STOCKHOLM CONVENTION

Webinar on legal and regulatory frameworks for Stockholm Convention implementation

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National Implementing Legislation on the Stockholm Convention on Persistent Organic Pollutants

Sharon Rivera
Programme Officer

Key obligations under the Convention

Intentional production and use (Article 3) **Annex A: Elimination** **Annex B: Restriction**	- Parties shall 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 shall restrict the production and use of the chemicals listed in Annex B.
Unintentional production (Article 5) **Annex C: Reduce/ eliminate releases**	- Parties shall 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 shall develop appropriate strategies to identify stockpiles and wastes containing POPs. - Parties shall 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 shall 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 plans (Article 7)	- Parties shall develop a National Implementation Plan on their obligations under the Convention, and endeavour to implement this plan.
Technical assistance (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.
National reporting (Article 15)	- Parties shall report to the COP on the measures it has taken to implement the Convention and on the effectiveness of such measures in meeting its objectives, at periodic intervals and in a format decided by the COP.

Transposing Convention Obligations into National Law

1 Self-Executing Treaty

Treaty obligations take effect directly and become part of domestic law upon entry into force for that country, without requiring separate legislative action. This approach is available in monist legal systems.

2 Incorporation by Reference

Treaty obligations are incorporated by reference into national laws — existing legislation is amended to refer to and give effect to the Convention's requirements without reproducing the full text.

3 Direct Transposition

Treaty obligations are transposed directly into national laws — the substantive requirements of the Convention are reproduced and adapted in new or revised domestic legislation, regulations, or decrees.

4 Amendment of Existing Legislation

Existing national laws are adjusted so that they are consistent with, and provide the necessary authority and mandate to implement, the treaty obligations. Existing chemicals, pesticides, or environmental laws may serve as the vehicle.

KEY CONSIDERATION

Ultimately, it is the prerogative of each Party as to the type of measure it wishes to adopt. The choice depends on the national legal system and tradition. What is essential is that the chosen instrument is **legally binding and enforceable** — providing sufficient authority for the competent authority to implement and enforce them at the domestic level.

Listed POPs under the Convention

Annex A	List of POPs for which Parties must take measures to eliminate production and use	Aldrin; Alpha hexachlorocyclohexane; Beta hexachlorocyclohexane; Chlordane; Chlordecone; Chlorpyrifos; Decabromodiphenyl ether (BDE-209) present in commercial decabromodiphenyl ether; Dechlorane Plus; Dicofol; Dieldrin; Endrin; Heptachlor; Hexabromobiphenyl; Hexabromocyclododecane; Hexabromodiphenyl ether and Heptabromodiphenyl ether; Hexachlorobenzene; Hexachlorobutadiene; Lindane; Long-chain perfluorocarboxylic acids, their salts and related compounds; Medium-chain chlorinated paraffins; Methoxychlor; Mirex; Pentachlorobenzene; Pentachlorophenol and its salts and esters; Perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds; Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds; PCBs; Polychlorinated naphthalenes, including dichlorinated naphthalenes, trichlorinated naphthalenes, tetrachlorinated naphthalenes, pentachlorinated naphthalenes, hexachlorinated naphthalenes, heptachlorinated naphthalenes, octachlorinated naphthalene; Short-chain chlorinated paraffins; Technical endosulfan; Tetrabromodiphenyl ether and pentabromodiphenyl ether; Toxaphene; UV-328
Annex B	Addresses restriction on production and use	DDT; Perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride
Annex C	List of 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	Hexachlorobenzene; Hexachlorobutadiene; Pentachlorobenzene; PCBs; Polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans; Polychlorinated naphthalenes, including dichlorinated naphthalenes, trichlorinated naphthalenes, tetrachlorinated naphthalenes, pentachlorinated naphthalenes, hexachlorinated naphthalenes, heptachlorinated naphthalenes, octachlorinated naphthalene

Why National Implementing Legislation Matters

ARTICLE 3:

1. Each Party shall:

(a) Prohibit and/or take the legal and administrative measures necessary to eliminate:

(i) Its production and use of the chemicals listed in Annex A subject to the provisions of that Annex; and

(ii) Its import and export of the chemicals listed in Annex A in accordance with the provisions of paragraph 2;

(b) Restrict its production and use of the chemicals listed in Annex B in accordance with the provisions of that Annex.

- While the 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 Parties to take “measures to ensure” that obligations are met, without specifying that they be legal in nature.

Controlling Listed Chemicals: Legislative requirements

ANNEX A — ELIMINATION

Binding prohibitions on the production, use, import, and export of chemicals listed in Annex A

Where specific exemptions are registered, a **clear legal basis** specifying the permitted use, applicable conditions, duration, and any associated obligations.

ANNEX B — RESTRICTION

Binding restrictions on the production, use, import and export of chemicals listed in Annex B, consistent with the acceptable purposes and specific exemptions set out in Annex B.

Enforceable **conditions and timeframes** applicable to any registered acceptable purpose or specific exemption

INSTITUTIONAL FRAMEWORK

Parties to ensure that legal measures are adequately administered, monitored and enforced by institutions that are well-resourced and have strong mandates

PRECAUTIONARY APPROACH

Parties to take appropriate measures to ensure that any production or use under a specific exemption or acceptable purpose is carried out in a manner that prevents or minimizes human exposure or release into the environment. In case of intentional release under conditions of normal use, they must be to the minimum extent necessary and take into account applicable standards and guidelines.

A MECHANISM TO UPDATE LISTINGS

It may be more practicable to implement new COP listing decisions by way of secondary legislation (regulations, administrative decrees) that do not require full legislative amendment each time.

Release prevention and reduction: National measures

- Parties to take minimum measures to reduce the total unintentional releases of listed POPs caused by humans.
  - Develop an action plan
  - Promote the application of measures that can expeditiously achieve 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 Annex C chemicals
  - Promote the use of **Best Available Techniques (BAT)** and **Best Environmental Practices (BEP)** to those source categories.
- Parties to review and revise existing laws on chemicals management, or develop new ones, and ensure that they contain provisions to reduce the unintentional releases of listed POPs caused by human beings.
- Parties to ensure that legal measure are adequately administered, monitored and enforced by institutions that are well-resourced and have strong mandates

Article reference: Article 5, paragraphs (a) and (c); Annex C, Parts II and III.

Management of POPs stockpiles and wastes: National measures

- Parties to develop strategies to identify stockpiles that consist of or contain POPs listed Annex A or B, along with products and articles in use and wastes that contain POPs, and then identify them
- Parties to manage stockpiles: measures to ensure the environmentally sound handling and disposal of POPs wastes in accordance with Article 6(1)(d)
- Parties to develop appropriate strategies to identify sites contaminated by POPs, and remediation of those sites must be in an environmentally sound manner
- Parties to review and revise existing laws on chemicals management, or develop new ones, and ensure that they contain provisions to identify and manage stockpiles, products and wastes and to identify and remediate sites contaminated by POPs in an environmentally sound manner
- Parties to ensure that legal measure are adequately administered, monitored and enforced by institutions that are well-resourced and have strong mandates

Examples of legislative implementation by Parties

Thailand: Hazardous Substance Act B.E. 2535	• Classifying chemicals into rigid Types (For POPs: Type 3 – High risk, requires registration and licensing), Type 4 – Prohibited, production, import, export, possession is illegal) • Implements a structured, phased regulatory transition
Switzerland: Swiss Chemical Risk Reduction Ordinance (ORRChem / SR 814.81)	• Implements bans and restrictions on POPs directly by updating the annexes, which integrates COP decisions on chemical listings into Swiss federal law • Aligned with the EU POP Recast Regulation (EU) 2019/2021
Kenya: Environmental Management and Coordination Act	• Administrative provisions for introducing BAT/BEP are enforced through mandatory EIA licensing for new industrial facilities • Also implement specific waste management decrees to regulate uncontrolled combustion which is its largest UPOP release category
Vietnam: Law on Environmental Protection, Government Decree No. 08/2022/ND-CP	• The LEP provides the statutory authority while the Decree regulates POPs and raw materials, fuels, materials, products, goods and equipment containing POPs”

Reporting: National measures

- Party to submit report at periodic intervals and in a format to be decided by the COP
- Parties to review and revise existing laws on chemicals management, or develop new ones, and ensure that they contain provisions to enable and support accurate reporting on measures taken to implement the provisions of the Convention and on the effectiveness of these measures
- Parties to ensure that legal measures are adequately administered, monitored and enforced by institutions that are well-resourced and have strong mandates to enable accurate reporting to be done.

Article 15 (1)

"Each Party shall report to the Conference of the Parties on the measures it has taken to implement the provisions of this Convention and on the effectiveness of such measures in meeting the objectives of the Convention."

Some considerations in drafting legislation

Key drafting principles

- *Legislative and regulatory measures should be clear, concise and precise*

Process for legislative development

- *Activities likely include: Work with institutions responsible for chemicals management; Involve stakeholders with technical and legal expertise, including if appropriate civil society; Public participation/outreach*

Elements of legislation

- *Objectives, Scope, Definitions, identification of institutions and mechanisms, Establishment of general and specific obligations, Coordination with other organizations, Data collection, Analysis of information, Dissemination of information, Establishment of restrictions, Use of economic instruments, Monitoring compliance, Enforcement, Support for compliance*

Tools for enforcement

- *The law should include provisions for and tools to allow officials to assist with and monitor compliance, and to respond appropriately to violations.*

Challenges ⇨ legislative gaps

Article 3 obligations	• Regulating POPs in imported article or products • Limited availability or low quality of national data and difficulties in obtaining data from relevant sectors or stakeholders • Legal and institutional challenges
Article 5 obligations	• Limited availability or quality of national data • Limited capacity for assessing releases from unintentional production • Difficulties in obtaining data from relevant stakeholders
Article 6 obligations	• Limited capacity for identifying stockpiles • Limited capacity for managing wastes • Limited capacity for identifying sites contaminated by listed chemicals • Limited capacity for undertaking remediation

Stockholm Convention Compliance Committee

OBJECTIVE

Assist Parties to comply with their obligations under the Convention through a facilitative, non-adversarial, non-binding approach. The mechanism pays particular attention to the special needs of developing countries and countries with economies in transition.

DUAL MANDATE

- Consider specific submissions from individual Parties facing compliance challenges.
- Review systemic issues of general compliance affecting all Parties.

PROGRAMME OF WORK 2026-2027

Decision SC-12/22 includes activities on:

- National focal points/Official contact points
- National reporting
- National implementation plans
- National legislation
- Elimination or restriction of POPs
- Technical assistance and Financial resources
- Cooperation with the BC Implementation and Compliance Committee and RC Compliance Committee

Tools and Resources for Legislative Development

LEGISLATIVE GUIDANCE

Guide on Developing National Legal Frameworks for the Implementation of the Stockholm Convention

Guidance on the legal implementation of Convention obligations, including a structured checklist for Parties to assess the adequacy of their national legislative and regulatory frameworks.

TECHNICAL ASSISTANCE

BRS Secretariat Technical Assistance

BASEL, ROTTERDAM AND STOCKHOLM CONVENTIONS SECRETARIAT

Targeted support through workshops and training activities to assist national authorities in identifying gaps in their national legislative frameworks and developing appropriate legal texts.

PEER REFERENCE

National Reports Submitted by Parties

STOCKHOLM CONVENTION WEBSITE

Information on measures adopted by Parties are available on the Stockholm Convention website, and can serve as reference on how other Parties have transposed Convention obligations into their national legal frameworks.

REGIONAL SUPPORT

Stockholm Convention Regional Centres

NETWORK OF REGIONALLY DESIGNATED CENTRES

Regional centres providing technical assistance, including on the development of national legal frameworks, to Parties within their respective regions.

Parties are encouraged to conduct a systematic review of their national legal frameworks against the requirements of the Convention in order to gaps and to engage with the **Secretariat and its partners** to address those gaps through targeted technical assistance.

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Thank you!