Stockholm Convention on Persistent Organic Pollutants (POPs)

Checklist for the Legislator

This checklist is meant to be a tool for Parties to assist them in fully implementing their obligations under the Stockholm Convention. **Parties should always consult the provisions of the Convention in conjunction with the present checklist** - as in terms of legal basis, it is the text of the Convention which prevails - as well as the decisions of the Conference of the Parties corresponding to the relevant matters.

The checklist seeks to identify the most fundamental matters that should be addressed in national implementing legislation. It does not, however, address all matters that a legislator could choose to address in national legislation. The checklist is aimed at being a tool for the legislator who will be drafting the national implementing legislation. Accordingly, it does not address all of the Parties' obligations under the Stockholm Convention that would normally be implemented administratively, such as providing financial resources. However, it does address some obligations that could be implemented through legislation or administrative measures, such as cooperating to provide technical assistance.

There may be additional measures that may be appropriate under national law to support the enforcement of such laws implementing the Convention.

In addition to the present checklist, the legislator should also refer to the following document: "Developing National Legal Frameworks to Implement the Stockholm Convention on Persistent Organic Pollutants – A Guide". This document can be found on the Stockholm Convention website.

Please note that, in the following table, for ease of reference, principal Convention obligations that may be considered as more specific are highlighted in blue and the more general ones are highlighted in yellow:

	Legislative, Administrative or Other Measures Required	**Relevant Convention provisions**	**Notes**
HUMAN HEALTH AND ENVIRONMENT	**To protect human health and the environment from POPs**	Article 1	The Stockholm Convention on POPs purports to achieve this main objective. Such provision sets out a general obligation to be pursued by Parties. Please note that the preamble of the Convention recalls other international sources of law and legally binding instruments, which Parties need to consider in implementing the obligations as prescribed in the Convention.
MEASURES TO REDUCE OR ELIMINATE RELEASES FROM INTENTIONAL	**Prohibit and eliminate the production and use, and the import and export of chemicals listed in Annex A, subject to certain exceptions.** **Restrict the production and use of the chemicals listed in**	Article 3(1)-(2) and (5), Annexes A and B	Annex A allows for registration of specific exemptions in accordance with Article 4, except for the use of PCBs according to the provisions of this Annex, which may be exercised by all Parties. Annex B provides for elimination of the production and use of DDT, except for Parties included in a DDT Register that restrict production

PRODUCTION	**Annex B (DDT; PFOS and its salts; PFOSF).** **An exception is allowed for quantities of chemicals used for laboratory-scale research or as a reference standard.**		and use to disease vector control in accordance with the World Health Organization recommendations and guidelines, where locally safe, effective and affordable alternatives are not available. Article 3(2) provides further detail on measures to be taken by Parties to control the import and export of POPs listed in Annex A and B. These chemicals may only be imported for the purpose of environmentally sound disposal, or use or purpose that is specifically permitted for a Party under Annex A or B. Specific circumstances are also set out under which certain chemicals in Annex A and B may be exported.
	If regulatory and assessment schemes for new pesticides or new industrial chemicals are in place, take regulatory measures to prevent the production and use of new pesticides or industrial chemicals that exhibit the characteristics of POPs.	Article 3(3)-(4)	Parties that have regulatory and assessment schemes for existing pesticides or industrial chemicals are to take into consideration the following criteria set out in Annex D when assessing pesticides or industrial chemicals currently in use: • chemical identity; • persistence; • bio-accumulation; • potential for long-range environmental transport; and • adverse effects.
	If the Party has a specific exemption to prohibitions or restrictions under Annex A or B, or may operate for an acceptable purpose under Annex B, take appropriate measures to make sure that any production or use occurring under this exemption or acceptable purpose prevents or minimizes exposure for humans and release to the environment.	Article 3(6)	Where exempted uses or acceptable purposes involve intentional release into the environment under conditions of normal use, these releases must be to the minimum extent necessary, and take into account any applicable standards and guidelines.
MEASURES TO REDUCE OR ELIMINATE RELEASES FROM UNINTENTIONAL PRODUCTION	**Take the following measures to reduce the total unintentional releases of listed POPs caused by human beings:** • **develop an action plan to identify, characterize and address the release of chemicals listed in Annex C, and implement that action plan as part of the National Implementation Plan required by**	Article 5, Annex C	In developing an action plan, Parties should include the specific elements set out in Article 5, such as an evaluation of the efficacy of the Party's law and policies relating to management of releases.

	Article 7; • **promote the application of available, feasible and practical measures to rapidly achieve a realistic and meaningful level of release reduction or source elimination;** • **promote the development and, where appropriate, require the use of substitute or modified materials, products and processes to prevent the formation and release of chemicals listed in Annex C;** • **promote and require the use of best available techniques of preventing and reducing chemical releases for new sources within identified source categories identified in the action plan;** • **phase in the requirement to use best available techniques for new sources in the categories listed in Part II of Annex C as soon as practicable but no later than four years after the entry into force of the Convention for the Party;** • **promote the use of best environmental practices for source categories identified in the action plan; and** • **promote, according to the action plan, the use of best available techniques and best environmental practices for other existing and new sources of chemicals.**		
MEASURES TO REDUCE OR ELIMINATE RELEASES FROM STOCKPILES AND WASTES	**Develop strategies to identify stockpiles that consist of or contain POPS listed in Annex A or B, along with products and articles in use and wastes that contain POPs, and then identify stockpiles, products and wastes based on these strategies.** **Manage stockpiles in a safe, efficient and environmentally sound manner and, when they are no longer allowed to be used, manage them appropriately as wastes.** **Dispose of wastes in a way that ensures the persistent**	Article 6	This Article seeks to ensure that stockpiles of POPs and wastes that consist of, contain, or are contaminated with POPs, are properly managed to protect human health and the environment. It sets out the measures that Parties are required to take to properly, handle, collect, transport, store and dispose of wastes in an environmentally sound manner.

	organic pollutant content is destroyed or transformed irreversibly so that the waste no longer exhibits the characteristics of POPs. However, where such disposal methods are not the environmentally preferred option, or the persistent organic pollutant content is low, wastes may be disposed of using an environmentally sound alternative. **Endeavour to develop appropriate strategies to identify sites contaminated by POPs, and any remediation of those sites must be undertaken in an environmentally sound manner.**		
NATIONAL IMPLEMENTATIO N PLANS (NIPs)	**Develop and endeavour to implement a plan for the implementation of its obligations under this Convention.** **Transmit its implementation plan to the Conference of the Parties within two years of the date on which this Convention enters into force for it.** **Review and update, as appropriate, its implementation plan on a periodic basis and in a manner to be specifi ed by a decision of the Conference of the Parties.**	Article 7	In order to facilitate the development, implementation and updating of their NIPs, Parties, where appropriate, are to cooperate directly or through global, regional and subregional organizations, and consult their national stakeholders. Parties should also utilize and, where necessary, establish the means to integrate NIPs for POPs in their sustainable development strategies where appropriate.
INFORMATION EXCHANGE	**Facilitate and participate in the exchange of information concerning the reduction or elimination of POPs, as well as information about alternatives to POPs.** **Designate a national focal point for information exchange.**	Article 9	The Conference of the Parties has invited Parties to nominate Official Contact Points to perform administrative functions and undertake all formal communications under the Convention.
PUBLIC INFORMATION, AWARENESS AND EDUCATION	**Promote and facilitate public information, awareness and education.** **Ensure, to the extent possible, that the public has access to up-to-date information concerning:** • **all available information on POPs, including the health and safety of humans and the environment;** • **educational and public awareness programmes on POPs and their health and environmental effects and alternatives, especially for women, children and the least educated;**	Article 10	Parties may establish national and regional information centres, and should consider developing mechanisms, such as pollutant release and transfer registers, to collect and disseminate information on the quantities of POPs released or disposed of each year.

	• **public participation in addressing POPs and their health and environmental effects and in developing adequate responses, including opportunities for providing input at the national level on implementing the Stockholm Convention;** • **training of workers, scientists, educators and technical and managerial personnel; and** • **public awareness materials and education and training programmes at the national and international levels.**		
RESEARCH, DEVELOPMENT AND MONITORING	**Encourage and undertake, to the extent possible, appropriate research, development, monitoring and cooperation on a range of aspects relating to POPs, their alternatives and candidate POPs, including on their:** • **sources and releases into the environment;** • **presence, levels and trends in humans and the environment;** • **environmental transport, fate and transformation;** • **effects on human health and the environment;** • **socio-economic and cultural impacts;** • **release reduction and/or elimination; and** • **harmonized methodologies for making inventories of generating sources and analytical techniques for measuring releases.**	Article 11	In undertaking these Parties shall, to the extent possible: • support and further develop international programmes, networks and organizations aimed at defining, conducting, assessing and financing research, data collection and monitoring, taking into account the need to minimize duplication of effort; • support national and international efforts to strengthen national scientific and technical research capabilities, particularly in developing countries and countries with economies in transition, and to promote access to, and the exchange of, data and analyses; • take into account the concerns and needs, particularly in the field of financial and technical resources, of developing countries and countries with economies in transition and cooperate in improving their capability to participate in these efforts; • undertake research work geared towards alleviating the effects of persistent organic pollutants on reproductive health; • make the results of their research, development and monitoring activities accessible to the public on a timely and regular basis; and • encourage and/or undertake cooperation with regard to storage and maintenance of information generated from

			research, development and monitoring.
TECHNICAL ASSISTANCE	**Cooperate with other Parties to provide timely and appropriate technical assistance to developing country Parties and Parties with economies in transition, to assist them, taking into account their particular needs, to develop and strengthen their capacity to implement their obligations under this Convention.**	Article 12	Technical assistance to be provided by developed country Parties, and other Parties in accordance with their capabilities, shall include, as appropriate and as mutually agreed, technical assistance for capacity-building relating to implementation of the obligations under this Convention.

FINANCIAL SUPPORT	**Each Party** undertakes to provide, within its capabilities, financial support and incentives in respect of those national activities that are intended to achieve the objective of this Convention in accordance with its national plans, priorities and programmes. **The developed country Parties** shall provide new and additional financial resources to enable developing country Parties and Parties with economies in transition to meet the agreed full incremental costs of implementing measures which fulfill their obligations under this Convention as agreed between a recipient Party and an entity participating in the financial mechanism described in paragraph 6, Article 15, of the Convention.	Article 13	**Other Parties** may also on a voluntary basis and in accordance with their capabilities provide such financial resources. Contributions from other sources should also be encouraged. It is to be noted that the implementation of these commitments shall take into account the need for adequacy, predictability, the timely flow of funds and the importance of burden sharing among the contributing Parties. Also, the extent to which the developing country Parties will effectively implement their commitments under this Convention will depend on the effective implementation by developed country Parties of their commitments under this Convention relating to financial resources, technical assistance and technology transfer.
REPORTING	**Report to the Conference of the Parties on measures taken to implement the provisions of this Convention and on the effectiveness of these measures in meeting its objectives.**	Article 15	