

# INTRODUCTORY MANUAL ON THE STOCKHOLM CONVENTION

2022  
SECRETARIAT OF THE STOCKHOLM  
CONVENTION



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# 1. INTRODUCTION

This manual provides an overview of the Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention), and in particular focuses on provisions in the Convention that Parties must or should implement to ensure the environmentally sound management of chemicals.

The manual provides a resource for Parties, and potential Parties, to the Stockholm Convention. It outlines for them the key issues that they need to address when implementing the Convention.

The manual is also written for other stakeholders, including civil society, the private sector, non-governmental organizations and individuals; the manual can help them to understand how the Convention works, and assist their efforts to support and provide input to the development, update or review of national legislation.

The manual is to be read in conjunction with a further resource: the *Guide for the implementation of the Stockholm Convention*<sup>1</sup> (the Guide), which is designed principally as practical guidance for officials and experts who are responsible for the implementation of Stockholm Convention obligations at the national level.

Readers who wish to understand, and address, the detail of implementation are recommended to read the Guide as well as this manual, because the former provides more detailed and granular information on the Convention.

This manual is intended only to provide practical assistance. It has no legal effect and must not be construed as an agreement between Parties regarding the application of the Convention. The manual does not and cannot modify the text of the Convention in any way. Similarly, the manual does not replace any national legislation; nor can it compensate for any lack of national legislation. The manual is not legally binding and in no way supersedes or otherwise affects each Party's authority to interpret the Stockholm Convention and its prerogative to determine how it may wish to implement the Convention at the national level according to its own rules, modalities and national circumstances.

The manual starts with an overview of the Stockholm Convention, describes specific legal obligations arising under the Convention, and then lists preconditions for implementation of Stockholm.

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<sup>1</sup> Reference to the Guide

## 2. AN OVERVIEW OF THE STOCKHOLM CONVENTION



Against a background of growing concerns about human health and environmental impacts of hazardous chemicals, the Stockholm Convention built on the foundations laid by two earlier environmental treaties:

- the 1989 *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal* (the Basel Convention); and
- the 1998 *Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous Chemicals and Pesticides in international trade* (the Rotterdam Convention).

The purpose of the Stockholm, Basel and Rotterdam Conventions is to protect human health and the environment from the adverse effects of hazardous chemicals and wastes at all stages of their life cycle, from production to disposal.

Scientific evidence has shown that exposure to low doses of certain hazardous 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:

- (a) they are **extremely toxic** to human beings and the environment;
- (b) they do not degrade and may **remain intact** in the environment for many years;
- (c) 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
- (d) they are **transported** throughout the environment and across boundaries through soil, water and especially air.

The Stockholm Convention was adopted on 22 May 2001 and entered into force on 17 May 2004. As of November 2021, there are 185 Parties to the Convention.

### 3. SPECIFIC LEGAL OBLIGATIONS ARISING UNDER THE STOCKHOLM CONVENTION

In order to implement the Stockholm Convention, it is necessary –

- (a) to identify and implement the specific legal obligations arising under the Stockholm Convention and implement them; and
- (b) to have in place the necessary preconditions for implementation.

This chapter deals with specific legal obligations. The next chapter will deal with the preconditions for implementation.

#### 3.1 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 Principle 15 of the *Rio Declaration on Environment and Development* (Article 1). The Convention seeks to achieve this objective by identifying and listing these hazardous chemicals in its Annexes A, B and C, restricting and eventually eliminating them from production, use, trade, storage and release.

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

- (a) POPs that are produced and used intentionally, including trade (import and export) of these chemicals;
- (b) POPs that are produced unintentionally;
- (c) POPs products and articles in use, including on becoming wastes; and
- (d) POPs stockpiles and wastes.

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

#### 3.2 POPs

Originally, the Stockholm Convention related to twelve POPs that fell into three categories (pesticides, industrial chemicals, by-products). Some of those POPs fall into more than one category.<sup>2</sup>

Subsequently decisions<sup>3</sup> were adopted by the Conference of the Parties (COP)<sup>4</sup> to amend Annexes A, B and C to the Convention to list additional chemicals as POPs. Amendments were adopted at the fourth meeting of the COP in May 2009 to list nine new chemicals; and further amendments were made at the fifth, sixth, seventh, eighth and ninth meetings as at November 2021. Information on the chemicals listed in the Annexes A, B and C is available on

<sup>2</sup> The list of the original 12 POPPs is at <http://chm.pops.int/TheConvention/ThePOPs/The12InitialPOPs/tabid/296/Default.aspx>

<sup>3</sup> The decisions are listed at <http://chm.pops.int/TheConvention/ThePOPs/TheNewPOPs/tabid/2511/Default.aspx>

<sup>4</sup> For further information on the COP, see page 12.

the Stockholm Convention website.<sup>5</sup> The website also lists which Parties are bound by which amendments to Annexes.<sup>6</sup>

Amendments to Annexes A, B and/or C to the Convention enter into force one year from the date of communication of their adoption by the depositary, except for those Parties that submit either a notification of non-acceptance in accordance with the provisions of paragraph 3(b) of Article 22; or a declaration in accordance with paragraph 4 of Article 22 and paragraph 4 of Article 25 of the Convention. Further information on the amendments and the status of ratifications of amendments to the Annexes is available on the Stockholm Convention website.<sup>7</sup>

Parties may propose the addition of new chemicals to be listed under the Annexes A, B and/or C to the Convention. The Persistent Organic Pollutants Review Committee evaluates the proposals, based on criteria set out in the Convention, with submissions from Parties and observers into the process, and makes recommendations to the COP as to whether or not to list these chemicals in the Annexes to the Convention (**Article 8**). Information on past and current proposals to amend annexes A, B or C to the Stockholm Convention can be found on the Convention website.<sup>8</sup>

Parties to the Stockholm Convention are required to implement a range of measures to reduce or eliminate POPs that fall within the scope of the Convention. What measures are required with respect to a particular POP depends on which Annex that POP is listed in and the national circumstances of the Party e.g. whether there is production and use, or trade in the chemical.

**Annex A** lists POPs for which Parties must take measures to eliminate production and use; that Annex provides for certain time-limited specific exemptions for production or use of some of the chemicals listed.

**Annex B** lists POPs the production and use of which are restricted. The restrictions do not apply with respect to any applicable acceptable purpose, or where there is a specific exemption, listed in the Annex.

Parties must take measures to reduce or eliminate the unintentional release of POPs listed in **Annex C** with the objective of continuing to minimize and eventually eliminate those POPs where feasible. 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.

### **3.3 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 limited 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 (see **Article 4** below for more information).

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<sup>5</sup> All POPs listed in the Annexes A, B and C to the Stockholm Convention may be found at <http://chm.pops.int/TheConvention/ThePOPs/AllPOPs/tabid/2509/Default.aspx>

<sup>6</sup> Detailed material on which amendments bind which Parties may be found at <http://chm.pops.int/Countries/StatusofRatifications/Amendmentstoannexes/tabid/3486/Default.aspx>

<sup>7</sup> See the detail on the procedure for amendments to the Stockholm Convention and its Annexes here <http://chm.pops.int/TheConvention/Amendments/Overview/tabid/7908/Default.aspx>

<sup>8</sup> See the Chemicals proposed for listing under the Convention at <http://chm.pops.int/TheConvention/ThePOPs/ChemicalsProposedforListing/tabid/2510/Default.aspx>.

There is an obligation to ensure that there are no exports to non-Parties, except in the circumstances set out in the Convention. For the purposes of such annual certification under Article 3, Parties that are not bound by amendments to the Annexes A, B and/or C are considered non-Parties.

In addition, Parties that have regulatory and assessment schemes<sup>9</sup> 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 paragraph 1 of Annex D when assessing pesticides or industrial chemicals currently in use.

### **3.4 REGISTER OF SPECIFIC EXEMPTIONS (ARTICLE 4)**

Article 4 provides for a register of specific exemptions. Information on exemptions available and the Register may be found on the Convention website.<sup>10</sup> There are detailed procedures with respect to registration and Parties may on becoming a Party register for one or more types of specific exemptions.<sup>11</sup>

### **3.5 MEASURES TO REDUCE OR ELIMINATE RELEASES FROM UNINTENTIONAL PRODUCTION OF POPS (ARTICLE 5)**

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

- (a) 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;
- (b) promoting the application of available, feasible and practical measures rapidly to achieve a realistic level of release reduction or source elimination;
- (c) promoting the development and, where they deem appropriate, requiring the use of substitute or modified materials, products and processes to prevent the creation and release of these POPs; and
- (d) promoting and requiring the use of best available techniques and best environmental practices<sup>12</sup> for specified categories of industrial sources of chemicals.

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<sup>9</sup> For more information on regulatory and assessment schemes, see <http://chm.pops.int/Default.aspx?tabid=773>

<sup>10</sup> <http://chm.pops.int/Implementation/Exemptions/Overview/tabid/789/Default.aspx>  
See in particular Information related to the interpretation and application of Article 4, at <http://chm.pops.int/Implementation/Exemptions/Article4interpretation/tabid/5318/Default.aspx>

<sup>11</sup> <http://chm.pops.int/Procedures/Exemptionsandacceptablepurposes/tabid/4646/Default.aspx>

<sup>12</sup> Paragraph (f) of Article 5 defines “best available techniques” and “best environmental practices”. For guidance on such techniques and practices, see - <http://chm.pops.int/Implementation/BATandBEP/Guidance/Overview/tabid/5121/Default.aspx>

## 3.6 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. This includes in relation to products and articles in use and wastes consisting of, containing or contaminated with POPs.

Parties then must handle stockpiles of chemicals efficiently, safely and in an environmentally sound manner, then when they are no longer allowed to be used, Parties must identify and manage those stockpiles 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, taking into account international rules, standards and guidelines, for example those rules provided for in the Basel Convention. However, where such disposal methods are not the environmentally preferred option, or the POP content is low, waste may be disposed of using another environmentally sound method.

Parties also need to take measures to ensure that the disposal does not lead to recovery, recycling, reclamation, direct reuse or alternative uses of POPs. This has been a particular concern with certain POPs e.g. BDEs<sup>14</sup>.

There is also an obligation to ensure POPs wastes, including products and articles on becoming wastes, are not transported across boundaries without taking into account relevant rules, standards and guidelines. Parties also need to develop strategies to identify contaminated sites.<sup>15</sup>

The Stockholm Convention also explicitly provides for close cooperation with the Basel Convention bodies on: establishing levels of destruction and irreversible transformation; determining methods that constitute environmentally sound disposal; and work to establish concentration levels to define low POP content.<sup>16</sup>

## 3.7 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 COP within two years of the Convention entering into force for them, and then to review and update their plans periodically (Article 7).<sup>17</sup>

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).<sup>18</sup>

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<sup>14</sup> Brominated diphenyl ethers

<sup>15</sup> For more on the implementation of Article 6, see <http://chm.pops.int/Implementation/WasteStockpiles/Overview/tabcid/446/Default.aspx>

<sup>16</sup> Article 6 (2)

<sup>17</sup> For more on NIPs, see

<http://chm.pops.int/Implementation/NationalImplementationPlans/Overview/tabcid/565/Default.aspx>

<sup>18</sup> For more on technical assistance, see

<http://chm.pops.int/Implementation/TechnicalAssistance/tabcid/572/Default.aspx>

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**).<sup>19</sup>

The Convention makes provision for –

- (a) the evaluation of the effectiveness of the Convention by the COP (**Article 16**)<sup>20</sup>, part of which is the Global Monitoring Plan<sup>21</sup>,
- (b) procedures and institutional mechanisms for determining non-compliance (**Article 17**)<sup>22</sup>, and
- (c) the settlement of disputes between Parties on the interpretation or application of the Convention (**Article 18**).

### 3.8 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**).<sup>24</sup>

Parties also must, as much as possible, promote public information, awareness and education about POPs, including public participation in addressing POPs, and 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**).

### 3.9 NATIONAL REPORTING

The COP 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**).

As at 2021, reports are to be submitted every four years and in accordance with a format as established by the COP. Reports are made through an online electronic reporting system.<sup>25</sup> National reporting information also feeds into other evaluation processes established under the Convention, such as the effectiveness evaluation under Article 16 or the evaluation of the progress made in the elimination of PCB and PFOS, its salts and PFOSF. Further information on the system and guidance documents are available on the Convention website.<sup>26</sup>

There is also a reporting obligation relating to DDT: each Party that uses DDT is required to provide to the Stockholm Secretariat and the World Health Organization every three years. The report is to include information

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<sup>19</sup> For more information on the Convention's financial mechanism, see <http://chm.pops.int/Implementation/FinancialMechanism/Overview/tabid/677/Default.aspx>

<sup>20</sup> For effectiveness evaluation see <http://chm.pops.int/Implementation/EffectivenessEvaluation/Overview/tabid/369/Default.aspx>

<sup>21</sup> <http://chm.pops.int/Implementation/GlobalMonitoringPlan/Overview/tabid/83/Default.aspx>

<sup>22</sup> For material on Article 17, see <http://chm.pops.int/TheConvention/Compliance/tabid/61/Default.aspx>

<sup>24</sup> For more on Article 9 and 10, see <http://chm.pops.int/Implementation/POPsinarticles/MandateandDecisions/tabid/2438/Default.aspx>

<sup>25</sup> For more on the electronic reporting system, see <http://chm.pops.int/Countries/Reporting/ElectronicReportingSystem/tabid/3669/Default.aspx>

<sup>26</sup> <http://chm.pops.int/Countries/Reporting/OverviewandMandate/tabid/746/Default.aspx>

on the amount of DDT used, the conditions of such use and its relevance to that Party's disease management strategy.<sup>27</sup>

### 3.10 INSTITUTIONAL AND ADMINISTRATION PROVISIONS

Whilst this manual focuses on provisions in the Convention that Parties must or should implement, and does not cover or discuss in detail some articles of the Convention, those engaged with implementation may wish to be aware of the following provisions about institutional and administrative arrangements under the Convention:

- (a) the COP is the governing body of the Convention and has been given extensive duties and authority to review and evaluate the implementation of the Convention (**Article 19**);
- (b) the POPs Review Committee is a subsidiary body responsible for examining proposals to list chemicals in Annexes A, B and C to the Convention and make recommendations to the COP thereon (**Article 8**); and
- (c) 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 includes provisions on: amendments to the Convention (**Article 21**); adoption and amendment of Annexes (**Article 22**); and ratification, acceptance, approval or accession (**Article 25**).

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<sup>27</sup> See paragraph 4 of Part II of Annex B of the Convention. Further information on the reporting can be found at <http://chm.pops.int/Implementation/PesticidePOPs/DDT/Overview/tabcid/378/Default.aspx>

## 3.11 SUMMARY OF KEY REQUIREMENTS FOR PARTIES OF THE 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.

#### Register of Specific Exemptions (Article 4)

- A Party may register for one or more types of specific exemptions on becoming a Party;
- A Register is kept on the Convention website, in order to identify Parties that have specific exemptions listed in Annex A or 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 Implementation 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 level

## 4. THE PRECONDITIONS FOR IMPLEMENTATION

Whilst it is essential for Parties to implement specific legal obligations arising under the Stockholm Convention, it is unlikely that this will ensure sufficient implementation of, and compliance with, the Convention. It will also be necessary to ensure that the preconditions for implementation are in place. Parties need to ensure the following: that the necessary political and institutional background exists; that there has been an evaluation of existing national legislation; that implementing legislation has been designed with all the appropriate elements; and that there has been engagement of, and consultation with, stakeholders.<sup>28</sup>

### 4.1 THE POLITICAL AND INSTITUTIONAL BACKGROUND

First, a Party will need to have in place the necessary political and institutional preconditions, without which they may struggle to implement and enforce the Convention.

- (a) **Political will:** Parties need the necessary political cover to implement, to apply implementing laws and to do so consistently and equitably.
- (b) **Capacity for implementation and enforcement:** it is necessary to have in place the necessary resources, in terms of staff, expertise and finance.
- (c) **Institutional Framework:** Parties will need to build upon, or create, a chemicals management institutional framework, in order to develop and implement programmes, undertake capacity building, and to help the Parties to comply with their obligations and tasks under the Convention, such as reporting, liaising with the Secretariat and attending COPs and other Stockholm meetings. The legal and institutional framework should also be consistent with and cooperate as appropriate with other related frameworks to implement international obligations.
- (d) **Legal authority for competent authorities and institutions:** governmental bodies will have responsibilities for implementing, monitoring and enforcing national implementing laws and policies. They will need appropriate legal authority to carry out these responsibilities.

### 4.2 AN EVALUATION OF EXISTING NATIONAL LEGISLATION

Most Parties will have in place national legislation that relates to the subject matter of the Stockholm Convention. That legislation will have to be evaluated, which involves a number of steps listed below.

- (a) **Identification of relevant national legislation:** there may well be relevant national legislation in place. Other national legislation is likely to be relevant to implementation of the Stockholm Convention, for example environmental framework laws; and laws relating to pollution prevention and control, environmental permitting, hazardous waste, environmental impact assessment and nature conservation.
- (b) **Review of the substance of relevant national legislation:** once the existing legislation that is of concern has been identified, it will be necessary to consider whether and to what extent it implements Stockholm and/or is consistent with the Convention's requirements.
- (c) **Consideration of how to implement the Stockholm Convention** - with a view to securing the greatest clarity, effectiveness and efficiency consider the following: should the Stockholm Convention be implemented by modifying existing laws, or is it better to introduce new, stand-alone legislation?

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<sup>28</sup> All these factors are dealt with in greater length in the Guide for the implementation of the Stockholm Convention.

- (d) **Consideration of lessons learnt from existing national legislation**, which can be taken into account when implementing the Stockholm Convention. Such lessons may expose challenges such as a lack of awareness amongst stakeholders, or flaws in the existing legislation.
- (e) **Seeking synergies with existing environmental treaties**: the implementation of the Stockholm Convention may provide the opportunity for synergies with the implementation of other Conventions, for example the Rotterdam and Basel Conventions, which also contain obligations relating to chemicals that may need to be implemented in national legal systems.

### 4.3 DESIGN OF IMPLEMENTING LEGISLATION

Once gaps have been identified, a Party will need to design new legislation and/or amend related and existing legislation in order to implement its Stockholm Convention obligations. As a preparatory step, the Party will need to choose the most appropriate form of legislation – primary or secondary – and should also consider other issues.

Generally, it is necessary to implement the Stockholm Convention by legislation. A Party may well need to consider the appropriate legislative mix of primary and subordinate legislation. **Primary legislation** tends to set out a framework, which includes fundamental objectives, requirements, standards, enforcement provisions and institutional structures; and **subordinate legislation** tends to deal with the detail of administration.

It is to be expected that implementing legislation may include the following:

- (a) a statement of the **purpose/objectives** of the legislation;
- (b) **definitions**: key terms and words used in the legislation may need to be defined, in a way that is consistent with the Stockholm Convention;
- (c) **provisions setting out the scope** of the legislation, explaining to whom and to what it applies;
- (d) the designation and/or creation of **institutions** that will implement the legislation, and that will have the necessary legal authority and mandate to do so;
- (e) provision for **coordination** of responsibilities between the authorities involved in implementation;
- (f) establishment of the means for the necessary **data processing and collection of information and data**, to enable, for example, the identification of new and existing chemicals, and to support national reporting and NIPs;
- (g) arrangements for analysis of information, relating to the assessment of hazards, risks and benefits associated with chemicals and their classification;
- (h) provision for the **sharing of knowledge**, allowing for labelling, education, public access to information, and the exchange of information;
- (i) the imposition of **obligations relating to chemicals**, both general (for example concerning the handling and management of chemicals) and specific (concerning quality, packaging, labelling and arrangements with respect to safety, transport, storage, distribution, use and disposal);
- (j) the introduction of **restrictions**, involving licencing, certification, registration, authorisation and so forth. This could include provision for phase out and eventual elimination of these chemicals e.g. those listed in Annex B;
- (k) the **prohibition** of production and use of chemicals as appropriate;
- (l) where necessary, **control of imports, exports or transit** of certain chemicals; the establishment of **economic incentives**, such as loans, grants or tax relief;

- (m) **procedures for monitoring compliance**, including inspections, record keeping, reporting and responses to requests for information;
- (n) **enforcement provisions**, with powers for officials to investigate and respond to non-compliance, sanctions and penalties, the attribution of responsibilities to enforcement authorities, rights of appeal, and compensation and/or remediation of harm; and
- (o) **support for compliance**, which may include training, education and other support.

## 4.4 THE ENGAGEMENT OF STAKEHOLDERS

Key governmental bodies, public authorities and stakeholder groups should be involved in the preparation of legislation implementing the Stockholm Convention, or at least consulted at the appropriate stage.

First, during the **preparation of draft legislation** there should be coordination amongst governmental bodies and public authorities; appropriate consultation with other stakeholders, and support for stakeholder engagement, including the provision of information to the public and opportunities for public participation.

Secondly, there needs to be appropriate **inter-agency cooperation** between governmental and public authorities, not least because implementation of the Stockholm Convention will engage officials with a wide range of overlapping public responsibilities, including responsibilities for trade, agriculture and food, finances and environmental protection; also sub-national authorities may be engaged, particularly in the case of federal or decentralised states.

## 4.5 STAKEHOLDER CONSULTATIONS

Formal rounds of **stakeholder consultation** – reaching, *inter alia*, representatives from the chemicals industry, experts and professionals, NGOs and the general public can improve the quality of the legislation and secure stakeholder support for legislation, with positive effects on compliance rates.

Stakeholder consultations can be consultation on draft legislation and/or underlying policy and can be through a government website, advertisement in newspapers or consultative meetings.

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