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Royal Ministry of the Environment

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United Nations Economic Commission for Europe
Environment and Human Settlement Division
Palais des Nations
Dr. Keith Bull
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Your ref

Our ref
200602423-/AKA

Date

24 JAN 2008

EHLM Division
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Action/Attention: KRB

Proposal from Norway on amendments to the UNECE POPs-protocol

Dear Dr. Keith Bull,

We refer to the twenty-fifth session of the Executive Body in 2007. The Executive Body mandated the Working Group on Strategies and Review to negotiate draft amendments to the Protocol on POPs, for presentation to the twenty-sixth session of the Executive Body in 2008. The EB also invited the secretariat to produce a draft working document on options for revising the Protocol for consideration by the Working Group at its forty-first session.

Norway would like to make a preliminary input to the revision process. In our opinion, the informal document No. 3¹ that was presented at the fortieth session of the WGSR gave a good starting point for the revision, and Norway supports most of the amendments proposed in the document. We therefore give our proposals here as comments to the informal document No. 3.

¹ Working document by the Bureau of the Working Group on Strategies and Review – Draft update of the annexes of the POP Protocol. Informal Document No. 3

Norway is of the opinion that all the proposed 7 new substances should be included in the Protocol. The brominated flame retardants, SCCP, PCN, PeCB and HCBd should be listed in annex I. The task force on POPs has identified two ways to list the commercial mixtures of penta- and octa-BDE. Norway supports listing of the tetraBDE, pentaBDE and hexaBDE congeners individually in annex I in order to eliminate the productions and use of commercial mixtures containing these congeners. PFOS should be listed in annex I and II. For the brominated flame retardants, PFOS and SCCP, releases from products and articles containing these substances when they become waste should be addressed by provisions on waste handling and waste treatment in annexes V and VIII. HCBd should also be listed in annex III. Unintentional releases of HCBd from production of magnesium and chlorinated hydrocarbons should be addressed by including these source categories in annex VIII and V.

Norway supports the removal of exemptions in annex I and II, as suggested in the informal document No. 3. However, we also propose to remove all the exemptions for uses of HCH. Norway is of the opinion that the PCB-provisions in annex I and II should be made stricter and more comprehensive than they are today. Our proposal for a new text on conditions for PCB in annex II follows attached to this letter (our proposal is in line with the suggestions in the informal document).

The limit values for medical waste and hazardous waste incinerators in annex IV should be amended as proposed in the informal document No 3. We also support inclusion of the suggested limit values for Electric Arc Furnace and non-hazardous industrial waste incinerators in this annex. However, the timescales for the application of these new limit values should be clarified, as some time will be necessary for implementation.

Norway would prefer a more comprehensive amendment of annex V than presented in the informal document No. 3. In our opinion, the BAT-provisions should focus on what the substantive obligations are, while the guiding information included in the annex should be less detailed. This will imply that annex V should be edited and the more guiding language be included in a supplementing guiding document to be developed. This will make the process of updating the annex easier and faster. It will be clearer what the obligations are, and the annex would be more user friendly. We also think the BAT-BEP guidelines should be more comprehensive than the provisions in the present annex, and give more substantial guidance. The guidelines developed under the Stockholm Convention could be used as a model, but should be modified to better fit the needs of the countries in the UNECE-region. We also think it might be timely to consider an inclusion of more major stationary source categories in annex VIII, for example production of VCM. Such a revision of annex V and VIII would call for thorough discussions and a broad process for developing a new annex V. Norway can contribute in drafting of a new annex for some categories of industry. However, it will be essential that parties with knowledge of BAT in other industrial categories will support and contribute to the work on such a revision, and that the work will not delay the revision-process in 2008.

We propose that the above comments be made available to the WGSR meeting in April.

Yours sincerely,



Atle Fretheim
Deputy Director General



Anne Kathrine Arnesen
Adviser

Norway propose to amend the entry on conditions for PCB in Annex II to the following text;

Parties shall make determined efforts designed to lead to;

- (a) The elimination of the use of identifiable PCBs in equipment (i.e. transformers, capacitors or other receptacles containing residual liquid stocks) containing PCBs in volumes greater than 5 dm³ and having a concentration of 0,05% PCBs or greater, as soon as possible, but no later than 31 December 2010, or 31 December 2015 for countries with economies in transition;
- (b) The elimination of the use of identifiable PCBs in equipment (i.e. transformers, capacitors or other receptacles containing residual liquid stocks) containing PCBs in volumes greater than 0,05 dm³ and having a concentration of 0,005% PCBs or greater, as soon as possible, but no later than 31 December 2015, or 31 December 2020 for countries with economies in transition;
- (c) The destruction or decontamination in an environmentally sound manner of all liquid PCBs referred to in subparagraph (a) and (b) and other liquid PCBs containing more than 0,005 % PCBs not in equipment, as soon as possible but no later than 31 December 2015, or 31 December 2020 for countries with economies in transition;
- (d) The decontamination or disposal of equipment referred in subparagraph (a) and (b) in an environmentally sound manner;
- (e) Ensure that equipment containing polychlorinated biphenyls, as described in subparagraph (a) and (b), shall not be exported or imported except for the purpose of environmentally sound waste management;
- (f) Endeavour to identify other articles containing more than 0.005 per cent polychlorinated biphenyls (e.g. cable-sheaths, cured caulk and painted objects) and manage them in accordance with paragraph 3 of Article 3;
- (g) Promote the following measures to reduce exposures and risk to control the use of polychlorinated biphenyls:
 - (i) Use only in intact and non-leaking equipment and only in areas where the risk from environmental release can be minimised and quickly remedied;
 - (ii) Not use in equipment in areas associated with the production or processing of food or feed;
 - (iii) When used in populated areas, including schools and hospitals, all reasonable measures to protect from electrical failure which could result in a fire, and regular inspection of equipment for leaks;