

EXECUTIVE BODY DECISION 1998/1 ON THE CRITERIA AND PROCEDURES
FOR ADDING HEAVY METALS AND PRODUCTS
TO THE PROTOCOL ON HEAVY METALS

The Executive Body,

Resolved to act as early as possible to develop criteria and procedures for adding heavy metals and products to the forthcoming protocol on heavy metals,

Adopts with reference to article 13, paragraphs 6 and 7 of the protocol, the criteria and procedures for adding heavy metals and products to annexes I, VI, or VII set out below.

CRITERIA AND PROCEDURES FOR ADDING HEAVY METALS AND PRODUCTS
TO ANNEXES I, VI OR VII TO THE PROTOCOL ON HEAVY METALS

1. A Party submitting a proposal to amend:

- (1) Annex I to add a heavy metal; or
- (2) Annex VI to add a product control measure; or
- (3) Annex VII to add a product or product group

to the protocol in accordance with article 13, paragraph 6, shall provide the Executive Body with information in accordance with paragraphs 2, 3 or 4 below, as appropriate.

2. Proposals to amend annex I to add a heavy metal shall include:

- (1) A risk profile and the following information:
 - (i) Environmental measurement and source apportionment data in areas remote from anthropogenic sources or data on long-range transboundary atmospheric transport modelling, including methodology, for the species that has known adverse effects which demonstrate the potential for long-range transboundary atmospheric transport;
 - (ii) Partitioning in environmental compartments, bioavailability, transformation processes, biomagnification, and accumulation which demonstrate environmental fate at locations remote from anthropogenic sources; and
 - (iii) Toxicity data which demonstrate the potential to cause adverse effects on human health or the environment;

(b) Information, as available, on:

- (i) Production/use/emissions;
- (ii) Proposed control measures (e.g. technological equipment, process modification, and alternatives);
- (iii) The efficacy, applicability, risks and the quantifiable and non-monetary costs and benefits of the proposed control measures and alternatives; and
- (iv) The handling and disposal of the heavy metal resulting from the control measures.

3. Proposals to amend annex VI to add a product control measure shall include:

- (1) A description of:
 - (i) The product or product group, including its Harmonized Tariff Code, if applicable, to be subject to the control measure; and
 - (ii) The proposed product control measure;
- (2) Information, as available, on:
 - (i) The manufacture, use and disposal of the product or product group to be subject to the control measure;
 - (ii) The contribution of the product or product group to the total emissions of a heavy metal listed in annex I within the territory of the Party to the Convention and the UN/ECE region as a whole prior to any product management measure to reduce such contribution and the methodology used; and
 - (iii) The efficacy, applicability, risks and quantifiable and non-monetary costs and benefits of taking the proposed measure.

4. Proposals to amend annex VII to add a product or product group shall include:

- (1) A description of:
 - (i) The action taken by any Party to the Convention to reduce emissions to the atmosphere from the product or product group; and
 - (ii) The product or product group, including its Harmonized Tariff Code, if applicable, which is subject to the action taken;
- (2) Information, as available, on:
 - (i) The contribution of the product or product group to the total emissions of a heavy metal listed in annex I within the territory of the Party to the Convention and the UN/ECE region as a whole prior to any product

management measure to reduce such contribution and the methodology used; and

- (ii) The rationale for the action taken, including the perceived risk and the cost or benefit of such a measure and the emission reduction achieved.

5. Upon receipt of a proposal prepared in accordance with paragraph 2, 3, or 4 above, and if the risk profile is deemed acceptable, the Parties shall, at a meeting of the Executive Body and by consensus, ensure that one or more technical reviews of the proposal are conducted if, on the basis of the proposal and any other relevant information submitted to the Executive Body, further consideration of the heavy metal, product, product group or product control measure is determined to be warranted. Any such technical reviews shall be in writing and evaluate:

(1) For addition of a heavy metal to annex I:

- (i) The monitoring or equivalent scientific evidence documenting long-range transboundary atmospheric transport from anthropogenic sources;
- (ii) Whether emissions to the atmosphere of the heavy metal have the potential to lead to a bioavailable form which can accumulate or biomagnify to harmful levels;
- (iii) Whether sufficient information exists that the levels resulting from the long-range transboundary atmospheric transport of the heavy metal have the potential to cause significant adverse effects on human health or the environment;
- (iv) Information concerning the sources of the heavy metal in the atmosphere, including the use of products, estimates of the total emissions from these sources and the methodologies used; and
- (v) Whether measures exist to reduce the risk of adverse effects on human health and/or the environment as a result of its long-range transboundary atmospheric transport, and whether they are technically feasible, as well as their associated effects and costs;

(2) For addition of a product control measure to annex VI:

- (i) Whether the product or product group intentionally contains one or more of the heavy metals specified in annex I;
- (ii) Whether atmospheric emissions occurring during manufacture, processing, distribution in commerce, use, and disposal of the product or product group, have the potential to lead to a bioavailable form and, taking into account controls in place at each point of this process, account for a significant contribution to total transboundary atmospheric emissions of a

heavy metal specified in annex I within the UN/ECE region that cause adverse effects on human health or the environment; and

- (iii) The extent to which the proposed measure reduces emissions, and an assessment of its costs, benefits, and, as appropriate, its efficacy and risks or the extent to which suitable alternative measures exist;
- (3) For addition of a product or product group to annex VII:
- (i) Whether it intentionally contains one or more of the heavy metals specified in annex I;
 - (ii) The action taken by any Party to the Convention and its estimated efficiency in reducing emissions to the atmosphere of the heavy metal;
 - (iii) The rationale, emissions reduction, costs and benefits of this action; and
 - (iv) Whether its atmospheric emissions have the potential to lead to a bioavailable form, occurring during its manufacture, processing, distribution in commerce, use, and disposal, and taking into account controls in place at each point of this process, account for a significant contribution to total atmospheric emissions of a heavy metal specified in annex I within the territory of the Party to the Convention that cause adverse effects on human health or the environment.

6. The term risk profile mentioned in paragraphs 2 and 5 above refers to a comprehensive review of the scientific information related to the determination of general human health and environmental risks associated with the uses and releases of a substance. Such a review need not explicitly address risks associated with long-range transboundary air pollution, but must provide suitable information for the assessment of such risk.

7. On the basis of the submission specified in paragraph 2, 3, or 4 above and any technical reviews that may have been prepared in accordance with paragraph 5 above, the Parties shall, at a meeting of the Executive Body, complete their evaluation of the proposal taking into account the objective of the protocol set out in article 2.