

STOCKHOLM CONVENTION

ON PERSISTENT ORGANIC POLLUTANTS (POPS)

TEXT AND ANNEXES

REVISED IN 2019



STOCKHOLM CONVENTION

ANNEXES

ANNEX A¹

ELIMINATION

Part I

| Chemical | Activity | Specific exemption ² |
|---|------------|--|
| Aldrin* CAS No: 309-00-2 | Production | None |
| | Use | Local ectoparasiticide Insecticide |
| Alpha hexachlorocyclohexane* CAS No: 319-84-6 | Production | None |
| | Use | None |
| Beta hexachlorocyclohexane* CAS No: 319-85-7 | Production | None |
| | Use | None |
| Chlordane* CAS No: 57-74-9 | Production | As allowed for the Parties listed in the Register |
| | Use | Local ectoparasiticide Insecticide Termiticide Termiticide in buildings and dams Termiticide in roads Additive in plywood adhesives |
| Chlordecone* CAS No: 143-50-0 | Production | None |
| | Use | None |

¹ As amended by decisions SC-4/10 to SC-4/18 of 8 May 2009; SC-5/3 of 29 April 2011; SC-6/13 of 10 May 2013; SC-7/12 to SC-7/14 of 15 May 2015; and SC-8/10 to SC-8/12 of 5 May 2017; and SC-9/4, SC-9/11 and SC-9/12 of 10 May 2019.

² Please note that, in accordance with paragraph 9 of Article 4 of the Convention, when there are no longer any Parties registered for a particular type of specific exemption no new registrations may be made with respect to such exemptions, which appear in gray text in the table.

| Chemical | Activity | Specific exemption ² |
|---|------------|---|
| Decabromodiphenyl ether (BDE-209) present in commercial decabromodiphenyl ether (CAS No: 1163-19-5) | Production | As allowed for the Parties listed in the Register |
| | Use | <p>In accordance with Part IX of this Annex:</p> <ul style="list-style-type: none"> • Parts for use in vehicles specified in paragraph 2 of Part IX of this Annex • Aircraft for which type approval has been applied for before December 2018 and has been received before December 2022 and spare parts for those aircraft • Textile products that require anti-flammable characteristics, excluding clothing and toys • Additives in plastic housings and parts used for heating home appliances, irons, fans, immersion heaters that contain or are in direct contact with electrical parts or are required to comply with fire retardancy standards, at concentrations lower than 10 per cent by weight of the part • Polyurethane foam for building insulation |
| Dicofol CAS No: 115-32-2 CAS No: 10606-46-9 | Production | None |
| | Use | None |
| Dieldrin* CAS No: 60-57-1 | Production | None |
| | Use | In agricultural operations |

| Chemical | Activity | Specific exemption ² |
|--|------------|---|
| Endrin* CAS No: 72-20-8 | Production | None |
| | Use | None |
| Heptachlor* CAS No: 76-44-8 | Production | None |
| | Use | Termiticide Termiticide in structures of houses Termiticide (subterranean) Wood treatment In use in underground cable boxes |
| Hexabromobiphenyl* CAS No: 36355-01-8 | Production | None |
| | Use | None |
| Hexabromocyclododecane | Production | As allowed for the Parties listed in the Register in accordance with the provisions of Part VII of this Annex |
| | Use | Expanded polystyrene and extruded polystyrene in buildings in accordance with the provisions of Part VII of this Annex |
| Hexabromodiphenyl ether* and heptabromodiphenyl ether* | Production | None |
| | Use | Articles in accordance with the provisions of Part IV of this Annex |
| Hexachlorobenzene CAS No: 118-74-1 | Production | As allowed for the Parties listed in the Register |
| | Use | Intermediate Solvent in pesticide Closed system site limited intermediate |
| Hexachlorobutadiene CAS No: 87-68-3 | Production | None |
| | Use | None |

| Chemical | Activity | Specific exemption ² |
|--|------------|---|
| Lindane* CAS No: 58-89-9 | Production | None |
| | Use | Human health pharmaceutical for control of head lice and scabies as second line treatment |
| Mirex* CAS No: 2385-85-5 | Production | As allowed for the Parties listed in the Register |
| | Use | Termiticide |
| Pentachlorobenzene* CAS No: 608-93-5 | Production | None |
| | Use | None |
| Pentachlorophenol and its salts and esters | Production | As allowed for the Parties listed in the Register in accordance with the provisions of Part VIII of this Annex |
| | Use | Pentachlorophenol for utility poles and cross-arms in accordance with the provisions of Part VIII of this Annex |

| Chemical | Activity | Specific exemption ² |
|--|------------|---|
| Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds | Production | <ul style="list-style-type: none"> • Fire-fighting foam: None • For other production, as allowed for the Parties listed in the Register in accordance with the provisions of part X of this Annex |
| <p>“Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds” means the following:</p> <p>(i) Perfluorooctanoic acid (PFOA; CAS No. 335-67-1), including any of its branched isomers;</p> <p>(ii) Its salts;</p> <p>(iii) PFOA-related compounds which, for the purposes of the Convention, are any substances that degrade to PFOA, including any substances (including salts and polymers) having a linear or branched perfluoroheptyl group with the moiety $[C_7F_{15}]C$ as one of the structural elements;</p> | Use | <p>In accordance with the provisions of part X of this Annex:</p> <ul style="list-style-type: none"> • Photolithography or etch processes in semiconductor manufacturing • Photographic coatings applied to films • Textiles for oil and water repellency for the protection of workers from dangerous liquids that comprise risks to their health and safety • Invasive and implantable medical devices • Fire-fighting foam for liquid fuel vapour suppression and liquid fuel fires (Class B fires) in installed systems, including both mobile and fixed systems, in accordance with paragraph 2 of part X of this Annex |

| Chemical | Activity | Specific exemption ² |
|---|----------|---|
| <p>The following compounds are not included as PFOA-related compounds:</p> <p>(i) $C_8F_{17}-X$, where $X = F, Cl, Br$;</p> <p>(ii) Fluoropolymers that are covered by $CF_3[CF_2]_n-R'$, where $R' = \text{any group}$, $n > 16$;</p> <p>(iii) Perfluoroalkyl carboxylic and phosphonic acids (including their salts, esters, halides and anhydrides) with ≥ 8 perfluorinated carbons;</p> <p>(iv) Perfluoroalkane sulfonic acids (including their salts, esters, halides and anhydrides) with ≥ 9 perfluorinated carbons;</p> <p>(v) Perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF), as listed in Annex B to the Convention.</p> | Use | <ul style="list-style-type: none"> • Use of perfluorooctyl iodide for the production of perfluorooctyl bromide for the purpose of producing pharmaceutical products, in accordance with the provisions of paragraph 3 of part X of this Annex • Manufacture of polytetrafluoroethylene (PTFE) and polyvinylidene fluoride (PVDF) for the production of: <ul style="list-style-type: none"> ▪ High-performance, corrosion-resistant gas filter membranes, water filter membranes and membranes for medical textiles ▪ Industrial waste heat exchanger equipment ▪ Industrial sealants capable of preventing leakage of volatile organic compounds and PM2.5 particulates • Manufacture of polyfluoroethylene propylene (FEP) for the production of high-voltage electrical wire and cables for power transmission • Manufacture of fluoroelastomers for the production of O-rings, v-belts and plastic accessories for car interiors |

| Chemical | Activity | Specific exemption ² |
|---|------------|--|
| Polychlorinated Biphenyls (PCB)* | Production | None |
| | Use | Articles in use in accordance with the provisions of Part II of this Annex |
| Polychlorinated naphthalenes, including dichlorinated naphthalenes, trichlorinated naphthalenes, tetrachlorinated naphthalenes, pentachlorinated naphthalenes, hexachlorinated naphthalenes, heptachlorinated naphthalenes, octachlorinated naphthalene | Production | Intermediates in production of polyfluorinated naphthalenes, including octafluoronaphthalene |
| | Use | Production of polyfluorinated naphthalenes, including octafluoronaphthalene |

| Chemical | Activity | Specific exemption ² |
|---|------------|---|
| <p>Short-chain chlorinated paraffins (Alkanes, C₁₀₋₁₃, chloro) ⁺: straight-chain chlorinated hydrocarbons with chain lengths ranging from C₁₀ to C₁₃ and a content of chlorine greater than 48 per cent by weight</p> <p>For example, the substances with the following CAS numbers may contain short-chain chlorinated paraffins: CAS No. 85535-84-8; CAS No. 68920-70-7; CAS No. 71011-12-6; CAS No. 85536-22-7; CAS No. 85681-73-8; CAS No. 108171-26-2.</p> | Production | As allowed for the Parties listed in the Register |
| | Use | <ul style="list-style-type: none"> • Additives in the production of transmission belts in the natural and synthetic rubber industry • Spare parts of rubber conveyor belts in the mining and forestry industries • Leather industry, in particular fatliquoring in leather • Lubricant additives, in particular for engines of automobiles, electric generators and wind power facilities, and for drilling in oil and gas exploration, petroleum refinery to produce diesel oil • Tubes for outdoor decoration bulbs • Waterproofing and fire-retardant paints • Adhesives • Metal processing • Secondary plasticizers in flexible polyvinyl chloride, except in toys and children's products |
| <p>Technical endosulfan* (CAS No: 115-29-7) and its related isomers* (CAS No: 959-98-8 and CAS No: 33213-65-9)</p> | Production | As allowed for the Parties listed in the Register |
| | Use | Crop-pest complexes as listed in accordance with the provisions of part VI of this Annex |
| <p>Tetrabromodiphenyl ether* and pentabromodiphenyl ether*</p> | Production | None |
| | Use | Articles in accordance with the provisions of Part V of this Annex |

| Chemical | Activity | Specific exemption ² |
|---------------------------------|------------|---------------------------------|
| Toxaphene* CAS No: 8001-35-2 | Production | None |
| | Use | None |

Notes:

- (i) Except as otherwise specified in this Convention, quantities of a chemical occurring as unintentional trace contaminants in products and articles shall not be considered to be listed in this Annex;
- (ii) This note shall not be considered as a production and use specific exemption for purposes of paragraph 2 of Article 3. Quantities of a chemical occurring as constituents of articles manufactured or already in use before or on the date of entry into force of the relevant obligation with respect to that chemical, shall not be considered as listed in this Annex, provided that a Party has notified the Secretariat that a particular type of article remains in use within that Party. The Secretariat shall make such notifications publicly available;
- (iii) This note, which does not apply to a chemical that has an asterisk following its name in the Chemical column in Part I of this Annex, shall not be considered as a production and use specific exemption for purposes of paragraph 2 of Article 3. Given that no significant quantities of the chemical are expected to reach humans and the environment during the production and use of a closed-system site-limited intermediate, a Party, upon notification to the Secretariat, may allow the production and use of quantities of a chemical listed in this Annex as a closed-system site-limited intermediate that is chemically transformed in the manufacture of other chemicals that, taking into consideration the criteria in paragraph 1 of Annex D, do not exhibit the characteristics of persistent organic pollutants. This notification shall include information on total production and use of such chemical or a reasonable estimate of such information and information regarding the nature of the closed-system site-limited process including the amount of any non-transformed and unintentional trace contamination of the persistent organic pollutant-starting material in

the final product. This procedure applies except as otherwise specified in this Annex. The Secretariat shall make such notifications available to the Conference of the Parties and to the public. Such production or use shall not be considered a production or use specific exemption. Such production and use shall cease after a ten-year period, unless the Party concerned submits a new notification to the Secretariat, in which case the period will be extended for an additional ten years unless the Conference of the Parties, after a review of the production and use decides otherwise. The notification procedure can be repeated;

- (iv) All the specific exemptions in this Annex may be exercised by Parties that have registered exemptions in respect of them in accordance with Article 4 with the exception of the use of polychlorinated biphenyls in articles in use in accordance with the provisions of Part II, and the use of hexabromodiphenyl ether and heptabromodiphenyl ether in accordance with the provisions of Part IV of this Annex, and the use of tetrabromodiphenyl ether and pentabromodiphenyl ether in accordance with the provisions of Part V of this Annex, which may be exercised by all Parties.
- (v) Technical endosulfan [CAS No: 115-29-7], its related isomers [CAS No: 959-98-8 and CAS No: 33213-65-9] and endosulfan sulfate [CAS No: 1031-07-8] were assessed and identified as persistent organic pollutants.
- (vi) Pentachlorophenol [CAS No: 87-86-5], sodium pentachlorophenate [CAS No: 131-52-2 and 27735-64-4 (as monohydrate)] and pentachlorophenyl laurate [CAS No: 3772-94-9], when considered together with their transformation product pentachloroanisole [CAS No: 1825-21-4], were identified as persistent organic pollutants.
- (vii) Note (i) does not apply to quantities of a chemical that has a plus sign [“+”] following its name in the “Chemical” column in Part I of this Annex that occurs in mixtures at concentrations greater than or equal to 1 per cent by weight.

Part II

Polychlorinated biphenyls

Each Party shall:

- (a) With regard to the elimination of the use of polychlorinated biphenyls in equipment (e.g. transformers, capacitors or other receptacles containing liquid stocks) by 2025, subject to review by the Conference of the Parties, take action in accordance with the following priorities:
 - (i) Make determined efforts to identify, label and remove from use equipment containing greater than 10 per cent polychlorinated biphenyls and volumes greater than 5 litres;
 - (ii) Make determined efforts to identify, label and remove from use equipment containing greater than 0.05 per cent polychlorinated biphenyls and volumes greater than 5 litres;
 - (iii) Endeavour to identify and remove from use equipment containing greater than 0.005 percent polychlorinated biphenyls and volumes greater than 0.05 litres;
- (b) Consistent with the priorities in subparagraph (a), promote the following measures to reduce exposures and risk to control the use of polychlorinated biphenyls:
 - (i) Use only in intact and non-leaking equipment and only in areas where the risk from environmental release can be minimised and quickly remedied;
 - (ii) Not use in equipment in areas associated with the production or processing of food or feed;
 - (iii) When used in populated areas, including schools and hospitals, all reasonable measures to protect from electrical failure which could result in a fire, and regular inspection of equipment for leaks;
- (c) Notwithstanding paragraph 2 of Article 3, ensure that equipment containing polychlorinated biphenyls, as described in subparagraph (a), shall not be exported or imported except for the purpose of environmentally sound waste management;

- (d) Except for maintenance and servicing operations, not allow recovery for the purpose of reuse in other equipment of liquids with polychlorinated biphenyls content above 0.005 per cent;
- (e) Make determined efforts designed to lead to environmentally sound waste management of liquids containing polychlorinated biphenyls and equipment contaminated with polychlorinated biphenyls having a polychlorinated biphenyls content above 0.005 per cent, in accordance with paragraph 1 of Article 6, as soon as possible but no later than 2028, subject to review by the Conference of the Parties;
- (f) In lieu of note (ii) in Part I of this Annex, endeavour to identify other articles containing more than 0.005 per cent polychlorinated biphenyls (e.g. cable-sheaths, cured caulk and painted objects) and manage them in accordance with paragraph 1 of Article 6;
- (g) Provide a report every five years on progress in eliminating polychlorinated biphenyls and submit it to the Conference of the Parties pursuant to Article 15;
- (h) The reports described in subparagraph (g) shall, as appropriate, be considered by the Conference of the Parties in its reviews relating to polychlorinated biphenyls. The Conference of the Parties shall review progress towards elimination of polychlorinated biphenyls at five year intervals or other period, as appropriate, taking into account such reports.

Part III

Definitions

For the purpose of this Annex:

- (a) “Hexabromodiphenyl ether and heptabromodiphenyl ether” mean 2,2',4,4',5,5'-hexabromodiphenyl ether (BDE-153, CAS No: 68631-49-2), 2,2',4,4',5,6'-hexabromodiphenyl ether (BDE-154, CAS No: 207122-15-4), 2,2',3,3',4,4',5,6'-heptabromodiphenyl ether (BDE-175, CAS No: 446255-22-7), 2,2',3,4,4',5,6'-heptabromodiphenyl ether (BDE-183, CAS No: 207122-16-5) and other hexa- and heptabromodiphenyl ethers present in commercial octabromodiphenyl ether.

- (b) "Tetrabromodiphenyl ether and pentabromodiphenyl ether" means 2,2',4,4'-tetrabromodiphenyl ether [BDE-47, CAS No: 5436-43-1] and 2,2',4,4',5-pentabromodiphenyl ether [BDE-99, CAS No: 60348-60-9] and other tetra- and pentabromodiphenyl ethers present in commercial pentabromodiphenyl ether.
- (c) "Hexabromocyclododecane" means hexabromocyclododecane [CAS No: 25637-99-4], 1, 2, 5, 6, 9, 10-hexabromocyclododecane [CAS No: 3194-55-6] and its main diastereoisomers: alpha-hexabromocyclododecane [CAS No: 134237-50-6]; beta-hexabromocyclododecane [CAS No: 134237-51-7]; and gamma-hexabromocyclododecane [CAS No: 134237-52-8].

Part IV

Hexabromodiphenyl ether and heptabromodiphenyl ether

1. A Party may allow recycling of articles that contain or may contain hexabromodiphenyl ether and heptabromodiphenyl ether, and the use and final disposal of articles manufactured from recycled materials that contain or may contain hexabromodiphenyl ether and heptabromodiphenyl ether, provided that:

- (a) The recycling and final disposal is carried out in an environmentally sound manner and does not lead to recovery of hexabromodiphenyl ether and heptabromodiphenyl ether for the purpose of their reuse;
- (b) The Party takes steps to prevent exports of such articles that contain levels/ concentrations of hexabromodiphenyl ether and heptabromodiphenyl ether exceeding those permitted for the sale, use, import or manufacture of those articles within the territory of the Party; and
- (c) The Party has notified the Secretariat of its intention to make use of this exemption.

2. At its sixth ordinary meeting and at every second ordinary meeting thereafter the Conference of the Parties shall evaluate the progress that Parties have made towards achieving their ultimate objective of elimination of hexabromodiphenyl ether and heptabromodiphenyl ether contained in articles and review the continued need for this specific exemption. This specific exemption shall in any case expire at the latest in 2030.

Part V

Tetrabromodiphenyl ether and pentabromodiphenyl ether

1. A Party may allow recycling of articles that contain or may contain tetrabromodiphenyl ether and pentabromodiphenyl ether, and the use and final disposal of articles manufactured from recycled materials that contain or may contain tetrabromodiphenyl ether and pentabromodiphenyl ether, provided that:

- (a) The recycling and final disposal is carried out in an environmentally sound manner and does not lead to recovery of tetrabromodiphenyl ether and pentabromodiphenyl ether for the purpose of their reuse;
- (b) The Party does not allow this exemption to lead to the export of articles containing levels/concentrations of tetrabromodiphenyl ether and pentabromodiphenyl ether that exceed those permitted to be sold within the territory of the Party; and
- (c) The Party has notified the Secretariat of its intention to make use of this exemption.

2. At its sixth ordinary meeting and at every second ordinary meeting thereafter the Conference of the Parties shall evaluate the progress that Parties have made towards achieving their ultimate objective of elimination of tetrabromodiphenyl ether and pentabromodiphenyl ether contained in articles and review the continued need for this specific exemption. This specific exemption shall in any case expire at the latest in 2030.

Part VI

Technical endosulfan and its related isomers (endosulfan)

The production and use of endosulfan shall be eliminated except for Parties that have notified the Secretariat of their intention to produce and/or use it in accordance with Article 4 of the Convention. Specific exemptions may be available for the use of endosulfan for the following crop-pest complexes:

| Crop | Pest |
|-----------------------|--|
| Apple | Aphids |
| Arhar, gram | Aphids, caterpillars, pea semilooper, pod borer |
| Bean, cowpea | Aphids, leaf miner, whiteflies |
| Chilli, onion, potato | Aphids, jassids |
| Coffee | Berry borer, stem borers |
| Cotton | Aphids, cotton bollworm, jassids, leaf rollers, pink bollworm, thrips, whiteflies |
| Eggplant, okra | Aphids, diamondback moth, jassids, shoot and fruit borer |
| Groundnut | Aphids |
| Jute | Bihar hairy caterpillar, yellow mite |
| Maize | Aphids, pink borer, stem borers |
| Mango | Fruit flies, hoppers |
| Mustard | Aphids, gall midges |
| Rice | Gall midges, rice hispa, stem borers, white jassid |
| Tea | Aphids, caterpillars, flushworm, mealybugs, scale insects, smaller green leafhopper, tea geometrid, tea mosquito bug, thrips |
| Tobacco | Aphids, oriental tobacco budworm |
| Tomato | Aphids, diamondback moth, jassids, leaf miner, shoot and fruit borer, whiteflies |
| Wheat | Aphids, pink borer, termites |

Part VII

Hexabromocyclododecane

Each Party that has registered for the exemption pursuant to Article 4 for the production and use of hexabromocyclododecane for expanded polystyrene and extruded polystyrene in buildings shall take necessary measures to ensure that expanded polystyrene and extruded polystyrene containing hexabromocyclododecane can be easily identified by labelling or other means throughout its life cycle.

Part VIII

Pentachlorophenol and its salts and esters

Each Party that has registered for the exemption, pursuant to Article 4 for the production and use of pentachlorophenol for utility poles and cross-arms shall take the necessary measures to ensure that utility poles and cross-arms containing pentachlorophenol can be easily identified by labelling or other means throughout their life cycles. Articles treated with pentachlorophenol should not be reused for purposes other than those exempted.

Part IX

Decabromodiphenyl ether

1. The production and use of decabromodiphenyl ether shall be eliminated except for Parties that have notified the Secretariat of their intention to produce and/or use it in accordance with Article 4.
2. Specific exemptions for parts for use in vehicles may be available for the production and use of commercial decabromodiphenyl ether limited to the following:
 - (a) Parts for use in legacy vehicles, defined as vehicles that have ceased mass production, and with such parts falling into one or more of the following categories:
 - (i) Powertrain and under-hood applications such as battery mass wires, battery interconnection wires, mobile air-conditioning (MAC) pipes, powertrains, exhaust manifold bushings, under-hood insulation, wiring and harness under hood (engine wiring, etc.), speed sensors, hoses, fan modules and knock sensors;

- (ii) Fuel system applications such as fuel hoses, fuel tanks and fuel tanks under body;
 - (iii) Pyrotechnical devices and applications affected by pyrotechnical devices such as air bag ignition cables, seat covers/fabrics (only if airbag relevant) and airbags (front and side);
 - (iv) Suspension and interior applications such as trim components, acoustic material and seat belts.
- (b) Parts in vehicles specified in paragraphs 2 (a) (i)–(iv) above and those falling into one or more of the following categories:
- (i) Reinforced plastics (instrument panels and interior trim);
 - (ii) Under the hood or dash (terminal/fuse blocks, higher-amperage wires and cable jacketing (spark plug wires));
 - (iii) Electric and electronic equipment (battery cases and battery trays, engine control electrical connectors, components of radio disks, navigation satellite systems, global positioning systems and computer systems);
 - (iv) Fabric such as rear decks, upholstery, headliners, automobile seats, head rests, sun visors, trim panels, carpets.
3. The specific exemptions for parts specified in paragraph 2 (a) above shall expire at the end of the service life of legacy vehicles or in 2036, whichever comes earlier.
4. The specific exemptions for parts specified in paragraph 2 (b) above shall expire at the end of the service life of vehicles or in 2036, whichever comes earlier.
5. The specific exemptions for spare parts for aircraft for which type approval has been applied for before December 2018 and has been received before December 2022 shall expire at the end of the service life of those aircraft.

Part X

Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds

1. The production and use of perfluorooctanoic acid (PFOA), its salts and PFOA related compounds shall be eliminated except for Parties that have notified the Secretariat of their intention to produce and/or use them in accordance with Article 4 of the Convention.
2. Each Party that has registered for a specific exemption pursuant to Article 4 for the use of PFOA, its salts and PFOA-related compounds for fire-fighting foam shall:
 - (a) Notwithstanding paragraph 2 of Article 3, ensure that fire-fighting foam that contains or may contain PFOA, its salts and PFOA-related compounds shall not be exported or imported except for the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6;
 - (b) Not use fire-fighting foam that contains or may contain PFOA, its salts and PFOA-related compounds for training;
 - (c) Not use fire-fighting foam that contains or may contain PFOA, its salts and PFOA-related compounds for testing unless all releases are contained;
 - (d) By the end of 2022, if it has the capacity to do so, but no later than 2025, restrict uses of fire-fighting foam that contains or may contain PFOA, its salts and PFOA-related compounds to sites where all releases can be contained;
 - (e) Make determined efforts designed to lead to the environmentally sound management of fire-fighting foam stockpiles and wastes that contain or may contain PFOA, its salts and PFOA-related compounds, in accordance with paragraph 1 of Article 6, as soon as possible;
3. With regard to the specific exemption for the use of perfluorooctyl iodide for the production of perfluorooctyl bromide for the purpose of producing pharmaceutical products, at its thirteenth ordinary meeting and at every second ordinary meeting thereafter, the Conference of the Parties shall review the continued need for this specific exemption. This specific exemption shall in any case expire at the latest in 2036.

ANNEX B³

RESTRICTION

Part I

| Chemical | Activity | Acceptable purpose or specific exemption ⁴ |
|--|------------|--|
| DDT (1,1,1-trichloro-2,2-bis (4-chlorophenyl)ethane) CAS No: 50-29-3 | Production | <u>Acceptable purpose:</u> Disease vector control use in accordance with Part II of this Annex <u>Specific exemption:</u> Intermediate in production of dicofol Intermediate |
| | Use | <u>Acceptable purpose:</u> Disease vector control in accordance with Part II of this Annex <u>Specific exemption:</u> Production of dicofol Intermediate |

³ As amended by decision SC-4/17 of 8 May 2009 and SC-9/4 of 10 May 2019

⁴ Please note that, in accordance with paragraph 9 of Article 4 of the Convention, when there are no longer any Parties registered for a particular type of specific exemption no new registrations may be made with respect to such exemptions, which appear in gray text in the table.

| Chemical | Activity | Acceptable purpose or specific exemption ⁴ |
|---|------------|---|
| Perfluorooctane sulfonic acid [CAS No. 1763-23-1], its salts ^a and perfluorooctane sulfonyl fluoride [CAS No. 307-35-7] ^a For example: potassium perfluorooctane sulfonate [CAS No. 2795-39-3]; lithium perfluorooctane sulfonate [CAS No. 29457-72-5]; ammonium perfluorooctane sulfonate [CAS No. 29081-56-9]; diethanolammonium perfluorooctane sulfonate [CAS No. 70225-14-8]; tetraethylammonium perfluorooctane sulfonate [CAS No. 56773-42-3]; didecyltrimethylammonium perfluorooctane sulfonate [CAS No. 251099-16-8] | Production | <u>Acceptable purpose:</u> In accordance with Part III of this Annex, production of other chemicals to be used solely for the use below. Production for uses listed below. <u>Specific exemption:</u> None |
| | Use | <u>Acceptable purpose:</u> In accordance with Part III of this Annex for the following acceptable purpose, or as an intermediate in the production of chemicals with the following acceptable purpose: <ul style="list-style-type: none"> • Insect baits with sulfluramid [CAS No. 4151-50-2] as an active ingredient for control of leaf-cutting ants from <i>Atta</i> spp. and <i>Acromyrmex</i> spp. for agricultural use only <u>Specific exemption:</u> <ul style="list-style-type: none"> • Metal plating (hard-metal plating) only in closed-loop systems • Fire-fighting foam for liquid fuel vapour suppression and liquid fuel fires (Class B fires) in installed systems, including both mobile and fixed systems, in accordance with paragraph 10 of part III of this Annex |

Notes:

- (i) Except as otherwise specified in this Convention, quantities of a chemical occurring as unintentional trace contaminants in products and articles shall not be considered to be listed in this Annex;
- (ii) This note shall not be considered as a production and use acceptable purpose or specific exemption for purposes of paragraph 2 of Article 3. Quantities of a chemical occurring as constituents of articles manufactured or already in use before or on the date of entry into force of the relevant obligation with respect to that chemical, shall not be considered as listed in this Annex, provided that a Party has notified the Secretariat that a particular type of article remains in use within that Party. The Secretariat shall make such notifications publicly available;
- (iii) This note shall not be considered as a production and use specific exemption for purposes of paragraph 2 of Article 3. Given that no significant quantities of the chemical are expected to reach humans and the environment during the production and use of a closed-system site-limited intermediate, a Party, upon notification to the Secretariat, may allow the production and use of quantities of a chemical listed in this Annex as a closed-system site-limited intermediate that is chemically transformed in the manufacture of other chemicals that, taking into consideration the criteria in paragraph 1 of Annex D, do not exhibit the characteristics of persistent organic pollutants. This notification shall include information on total production and use of such chemical or a reasonable estimate of such information and information regarding the nature of the closed-system site-limited process including the amount of any non-transformed and unintentional trace contamination of the persistent organic pollutant-starting material in the final product. This procedure applies except as otherwise specified in this Annex. The Secretariat shall make such notifications available to the Conference of the Parties and to the public. Such production or use shall not be considered a production or use specific exemption. Such production and use shall cease after a ten-year period, unless the Party concerned submits a new notification to the Secretariat, in which case the period will be extended for an additional ten years unless the Conference of the Parties, after a review of the production and use decides otherwise. The notification procedure can be repeated;

- (iv) All the specific exemptions in this Annex may be exercised by Parties that have registered in respect of them in accordance with Article 4.

Part II

DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane)

1. The production and use of DDT shall be eliminated except for Parties that have notified the Secretariat of their intention to produce and/or use it. A DDT Register is hereby established and shall be available to the public. The Secretariat shall maintain the DDT Register.
2. Each Party that produces and/or uses DDT shall restrict such production and/or use for disease vector control in accordance with the World Health Organization recommendations and guidelines on the use of DDT and when locally safe, effective and affordable alternatives are not available to the Party in question.
3. In the event that a Party not listed in the DDT Register determines that it requires DDT for disease vector control, it shall notify the Secretariat as soon as possible in order to have its name added forthwith to the DDT Register. It shall at the same time notify the World Health Organization.
4. Every three years, each Party that uses DDT shall provide to the Secretariat and the World Health Organization information on the amount used, the conditions of such use and its relevance to that Party's disease management strategy, in a format to be decided by the Conference of the Parties in consultation with the World Health Organization.
5. With the goal of reducing and ultimately eliminating the use of DDT, the Conference of the Parties shall encourage:
 - (a) Each Party using DDT to develop and implement an action plan as part of the implementation plan specified in Article 7. That action plan shall include:
 - (i) Development of regulatory and other mechanisms to ensure that DDT use is restricted to disease vector control;
 - (ii) Implementation of suitable alternative products, methods and strategies, including resistance management strategies to ensure the continuing effectiveness of these alternatives;

- (iii) Measures to strengthen health care and to reduce the incidence of the disease.
 - (b) The Parties, within their capabilities, to promote research and development of safe alternative chemical and non-chemical products, methods and strategies for Parties using DDT, relevant to the conditions of those countries and with the goal of decreasing the human and economic burden of disease. Factors to be promoted when considering alternatives or combinations of alternatives shall include the human health risks and environmental implications of such alternatives. Viable alternatives to DDT shall pose less risk to human health and the environment, be suitable for disease control based on conditions in the Parties in question and be supported with monitoring data.
6. Commencing at its first meeting, and at least every three years thereafter, the Conference of the Parties shall, in consultation with the World Health Organization, evaluate the continued need for DDT for disease vector control on the basis of available scientific, technical, environmental and economic information, including:
- (a) The production and use of DDT and the conditions set out in paragraph 2;
 - (b) The availability, suitability and implementation of the alternatives to DDT; and
 - (c) Progress in strengthening the capacity of countries to transfer safely to reliance on such alternatives.
7. A Party may, at any time, withdraw its name from the DDT Registry upon written notification to the Secretariat. The withdrawal shall take effect on the date specified in the notification.

Part III

Perfluorooctane sulfonic acid, its salts, and perfluorooctane sulfonyl fluoride

1. The production and use of perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF) shall be eliminated by all Parties except as provided in Part I of this Annex for Parties that have notified the Secretariat of their intention to produce and/or use them for acceptable purposes. A Register of

Acceptable Purposes is hereby established and shall be available to the public. The Secretariat shall maintain the Register of Acceptable Purposes. In the event that a Party not listed in the Register determines that it requires the use of PFOS, its salts or PFOSF for the acceptable purposes listed in Part I of this Annex it shall notify the Secretariat as soon as possible in order to have its name added forthwith to the Register.

2. Parties that produce and/or use these chemicals shall take into account, as appropriate, guidance such as that given in the relevant parts of the general guidance on best available techniques and best environmental practices given in Part V of Annex C of the Convention.

3. Every four years, each Party that uses and/or produces these chemicals shall report on progress made to eliminate PFOS, its salts and PFOSF and submit information on such progress to the Conference of the Parties pursuant to and in the process of reporting under Article 15 of the Convention.

4. With the goal of reducing and ultimately eliminating the production and/or use of these chemicals, the Conference of the Parties shall encourage:

- (a) Each Party using these chemicals to take action to phase out uses when suitable alternative substances or methods are available;
- (b) Each Party using and/or producing these chemicals to develop and implement an action plan as part of the implementation plan specified in Article 7 of the Convention;
- (c) The Parties, within their capabilities, to promote research on and development of safe alternative chemical and non-chemical products and processes, methods and strategies for Parties using these chemicals, relevant to the conditions of those Parties. Factors to be promoted when considering alternatives or combinations of alternatives shall include the human health risks and environmental implications of such alternatives.

5. The Conference of the Parties shall evaluate the continued need for these chemicals for the various acceptable purposes and specific exemptions on the basis of available scientific, technical, environmental and economic information, including:

- (a) Information provided in the reports described in paragraph 3;
- (b) Information on the production and use of these chemicals;

- (c) Information on the availability, suitability and implementation of alternatives to these chemicals;
 - (d) Information on progress in building the capacity of countries to transfer safely to reliance on such alternatives.
6. The evaluation referred to in the preceding paragraph shall take place no later than in 2015 and every four years thereafter, in conjunction with a regular meeting of the Conference of the Parties.
7. Due to the complexity of the use and the many sectors of society involved in the use of these chemicals, there might be other uses of these chemicals of which countries are not presently aware. Parties which become aware of other uses are encouraged to inform the Secretariat as soon as possible.
8. A Party may, at any time, withdraw its name from the Register of acceptable purposes upon written notification to the Secretariat. The withdrawal shall take effect on the date specified in the notification.
9. The provisions of note (iii) of Part I of Annex B shall not apply to these chemicals.
10. Each Party that has registered for an exemption pursuant to Article 4 for the use of PFOS, its salts and PFOSF for fire-fighting foam shall:
- (a) Notwithstanding paragraph 2 of Article 3, ensure that fire-fighting foam that contains or may contain PFOS, its salts and PFOSF shall not be exported or imported except for the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6;
 - (b) Not use fire-fighting foam that contains or may contain PFOS, its salts and PFOSF for training;
 - (c) Not use fire-fighting foam that contains or may contain PFOS, its salts and PFOSF for testing unless all releases are contained;
 - (d) By the end of 2022, if it has the capacity to do so, restrict uses of fire-fighting foam that contains or may contain PFOS, its salts and PFOSF to sites where all releases can be contained;
 - (e) Make determined efforts designed to lead to the environmentally sound management of fire-fighting foam stockpiles and wastes that contain or may contain PFOS, its salts and PFOSF, in accordance with paragraph 1 of Article 6, as soon as possible.

ANNEX C⁵

UNINTENTIONAL PRODUCTION

Part I

Persistent organic pollutants subject to the requirements of Article 5

This Annex applies to the following persistent organic pollutants when formed and released unintentionally from anthropogenic sources:

| Chemical |
|---|
| Hexachlorobenzene (HCB) [CAS No: 118-74-1] |
| Hexachlorobutadiene [CAS No: 87-68-3] |
| Pentachlorobenzene (PeCB) [CAS No: 608-93-5] |
| Polychlorinated biphenyls (PCB) |
| Polychlorinated dibenzo- <i>p</i> -dioxins and dibenzofurans (PCDD/PCDF) |
| Polychlorinated naphthalenes, including dichlorinated naphthalenes, trichlorinated naphthalenes, tetrachlorinated naphthalenes, pentachlorinated naphthalenes, hexachlorinated naphthalenes, heptachlorinated naphthalenes, octachlorinated naphthalene |

Part II

Source categories

Hexachlorobenzene, hexachlorobutadiene, pentachlorobenzene, polychlorinated biphenyls, polychlorinated dibenzo-*p*-dioxins and dibenzofurans, polychlorinated naphthalenes, including dichlorinated naphthalenes, trichlorinated naphthalenes, tetrachlorinated naphthalenes, pentachlorinated naphthalenes, hexachlorinated naphthalenes, heptachlorinated naphthalenes, octachlorinated naphthalene are unintentionally formed and released from thermal processes involving organic matter and chlorine as a result of incomplete combustion or chemical reactions.

⁵ As amended by decisions SC-4/16 and SC-4/18 of 8 May 2009; SC-7/14 of 15 May 2015; and SC-8/12 of 5 May 2017.

The following industrial source categories have the potential for comparatively high formation and release of these chemicals to the environment:

- (a) Waste incinerators, including co-incinerators of municipal, hazardous or medical waste or of sewage sludge;
- (b) Cement kilns firing hazardous waste;
- (c) Production of pulp using elemental chlorine or chemicals generating elemental chlorine for bleaching;
- (d) The following thermal processes in the metallurgical industry:
 - (i) Secondary copper production;
 - (ii) Sinter plants in the iron and steel industry;
 - (iii) Secondary aluminium production;
 - (iv) Secondary zinc production.

Part III

Source categories

Hexachlorobenzene, hexachlorobutadiene, pentachlorobenzene, polychlorinated biphenyls, polychlorinated dibenzo-*p*-dioxins and dibenzofurans, polychlorinated naphthalenes, including dichlorinated naphthalenes, trichlorinated naphthalenes, tetrachlorinated naphthalenes, pentachlorinated naphthalenes, hexachlorinated naphthalenes, heptachlorinated naphthalenes, octachlorinated naphthalene may also be unintentionally formed and released from the following source categories, including:

- (a) Open burning of waste, including burning of landfill sites;
- (b) Thermal processes in the metallurgical industry not mentioned in Part II;
- (c) Residential combustion sources;
- (d) Fossil fuel-fired utility and industrial boilers;
- (e) Firing installations for wood and other biomass fuels;

- (f) Specific chemical production processes releasing unintentionally formed persistent organic pollutants, especially production of chlorophenols and chloranil;
- (g) Crematoria;
- (h) Motor vehicles, particularly those burning leaded gasoline;
- (i) Destruction of animal carcasses;
- (j) Textile and leather dyeing (with chloranil) and finishing (with alkaline extraction);
- (k) Shredder plants for the treatment of end of life vehicles;
- (l) Smouldering of copper cables;
- (m) Waste oil refineries.

Part IV

Definitions

1. For the purposes of this Annex:
 - (a) “Polychlorinated biphenyls” means aromatic compounds formed in such a manner that the hydrogen atoms on the biphenyl molecule (two benzene rings bonded together by a single carbon-carbon bond) may be replaced by up to ten chlorine atoms; and
 - (b) “Polychlorinated dibenzo-p-dioxins” and “polychlorinated dibenzofurans” are tricyclic, aromatic compounds formed by two benzene rings connected by two oxygen atoms in polychlorinated dibenzo-p-dioxins and by one oxygen atom and one carbon-carbon bond in polychlorinated dibenzofurans and the hydrogen atoms of which may be replaced by up to eight chlorine atoms.
2. In this Annex, the toxicity of polychlorinated dibenzo-p-dioxins and dibenzofurans is expressed using the concept of toxic equivalency which measures the relative dioxin-like toxic activity of different congeners of polychlorinated dibenzo-p-dioxins and dibenzofurans and coplanar polychlorinated biphenyls in comparison to

2,3,7,8-tetrachlorodibenzo-p-dioxin. The toxic equivalent factor values to be used for the purposes of this Convention shall be consistent with accepted international standards, commencing with the World Health Organization 1998 mammalian toxic equivalent factor values for polychlorinated dibenzo-p-dioxins and dibenzofurans and coplanar polychlorinated biphenyls. Concentrations are expressed in toxic equivalents.

Part V

General guidance on best available techniques and best environmental practices

This Part provides general guidance to Parties on preventing or reducing releases of the chemicals listed in Part I.

A. General prevention measures relating to both best available techniques and best environmental practices

Priority should be given to the consideration of approaches to prevent the formation and release of the chemicals listed in Part I. Useful measures could include:

- (a) The use of low-waste technology;
- (b) The use of less hazardous substances;
- (c) The promotion of the recovery and recycling of waste and of substances generated and used in a process;
- (d) Replacement of feed materials which are persistent organic pollutants or where there is a direct link between the materials and releases of persistent organic pollutants from the source;
- (e) Good housekeeping and preventive maintenance programmes;
- (f) Improvements in waste management with the aim of the cessation of open and other uncontrolled burning of wastes, including the burning of landfill sites. When considering proposals to construct new waste disposal facilities, consideration should be given to alternatives such as activities to minimize the generation of municipal and medical waste, including resource recovery, reuse, recycling, waste separation and promoting products that generate less waste. Under this approach, public health concerns should be carefully considered;

- (g) Minimization of these chemicals as contaminants in products;
- (h) Avoiding elemental chlorine or chemicals generating elemental chlorine for bleaching.

B. Best available techniques

The concept of best available techniques is not aimed at the prescription of any specific technique or technology, but at taking into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions. Appropriate control techniques to reduce releases of the chemicals listed in Part I are in general the same. In determining best available techniques, special consideration should be given, generally or in specific cases, to the following factors, bearing in mind the likely costs and benefits of a measure and consideration of precaution and prevention:

- (a) General considerations:
 - (i) The nature, effects and mass of the releases concerned: techniques may vary depending on source size;
 - (ii) The commissioning dates for new or existing installations;
 - (iii) The time needed to introduce the best available technique;
 - (iv) The consumption and nature of raw materials used in the process and its energy efficiency;
 - (v) The need to prevent or reduce to a minimum the overall impact of the releases to the environment and the risks to it;
 - (vi) The need to prevent accidents and to minimize their consequences for the environment;
 - (vii) The need to ensure occupational health and safety at workplaces;
 - (viii) Comparable processes, facilities or methods of operation which have been tried with success on an industrial scale;
 - (ix) Technological advances and changes in scientific knowledge and understanding.

- (b) General release reduction measures: When considering proposals to construct new facilities or significantly modify existing facilities using processes that release chemicals listed in this Annex, priority consideration should be given to alternative processes, techniques or practices that have similar usefulness but which avoid the formation and release of such chemicals. In cases where such facilities will be constructed or significantly modified, in addition to the prevention measures outlined in section A of Part V the following reduction measures could also be considered in determining best available techniques:
- (i) Use of improved methods for flue-gas cleaning such as thermal or catalytic oxidation, dust precipitation, or adsorption;
 - (ii) Treatment of residuals, wastewater, wastes and sewage sludge by, for example, thermal treatment or rendering them inert or chemical processes that detoxify them;
 - (iii) Process changes that lead to the reduction or elimination of releases, such as moving to closed systems;
 - (iv) Modification of process designs to improve combustion and prevent formation of the chemicals listed in this Annex, through the control of parameters such as incineration temperature or residence time.

C. Best environmental practices

The Conference of the Parties may develop guidance with regard to best environmental practices.

ANNEX D

INFORMATION REQUIREMENTS AND SCREENING CRITERIA

1. A Party submitting a proposal to list a chemical in Annexes A, B and/or C shall identify the chemical in the manner described in subparagraph (a) and provide the information on the chemical, and its transformation products where relevant, relating to the screening criteria set out in subparagraphs (b) to (e):

(a) Chemical identity:

- (i) Names, including trade name or names, commercial name or names and synonyms, Chemical Abstracts Service (CAS) Registry number, International Union of Pure and Applied Chemistry (IUPAC) name; and
- (ii) Structure, including specification of isomers, where applicable, and the structure of the chemical class;

(b) Persistence:

- (i) Evidence that the half-life of the chemical in water is greater than two months, or that its half-life in soil is greater than six months, or that its half-life in sediment is greater than six months; or
- (ii) Evidence that the chemical is otherwise sufficiently persistent to justify its consideration within the scope of this Convention;

(c) Bio-accumulation:

- (i) Evidence that the bio-concentration factor or bio-accumulation factor in aquatic species for the chemical is greater than 5,000 or, in the absence of such data, that the log K_{ow} is greater than 5;
- (ii) Evidence that a chemical presents other reasons for concern, such as high bio-accumulation in other species, high toxicity or ecotoxicity; or
- (iii) Monitoring data in biota indicating that the bio-accumulation potential of the chemical is sufficient to justify its consideration within the scope of this Convention;

(d) Potential for long-range environmental transport:

- (i) Measured levels of the chemical in locations distant from the sources of its release that are of potential concern;
- (ii) Monitoring data showing that long-range environmental transport of the chemical, with the potential for transfer to a receiving environment, may have occurred via air, water or migratory species; or
- (iii) Environmental fate properties and/or model results that demonstrate that the chemical has a potential for long-range environmental transport through air, water or migratory species, with the potential for transfer to a receiving environment in locations distant from the sources of its release. For a chemical that migrates significantly through the air, its half-life in air should be greater than two days; and

(e) Adverse effects:

- (i) Evidence of adverse effects to human health or to the environment that justifies consideration of the chemical within the scope of this Convention; or
- (ii) Toxicity or ecotoxicity data that indicate the potential for damage to human health or to the environment.

2. The proposing Party shall provide a statement of the reasons for concern including, where possible, a comparison of toxicity or ecotoxicity data with detected or predicted levels of a chemical resulting or anticipated from its long-range environmental transport, and a short statement indicating the need for global control.

3. The proposing Party shall, to the extent possible and taking into account its capabilities, provide additional information to support the review of the proposal referred to in paragraph 6 of Article 8. In developing such a proposal, a Party may draw on technical expertise from any source.

ANNEX E

INFORMATION REQUIREMENTS FOR THE RISK PROFILE

The purpose of the review is to evaluate whether the chemical is likely, as a result of its long-range environmental transport, to lead to significant adverse human health and/or environmental effects, such that global action is warranted. For this purpose, a risk profile shall be developed that further elaborates on, and evaluates, the information referred to in Annex D and includes, as far as possible, the following types of information:

- (a) Sources, including as appropriate:
 - (i) Production data, including quantity and location;
 - (ii) Uses; and
 - (iii) Releases, such as discharges, losses and emissions;
- (b) Hazard assessment for the endpoint or endpoints of concern, including a consideration of toxicological interactions involving multiple chemicals;
- (c) Environmental fate, including data and information on the chemical and physical properties of a chemical as well as its persistence and how they are linked to its environmental transport, transfer within and between environmental compartments, degradation and transformation to other chemicals. A determination of the bio-concentration factor or bio-accumulation factor, based on measured values, shall be available, except when monitoring data are judged to meet this need;
- (d) Monitoring data;
- (e) Exposure in local areas and, in particular, as a result of long-range environmental transport, and including information regarding bio-availability;
- (f) National and international risk evaluations, assessments or profiles and labelling information and hazard classifications, as available; and
- (g) Status of the chemical under international conventions.

ANNEX F

INFORMATION ON SOCIO-ECONOMIC CONSIDERATIONS

An evaluation should be undertaken regarding possible control measures for chemicals under consideration for inclusion in this Convention, encompassing the full range of options, including management and elimination. For this purpose, relevant information should be provided relating to socio-economic considerations associated with possible control measures to enable a decision to be taken by the Conference of the Parties. Such information should reflect due regard for the differing capabilities and conditions among the Parties and should include consideration of the following indicative list of items:

- (a) Efficacy and efficiency of possible control measures in meeting risk reduction goals:
 - (i) Technical feasibility; and
 - (ii) Costs, including environmental and health costs;
- (b) Alternatives (products and processes):
 - (i) Technical feasibility;
 - (ii) Costs, including environmental and health costs;
 - (iii) Efficacy;
 - (iv) Risk;
 - (v) Availability; and
 - (vi) Accessibility;
- (c) Positive and/or negative impacts on society of implementing possible control measures:
 - (i) Health, including public, environmental and occupational health;
 - (ii) Agriculture, including aquaculture and forestry;
 - (iii) Biota (biodiversity);

- (iv) Economic aspects;
 - (v) Movement towards sustainable development; and
 - (vi) Social costs;
- (d) Waste and disposal implications (in particular, obsolete stocks of pesticides and clean-up of contaminated sites):
- (i) Technical feasibility; and
 - (ii) Cost;
- (e) Access to information and public education;
- (f) Status of control and monitoring capacity; and
- (g) Any national or regional control actions taken, including information on alternatives, and other relevant risk management information.

ANNEX G

ARBITRATION AND CONCILIATION PROCEDURES FOR SETTLEMENT OF DISPUTES⁶

Part I

Arbitration procedure

The arbitration procedure for purposes of paragraph 2 (a) of Article 18 of the Convention shall be as follows:

Article 1

1. A Party may initiate recourse to arbitration in accordance with Article 18 of the Convention by written notification addressed to the other party to the dispute. The notification shall be accompanied by a statement of the claim, together with any supporting documents, and state the subject-matter of arbitration and include, in particular, the articles of the Convention the interpretation or application of which are at issue.

2. The claimant party shall notify the Secretariat that the parties are referring a dispute to arbitration pursuant to Article 18. The notification shall be accompanied by the written notification of the claimant party, the statement of claim and the supporting documents referred to in paragraph 1 above. The Secretariat shall forward the information thus received to all Parties.

Article 2

1. If a dispute is referred to arbitration in accordance with Article 1 above, an arbitral tribunal shall be established. It shall consist of three members.

2. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the President of the tribunal. The President of the tribunal shall not be a national of one of the parties to the dispute, nor have his or her usual place of

⁶ Annex G was adopted by the first meeting of the Conference of the Parties in its decision SC-1/2

residence in the territory of one of those parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

3. In disputes between more than two parties, parties in the same interest shall appoint one arbitrator jointly by agreement.

4. Any vacancy shall be filled in the manner prescribed for the initial appointment.

5. If the parties do not agree on the subject-matter of the dispute before the President of the arbitral tribunal is designated, the arbitral tribunal shall determine the subject-matter.

Article 3

1. If one of the parties to the dispute does not appoint an arbitrator within two months of the date on which the respondent party receives the notification of the arbitration, the other party may inform the Secretary-General of the United Nations, who shall make the designation within a further two-month period.

2. If the President of the arbitral tribunal has not been designated within two months of the date of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of a party, designate the President within a further two-month period.

Article 4

The arbitral tribunal shall render its decisions in accordance with the provisions of the Convention and international law.

Article 5

Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own rules of procedure.

Article 6

The arbitral tribunal may, at the request of one of the parties, indicate essential interim measures of protection.

Article 7

The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:

- (a) Provide it with all relevant documents, information and facilities; and
- (b) Enable it, when necessary, to call witnesses or experts and receive their evidence.

Article 8

The parties and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

Article 9

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the costs of the tribunal shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its costs, and shall furnish a final statement thereof to the parties.

Article 10

A party that has an interest of a legal nature in the subject matter of the dispute which may be affected by the decision in the case may intervene in the proceedings with the consent of the tribunal.

Article 11

The tribunal may hear and determine counterclaims arising directly out of the subject matter of the dispute.

Article 12

Decisions both on procedure and substance of the arbitral tribunal shall be taken by a majority vote of its members.

Article 13

1. If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party or a failure of a party to defend its case shall not constitute a bar to the proceedings.
2. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.

Article 14

The tribunal shall render its final decision within five months of the date on which it is fully constituted unless it finds it necessary to extend the time limit for a period which should not exceed five more months.

Article 15

The final decision of the arbitral tribunal shall be confined to the subject matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the tribunal may attach a separate or dissenting opinion to the final decision.

Article 16

The award shall be binding on the parties to the dispute. The interpretation of the Convention given by the award shall also be binding upon a Party intervening under Article 10 above insofar as it relates to matters in respect of which that Party intervened. The award shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure.

Article 17

Any controversy which may arise between those bound by the final decision in accordance with Article 16 above, as regards the interpretation or manner of implementation of that decision, may be submitted by any of them for decision to the arbitral tribunal which rendered it.

Part II

Conciliation procedure

The conciliation procedure for purposes of paragraph 6 of Article 18 of the Convention shall be as follows:

Article 1

1. A request by a party to a dispute to establish a conciliation commission in consequence of paragraph 6 of Article 18 shall be addressed in writing to the Secretariat. The Secretariat shall forthwith inform all Parties to the Convention accordingly.

2. The conciliation commission shall, unless the parties otherwise agree, be composed of three members, one appointed by each party concerned and a President chosen jointly by those members.

Article 2

In disputes between more than two parties, parties in the same interest shall appoint their members of the commission jointly by agreement.

Article 3

If any appointments by the parties are not made within two months of the date of receipt by the Secretariat of the written request referred to in Article 1, the Secretary-General of the United Nations shall, upon request by a party, make those appointments within a further two-month period.

Article 4

If the President of the conciliation commission has not been chosen within two months of the second member of the commission being appointed, the Secretary-General of the United Nations shall, upon request by a party, designate the President within a further two-month period.

Article 5

1. The conciliation commission shall, unless the parties to the dispute otherwise agree, determine its own rules of procedure.
2. The parties and members of the commission are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the commission.

Article 6

The conciliation commission shall take its decisions by a majority vote of its members.

Article 7

The conciliation commission shall render a report with recommendations for resolution of the dispute within twelve months of being established, which the parties shall consider in good faith.

Article 8

Any disagreement as to whether the conciliation commission has competence to consider a matter referred to it shall be decided by the commission.

Article 9

The costs of the commission shall be borne by the parties to the dispute in shares agreed by them. The commission shall keep the record of all its costs and shall furnish a final statement thereof to the parties.

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