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CANADIAN REPORT ON THE SECOND MEETING OF THE CONFERENCE OF THE PARTIES (COP-2) TO THE STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS GENEVA, SWITZERLAND, 1-5 MAY 2006

The second Conference of the Parties (COP-2) to the Stockholm Convention on Persistent Organic Pollutants organised by UNEP and hosted by the Government of Switzerland, was held in Geneva, Switzerland, 1-5 May 2006.

The main objective of the Conference of the Parties (COP) was to ensure that Parties adopt those decisions required by the Convention to be taken at the second meeting of the COP. Parties also adopted decisions on other items required to effectively implement the Convention in future years, particularly on effectiveness evaluation. The Canadian delegation consisted of: Dr. Barry Stemshorn (EnvCda – Head of delegation), John Mundy (DFAIT/GDE – Alt. Head of delegation); Cheryl Heathwood (EnvCda – Co. Alt.-Head of delegation); Anne Daniel (Justice), Greg Filyk (EnvCda), Patrick Finlay (EnvCda), Robert Chénier (EnvCda), Tom Harner (EnvCda), Russell Shearer (INAC), Lars Juergensen (HC/PMRA), Johanne Forest (DFAIT), Nathalie Dault (DFAIT), Fe de Leon (Canadian Environmental Network), and Stephanie Meakin (Inuit Circumpolar Conference).

Canada also organized a number of side events on effectiveness evaluation / global monitoring, working with the Stockholm Convention Secretariat. In addition, Canada and Switzerland co-hosted a lunch for Francophone African countries.

The priorities for the Canadian delegation were to:

- (a) advance Canadian positions in a constructive manner in order to achieve a successful outcome for this COP;
- (b) adopt a process to establish arrangements at COP-3 on effectiveness evaluation;
- (c) initiate constructive development of non-compliance procedures for the Convention;
- (d) encourage an expanded consideration of “synergies” between the Stockholm, Basel and Rotterdam Conventions, based on effectiveness and efficiencies of implementation; and
- (e) ensure that identified issues arising from the first POPRC meeting were resolved to ensure that the committee is strengthened to conduct its important work.

EXECUTIVE SUMMARY

COP-2 was a successful meeting from Canada’s perspective, as satisfactory progress was made on all priority issues:

- After much debate in a contact group, progress was made on effectiveness evaluation, including approved support from both core and voluntary funding sources in 2007. The COP-2 decision agrees to obtain comparable monitoring data on which to base its first and subsequent evaluations, building on existing human health and environmental monitoring programmes to the extent possible.
- Anne Daniel served as chair of the Open-Ended Ad Hoc Working Group (OEWG) on Non-Compliance, which met April 28-29 in Geneva. The outcome of the OEWG and the subsequent COP decision met Canada’s objective of moving forward expeditiously in the development of the non-compliance procedures with a clear path forward for future discussions.

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- Canada supported enhanced synergies among the three Conventions, although along with most other Parties, at a more cautious and deliberate approach than the one proposed by Switzerland, the leading proponent of the synergies issue. The COP requested President Kiddle to contact the Presidents of the Basel and Rotterdam Conventions; requested a supplemental report; and if the other two COPs agree, the establishment of a tripartite joint working group of up to 45 Parties taken from all three secretariats to prepare joint recommendations.
- Items brought forward by the POPs Review Committee were received or otherwise approved by the COP.

Highlights of other issues:

- Canadian federal and NGO representatives worked together in support of the COP-2 decision for an open, transparent process to update the Standardized Toolkit for Identification and Quantification of Dioxin and Furan Releases;
- A number of Parties have completed and submitted, or are nearing conclusion of, their national implementation plans (NIPs). Canada's NIP, which includes a national action plan on unintentionally produced POPs, was transmitted to the Convention's Secretariat on May 17, meeting the submission deadline.
- The EU announced that it would be nominating three further substances for addition to the Stockholm Convention: short-chain chlorinated paraffins (SCCPs), octabromodiphenyl ether (Octa-BDE), and pentachlorobenzene. This would bring the total number of substances under review by the POPRC to eight.
- An operational budget of US\$ 5,433,284 for 2007 was approved, redeploying significant savings on staffing from the 2006 budget. New activities for the 2006-2007 biennium include work on DDT, the clearing house mechanism, the needs assessment, synergies and effectiveness evaluation, as well as another meeting of the OEWG on Non-Compliance.

OUTCOME OF THE MEETING

Measures to reduce or eliminate releases from intentional production and use

(i) DDT:

The Committee discussed the draft decision and associated directions for the reporting, assessment and evaluation of the continued use of DDT for disease vector control. Concerns were raised that: alternatives to DDT should be sufficiently evaluated for efficacy, safety, and cost-effectiveness; collaboration with other relevant organizations should be encouraged; and further capacity building was required. The decision was drafted by two subsequent drafting groups, the second of which included members of the Canadian delegation. The final decision provided for an interim process for the next evaluation period. The adequacy of the process will be reviewed and any modifications identified will be brought to the next meeting of the Conference of the Parties. The decision provided for a 2-year budget of \$US 275,000 for the collection of data and the assessment of DDT use in disease vector control.

The COP also agreed that capacity strengthening activities for reporting and evaluation of DDT use would be undertaken by the Secretariat with the World Health Organization (WHO), pending the availability of funds, and that a global strategy for developing and deploying cost-effective alternatives to DDT should be supported.

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Canada is actively supporting DDT work. Prior to COP-2, Environment Canada voluntarily contributed \$CAD 95,000 to the Convention's Special Trust Fund. This funding supported the development of guidance to assist Parties in reporting on DDT use, and a study on possible mechanisms for active information collection for the evaluation of the continued need for DDT in disease vector control.

(ii) Exemptions:

The Committee discussed criteria that would be applied in the review process for requested extensions of exemptions. Canada participated in plenary and in the drafting group, where concerns were focussed on ensuring extensions were approved in only well justified cases, but should also not discourage ratification of amendments to Annexes A, B, and C. The final decision suitably addressed Canada's concerns to limit the scope to legitimate justifications for extending exemptions.

Parties discussed the proposed tables and procedures developed by the Secretariat to implement the provisions in Annex A and B of the Convention on chemicals as constituents in articles and as site-limited closed system intermediates. Comments, including those from Canada, were generally limited to improvements to the tables and accepted into the final text. Furthermore, it was recommended that the Secretariat prepare a list of relevant common articles to assist Parties to fulfil obligations under Annex A and B.

Measures to reduce or eliminate releases from unintentional production

(i) Guidelines on best available techniques and best environmental practices (BAT/BEP):

A progress report was presented by the Co-Chair of the BAT/BEP Expert Group on the work of the group in developing the BAT/BEP documents. The progress of the Expert Group and need to update documents was acknowledged, and further consultations were encouraged before finalization and possible adoption of the BAT/BEP guidance documents at COP-3 in April-May 2007. The second and final meeting of the Expert Group will be sponsored by China, taking place in Beijing, December 4 to 8, 2006.

(ii) Identification and quantification of releases:

The second edition of the Standardized Toolkit for Identification and Quantification of Dioxin and Furan Releases (the "Toolkit") (emissions per unit of activity product e.g., from incineration) was welcomed by the COP. Canada intervened to ensure the understanding that the Toolkit serves as guidance for undertaking "release inventories" of dioxins and furans rather than release reporting. Canadian federal and NGO representatives worked together in support of the adopted decision for an open, transparent process to update the document, in cooperation with UNEP Chemicals and in consultation with users and experts in the field of unintentionally produced POPs (UPOPs) emission factors and measurement. The contributions of the Canada POPs Fund (CPF) to support regional development of emission factors in the Toolkit was explicitly recognized in plenary (CPF funding for a total of \$US 750,000 has recently been recommended for three projects to improve emission factors in the Toolkit). The paucity of information on HCB and co-planar PCBs releases was acknowledged, and Parties were encouraged to include these two substances in measurement and monitoring programmes.

Measures to reduce or eliminate releases from wastes

This was an information item for which no draft decision was provided, as it is expected that further technical guidelines on persistent organic pollutant wastes will be adopted at the Basel Convention COP-8 meeting in November 2006. However, the European Union (EU) surprisingly pushed for a draft decision that would have had the Secretariat to the Stockholm Convention preparing an analysis of the Basel Guidelines and extracting certain aspects for adoption at COP-3 of the Stockholm Convention. Although there was little reaction on the part of most Parties, Canada, Australia and the United States met informally with the EU to craft a revised decision that would have the Secretariat prepare a report

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that would simply identify contents of the Guidelines that are relevant for the Stockholm Convention requirements and highlight the elements that are suitable for consideration at COP-3 and possible “action” (instead of “decision”). The decision at COP-2 spoke of reviewing the Guidelines “with a view to the future consideration of a decision”.

Implementation plans

During discussion of this issue, a number of Parties indicated that they had prepared their national implementation plans (NIPs), which had either been submitted to the COP, or approval and/or submission is pending. In addition, a number of Parties made presentations on their NIPs at a lunch side event. Other Parties may be delayed in finalizing their NIPs. Some found that Canada’s draft NIP, shared at COP-1, was useful in their own development processes.

Approval of Canada’s NIP by the Minister of the Environment was received after COP-2 and the NIP was transmitted to the Convention’s Secretariat on May 17, Canada’s deadline for submission. The NIP includes Canada’s national action plan on UPOPs.

Parties decided to request the Secretariat to complete draft additional guidance, for consideration at COP-3 (provided resource are available) and adopted an elaborated process of reviewing and updating national implementation plans. The Secretariat was also requested to prepare an analysis of the national implementation plans submitted to the COP, for submission at COP-3. This analysis should focus on frequently identified national priority actions and best practices for controlling POPs.

Listing chemicals in Annexes A, B or C of the Convention

The EU announced at the outset of the meeting that it would be nominating three substances for addition to the Stockholm Convention, prior the next meeting of the POPs Review Committee (POPRC). The substances are: short-chain chlorinated paraffins (SCCPs), octabromodiphenyl ether (Octa-BDE), and pentachlorobenzene. This would bring the total number of substances under review by the POPRC to eight.

The Chair of POPRC, Reiner Arndt of Germany, presented an overview its work, from the first meeting of the Committee in Geneva, November 7 to 11, 2005. Following questions from the floor and responses from the Chair, the COP accepted or otherwise acknowledged the seven items formally under consideration at COP-2.

During discussions, one country had noted that it believes that the Committee may be exercising excessive latitude in deciding whether substances meet the Annex D criteria. The Chair noted that this issue will be brought forward for further discussion at the second meeting (POPRC-2), November 6 to 10, 2006. In an informal meeting with certain JUSCANNZ Parties, the Chair had previously noted that he would bring forward to POPRC-2 the issue of “flexibility”, as flagged by Canada. Concerns had been triggered by the Report of the Committee which implied that, in exercising flexibility in consideration of whether a substance qualifies as a POP, a substance would always be considered a POP in those cases where only one criterion was not fully met while all the others were fulfilled.

As a follow-up to a comment by the EU to the effect that risk profiles are not risk assessments, Canada noted that, while the range of possible information relating to risks and uncertainties may in some cases not be essential in determining whether a substance should be considered as a POP and proceed further, the information on risks and uncertainties will be important for the Committee to establish priorities for work. This will become particularly important as additional substances are proposed by Parties. As well, the information on risks and uncertainties will be important when COP is called to consider the

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recommendations of the Committee, both in terms of setting priorities and guiding decisions. The Committee should therefore be mindful of the desirability of addressing such information in preparation of risk profiles and in deciding whether to move forward with a substance.

With regards to consideration of isomers, very divergent opinions were expressed from the floor. Two Parties suggested that the POPRC should be given latitude to decide on the most appropriate manner of dealing with isomers on a case-by-case basis, while others noted that isomers (and degradation products) should not be considered. The Chair indicated that a discussion paper will be prepared and discussed at POPRC-2, outlining considerations and approaches in dealing with isomers, for submission to COP.

Parties were satisfied with the process described by the Chair to further develop the process for confidentiality arrangements.

Information exchange

The COP invited parties to support and collaborate with the Secretariat in developing a programme to serve as the clearing house mechanism for information on POPs. The COP also: approved pilot-phase information exchange activities and allocated additional funding to the Secretariat (\$US 128,877 in 2006 and \$US 101,700 in 2007) to undertake those activities; invited Parties and other stakeholders to provide comments to the Secretariat, by Oct. 31, 2006, on the draft strategic plan for the clearing house mechanism and on their information exchange needs and priorities; and requested the Secretariat to prepare a revised draft strategic plan for consideration at COP-3.

Guidance on technical assistance

The COP adopted a decision inviting Parties and others to share their experiences on technical assistance and transfer of technology and requesting the Secretariat to submit a report on this information. The COP also adopted the terms of reference for regional and subregional centres for capacity-building and transfer of technology and requested the Secretariat to develop draft terms of reference for the process of selecting the centres. The consensus achieved takes into account the preferences of developed countries and donor agencies as well as the concerns of developing countries.

Financial resources, mechanisms and other arrangements

Canada participated in the contact group established to discuss financial resources and mechanisms. While the negotiations were lengthy, discussions were constructive with both developed and developing countries seeking to accommodate their respective views in the final decisions. Canada worked with like-minded delegations (EU, Netherlands, Norway and the US) with expertise in this area. In particular, on the recommendations included in the draft report of the first review of the financial mechanism reflected in the final decisions for COP-2. COP-2 adopted three decisions under this item:

Financial resources and mechanism:

The COP welcomed: the report of the GEF Council on the Memorandum of Understanding (MOU) between the COP and the GEF Council; the report of the first review of the financial mechanism (i.e., GEF); and the achievements of the GEF in supporting the Convention. The COP requested the Secretariat: to report on the effectiveness of implementation of the MOU at future meetings; and to identify other sources of potential funding and propose arrangements with these sources at COP-3. The COP decided to undertake the second, elaborated review of the financial mechanism at COP-4, in time for the GEF 5th replenishment, including an assessment of the GEF principles of incremental costs and global environmental benefits as they relate to POPs activities.

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Terms of Reference for work on the modalities on the needs assessment:

The COP adopted terms of reference for the needs assessment. Parties and others were invited to provide information needed for the work on preliminary assessment of funding needs by December 31, 2006. The Secretariat was requested to report on the preliminary assessment of funding needs for consideration at COP-3. Parties were invited to submit views on further elaboration of the terms of reference to the Secretariat, by October 31, 2006; and the Secretariat was requested to prepare revised terms of reference for consideration at COP-3.

Additional guidance to the financial mechanism:

The COP requested the GEF to continue to work with the Secretariat to finalize its operational program on POPs, incorporating guidance by the COP; to exercise “any necessary flexibility in applying its criteria”; to clarify its approach to the application of the concept of incremental costs to POPs activities; and to report regularly to the COP on financing in its POPs portfolio.

Reporting

The COP decided to request the Secretariat to develop an electronic system for reporting, pursuant to Article 15 and make it available to Parties no later than September 30, 2006, in time for preparation of the first report under Article 15, due December 31, 2006. The format for reporting on PCBs was adopted, incorporating specific amendments from Canada and other countries developed in an ad hoc drafting group. Parties will be able to use the form, in either electronic or hard copies, in submitting information for the first report on PCBs under Article 15, also due December 31, 2006.

Effectiveness Evaluation

Work to be undertaken on effectiveness evaluation is a key priority for Canada and Canada played a lead role in negotiating the final decision at COP-2. Many countries, including Canada, indicated that effectiveness evaluation (Article 16 of the Convention) was a critical issue for which a decision was needed at COP-2. As a result, a contact group was established which met from May 2-5, 2006, producing a decision document for approval by the COP.

Recognizing the need for a strategic and cost effective approach and building on existing human health and environmental monitoring programmes to the extent possible, the decision on effectiveness evaluation agrees to obtain comparable monitoring data on which to base its first and subsequent evaluations. The COP decision includes funding over the next two years, to be provided through a combination of the Convention’s core budget (\$US 115,000 in 2007) and the special trust fund (\$US 435,000 in 2007).

The decision agrees to establish an ad hoc technical working group comprised of 15 representatives of Parties of the five United Nations regions, to coordinate and oversee the implementation of the elements of the global monitoring plan (GMP) and provide a progress report at COP-3. Three representatives from the WEOG region will be selected. Canada will press to have representation on the ad hoc technical working group. Preliminary discussions with Australia and New Zealand indicate that Canada, New Zealand and possibly an EU country (e.g., Finland since they assume the presidency of the EU as of July 1st) could be the three WEOG regional representatives on the ad hoc technical working group. The ad hoc working group arrangement will be re-evaluated at COP-3 to determine if it should continue or be replaced by another coordinating body.

The field testing requested by the COP at its first meeting, is now to be carried out according to the elements of the GMP contained in the annex to the COP-2 decision, subject to available funding, and reported to the COP at its third meeting. It is anticipated that funding may be made available from the Canada POPs Fund for the field testing of the monitoring arrangements in possibly two developing

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country regions where monitoring data gaps exist. The decision requests the Secretariat to compile the elements of the first effectiveness evaluation, including the global monitoring report, national reports and non-compliance information, and to submit a report to the COP for its consideration at the fourth COP meeting (2009).

Elements of the GMP contain technical assistance and capacity-building opportunities and needs for developing countries and countries with economies in transition. These specific elements of the GMP were considered critical to obtaining a decision at COP-2. In the Background Scoping Paper (BSP) considered as part of the COP-2 decision, countries agreed to an option consisting of characteristics from both Options 2 and 3. This option considers a GMP based on existing regional monitoring programs, but augmented by strategic enhancements to the existing programmes in order to provide comparable monitoring data in regions where data gaps exist (Option 2 components). Additional elements of the GMP include capacity-building which were considered as being part of Option 3. Minimum core data requirements were established under the GMP, including: the collection of air and human breast milk or blood serum data, global coverage of core data from all 5 UN regions and guidance information to obtain comparable data.

Related to the above considerations for capacity-building, the COP-2 decision on additional guidance to the financial mechanism agreed to request the GEF to work with the Convention Secretariat to determine an appropriate approach for capacity-building for developing country Parties and Parties with economies in transition in the process of effectiveness evaluation pursuant to Article 16 of the Convention.

Non-Compliance

Parties were asked to consider the report of the Open-Ended Ad Hoc Working Group (OEWG) on Non-Compliance which met April 28-29 in Geneva, chaired by Anne Daniel of Canada. Parties and observers were pleased with the progress made at the OEWG, but developing countries resisted further work during the COP on the basis that their delegations were too small to participate in a contact group on compliance, given that there were contact groups expected on issues of crucial importance to them such as the financial mechanism, technical assistance, effectiveness evaluation and synergies. They also wanted to see progress in some of these areas before making further progress on compliance issues.

The key issue during the week was the path forward for future discussions on non-compliance. Ultimately it was decided that there would be a second meeting of the OEWG for three days immediately prior to COP-3, with the work to continue in a contact group at COP-3. The cost of the participation of compliance experts from developing countries and countries with economies in transition is to be paid through the COP, in order to ensure their full participation in the development of the non-compliance procedures. The decision also states that the aim is to reach “agreement” (some Parties could not accept “adoption”) on the procedures and institutional mechanisms on non-compliance at COP-3, “if possible”. Canada inserted preambular language which adds to this by stating: “Mindful of the need to work expeditiously towards adoption of procedures and institutional mechanisms for determining non-compliance.”

In summary, the outcome of the OEWG and the COP meets Canada’s objective of moving forward expeditiously in the development of the non-compliance procedures with a clear path forward for future discussions.

Liability and redress

Parties were asked to consider whether any further action needs to be taken on liability under the Stockholm Convention. While there was no support for immediate further actions, a number of delegations suggested reviewing this at COP-3 or COP-4. Canada made an intervention to indicate a

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number of reasons why no further action was necessary. There was no decision taken on this matter, but it was agreed that in the final meeting report it would be indicated that this issue would be revisited only after the non-compliance procedures are completed, as a number of interventions had linked the two issues either substantively or tactically.

Activities of the Secretariat and adoption of the budget for 2006 and 2007

The Parties were asked to note the activities undertaken by the Secretariat in 2005 and adopt: the programme of work for the biennium 2006–2007; the staffing table for 2007; and the budget for 2007. The COP also considered modifications to the funding estimate for activities under the Special Trust Fund for 2006 and 2007 and a range of new proposals forwarded to the Conference at its second meeting.

Parties, including Canada, expressed concerns about the slow progress made on staffing approved positions (only one position fully staffed) and asked that the recruitment process for all posts in the Secretariat be expedited. The COP approved an operational budget of US\$ 5,433,284 for 2007 and redeployed significant savings on staffing from the 2006 budget. New activities for the 2006-2007 biennium include work on DDT, the clearing house mechanism, the needs assessment, synergies and effectiveness evaluation, as well as another meeting of the OEWG on Non-Compliance. Because of savings and the entry of new members to the Convention Canada's assessed share of contributions is expected to fall from \$US 175,828 in 2006 to \$US 133,382 in 2007. Canada's assessed share on May 5, 2006 was 4.626%.

Venue and date of the third meeting of the Conference of Parties

COP-3 will be held in Dakar, Senegal, from April 30 to May 4, 2007.

Other matters

Enhancing synergies within the chemicals and wastes cluster:

COP-1 adopted a decision for a joint head of the Secretariats of both Stockholm and Rotterdam Conventions and requested that the Secretariat prepare a study on how cooperation and potential synergies between the Secretariats of the Basel, Rotterdam and Stockholm Conventions could be improved. The Parties were asked to consider the study, which had been restricted in focus to the integration of the three Secretariats, supplemented by a study on financial implications and cost savings, which proposes two options: i) a common head and common convention support limited to core management functions, and ii) integrated administrative support plus integrated implementation and technical assistance services.

Canada supported enhanced synergies among the three Conventions. However, unlike Switzerland and Norway which pushed in the contact group for rapid action towards appointing a joint head at the D-2 level for the three secretariats, Canada and most other Parties supported a more cautious and deliberate approach. The contact group was co-chaired by Anne Daniel of Canada. A very broad and potentially irreconcilable range of views were expressed in lengthy contact group meetings, although the contact group eventually provided a draft decision to the COP. The COP requested President Kiddle to contact the Presidents of the Basel and Rotterdam Conventions, which are holding their own COP meetings over the next year; requested a supplemental report; and if the other two COPs agree, the establishment of a tripartite joint working group of up to 45 Parties taken from all three secretariats to prepare joint recommendations. A common head for the three Secretariats is still in play but only just.

Official Communication with Parties and Observers:

The COP adopted a decision inviting Parties and observers to nominate official contact points for official communications with the Secretariat, and approved the nomination form. The COP also agreed

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to accredit to the meetings of the COP a list of NGOs, and provided for others to be accredited to the meetings.