steering Body, the Working Group on Effects and their subsidiary bodies, as well as the expert groups under the Working Group on Strategies and Review) should be fully used to provide the necessary expertise for the collation and preparation of reports contributing to the reviews and reassessments;

(b) The Working Group on Strategies and Review should be responsible for the submission of documents related to the three processes, but, when preparing a specific recommendation to the Parties to the Protocol and in any negotiating process, Parties to the Convention that are not Party to the Protocol assume observer status.

The Implementation Committee, in line with article 11 of the Protocol, reviews the compliance by Parties with their obligations under the Protocol and reports thereon directly to the Executive Body and thereby to Parties to the Protocol.

IV. PROCEDURES AND WORK-PLAN ELEMENTS

12. To make effective use of the methods outlined above, the Executive Body and the Parties to the Protocol will need to agree on procedures and work elements to meet the time frames indicated previously. The steps below are proposed.

13. *The Parties to the Protocol, at the first session of the Executive Body following the entry into force of the Protocol, will:*

(a) Adopt procedures, methods and timing as required for the sufficiency and effectiveness reviews;

(b) Agree to the necessary use reassessment, evaluation and review activities to be

carried out;

(c) Decide, as appropriate, and in accordance with article 14 of the Protocol and Executive Body decision 1998/2, related to any submission of a proposal to add a substance to annexes I, II and III to the Protocol, to use the Working Group on Strategies and Review, assisted by a task force, for the technical review of the proposal.

14. *Consequently, the Executive Body, at its first session after the entry into force of the Protocol, will:*

(a) Establish a task force on POPs, as proposed in the annex, to address the three areas of work, and request it to start its work;

(b) Request the Working Group on Effects and the EMEP Steering Body to:

(i) Support the work of the task force through the participation of, and contributions from, relevant experts from their subsidiary bodies and international centres; and

(ii) Provide any relevant information to the Working Group on Strategies and Review to support it in preparing the progress and final summary reports on the reviews and reassessments;

(c) Request the Working Group on Strategies and Review to report to it at its next session on progress in the sufficiency and effectiveness review, provide recommendations regarding the scheduled use reassessments, evaluations and reviews, and report on progress in the preparation of technical reviews for proposed new substances;

(d) Request the Implementation Committee to prepare, as part of its functions (Executive Body decision 1997/2, annex, para. 3 (d)), an in-depth review of the compliance by Parties with their obligations under the Protocol on emission levels (as foreseen in art. 10, para. 3, of the Protocol).

15. *The new task force on POPs, in line with its mandate, will:*

(a) Prepare a draft review of sufficiency and effectiveness, drawing upon information from experts, Parties and the subsidiary bodies and programme centres, for presentation to the Working Group on Strategies and Review;

(b) Discuss and prepare elements of technical reviews regarding the scheduled use reassessments, evaluations and reviews, taking into account the results of work conducted by the

former Expert Group on POPs, for submission to the Working Group on Strategies and Review;

(c) Prepare, as requested by the Executive Body, technical reviews of new substances proposed for annexes I, II and III.

16. *The EMEP Steering Body and the Working Group on Effects* will:

(a) Participate in the work of the task force on POPs through its experts, programmes and centres;

(b) Inform the Working Group on Strategies and Review (and the Executive Body) on their progress in this area of work.

17. *The Working Group on Strategies and Review* will:

(a) Receive draft reports and recommendations from the task force on POPs and, possibly, supplementary technical information from the Working Group on Effects and the EMEP Steering Body;

(b) Agree on any further action or work required by the task force and/or other subsidiary bodies under the Convention, as necessary;

(c) Negotiate on draft decisions or amendments, when requested to do so by the Parties to the Protocol at a session of the Executive Body;

(d) Submit reports to the Executive Body indicating progress, further work or action required for review, reassessment or adding substances, including recommendations for decisions and proposed amendments to the Protocol.

18. *The Implementation Committee* will include the Protocol on POPs in its annual report to the Executive Body and address, as requested by the Executive Body, the in-depth review on the fulfilment of obligations on emission levels under the Protocol as required under article 10, paragraph 3, of the Protocol.

19. *The Parties to the Protocol, at the subsequent session(s) of the Executive Body following entry into force*, will:

(a) Review the progress report on the sufficiency and effectiveness review, consider any recommendations made and propose, as appropriate, items for inclusion into the Convention's annual work-plan;

(b) Review the reports on the scheduled use reassessments, evaluations and reviews, consider the recommendations and draft decisions proposed and recommend, as appropriate, items for inclusion into the Convention's annual work-plan;

(c) Review the progress report(s) on the technical review of proposals for new substances,

consider the recommendations and draft decisions proposed and recommend, as appropriate, items for inclusion into the Convention's annual work-plan.

20. Each of the three processes may lead the Parties to the Protocol, meeting at a session of the Executive Body, to decide to amend the Protocol. Negotiation of such amendments may follow the review or reassessment work. The Parties should make specific requests to the Working Group on Strategies and Review on the content and time frame of negotiations.

21. The Parties may wish to join several amendment issues (possibly stemming from all three review/reassessment processes) into one amendment package to be adopted jointly. This would facilitate the adoption, possibly at a special session of the Executive Body, and subsequent ratification process.

Annex

DRAFT DECISION ON ESTABLISHING A TASK FORCE ON POPs

The Executive Body,

Noting that the Protocol on Persistent Organic Pollutants (POPs) entered into force on 23 October 2003,

Taking note of the requirements of the Parties to the Protocol on Persistent Organic Pollutants (POPs) to meet their obligations under articles 10 and 14, and annexes I, II and III,

1. Establishes the Task Force on POPs to address the technical needs of the reviews and reassessments required by the Protocol;
2. Decides that the mandate of the Task Force shall be as follows:

Mandate of the Task Force on POPs

The *Task Force on POPs* will report to the Working Group on Strategies and Review and assist the Working Group as requested, or as specified in the work-plan adopted by the Executive Body.

As its main functions, the Task Force will:

- (a) Plan and conduct the technical work necessary for the review of sufficiency and effectiveness of the obligations set out in the Protocol on POPs as foreseen in its article 10, paragraph 3, and prepare a technical review for submission to the Working Group on Strategies and Review;
- (b) Plan and conduct the technical work necessary for the use reassessments, re-evaluations and reviews foreseen under the Protocol on POPs, in particular those scheduled in annexes I, II and III, and prepare technical reviews thereon for submission to the Working Group on Strategies and Review;
- (c) Prepare technical reviews, as requested by the Executive Body, on officially submitted dossiers of new substances proposed by Parties for inclusion into annexes I, II or III, taking into account the relevant provisions of the Protocol and paragraphs 1, 2 and 3 of Executive Body decision 1998/2 and present relevant documentation on the proposals to the Working Group on Strategies and Review.

In performing these functions, the Task Force shall draw upon information provided by

participating experts, Parties to the Convention and the subsidiary bodies and centres under the Executive Body.

It shall cooperate with other international organizations and programmes active in this field.