



## Keep the Promise at COP4

### **Guidelines on Best Available Techniques and provisional guidance on Best Environmental Practices (BAT/BEP) - An IPEN Perspective**

April 2009

**Document:** UNEP/POPS/COP.4/10, UNEP/POPS/COP.4/INF/30

#### **Summary Position:**

COP3 adopted the draft BAT/BEP guidelines (UNEP/POPS/COP.3/INF/4) and asked the secretariat to collect information on experience gained in using the guidelines and to report at COP4. It also asked the Basel Convention to comment on the waste-related contents of the guidelines which it did at its COP7 (see UNEP/POPS/COP.4/INF/30). The secretariat also began an awareness-raising program about the guidelines.

Information has been collected by the Secretariat on the use of the guidelines for consideration by the COP. Comments were received from Argentina, China, France (on behalf of the European Union), Lithuania, Monaco, Mozambique, New Zealand, Romania and Slovakia and this is compiled in document UNEP/POPS/COP.4/INF/7.

#### **Issues Arising:**

The Effectiveness Evaluation report (UNEP/POPS/COP.4/30) suggests that the degree to which best available techniques and best environmental practices are employed would provide an indication of the status of implementation of measures taken to reduce the releases of unintentional POPs.

Potential indicators suggested for this include the number of countries with action plans under Article 5; the quantity of POPs that are unintentionally produced and released into the environment; the extent to which best available techniques and best environmental practices are adopted. At present there is inadequate information on each of these to reach any firm conclusions.

Of the 44 Parties reporting, 30 reported that they had developed an action plan under Article 5 to characterize and tackle unintentional POPs releases. Thirty-three Parties provided an estimate of releases of dioxins and furans in their national reports and seven a projection for future releases. The level of reporting is disappointing and the variations in classification mean that little useful data can be drawn from those reports that have been provided.

A more complete set of data was compiled by the Secretariat from national implementation plans received (UNEP/POPS/COP.4/30). They say "*Even if incomplete, these data provide a more global estimate of releases*".

These data show

<b>Region</b>	<b>Total Estimated Release U-POPs (g TEQ/year)</b>
<b>Central and Eastern Europe</b>	1,802
<b>Latin America and the Caribbean</b>	3,407
<b>Africa</b>	98,000
<b>Asia and the Pacific</b>	5,699
<b>Western Europe and others</b>	22,049
<b>Total</b>	<b>130,958</b>

It is not clear how these figures have been compiled and how reliable they are. China, for example, reports a total dioxin release of 10.2 kg TEQ for 2004 in the National Implementation Plan - nearly twice the estimate calculated by the Secretariat for the whole of Asia and the Pacific. The African figures seem much more likely to include errors as it is implausible that Africa is generating 75% of the global U-POP emissions!

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**Possible Actions:**

Actions suggested by the Secretariat include:

b. To remind Parties, in accordance with Article 5 of the Convention, to take into consideration the guidelines and guidance when applying best available techniques and best environmental practices and to assist decision-making in the implementation of action plans and other actions related to the obligations under Article 5 and Annex C of the Convention and to invite them to provide to the Secretariat comments on their experience

d. To request the Secretariat to compile any comments received in response to paragraph (b) above and to propose to the Conference of the Parties for consideration at its fifth meeting a procedure for updating the guidelines and guidance taking into consideration paragraph 7 of decision IX/16 of the Conference of the Parties to the Basel Convention

**Issues of Concern:**

Event though adopted at COP3 the guidelines were, until recently, only available from the Stockholm Convention website titled as “*draft*” and “*provisional*”. This hindered their use as it was often claimed that they were incomplete.

The initial workshops proposed to launch the Guidelines was delayed for a long time and this has further undermined the effectiveness of the Guidelines to date.

The effectiveness of the Guidelines is hindered because 46 National Implementation Plans are overdue – some by nearly two years. Most of the NIPS that have been submitted contain no implementation schedule and many cover only emissions of U-POPs to air.

**IPEN position:**

- 1) The effectiveness of the guidelines to date has been undermined by their still being labelled “draft” in spite of adoption at COP3 and by insufficient co-ordinated activity on implementation workshops.
- 2) A process for revising and updating the guidelines by the Stockholm Convention is necessary if they are to remain useful.
- 3) The comments from the Basel Convention are acknowledged - as is their offer of assistance in UNEP/POPS/COP.4/INF/30. Care must be taken, however, to ensure the independence of the Stockholm Expert Groups and the Guidance they produce. It would undermine the usefulness and credibility of the Guidelines if they were too close to the Basel technical guidelines. The Stockholm Guidelines are intended to contribute to the elimination of POPs whilst the Basel guidelines have a very different purpose – the control of trans-boundary waste movements and their disposal.
- 4) IPEN disagrees with the EU proposal (UNEP/POPS/COP.4/INF/7) that if pentachlorobenze is added to Annex C of the Convention that the BAT/BEP expert group should be re-convened at this COP. It would not be necessary or cost effective to do this immediately given that the measures already included in the Guidelines in relation to hexachlorobenzene are likely to be rather similar to those for pentachlorobenzene. There has been a very low level of feedback received to date and it would be sensible to allow a longer period to review the implementation and effectiveness of the Guidelines.
- 5) The COP should urge all Parties to report on national BAT standards and their use of BAT for all new or substantially modified incinerators and co-incinerators; cement kilns firing hazardous waste; pulp mills using or generating elemental chlorine; and certain thermal processes in the metallurgical industry by 31 October 2009. For most countries this obligation began in May 2008.
- 6) Parties should provide feedback on the use of the guidelines and comments to the Secretariat for developing a proposal for updating the BAT/BEP guidelines for consideration at COP5.
- 7) The BAT/BEP expert group could therefore be reconvened with the intention of starting its work after COP5 or in 2011, when there will be more experiences gathered with existing BAT/BEP Guidelines.

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