Developing National Legal Frameworks to Implement the *Stockholm Convention on Persistent Organic Pollutants* – A Guide

Introduction

The purpose of this Guide is to provide legal guidance and assistance in implementing obligations under the *Stockholm Convention on Persistent Organic Pollutants* ("the Stockholm Convention") through the development of national legal frameworks.

The Guide is intended for use by countries that are Parties to the Stockholm Convention in designing, establishing and implementing effective and efficient legal frameworks that will ensure the environmentally sound management of chemicals. It may also be useful for countries that wish to become Parties to the Stockholm Convention in the future.

The Guide provides practical guidance for officials and experts who are responsible for the implementation of Stockholm Convention obligations at the national level. It highlights the steps involved in establishing, implementing and enforcing effective laws and regulations.

In addition to providing information on the steps necessary to implement the Stockholm Convention, this Guide addresses other related Multilateral Environmental Agreements (MEAs) that are concerned with chemicals and wastes management, suggesting ways to develop a national legal framework that takes these obligations into consideration as well.

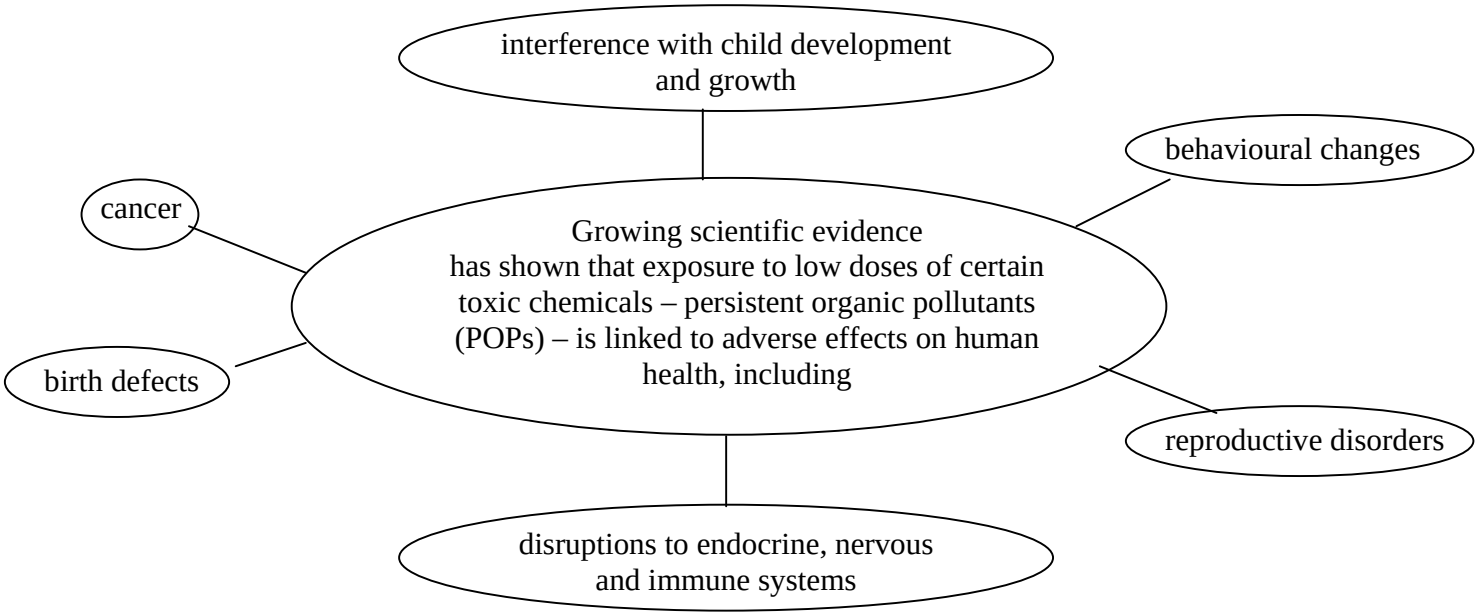
This guidance is presented within the context of the different systems of law used in the various countries that are Parties to the Stockholm Convention. The Guide aims to provide legal approaches that can be adapted to be appropriate to unique national legal systems, traditions and circumstances.

The Guide begins with an overview of the Stockholm Convention as well as other MEAs related to the management of chemicals and wastes. It then looks broadly at how international obligations are implemented into national legal frameworks. After taking readers through the process of evaluating existing legal and institutional frameworks for chemicals management, it provides general guidance on designing new legislative or regulatory measures to implement international obligations and suggests a number of potential legal frameworks for chemicals management.

The Guide then looks closely at the specific obligations in the Stockholm Convention that need to be incorporated into national legal and other measures. It provides some resources for capacity building in implementing the Stockholm Convention, and concludes with checklists to summarize the steps that should be taken by Parties when evaluating and designing national measures.

It is hoped that this Guide will facilitate comprehension and implementation of the Stockholm Convention, and enhance compliance with the provisions and obligations of the Convention by the Parties.

An Overview of the Stockholm Convention



Background

Amidst growing concerns about human health and environmental impacts of hazardous chemicals, the Stockholm Convention built on the foundation laid by two earlier environmental treaties:

- the 1989 *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal*; and

- the 1998 *Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous Chemicals and Pesticides in international trade*.

The purpose of all three of these Conventions is to prevent humans and the environment from being exposed to the adverse effects of hazardous chemicals and wastes at all stages of their life cycle, from production to disposal.

In recent years, growing scientific evidence has shown that exposure to low doses of certain toxic chemicals – persistent organic pollutants (POPs) – is linked to adverse effects on human health, including cancer, birth defects, disruptions to endocrine,

nervous and immune systems, reproductive disorders, behavioural changes and interference with child development and growth.

The health impacts from exposure to POPs have been found to be acute in developing countries, especially on women and the health of their children and future generations. Scientists have recognized that POPs share four main properties that cause significant concern:

- they are extremely toxic to human beings and the environment;
- they do not degrade and may remain intact in the environment for many years;
- they accumulate in the fatty tissue of humans and other living organisms in both terrestrial and aquatic ecosystems, and exist at higher concentrations at higher levels in the food chain; and
- they are transported throughout the environment and across boundaries through soil, water and especially air.

In 1997, the United Nations Environment Programme Governing Council established an intergovernmental negotiating committee to develop a legally binding international agreement, with a focus on twelve specific POPs identified as hazardous.

These negotiations led to the adoption of the *Stockholm Convention on Persistent Organic Pollutants* on 22 May 2001. It entered into force on 17 May 2004, i.e. ninety days after the fiftieth instrument of ratification was deposited, and as of September 2010 there are 172 Parties to the Convention. The Conference of the Parties (COP) to the Convention has established a reporting schedule on measures taken to implement the Convention and the effectiveness of such measures in meeting the Convention's objectives (**Article 15**). The first round of Party reports was completed on 31 July 2007, with the second round of reporting due to be completed on 31 October 2010. Reports are made through an online electronic reporting system.

Objective

The objective of the Stockholm Convention is to protect human health and the environment from POPs, being mindful of the precautionary approach set out in the *Rio Declaration on Environment and Development* (**Article 1**). The Convention seeks to achieve this by first identifying and listing these dangerous toxic chemicals in its Annexes, then restricting and eventually eliminating them from production, use, trade, storage and release.

The key provisions of the Stockholm Convention address the control of:

- POPs that are produced and used intentionally;

- POPs that are produced and used unintentionally; and

- POPs stockpiles and wastes.

These provisions are subject to a number of restrictions and exemptions permitted under the Convention.

POPs

Originally, the Stockholm Convention included twelve POPs that fall into three categories, some of which fall into more than one category:

- Pesticides:
    - Aldrin;
    - Chlordane;
    - DDT (1,1,1-trichloro-2,2-bis (4-chlorophenyl)ethane);
    - Dieldrin;
    - Endrin;
    - Heptachlor;
    - Hexachlorobenzene (HCB);
    - Mirex;
    - Toxaphene.

- Industrial chemicals:
    - Hexachlorobenzene;
    - PCBs (polychlorinated biphenyls).

- By-products:
    - Hexachlorobenzene;
    - Polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans (PCDD/PCDF);
    - PCBs.

Amendments adopted in May 2009 added nine new chemicals to the list of those in the Annexes of the Stockholm Convention. On 26 August 2010, these amendments entered into force for 151 of the 152 Parties to the Stockholm Convention that did not submit a notification or a declaration in accordance with paragraphs 3 and 4 of **Article 22** of the Convention. Of the Parties to the Stockholm Convention, only one Party has not accepted the amendments. For a number of other Parties, the amendments will only enter into force when they deposit an instrument of ratification, acceptance, approval or accession with respect to the amendments. Countries becoming Parties to the Stockholm Convention after it was amended are bound to the amended Convention. The new chemicals include:

- Pesticides:
    - Chlordecone;
    - Alpha hexachlorocyclohexane;

    - Beta hexachlorocyclohexane;
    - Lindane;
    - Pentachlorobenzene.

- Industrial chemicals:
    - Hexabromobiphenyl;
    - Hexabromodiphenyl ether and heptabromodiphenyl ether;
    - Pentachlorobenzene (PeCB);
    - Perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF);
    - Tetrabromodiphenyl ether and pentabromodiphenyl ether.

- By-products:
    - Alpha hexachlorocyclohexane;
    - Beta hexachlorocyclohexane;
    - Pentachlorobenzene.

Parties may propose the addition of new chemicals to be listed under the Annexes to the Convention. The Persistent Organic Pollutants Review Committee evaluates the proposals, based on criteria set out in the Convention, and makes recommendations to the Conference of the Parties as to whether or not to list these chemicals in the Annexes to the Convention (**Article 8**).

Parties to the Stockholm Convention are required to implement a range of measures to reduce or eliminate these 21 POPs, as listed in Annexes A, B and C to the Convention.

Annex A lists POPs for which Parties must take measures to eliminate production and use, and includes specific exemptions for production or use applicable only to Parties that register for them. As of 26 August 2010, the POPs listed in Annex A are: aldrin; chlordane; chlordecone; dieldrin; endrin; heptachlor; hexabromobiphenyl; hexabromodiphenyl ether and heptabromodiphenyl ether; hexachlorobenzene; alpha hexachlorocyclohexane; beta hexachlorocyclohexane; lindane; mirex; pentachlorobenzene; PCBs; tetrabromodiphenyl ether and pentabromodiphenyl ether; and toxaphene. Annex A contains specific provisions on the elimination of PCBs, hexabromodiphenyl ether and heptabromodiphenyl ether, and tetrabromodiphenyl ether and pentabromodiphenyl ether.

Annex B addresses restrictions on the production and use of DDT and of perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride. These restrictions are subject to any applicable acceptable purposes and/or specific exemptions listed in the Annex that apply.

Annex C includes POPs for which Parties must take measures to reduce their unintentional release, with the objective of continuing to minimize and eventually eliminate them where feasible. As of 26 August 2010, the POPs listed in Annex C are: hexachlorobenzene; pentachlorobenzene; PCBs; and polychlorinated dibenzo-p-dioxins

and polychlorinated dibenzofurans. Annex C identifies the sources of listed POPs and provides guidance on the best available techniques and best environmental practices for preventing and reducing their release.

Annex A	Lists POPs for which Parties must take measures to eliminate production and use	POPs listed in Annex A (as of 26 August 2010): aldrin; chlordane; chlordecone; dieldrin; endrin; heptachlor; hexabromobiphenyl; hexabromodiphenyl ether and heptabromodiphenyl ether; hexachlorobenzene; alpha hexachlorocyclohexane; beta hexachlorocyclohexane; lindane; mirex; pentachlorobenzene; PCBs; tetrabromodiphenyl ether and pentabromodiphenyl ether; and toxaphene Annex A contains specific provisions on the elimination of PCBs, hexabromodiphenyl ether and heptabromodiphenyl ether, and tetrabromodiphenyl ether and pentabromodiphenyl ether.
Annex B	Addresses restrictions on production and use	Annex B applies to DDT and perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride.
Annex C	Lists POPs for which Parties must take measures to reduce their unintentional release, with the objective of continuing to minimize and eventually eliminate them where feasible	POPs listed in Annex C (as of 26 August 2010): hexachlorobenzene; pentachlorobenzene; PCBs; and polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans.

Measures to Reduce or Eliminate Releases from Intentional Use and Production of POPs (**Article 3**)

The Stockholm Convention requires Parties to prohibit and/or take the legal and administrative measures necessary to eliminate both the production and use of chemicals listed in Annex A, and the import and export of those chemicals. Parties must restrict the production and use of the chemicals listed in Annex B.

In certain circumstances, chemicals listed in Annex A or Annex B may be imported or exported, for environmentally sound disposal or due to a specific exemption or permitted use or purpose. The Convention establishes a publicly available Register to identify

Parties that have specific exemptions listed in Annex A or B and the expiry dates of those exemptions (**Article 4**).

In addition, Parties that have regulatory and assessment schemes for new pesticides or new industrial chemicals are required to take measures to prevent the production and use of new pesticides or industrial chemicals that display the characteristics of POPs. Parties that have regulatory and assessment schemes for existing pesticides or industrial chemicals are to take into consideration criteria set out in Annex D when assessing pesticides or industrial chemicals currently in use.

Measures to Reduce or Eliminate Releases from Unintentional Production of POPs (**Article 5**)

Parties to the Stockholm Convention must at minimum take certain measures to reduce the total unintentional releases of listed POPs caused by human beings, with the aim of their continuing to minimize and ultimately eliminate these POPs, where feasible. These measures include:

- developing and implementing an action plan, or a regional or subregional action plan where appropriate, that includes strategies to identify, characterize and address the release of chemicals listed in Annex C;

- promoting available, feasible and practical measures to rapidly achieve a realistic level of release reduction or source elimination;

- promoting the development and, where appropriate, requiring the use of substitute or modified materials, products and processes to prevent the creation and release of these POPs; and

- promoting and requiring the use of best available techniques and best environmental practices for specified categories of industrial sources of chemicals.

Measures to Reduce or Eliminate Releases from Stockpiles and Wastes (**Article 6**)

The Stockholm Convention seeks to ensure that stockpiles of POPs and wastes containing or contaminated with POPs (including products and articles on becoming wastes), are properly managed to protect human health and the environment. Parties are required to develop appropriate strategies to identify stockpiles and wastes containing POPs, and then identify them based on these strategies.

Parties then must handle stockpiles of chemicals efficiently, safely and in an environmentally sound manner, then when they are on longer allowed to be used, identify and manage them appropriately as wastes. The Convention requires Parties to take measures to handle, collect, transport, store and dispose of wastes in an environmentally sound manner.

Disposal methods should ensure that the persistent organic pollutant content is destroyed or transformed irreversibly so that the waste no longer has the characteristics of POPs. However, where such disposal methods are not the environmentally preferred option, or the persistent organic pollutant content is low, waste may be disposed of using another environmentally sound method.

Implementation

Parties are required to develop a National Implementation Plan (NIP) regarding their obligations under the Stockholm Convention, and to endeavour to implement this plan. Parties are expected to transmit their implementation plans to the Conference of the Parties within two years of the Convention entering into force for them, and then to review and update their plans periodically (**Article 7**).

The Parties to the Convention recognize the need to provide technical assistance to developing country Parties and Parties with economies in transition to achieve successful implementation of the Convention's provisions. Technical assistance for capacity-building relating to implementation of the Convention's obligations is to be provided by developed country Parties and other Parties as far as they are able, as appropriate and as mutually agreed (**Article 12**).

Parties are required to undertake to provide, as they are able, financial support and incentives in relation to national activities to achieve the Convention's objectives. Developed country Parties are expected to provide additional financial resources to assist developing country Parties and Parties with economies in transition in meeting the costs of implementing measures to fulfil their obligations under the Convention (**Article 13**).

The Convention makes provision for Parties to report back on the effectiveness of measures they take to implement the Convention (**Article 16**), procedures for determining non-compliance (**Article 17**) and the settlement of disputes between Parties on the interpretation or application of the Convention (**Article 18**).

Information about POPs

Parties to the Stockholm Convention are expected to facilitate and exchange information about reducing or eliminating the production, use and release of POPs, and about alternatives to POPs (**Article 9**).

Parties also must, as much as possible, promote public information, awareness and education about POPs, including public participation in addressing POPs, awareness among policy and decision makers as well as the general public. The public should have access to up-to-date public information about POPs (**Article 10**).

The Convention requires Parties, within their capabilities, to encourage and undertake research, development, monitoring and cooperation on POPs and their alternatives at both the national and international levels (**Article 11**).

Administration Provisions

The Stockholm Convention establishes a Conference of the Parties (COP) to meet periodically to review and evaluate the implementation of the Convention (**Article 19**). A Secretariat is also established to arrange for meetings of the COP, provide services to the

COP, undertake coordination with other relevant international bodies, to prepare and make available periodic reports, and assist the Parties in implementing the Convention (**Article 20**).

The Convention also provides for: amendments to the Convention (**Article 21**); the adoption and amendment of annexes (**Article 22**); the right to vote (**Article 23**); signature (Article 24); and ratification, acceptance, approval or accession (**Article 25**).

Stockholm Convention

Objective

The objective of the Stockholm Convention is to protect human health and the environment from POPs, being mindful of the precautionary approach set out in the *Rio Declaration on Environment and Development* (Article 1). The Convention seeks to achieve this by first identifying and listing these dangerous toxic chemicals in its Annexes, then restricting and eventually eliminating them from production, use, trade, storage and release.

Summary of Key Requirements for Parties of the Stockholm Convention

Intentional Use and Production of POPs (Article 3)

- Parties must prohibit and/or take the legal and administrative measures necessary to eliminate both the production and use of chemicals listed in Annex A, and the import and export of those chemicals.
- Parties must restrict the production and use of the chemicals listed in Annex B.

Unintentional Production of POPs (Article 5)

- Parties must reduce the total unintentional releases of listed POPs caused by human beings, with the aim of continuing to minimize and ultimately eliminate these POPs, where feasible.

Stockpiles and Wastes (Article 6)

- Parties must develop appropriate strategies to identify stockpiles and wastes containing POPs.
- Parties must handle stockpiles of chemicals efficiently, safely and in an environmentally sound manner, then when they are no longer allowed to be used, identify and manage them appropriately as wastes.
- Parties must handle, collect, transport, store and dispose of wastes in an environmentally sound manner.
- Disposal methods should ensure that the POP content is destroyed or transformed irreversibly so that the waste no longer has the characteristics of POPs.

Implementation (Article 7)

- Parties must develop a National Implemention Plan regarding their obligations under the Stockholm Convention, and endeavour to implement this plan.

Implementation (Article 12)

- Developed country Parties and other Parties are to provide technical assistance to developing country Parties and Parties with economies in transition as they are able.

Implementation (Article 13)

- Parties must provide, as they are able, financial support and incentives in relation to national activities to achieve the Convention's objectives.

Information about POPs (Article 9)

- Parties are expected to facilitate and exchange information about reducing or eliminating the production, use and release of POPs, and about alternatives to POPs.

Information about POPs (Article 10)

- Parties must, as much as possible, promote public information, awareness and education about POPs, including public participation in addressing POPs, awareness among policy and decision makers as well as the general public. The public should have access to up-to-date public information about POPs.

Information about POPs (Article 11)

Parties must, within their capabilities, encourage and undertake research, development, monitoring and cooperation on POPs and their alternatives at both the national and international levels.

Other Related Multilateral Environmental Agreements on the Management of Chemicals

The Stockholm Convention is not the only Multilateral Environmental Agreement (MEA) that addresses the management of chemicals. A number of other agreements and instruments exist to address different aspects of the range of risks cause by hazardous chemicals over their life cycle.

Many of these agreements include obligations relating to chemicals that also need to be implemented in national legal frameworks. When designing national laws and other measures to implement the Stockholm Convention, it is important to consider how best to integrate commitments under other MEAs into these measures.

International agreements on chemicals management have developed over time, often building on one another. While different agreements may address distinct concerns using a wide variety of mechanisms, Parties may elect either to bring them together into a comprehensive legal framework for chemicals when drafting national laws or to implement these provisions in separate measures. Also, when drafting a national law on chemicals management for the first time, it may be more efficient to develop an integrated approach that meets all international obligations from the beginning, where possible. Whether a country decides to build on such existing obligations or to develop new measures, the implementing measures it adopts relating to such international obligations need to be compatible and at the least not contradictory to one another.

In addition to the Stockholm Convention, the other significant MEAs also addressing chemicals management are the *Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous Chemicals and Pesticides in international trade* ("the Rotterdam Convention") and the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal* ("the Basel Convention").

The importance of enhancing coordination of the obligations in these three Conventions has been recognized at the international level. In an historic event in February 2010, the Conferences of the Parties to the three Conventions held simultaneous extraordinary meetings. These meetings adopted simultaneously omnibus decisions on several aspects of enhancing cooperation and coordination between the Conventions, including: joint activities; joint managerial functions; establishing joint services for all three Conventions; synchronized budget cycles; joint audits; and review arrangements for these aspects.

The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

The Rotterdam Convention was adopted on 10 September 1998 and entered into force on 24 February 2004. Its objectives are to:

- promote shared responsibility and cooperative efforts among its Parties in the international trade of certain hazardous chemicals, to protect human health and the environment from potential harm; and

- contribute to the environmentally sound use of those hazardous chemicals by facilitating an exchange of information about their characteristics, providing for a national decision-making process on importing and exporting them, and disseminating these decisions to the Parties.

The Rotterdam Convention creates legally binding obligations for the implementation of a Prior Informed Consent (PIC) procedure, and applies to pesticides and industrial chemicals that have been banned or severely restricted for health or environmental reasons by Parties and included in the PIC procedure. The PIC procedure gives importing countries information to help identify potential hazards and exclude chemicals that cannot be managed safely.

There are currently 40 (forty) chemicals subject to the PIC procedure, including 25 pesticides, 4 severely hazardous pesticide formulations and 11 industrial chemicals. It is expected that more chemicals will be added to the Annex III in the future. The Conference of the Parties makes decisions on including new chemicals, based on recommendations from the Chemical Review Committee of the Rotterdam Convention (**Article 7**).

Once a chemical is subject to the PIC procedure, a decision guidance document is circulated to all Parties to the Rotterdam Convention. A decision guidance document contains information about that chemical and the regulatory decisions to ban or severely restrict the chemical for health or environmental reasons (**Article 7 (3)**).

Parties have nine months from when the decision guidance document is circulated to prepare a response concerning the future import of a chemical subject to the PIC procedure (**Article 9**). The response may be an interim decision, or a final decision to allow import of the chemical, not allow import or allow import under certain conditions. The decision by an importing country must be trade neutral, applying equally to domestic production for domestic use, as well as to imports from another source.

Import responses with the decisions on import are circulated to all Parties on a regular basis and exporting country Parties are obligated under the Convention to take appropriate measures to ensure that exporters in their jurisdictions comply with these decisions (**Article 11**).

The Convention also promotes the exchange of information on a broad range of chemicals by:

- requiring Parties to inform other Parties of a national ban or severe restriction of a chemical (**Article 5**);

- allowing a Party that is a developing country or a country in transition to inform other Parties that it is experiencing problems due to a severely hazardous pesticide formulation under the conditions of use in its territory (**Article 6**);

- requiring a Party that plans to export a chemical that is banned or severely restricted for use within its territory, to inform the importing Party that export will take place, before the first shipment and annually after that (**Article 12**);

- requiring a Party that is exporting chemicals to be used for occupational purposes, to ensure that an up-to-date safety data sheet is sent to the importer (**Article 13**); and

- setting out labelling requirements for exports of chemicals included in the PIC procedure, as well as other chemicals that are banned or severely restricted in the exporting country (**Article 13**).

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal

The main goal of the Basel Convention is to protect human health and the environment from the adverse effects of generation and management of hazardous wastes and other wastes. The Basel Convention is built on two pillars: on one hand, it sets up a series of control procedures to ensure the prior informed consent (PIC) of Parties to transboundary movements of hazardous and other wastes taking place from, through or to their territories. On the other hand, it aims at ensuring the environmentally sound management of such wastes. It was adopted on 22 March 1989 and entered into force on 5 May 1992.

The procedures and obligations under the Basel Convention apply to wastes containing or resulting from chemicals listed under the Rotterdam and Stockholm Conventions.

The Basel Convention controls the transboundary movement of hazardous and other wastes by providing for a Prior Informed Consent (PIC) procedure that must be followed before any shipment of wastes is begun. Shipments that do not have proper documentation or that do not follow the Convention's procedures are to be considered illegal. The Basel Convention defines and controls practices that constitute illegal traffic in hazardous wastes. All Parties to the Convention are required to take appropriate measures to punish illegal traffic and to regulate the transboundary movement of wastes.

Parties also have the right to prohibit the import of hazardous wastes for disposal and other Parties must prohibit the export of such wastes to those countries.

Parties must ensure that they have adequate disposal facilities available for the environmentally sound management of hazardous and other wastes, to the extent possible. Hazardous and other wastes may only be exported if the State exporting the wastes does not have the necessary capacity, facilities or disposal sites to dispose of them in an environmentally sound and efficient manner, or when the wastes are required as a

raw material for recycling or recovery in the State of import. Transboundary movements of wastes must not be permitted where the exporting or importing State believes that the wastes will not be managed appropriately.

Under **Article 11** of the Basel Convention, Parties may make specific bilateral, multilateral or regional agreements on the transboundary movement of hazardous wastes. No transboundary movements are permitted to non-Parties to the Convention unless such an agreement has been made and provides for the same environmentally sound management provisions as under the Convention.

Other Multilateral Environmental Agreements on Chemicals Management

The Aarhus Protocol on Persistent Organic Pollutants (POPs), entered into force 2003

- The Aarhus Protocol, under the *Geneva Convention on Long-range Transboundary Air Pollution*, established processes for negotiating concrete measures to control specific pollutants through legally binding protocols. The Aarhus Protocol lists 16 substances, including 11 pesticides, two industrial chemicals and three by-products/contaminants. The objective of the Protocol is to eliminate discharges, emissions and losses of these POPs. The Protocol bans the production and use of some products (aldrin, chlordane, chlordecone, dieldrin, endrin, hexabromobiphenyl, mirex and toxaphene), and schedules others for eventual elimination (DDT, heptachlor, hexaclorobenzene, PCBs). The Protocol also severely restricts the use of DDT, HCH (including lindane) and PCBs, includes provisions for dealing with the wastes of products that will be banned, and sets out specific limit values for incinerating municipal, hazardous and medical waste.

The Montreal Protocol on Substances that Deplete the Ozone Layer, entered into force 1989

- The Montreal Protocol, to the *Vienna Convention for Protection of the Ozone Layer*, sets out measures to implement controls on the production and consumption of ozone-depleting substances, according to agreed phase out schedules. Parties to the Protocol committed to the graduated phase out of chlorofluorocarbon and halon emissions through controls on the production and use of these chemicals.

The International Labour Organization (ILO) Convention concerning Safety in the Use of Chemicals at Work, entered into force 1993

- The ILO Convention encourages the development of coherent national policies on safety in the use of chemicals in the workplace, and requires that competent authorities have the power, where justified on safety and health grounds, to prohibit or restrict the use of certain hazardous chemicals, or require advance notification and authorization before those chemicals are used. The Convention

provides for, amongst other things, chemical classification systems, labelling of hazardous chemicals and chemical safety data sheets.

The Agenda 21, adopted 1992

- Agenda 21 is a comprehensive plan of action for achieving sustainable development, to be implemented at global, national and local levels. Elements of this action plan are relevant to the regulation of POPs - including Chapter 19, which addresses the environmentally sound management of chemicals, and Chapter 14, which speaks to reducing the use of pesticides.

The International Code of Conduct on the Distribution and Use of Pesticides, Food and Agricultural Organization of the United Nations, revised 2002

- This Code of Conduct establishes voluntary standards of conduct for public and private entities engaged in or associated with, the distribution and use of pesticides, particularly where there is inadequate or no national legislation in place to regulate pesticides. It also provides guidance on the development of national laws, such as a registration and control system, to address pesticides.

The Codex Alimentarius Standards on Maximum Residue Limits for Pesticides, 2009

- The Food and Agricultural Organization of the United Nations and the World Health Organization have established the Codex Alimentarius Commission to adopt food standards to protect consumer health. The Commission has produced standards on maximum residue limits for pesticides in foods, along with a number of related standards.

Implementing International Obligations into National Law

Undertaking International Obligations

As with other international agreements, all Parties to the Stockholm Convention make a commitment to implementing its provisions. To become a Party to a multilateral treaty, **a State must show that it is willing to undertake the legal rights and obligations** in that treaty.

Treaties set out how Parties may express consent to be bound by their terms. Under the Stockholm Convention, Parties may express their consent to be bound through signature subject to ratification, acceptance or approval. Parties may also be bound through accession after the period for signature has closed.

At the point when a treaty enters into force, it becomes legally binding on those Parties that have already consented to be bound through ratification, acceptance or approval. States then become responsible for giving effect to the treaty domestically.

Treaties take legal effect in different ways according to the legal system of each country. In some States, a treaty may need to be submitted for prior approval by the national legislative body before having legal effect. In other States, a treaty may have legal effect at the national level when it enters into force for that country without having been approved by the national legislature.

Regardless of how international agreements take legal effect at the national level, changes to State legal frameworks will be necessary in almost all cases to fully implement the obligations of the treaty. In most cases, Parties will need to introduce or revise appropriate national laws, regulatory measures or use other administrative mechanisms to implement policies or programs needed to fulfil the objectives of the treaty.

Flexibility in Meeting Obligations

The Stockholm Convention does not set out **how** Parties should legislate to meet their international obligations under the treaty domestically. The Convention includes provisions on measures that must be taken by Parties to eliminate, reduce and control POPs. However, no guidance is provided in the text of the Convention itself on what specific legal or regulatory measures and mechanisms should be used to implement and enforce these provisions.

As a result, Parties have flexibility on how to meet their obligations under the Stockholm Convention. In order to fulfil these obligations, Parties need to create a workable legal foundation at the national level within their own domestic context.

The various Parties to the Stockholm Convention have different systems of law and legal traditions. Implementation of the Stockholm Convention must be appropriate to unique

national legal systems and political, social and cultural contexts. Some countries have adopted codified civil law systems, in which a written constitution is the primary source of law as it empowers the legislative body to enact legislation; in such a legal system the rules of law are developed primarily by statute, supplemented by regulations and court decisions. Other countries have common law systems founded on judicial precedents in court decisions and supplemented with legislation as needed.

This Guide explores some of the key elements to be considered in developing an effective national legal and institutional framework to implement the obligations set out in the Stockholm Convention. A range of legal instruments and tools are available, and may include legislation, regulations and other types of legal instruments that are legally binding and enforceable. Parties may also consider establishing institutions with responsibility to promote the implementation and enforcement of national laws.

Countries need to work within the context of their own legal frameworks and traditions, and their social, political and environmental conditions, to adapt the guidance presented here as appropriate.

Evaluating Existing Legal and Institutional Frameworks

In many of the countries that are Party to the Stockholm Convention, a legal and institutional framework may already be in place for the management of pesticides, industrial chemicals and their by-products. It may be possible to fulfil the obligations of the Convention by starting with the existing framework, amending and refining it as necessary.

The comprehensiveness and complexity of different chemicals management frameworks varies greatly. Some countries have legal and institutional frameworks that are well established and longstanding; others may have frameworks that are still under development, or a series of individual laws that are not yet fully integrated into a framework.

It is essential to review existing legal and institutional frameworks to determine whether they provide an adequate basis for implementing the Stockholm Convention. Close evaluation of these existing frameworks can identify current problems that may hinder the effectiveness of these frameworks. If the frameworks are not working properly, the evaluation may give lawmakers greater understanding in order to address the concerns identified. This evaluation should also highlight legal provisions that already exist to implement the Convention.

Legal Framework

Political Will

It is essential that Parties to the Stockholm Convention have the political will to apply laws evenly and implement the legal framework in a fair and equal manner to achieve their objectives. Countries developing legal frameworks to implement Stockholm Convention commitments should ensure that political will exists to support these legal frameworks.

The existence of political will determines whether or not the obligations of MEAs ultimately are met. For example, a number of countries that ratified the 1991 *Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes Within Africa*, and developed legal and other measures in relation to it, have not had the political will to implement these measures effectively.

Consistency with Principles of International Environmental Law

Legal frameworks for implementing the Stockholm Convention should also be consistent with broad fundamental principles of international law, including state sovereignty. The international legal principle of *jus cogens*, articulated in the 1969 *Vienna Convention on the Law of Treaties*, refers to peremptory norms of general international law that are

accepted and recognized by the international community of states. These norms cannot be set aside by treaty and are obligations by states to the international community.

A number of environmental law principles have become or are becoming accepted in international environmental law. Some are fundamental principles of environmental law that have been broadly accepted internationally and may already exist within national legislative or other measures. Others are emerging principles of environmental law that increasingly link the environment to issues of human health and human rights. A legal framework for the management of chemicals is likely to integrate and be consistent with at least some of these principles.

Fundamental principles of environmental law include:

1. Sustainable Development/Sustainability

   Sustainable Development, also known as **Sustainability**, was defined in the Brundtland Commission's 1987 report, *Our Common Future*. It is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable Development requires that overriding priority be given to the essential needs of those in poverty around the world, and recognizes that there are limitations on the environment's ability to meet present and future needs, imposed by technology and social organization.

2. Precautionary Principle

   The **Precautionary Principle** was articulated in the 1992 *Rio Declaration on Environment and Development*, and is referred to in the Objective of the Stockholm Convention. As stated there, the Principle states that where there are threats of serious or irreversible damage, lack of full scientific certainty must not be used as a reason to postpone cost-effective measures to prevent environmental degradation. The Rio Declaration provided that the precautionary approach shall be widely applied by States, as they are able, to achieve environmental protection.

3. Pollution Prevention

   The **principle of Pollution Prevention** means a shift from in emphasis to anticipating and preventing pollution before it is produced, as opposed to responding to pollution after it has occurred. Pollution Prevention encourages the use of practices, materials, processes and forms of energy that avoid or reduce the pollutants and waste created.

4. Polluter Pays Principle

   The **Polluter Pays Principle** states that those who cause harm to the environment should be liable for the costs of compensating for the damage caused by that activity, or for the costs of avoiding that harm in the first place.

Some emerging principles of environmental law include:

1. Life Cycle Approach

   This approach seeks to identify improvements to goods that will result in lower environmental impacts over the **life cycle** stages of these goods, including raw material extraction and conversion, manufacture and distribution, and waste diversion, minimisation and disposal.

2. Public Participation and Community Right-to-Know

   The *Rio Declaration on Environment and Development* emphasized the importance of **citizen participation** in environmental decision-making, and providing the public with **access to information** on hazardous materials and activities in their communities.

3. Links between Environmental Protection, Human Health, Human Rights, Poverty and At-risk Communities

   Adverse impacts on the environment have a great impact on the quality of life of those living in **poverty**, often in areas with the worst environmental conditions. Improvements in the **health** of the environment lead to better health for those who are poor.

4. Impacts on Groups at Higher Risk

   Some groups are at **higher risk** when there is harm to the environment. Indigenous communities are more vulnerable to the impacts of environmental harm because of their close relationship with the environment. Damage to the environment may also have greater negative impacts on certain sensitive sub-populations, such as children and the elderly.

It is important for Parties to evaluate their national legal frameworks on chemicals management to determine whether they reflect and incorporate these key international environmental principles, as appropriate for their national situation. They should also consider whether the provisions and requirements in their national law allow these principles to be put into action by, for example:

- minimising or preventing adverse impacts from chemicals by encouraging the use of alternative substances that are less harmful;
- providing information to the public on the toxic chemicals in their communities; and
- regulating harm from and managing toxic chemicals at all stages of their life cycle, including development, use, trade, handling, storage and disposal.

Consistency with Other International Agreements

As noted earlier in this Guide, there are a number of international agreements and instruments that address chemicals and chemicals wastes management. It is particularly important that national legal frameworks strive to coordinate implementation of the obligations under the Basel Convention and Rotterdam Convention along with those of the Stockholm Convention. National legal frameworks should be evaluated to establish whether they contain provisions aimed at implementing all three Conventions, as well as the requirements of other relevant international instruments noted above.

Clarity of Existing National Legal Frameworks

Existing legislative and other measures, which form part of the national legal framework of a State, need to be assessed to ensure that they are unambiguous, understandable and precise. To the extent possible, they should follow modern principles of legislative drafting that promote clarity, simplicity and the use of plain language.

National legal frameworks should be clear and specific in setting out the following elements, as applicable:

- clear objectives;
- precise definitions;
- standards that must be met;
- requirements under the law;
- who will take action to implement or support implementation of the law;
- the regulated activities, substances or products to which the law applies;
- parties responsible for meeting requirements under the law;
- what constitutes a violation of the law;
- penalties for violating the law;
- who will take action to enforce the law;
- what methods will be used to enforce the law;
- any rights of appeal; and
- any rights to seek compensation for harm.

Capacity for Implementation and Enforcement of National Legal Frameworks

Some countries may lack the capacity and financial resources required to implement and enforce a legal framework on chemicals management. For instance, even where national legislation has been drafted, there may not be adequate staff with sufficient expertise to monitor those legislative measures and ensure compliance with them.

Countries may need financial support to hire qualified staff to take responsibility for implementation and enforcement and to provide them with the training necessary to make the legal framework effective. Support may also be necessary to increase awareness about the existence of legislative and other measures on chemicals management and to educate the public and the private sector on the importance of following these measures.

A country’s capacity to implement and enforce its legal framework is also dependent on the effectiveness of its institutional framework.

Institutional Framework

A country's institutional framework for chemicals management may pre-exist the introduction of a national legal framework or the former may be created by the latter. Either way, an effective institutional framework is essential to the effective implementation of the legal framework.

The institutional framework is another key factor that will influence the implementation of a national legal framework implementing the Stockholm Convention. In most countries, the institutions responsible for chemicals management will develop and implement programs, undertake capacity building at the national level (e.g. training relevant officers on how to put into practice the provisions of national implementing measures) and undertake activities to enforce national law. They may also represent the Party in international activities related to the Convention, such as the Conferences of the Parties and chemical review processes.

A number of common elements are required to ensure that institutional frameworks are able to in implement legislative and other measures effectively.

Legal Authority

Some form of government institution or group of institutions will typically have responsibility for implementing, monitoring and enforcing national legal frameworks on chemicals. It is helpful if an administrative body is identified as having primary responsibility for implementing a chemicals management program. In order to do so, the institution must have appropriate legal authority to carry out their duties.

The requisite authorities and discretion needed for administrative institutions to function and perform their roles are usually found in **legislation**. This may include the authority to:

- Establish and implement programs and policies;
- Provide information to stakeholders and the public;
- Inspect, monitor, collect information and analyze the effectiveness of programs;
- Coordinate as may be required with other relevant national entities whose responsibilities or activities impact on the national laws on chemicals;
- Be engaged in developing regulations; and
- Support compliance and enforce laws as needed.

Parties should evaluate their institutional frameworks to ensure that they have the proper legal authorities to allow them to successfully implement national legal frameworks.

Coordination with other Programs

While the primary objective of legal frameworks on chemicals management is to protect the environment and human health, they also have an impact on other areas regulated by government, including industry, trade, agriculture and food, finances and budget, etc.. This may lead to some overlap in the responsibilities of different institutions, such as government departments of the environment, health, industry, agriculture, finances, etc.. Institutional frameworks should be evaluated for conflicts or gaps, and to make sure that procedures are established to coordinate these institutions, as mentioned in the section above.

Public Participation

Where appropriate, institutions may make available opportunities for public participation and access to information. Institutional practices should be assessed in light of the need to provide information about chemicals management and involve the public in decision-making.

Funding and Resources

It may be impossible for institutions to implement chemicals management laws effectively in the absence of sufficient funding and resources. Many countries are challenged in finding the financial resources and capacity needed to accomplish this. Parties should evaluate whether their institutions have adequate resources to carry out their duties. Those that do not will require support to ensure that the implementation of their legal frameworks is effective.

Designing Means to Implement International Obligations

Where a national legal framework for chemicals management does not already exist, a Party will need to design new legal measures or amend related and existing ones in order to implement its Stockholm Convention obligations.

In addition to addressing the aspects of legal frameworks noted in the previous section, such as principles of international environmental law, Parties developing new legal measures will want to choose the most appropriate means of implementation – legislation, regulation or another type of instrument. They will also wish to consider best practices in legislative drafting, as well as the elements of legislation, to produce clear, understandable and comprehensive texts.

Instruments of Implementation

The Stockholm Convention requires Parties to take "legal and administrative measures" needed to eliminate the production and use, and import and export, of chemicals listed in Annex A (**Article 3**). Other articles of the Convention require the Parties to take "measures to ensure" that obligations are met, without specifying that they be legal in nature.

This suggests that while certain obligations must be met through legally binding measures, i.e. legislation, regulations or other instruments, others need not be. Therefore, Parties are given considerable discretion to decide on the most appropriate measure for their national situation. Generally, though, legally binding measures will be the most effective means to ensure that obligations under the Stockholm Convention are met.

Parties may choose to implement their obligations under the Convention through legislation, regulations or another form of legally binding instrument, based on what is most suitable in the context of a country's approaches and traditions. In general:

1. **Legislation** will set out a framework, which includes fundamental objectives, requirements, standards, enforcement provisions and institutional structures.
2. **Regulations**, which are made by a body or authority delegated under the authority of the legislation, typically include further details on the specific procedures and programs to be used in administering and meeting the requirements of the legislation. According to their own past practices, different countries will determine the amount of detail to include in their legislation relative to their regulations, as appropriate.

It is essential that legislation provide the legal authority necessary to support procedures and programs in regulations made under them, and that regulations be consistent with legislation.

Principles for Drafting Legislation and Regulations

In developing legislation, as well as regulations, countries are encouraged to follow generally accepted principles of drafting. For example, these legislative and regulatory measures should be:

- clear, unambiguous and understandable;
- concise and stated simply in plain language, with no unnecessary elements;
- precise, so that there is no uncertainty in the mind of the reader.

Words should be clearly defined where necessary and should always be used consistently – use of a synonym for variation could suggest that the synonym has a different meaning in law.

To the greatest extent possible, ordinary words should be used. Technical words should only be used if necessary for precision or if familiar to the intended audience.

Legislative and regulatory provisions will be clearer and easier to understand where short sentences are used as much as possible. Where longer sentences must be used, they should be divided into paragraphs where appropriate to highlight parallel provisions.

Provisions should be arranged together in logical groupings, such as chronologically or by topic. They should also be arranged in an order that is meaningful within the context of the legislation or regulation.

Elements of Legislation

Different chemicals management legislation will generally share several common elements: establishment of an organizational structure; development of a scientific base of knowledge; creation of measures to protect human health and the environment from chemical hazards; and a system to ensure compliance.

A proposed structure for the potential components of chemicals management legislation is laid out below.

Statement of Legislative Purpose/Objectives

- states why the legislation has been developed and what the legislation intends to achieve

Definitions

- provides definitions for key terms used in the legislation

- a legislation implementing the Stockholm Convention might define terms such as "persistent organic pollutant", "best available techniques" and "best environmental practices"

Scope

- sets out to who and to what the legislation applies, such as chemical substances, industry sectors and activities

Identification of Institutions

- names government departments and other institutions or stakeholders that will implement and administer the legislation
- may identify an existing government ministry or agency with relevant responsibilities, or establish a new institution to take on these responsibilities
- provides institution with both the legal authority and legal mandate to implement the legislation by taking specified actions

Identification of Mechanisms

- specifies mechanisms that will be need to be established to implement the legislation, such as advisory bodies, databases, administrative procedures, etc.
- may provide for coordination mechanisms between new and/or existing institutions to ensure appropriate communication and coordination

Coordination with Other Organizations

- sets out how responsibilities for chemicals management may be shared and coordinated between different authorities at different sectoral, local, regional, national and international levels
- may designate a lead agency to help coordinate the efforts of different agencies involved

Data Collection

- provides for identification of new and existing chemicals, and the gathering of needed data from chemical producers and others

Analysis of Information

- provides for the assessment of chemical hazards, risks and benefits
- allows for classification with similar chemicals for ease of management
- provides for process to prioritize chemicals of greatest concern for regulation and further research
- provides for verification of information provided from different sources, if appropriate and necessary

Dissemination of Knowledge

- allows for communication of risks from hazardous chemicals through labelling, printed information and education
- provides public access to information about hazardous chemicals and associated risks
- facilitates the exchange of information between agencies, governments and sectors of industry

Establishment of General and Specific Obligations

- places general obligations on those who handle chemicals to use all reasonable and necessary measures to prevent or reduce harm to human health and the environment, and to use safer alternatives if possible
- introduces specific obligations relating to chemicals that may address quality, packaging, labelling, safety data, occupational health and safety, accident prevention and response, transport, storage, distribution, use and disposal

Establishment of Restrictions

- sets out restrictions on chemicals, such as requirements for licensing, certification, registration or authorization, listing of chemicals approved for use, and specific limitations on the use, quantity or concentration of chemicals
- places prohibitions on certain chemicals with respect to all, or virtually all, of their uses
- sets out restrictions or prohibitions on imports, exports or transit of certain chemicals

Use of Economic Instruments

- provides for use of economic instruments and incentives, including loans, grants or tax relief, to promote desired actions in chemicals management, such as the substitution of alternative, less harmful chemicals

Monitoring Compliance

- establishes procedures for monitoring compliance with chemical management framework, including routine and unannounced inspections
- provides other methods for monitoring, such as requirements for record keeping, reporting and requests for information

Enforcement

- authorizes officials to issue warnings and orders for non-compliance and provides for investigation powers as necessary

- sets out what constitutes a violation of the law, penalties for violating the law, who will take action to enforce the law, what methods will be used to enforce the law, any rights of appeal, and any rights to seek compensation for harm

Support for Compliance

- includes measures to be taken to support and promote compliance with chemicals management legislation, including training, education and direct support to those in the field
- provides for public access to chemicals information and public participation in developing legislation as well as regulations.

Process for Developing Legislation and Regulations

Parties will have their own established procedures for the drafting of legislation and regulations. Given that the purpose of chemicals management laws is to protect the health of humans and their environment, it important to ensure that the public has opportunities for meaningful participation at the relevant points during this process.

A number of activities are likely to be undertaken in developing legislation and regulations, including the following:

- Work with any institutions responsible for chemicals management;
- Involve stakeholders with technical and legal expertise, including if appropriate civil society;
- Provide accessible, understandable information about the law development process to the public, and provide opportunities for public participation and input; and
- Establish a publicly available information site that gathers data, assessments and public comments.

Tools for Enforcement

When drafting legislation, it is important to include provisions for and tools to allow officials to assist with and monitor compliance, and to respond appropriately to violations of the law.

Authorities may support and encourage compliance by providing information and training to build capacity in environmental management and monitoring.

Compliance with chemicals management law may be monitored by:

- prioritizing monitoring based on the highest risk of harm
- requiring record-keeping and reporting
- inspecting and auditing performance
- training inspectors to recognize violations

- responding to complaints;
- requiring that licenses be renewed periodically; and
- encouraging public transparency and involvement, including a mechanism for the public to report on non-compliance.

Enforcement powers should include the ability to issue warnings and orders where there are concerns about non-compliance, and the ability to revoke licences and issue fines and penalties, including imprisonment for criminal activity.

Legal Frameworks for Chemicals Management

Countries have adopted a range of different legal frameworks for chemicals management. Provisions governing the elimination, reduction and control of POPs may be appropriate in legislation covering a wide range of topics, from pollution prevention to agriculture to public health.

When implementing obligations under the Stockholm Convention through national law, it is useful to consider the different potential types of measures - legislative and other measures - that may be most effective in the context of a specific country. This is true whether a new legal framework is being created, or an existing one revised.

Some Parties choose to enact one overarching legislation or code covering all environmental concerns, and then subdivided according to discrete areas of management. Other Parties develop separate pieces of legislation addressing these different sectors. In federal States, different levels of government may share legislative responsibility for the kinds of laws needed to effectively fulfil the obligations of the Convention.

The choice of which type of legislation is most appropriate should also contemplate the need to implement obligations arising from other international agreements. For example, designing legislation on hazardous wastes would provide opportunities to implement provisions of the Basel Convention, while pesticides legislation would allow for implementation of Rotterdam Convention obligations.

The following explores a range of components of potential national legal frameworks for chemicals management.

Pollution Prevention and Control Legislation

Legislation aimed at pollution prevention and the control of toxic chemicals is one of the most common forms of a chemicals management regime. This type of law generally seeks to regulate toxic substances, including POPs, using a combination of risk assessment and measures to prevent, control, reduce and eliminate their release into the air, water and soil. The toxic substances targeted may include chemical substances, industrial emissions, and effluents and waste.

Pollution prevention and control measures often include processes for assessing adverse impacts and risks to human health and the environment. Those who manufacture, transport and import chemicals may be required to provide information about those substances. Some laws make government responsible for risk assessment while others place that responsibility on industry.

These kinds of measures will also set out requirements for risk management of substances with adverse impacts on human and environmental health. Laws may provide for the registration, restrictions, prohibition and inspection of chemicals, and will often cover the management and control of a broad range activities, including the production,

handling, transport, import, export, storage and disposal of chemicals within the national territory.

Where measures require that activities be undertaken to prevent, control, reduce and eliminate the use, production or release of chemicals, they may set out specific time frames for developing and implementing these measures.

Another important element of pollution prevention and control legislation is the provision of accessible information to the public to increase community knowledge about the risks of toxic chemicals and the measures being taken to manage, reduce and eliminate these risks.

Hazardous Waste Legislation

Wastes containing POPs are regarded as hazardous wastes and many countries have specific legislation directed at the management of hazardous wastes. These legislative measures set out requirements for the generators, carriers (exporters, storage, importers) and receivers of hazardous wastes to control the handling, storage, transportation, treatment, disposal and export and import of hazardous wastes. The purpose of hazardous waste legislation is to protect human health and the environment from the risk of adverse impacts due to improper management of wastes.

Environmental Impact Assessment Legislation

Environmental impact assessment legislation sets out procedures to be followed in assessing new projects, so that the environmental implications of decisions are considered before those decisions are made. In most cases, environmental impact assessment will include:

- identification and comparison of a range of practical alternatives for carrying out the project;
- evaluation of all potential environmental impacts due to the project; and
- public consultation throughout the planning process.

Environmental impact assessment allows for thorough consideration of proposed projects, and may help to determine whether they threaten to be sources of unintentional POPs.

Legislation Regulating Industrial Activities

Some countries have enacted measures that are specifically aimed at regulating industrial activities in relation to the emission of pollutants and disposal of wastes, including POPs. This type of legislation normally sets out the obligations and requirements that industries must meet if they are involved in activities with the potential to cause pollution. It may also establish approval processes to authorize activities and set out minimum standards and requirements to be included in approvals and permits to avoid adverse impacts on

human health and the environment. It may also include certain guarantees in the event of damage to the environment related to such emissions or accidents.

Pesticides Legislation

Pesticides legislation aims to control the export, transit, import, sale, use, storage, management and disposal of pesticides in a country. It would apply to pesticides that are considered to be POPs. Pesticides legislation may include a process for assessing any risks to human health and the environment that are presented by specific pesticides. Before a pesticide is approved, the manufacturer may need to submit scientific information to show that it is safe to use and effective.

Legislation on Exports and Imports or Other Movements

Legislation may address POPs by regulating the import, transit and/or export of chemicals. Export and import laws are directed at preventing and controlling the movement of prohibited and restricted substances in chemical products and hazardous wastes. Those who import, manufacture and distribute chemicals are required to be aware of requirements for classification, sale, labelling, packaging and storage of chemical substances. Importers may be required to possess verifying that chemical substances do not contravene the law. As mentioned above, there may also be notifications to be made and these measures may oblige certain stakeholders responsible for the chemicals and wastes to take specific action in this respect. Existing measures implementing other MEAs could form the basis of such measures for the implementation of the Stockholm Convention.

Air Quality Legislation

Air quality legislative measures are intended to allow for the assessment and management of air quality. They may prohibit the release of emissions of substances such as POPs, or may allow emissions only under an approval or permit, or according to regulated standards. In addition, air quality legislation may provide for the monitoring of emissions in order to assess the effectiveness of measures to reduce and control POPs.

Water Quality Legislation

Water quality legislation aims to control the discharge of pollutants into water. Water quality legislative measures may prohibit the discharge of contaminants such as POPs, or allow discharges only according to regulations or approvals.

Contaminated Sites Legislation

Legislation governing the remediation of land and water on contaminated sites also addresses POPs. These legislative measures set out responsibilities and requirements for the clean up of sites contaminated by toxic chemicals, whether due to recent spills and leaks, or chemical releases that took place years or decades before as a result of industrial

activity. Contamination typically involves concentrations of chemicals, including POPs, in the soil, water and air that do not meet acceptable standards for the desired land use for that site.

Legislation Regulating Agricultural Activities

A range of legislation governing agricultural chemicals, plants, food and feed may be used in regulating POPs. Agriculture-related legislation may restrict or prohibit the use of certain pesticides, and mandate or encourage the use of alternate forms of pest control such as Integrated Pest Management. Laws may also set maximum limits for chemical substances in food and feed, or establish labelling requirements, with a view to their eventual phase-out.

Public Health Legislation

Public health legislation promotes and protects human health, addresses disease and encourages public participation in health care. Public health legislative measures may be enacted or revised to include provisions to prevent and control negative impacts on human health from pollutants such as POPs.

Community Right to Know Legislation

Community Right to Know legislative measures provide the public with access to information about the chemicals and hazardous substances, including POPs, which are produced, used and disposed of in their communities.

Implementing the Obligations of the Stockholm Convention

This section looks in greater detail at the obligations in the Stockholm Convention, and provides some specific guidance on incorporating them into national law. It focuses on the particular articles of the Convention that need to be implemented at the national level, or by a regional economic integration organization operating with the authority to ratify and implement the Convention, according to the definition in **Article 2**.

This guidance may be of assistance to countries that are Parties to the Stockholm Convention on establishing and revising their legal frameworks governing environmentally sound management of chemicals in general and POPs in particular. It may also be useful for countries that are contemplating becoming Parties to the Stockholm Convention.

In this section, selected text from the Convention that details obligations of the Parties is interspersed with guidance on implementing these provisions.

Objective (Article 1)

The primary objective of protecting human health and the environment from POPs should guide the provisions in national legal frameworks implementing the Stockholm Convention. These national legal frameworks should reflect the precautionary approach by putting in place effective measures to address the serious potential for adverse impacts from POPs, even where there is a lack of full scientific certainty.

Measures to Reduce or Eliminate Releases from Intentional Production and Use (Article 3)

Under paragraph 1 of **Article 3**, Parties must prohibit and eliminate the production and use, and the import and export of chemicals listed in Annex A, subject to certain exceptions. 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.

Parties must also restrict the production and use of the chemicals listed in Annex B (DDT; PFOS and its salts; PFOSF). Annex B provides for elimination of the production and use of DDT, except for Parties included in a DDT Register that restrict production 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.

Paragraph 2 of **Article 3** 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.

An exception to the abovementioned provisions of Paragraphs 1 and 2 is allowed for quantities of chemicals used for laboratory-scale research or as a reference standard.

In order to implement the obligations found in paragraphs 1, 2 and 5 of **Article 3** of the Convention, countries are encouraged to:

- review any existing national laws on chemicals management to determine whether they contain provisions to prohibit, eliminate or restrict the production and use, and the import and export of chemicals, and in particular POPs;

- if such provisions already exist, revise and expand them as needed to address and implement the obligations in these paragraphs;

- if such provisions do not already exist, determine whether an appropriate form of chemicals legislation and regulations already exist or what type of chemicals measures would be appropriate to introduce and implement the obligations within these paragraphs;

- ensure that all of the requirements set out in these paragraphs and related annexes are integrated into the national legal framework; and

- ensure that national implementing legal measures include the elements required to adequately administer, monitor and enforce these provisions, such as well-resourced institutions with a strong mandate and an effective enforcement regime to achieve compliance with prohibitions and restrictions.

Paragraph 3 of **Article 3** requires Parties that have regulatory and assessment schemes for new pesticides or new industrial chemicals to take regulatory measures to prevent the production and use of new pesticides or industrial chemicals that exhibit the characteristics of POPs.

Paragraph 4 states that 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.

In order to implement the obligations in paragraphs 3 and 4 of **Article 3** of the Convention, countries are encouraged to:

- review any existing laws on chemicals management to determine whether they include regulatory and assessment schemes for new and existing chemicals;

- where regulatory and assessment schemes exist, revise and expand them as needed to meet the obligations set out in these paragraphs to:

  - introduce regulatory measures to prevent the production and use of new pesticides and industrial chemicals with POPs properties, and

  - establish criteria for screening pesticides and industrial chemicals currently in use; and

- ensure that national implementing legal measures include the elements required to adequately administer, monitor and enforce these provisions, such as well-resourced institutions with a strong mandate and an effective enforcement regime to achieve compliance with regulatory measures to prevent the production and use new pesticides and industrial chemicals.

Parties may have a specific exemption to prohibitions or restrictions under Annex A or B, or may operate for an acceptable purpose under Annex B. Paragraph 6 of **Article 3** states that these Parties are required to take appropriate measures to make sure that any production or use occurring under an exemption or acceptable purpose prevents or minimizes exposure for humans and release to the environment.

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.

In order to implement the obligations in paragraph 6 of **Article 3** of the Convention, Parties with a specific exemption under Annex A or B or an acceptable purpose under Annex B should:

- review any existing laws on chemicals management to determine whether they contain provisions to ensure that:

  - any production or use under such an exemption or purpose is carried out in a manner that prevents or minimizes human exposure and release into the environment; and

  - any intentional release into the environment under conditions of normal use, under such an exemption or purpose, occurs to the minimum extent necessary and takes into account any applicable standards and guidelines;

- if such provisions already exist, revise and expand them as needed to meet the obligations in this paragraph;

- if such provisions do not already exist, determine whether an appropriate form of chemicals legislation or regulations already exists or what type of chemicals measures would be appropriate to introduce and implement the obligations in this paragraph;

- ensure that all of the requirements set out in this paragraph and related annexes are integrated into the national legal framework; and

- ensure that national implementing legal measures include the elements required to adequately administer, monitor and enforce these provisions, such as well-resourced institutions and an effective enforcement regime to achieve compliance with measures to ensure that production or use under an exemption or acceptable purpose prevents or minimizes human exposure and release into the environment.

Measures to Reduce or Eliminate Releases from Unintentional Production (Article 5)

Article 5 of the Stockholm Convention requires Parties to take certain minimum measures to reduce the total unintentional releases of listed POPs caused by human beings. Parties must:

- develop an action plan (or a regional or subregional action plan if appropriate) designed to identify, characterize and address the release of chemicals listed in Annex C and including 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), and then implement the action plan as part of the National Implementation Plan required by **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, according to the implementation schedule of their action plan, require the use of best available techniques of preventing and reducing chemical releases for new sources within identified source categories that the Party has identified in its 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 that Party;

- promote the use of best environmental practices for identified source categories that the Party has identified in its action plan; and

- promote, according to its action plan, the use of best available techniques and best environmental practices for other existing and new sources of chemicals.

In order to implement the obligations in **Article 5** of the Convention, countries are encouraged to:

- review any existing laws on chemicals management to determine whether they contain provisions to reduce the total unintentional releases of listed POPs caused by human beings, and in particular to require:

  - the use of substitute or modified materials, products and processes to prevent the formation and release of chemicals; or

  - use of best available techniques of preventing and reducing chemical releases for new sources;

- if such provisions already exist, revise and expand them as needed to meet the obligations in this Article;

- if such provisions do not already exist, determine whether an appropriate form of chemicals legislation or regulations already exists or what type of chemicals measures would be appropriate to introduce to meet the obligations in this Article;

- ensure that all of the requirements set out in this Article and related annexes are integrated into the national legal framework; and

- ensure that national implementing legal measures include the elements required to adequately administer, monitor and enforce these provisions, such as well-resourced institutions and an effective enforcement regime to achieve compliance with provisions to reduce the total unintentional releases of listed POPs.

Measures to Reduce or Eliminate Releases from Stockpiles and Wastes (**Article 6**)

Article 6 of the Stockholm Convention 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.

Parties are required under this Article to 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.

Parties must manage stockpiles in a safe, efficient and environmentally sound manner and, when they are on longer allowed to be used, manage them appropriately as wastes. This Article 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.

Wastes need to be disposed of in a way that ensures the persistent 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.

Parties should also try to develop appropriate strategies to identify sites contaminated by POPs, and any remediation of those sites must be undertaken in an environmentally sound manner.

In order to implement the obligations in **Article 6** of the Convention, countries are encouraged to:

- review any existing laws on chemicals management to determine whether they contain provisions to:
    - develop strategies to identify, and then identify, stockpiles, products and waste,
    - manage stockpiles in a safe, efficient and environmentally sound manner and, when they are on longer allowed to be used, manage them appropriately as wastes,
    - properly, handle, collect, transport, store and dispose of wastes in an environmentally sound manner, and
    - govern the identification and environmentally sound remediation of sites contaminated by POPs;
- if such provisions already exist, revise and expand them as needed to meet the obligations in this Article;
- if such provisions do not already exist, determine whether an appropriate form of chemicals legislation or regulations already exists or what type of chemicals measures would be appropriate to introduce to meet the obligations in this Article;

- ensure that all of the requirements set out in this Article and related annexes are integrated into the national legal framework; and

- ensure that national implementing legal measures include the elements required to adequately administer, monitor and enforce these provisions, such as well-resourced institutions and an effective enforcement regime to achieve compliance with measures to ensure that stockpiles of POPs and waste containing POPs are properly managed.

Information Exchange (**Article 9**)

Article 9 requires Parties to facilitate and participate in the exchange of information concerning the reduction or elimination of POPs, as well as information about alternatives to POPs. Parties must designate a national focal point for information exchange.

In order to implement the obligations in **Article 9** of the Convention, countries are encouraged to:

- review any existing laws on chemicals management to determine whether they contain provisions to facilitate and require an open exchange of information about POPs and their alternatives, and whether these legal measures identify an institution that may be designated responsible for this information exchange;

- if such provisions already exist, revise and expand them as needed to meet the obligations in this Article;

- if such provisions do not already exist, determine whether an appropriate form of chemicals legislation or regulations already exists or what type of chemicals measures would be appropriate to introduce and implement the obligations in this Article;

- ensure that all of the requirements set out in this Article are integrated into the national legal framework; and

- ensure that national implementing legal measures include the elements required to adequately administer, monitor and enforce these provisions, such as a well-resourced institution for information exchange and an effective enforcement regime to ensure an open exchange of information.

In addition, it is noted that the Conference of the Parties has also invited Parties to nominate Official Contact Points (OCPs) to perform administrative functions and undertake all formal communications under the Convention.[1]

[1] Decision SC-2/16 of the second meeting of the Conference of the Parties (COP)

Public Information, Awareness and Education (**Article 10**)

Article 10 requires Parties, within their capabilities, to promote and facilitate public information, awareness and education. Also within their capabilities, Parties must ensure 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; and

- 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.

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.

In order to implement the obligations in **Article 10** of the Convention, countries are encouraged to:

- review any existing laws on chemicals management to determine whether they contain provisions to promote and facilitate public information, awareness and education, and in particular to provide the public with access to up-to-date information;

- if such provisions already exist, revise and expand them as needed to meet the obligations in this Article;

- if such provisions do not already exist, determine whether an appropriate form of chemicals legislation or regulations already exists or what type of chemicals measures would be appropriate to introduce to meet the obligations in this Article;

- ensure that all of the requirements set out in this Article and related annexes are integrated into the national legal framework; and

- ensure that national implementing legal measures include the elements required to adequately administer, monitor and enforce these provisions, such as well-resourced institutions to provide information and an effective enforcement regime to achieve compliance with measures to provide the public with access to up-to-date information.

Research, Development and Monitoring (**Article 11**)

Article 11 requires the Parties, within their capabilities, to encourage and undertake appropriate research, development, monitoring and cooperation on a range of aspects relating to POPs, their alternatives and candidate POPs. Parties should engage in a number of activities set out in the Article, and make the results of their research, development and monitoring activities accessible to the public on a timely and regular basis.

In order to implement the obligations in **Article 11** of the Convention, countries are encouraged to:

- review any existing laws on chemicals management to determine whether they contain provisions to require research, development, monitoring and cooperation on POPs;

- if such provisions already exist, revise and expand them as needed to meet the obligations in this Article;

- if such provisions do not already exist, determine whether an appropriate form of chemicals legislation or regulations already exists or what type of chemicals measures would be appropriate to introduce to meet the obligations in this Article;

- ensure that all of the requirements set out in this Article are integrated into the national legal framework; and

- ensure that national implementing legal measures include the elements required to adequately administer, monitor and enforce these provisions, such as well-resourced institutions and an effective enforcement regime to achieve compliance provisions requiring research, development, monitoring and cooperation on POPs.

Reporting (**Article 15**)

Article 15 requires that Parties report to the Conference of the Parties (COP) on measures taken to implement the provisions of this Convention and on the effectiveness of these measures in meeting its objectives.

In order to implement the obligations in **Article 15** of the Convention, countries are encouraged to:

- review any existing laws on chemicals management to determine whether they contain provisions to enable and support accurate reporting on measures taken to implement the provisions of this Convention and on the effectiveness of these measures, e.g. provision for collection of information required to be included in the national report;

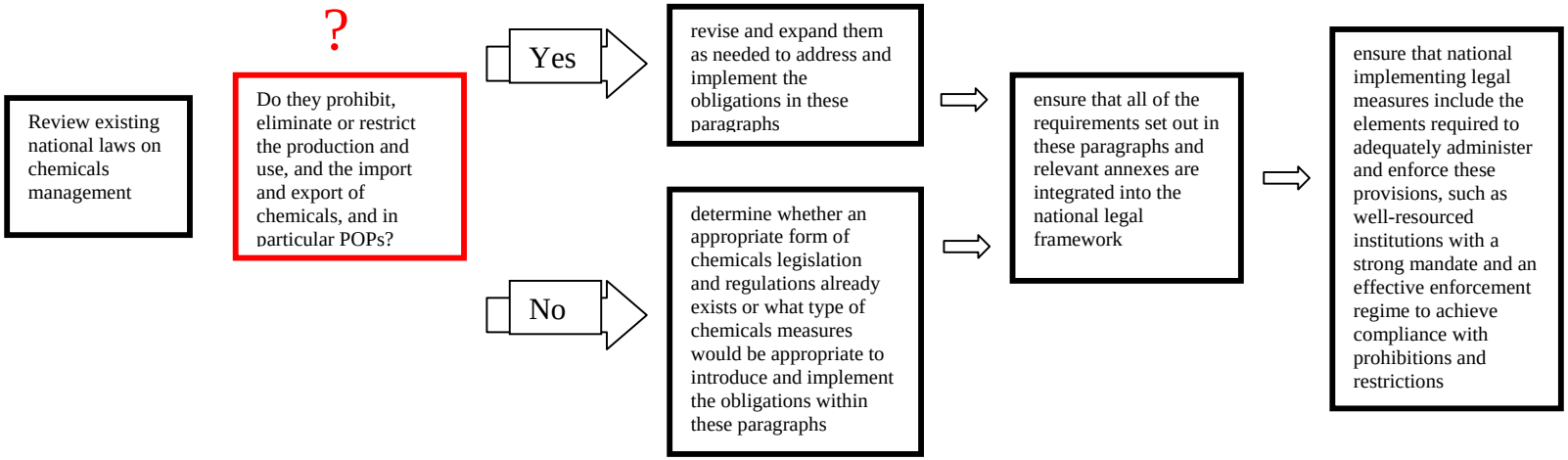
- if such provisions already exist, revise and expand them as needed to meet the obligations in this Article;

- if such provisions do not already exist, determine whether an appropriate form of chemicals legislation or regulations already exists or what type of chemicals measures would be appropriate to introduce to meet the obligations in this Article;

- ensure that all of the requirements set out in this Article and related annexes are integrated into the national legal framework; and

- ensure that national implementing legal measures include the elements required to adequately administer, monitor and enforce these provisions, such as well-resourced institutions and an effective enforcement regime to collect and verify the requisite information to enable accurate reporting to be done on measures taken to implement the provisions of this Convention and on the effectiveness of these measures.

(Text): In order to implement the obligations found in these provisions of Article 3 (or 5 etc…) of the Convention, countries should:



Resources for Capacity Building in Implementing the Stockholm Convention

The following institutions and resources are available to assist in building capacity to implement the obligations of the Stockholm Convention.

Stockholm Convention Secretariat

The Secretariat provides support in relation to the Convention to the Parties and the COP, including facilitation of assistance to Parties on the implementation of the Convention upon request.

The website of the Stockholm Convention contains frequently asked questions, documentation and guidelines, meeting documents and information as well as many other resources for Parties and other stakeholders (www.pops.int).

Regional and Subregional Centres

The COP has endorsed eight institutions to serve as Stockholm Convention regional and subregional centres for capacity building and the transfer of technology for four years from 2009[2]. These centres are located in: Beijing, China; Kuwait City, Kuwait; Brno, Czech Republic; Sao Paulo, Brazil; Mexico City, Mexico; Panama City, Panama; Montevideo, Uruguay; and Barcelona, Spain. A number of other centres have been nominated as future Stockholm Conventions centres in: Algiers, Algeria; Dakar, Senegal; Pretoria, South Africa; Nairobi, Kenya; Teheran, Islamic Republic of Iran; Nagpur, India; and Moscow, Russian Federation.

United Nations Environment Programme (UNEP)

The UNEP Chemicals Branch promotes the early reduction and elimination of releases of POPs into the environment through information exchange and capacity building programmes.

United Nations Institute for Training and Research (UNITAR)

The UNITAR Chemicals and Waste Management Programme supports governments in strengthening their institutional, technical, and legal infrastructure and capacity for sound chemicals management. UNITAR has assisted approximately 30 countries in developing National Profiles as a first step in the development of their National Implementation Plan under the Stockholm Convention.

United Nations Development Programme (UNDP)

The UNDP assists countries in gaining knowledge, experience and resources required to address POPs management and elimination issues. UNDP assists countries in meeting

[2] Decision SC-4/23 of the fourth meeting of the Conference of the Parties

their commitments under the Stockholm Convention, including building necessary capacity to implement POPs risk reduction measures.

Checklist for Parties Implementing Stockholm Convention Obligations

The following checklist summarizes questions highlighted for consideration in this Guide:

Evaluating Existing Legal and Institutional Frameworks

- Does the political will exist to apply laws evenly and implement the national legal framework in a fair and equal manner?

- Is the existing national legal framework on chemicals management consistent with the internationally accepted principles of environmental law? For example, do existing legal measures:
  - minimise or prevent adverse impacts from chemicals by encouraging the use of substances that are less harmful;
  - provide information to the public on the toxic chemicals in their communities; and
  - regulate harm from toxic chemicals at all stages of their life cycle, including development, use, trade, handling, storage and disposal?

- Are existing legislative, regulatory and other measures unambiguous, understandable and precise, and are they drafted to promote clarity, simplicity and the use of plain language?

- Does the country have the capacity and financial resources required to implement and enforce its legal framework on chemicals management? If not, how can it obtain the requisite capacity and financial resources? If yes, what can the country do with the available capacity and financial resources to implement and enforce its legal framework on chemicals management?

- Do institutions responsible for implementing, monitoring and enforcing national legal measures on chemicals management have the appropriate legal authority, sufficient mandate and resources to carry out their duties?

- Are there conflicts or gaps between the responsibilities of different institutions charged with implementing legal measures on chemicals management to protect the environment and human health? Have procedures been established to coordinate these institutions? Is there a need to have coordination with other bodies e.g. related to implementation of other MEAs?

- Do relevant institutions provide information about chemicals management and involve the public in decision-making?

Designing National Law to Implement International Obligations

- Is it most appropriate to implement obligations under the Convention through legislation, regulations or another form of legally binding instrument, based on a country's national situation, approaches and traditions?

- What legal authorities must be included in and empowered by the legislation so as to support procedures and programs to be established in regulations?

- Does the proposed legal text follow the generally accepted principles of drafting legislation/regulations? Is the language clear, concise, simple and precise?

- Does the proposed legal measure include the common elements of chemicals management legislation or regulations?

- Does the public have opportunities for meaningful participation in developing legislation and regulations, as appropriate?

Legal Frameworks for Chemicals Management

- Have the different potential types of legal measures to govern chemicals management been considered to determine what may be work most effectively?

- What form of legislation would be most appropriate for also implementing obligations arising from other international agreements?

Implementing the Obligations of the Stockholm Convention

Article 1

- Does the national legal framework implementing the Stockholm Convention have the protection of human health and the environment from POPs as a primary objective?

- Does the national legal framework reflect the precautionary approach by putting in place effective measures to address the serious potential for adverse impacts from POPs, even where there is a lack of full scientific certainty?

Article 3

- Do any existing legal measures on chemicals management contain provisions to prohibit, eliminate or restrict the production and use, and the import and export of chemicals, and in particular POPs?

- If such provisions already exist, are they sufficient and, if not, how can they be revised and expanded to meet the obligations in Article 3?

- If such provisions do not already exist, does an appropriate form of chemicals legislation/regulation already exist or what type of chemicals measures would be appropriate to introduce to meet the obligations in Article 3?

- Do national legal measures include the elements required to adequately administer, monitor and enforce these provisions, such as well-resourced institutions and an effective enforcement regime to achieve compliance with prohibitions and restrictions?

- Do any existing national legal measures on chemicals management include regulatory and assessment schemes for new and existing chemicals?

- Where regulatory and assessment schemes exist, how can they be revised and expanded to meet the obligations set out in Article 3 to:
  - introduce regulatory measures to prevent the production and use of new pesticides and industrial chemicals with POPs properties, and
  - establish criteria for screening pesticides and industrial chemicals currently in use?

- Do national implementing legal measures include the elements required to adequately administer, monitor and enforce these provisions, such as well-resourced institutions and an effective enforcement regime to achieve compliance with regulatory measures to prevent the production and use new pesticides and industrial chemicals?

- Do any existing legal measures on chemicals management contain provisions to ensure that:
  - any production or use under such an exemption or purpose is carried out in a manner that prevents or minimizes human exposure and release into the environment, and
  - any intentional release into the environment under conditions of normal use, under such an exemption or purpose, occurs to the minimum extent necessary and takes into account any applicable standards and guidelines?

- If such provisions already exist, how can they be revised and expanded to meet the obligations in Article 3?

- If such provisions do not already exist, does an appropriate form of chemicals legislation already exist or what type of chemicals measures would be appropriate to introduce to meet these obligations in Article 3?

- Do national implementing legal measures include the elements required to adequately administer, monitor and enforce these provisions, such as well-resourced institutions and an effective enforcement regime to achieve compliance with measures to ensure that production or use under an exemption or acceptable purpose prevents or minimizes human exposure and release into the environment?

- Have all of the requirements set out in Article 3 and related annexes been integrated into the national legal framework?

Article 5

- Do any existing legal measures on chemicals management contain provisions to reduce the total unintentional releases of listed POPs caused by human beings, and in particular to require:
  - the use of substitute or modified materials, products and processes to prevent the formation and release of chemicals, or
  - use of best available techniques of preventing and reducing chemical releases for new sources?

- If such provisions already exist, how can they be revised and expanded to meet the obligations in Article 5?

- If such provisions do not already exist, does an appropriate form of chemicals legislation or regulations already exist or what type of chemicals measures would be appropriate to introduce to meet the obligations in this Article?

- Have all of the requirements set out in this Article and related annexes been integrated into the national legal framework?

- Do national legal measures include the elements required to adequately administer, monitor and enforce these provisions, such as well-resourced institutions and an effective enforcement regime to achieve compliance with provisions to reduce the total unintentional releases of listed POPs?

Article 6

- Do any existing implementing legal measures on chemicals management contain provisions to:
  - develop strategies to identify, and then identify, stockpiles, products and wastes,
  - 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,
  - properly, handle, collect, transport, store and dispose of wastes in an environmentally sound manner, and
  - govern the identification and environmentally sound remediation of sites contaminated by POPs?

- If such provisions already exist, do they need to be revised and expanded to meet the obligations in Article 6 and if so, how?

- If such provisions do not already exist, does an appropriate form of chemicals legislation or regulations already exist or what type of chemicals measures would be appropriate to introduce to meet the obligations in this Article?

- Have all of the requirements set out in this Article and related annexes been integrated into the national legal framework?

- Do national legal measures include the elements required to adequately administer, monitor and enforce these provisions, such as well-resourced institutions and an effective enforcement regime to achieve compliance with measures to ensure that stockpiles of POPs and waste containing POPs are properly managed?

Article 9

- Do any existing legal measures on chemicals management contain provisions to facilitate and require an open exchange of information about POPs and their alternatives, and to designate an institution responsible for this information exchange?

- If such provisions already exist, are they sufficient and, if not, how can they be revised and expanded to meet the obligations in Article 9?

- If such provisions do not already exist, does an appropriate form of chemicals legislation or regulations already exist or what type of chemicals measures would be appropriate to introduce to meet the obligations in this Article;

- Have all of the requirements set out in this Article been integrated into the national legal framework?

- Do national implementing legal measures include the elements required to adequately administer, monitor and enforce these provisions, such as a well-resourced institution for information exchange and an effective enforcement regime to ensure an open exchange of information?

Article 10

- Do any existing legal measures on chemicals management contain provisions to promote and facilitate public information, awareness and education, and in particular to provide the public with access to up-to-date information?

- If such provisions already exist, how can they be revised and expanded to meet the obligations in Article 10?

- If such provisions do not already exist, does an appropriate form of legislation or regulations already exist or what type of measures would be appropriate to introduce to meet the obligations in this Article?

- Have all of the requirements set out in this Article and related annexes been integrated into the national legal framework?

- Do national implementing legal measures include the elements required to adequately administer, monitor and enforce these provisions, such as well-resourced institutions to provide information and an effective enforcement regime to achieve compliance with measures to provide the public with access to up-to-date information?

Article 11

- Do any existing legal measures on chemicals management contain provisions to require and encourage research, development, monitoring and cooperation on POPs, alternatives and candidate POPs?

- If such provisions already exist, do they need to be revised and expanded to meet the obligations in Article 11?

- If such provisions do not already exist, does an appropriate form of chemicals legislation or regulations already exist or what type of chemicals measures would be appropriate to introduce to meet the obligations in this Article?

- Have all of the requirements set out in this Article been integrated into the national legal framework?

- Do national implementing legal measures include the elements required to adequately administer, monitor and enforce these provisions, such as well-resourced institutions and an effective enforcement regime to achieve compliance provisions requiring research, development, monitoring and cooperation on POPs?

Article 15

- Do any existing legal measures on chemicals management contain provisions to support accurate reporting on measures taken to implement the provisions of this Convention and on the effectiveness of these measures?

- If such provisions already exist, how can they be revised and expanded to meet the obligations in Article 15?

- If such provisions do not already exist, does an appropriate form of legislation or regulations already exist or what type of measures would be appropriate to introduce to meet the obligations in this Article?

- Have all of the requirements set out in this Article and related annexes been integrated into the national legal framework?

- Do national implementing legal measures include the elements required to adequately administer, monitor and enforce these provisions, such as well-resourced institutions and an effective enforcement regime to ensure that accurate reporting is done on measures taken to implement the provisions of this Convention and on the effectiveness of these measures?

References and Additional Resources

Some of the publications referred to here have informed the development of this Guide, and others will provide additional resources to support countries in implementing Stockholm Convention.

Resources Future International, *Persistent Organic Pollutants and the Stockholm Convention: A Resource Guide,* September 2001.

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