

STOCKHOLM CONVENTION

Secretariat of the Stockholm Convention

United Nations Environment Programme

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26 October 2018

Subject: Proposals to amend Article 8 and Annex D of the Stockholm Convention to be considered at the ninth meeting of the Conference of the Parties

Dear Madam/Sir,

The purpose of this letter is to communicate to the Parties and the signatories to the Stockholm Convention the text of amendments to Article 8 and Annex D of the Stockholm Convention proposed by the Government of the Russian Federation. The proposals will be considered at the ninth meeting of the Conference of the Parties, which is scheduled to take place from 29 April to 10 May 2019.

The letter is being sent in accordance with paragraph 2 of Article 21, paragraph 3 (a) of Article 22 and paragraph 5 (a) of Article 22 of the Convention, which provide that the text of any proposed amendment to the Convention or to its annexes “shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption”.

Annex I to the letter sets out the proposals to amend Article 8 and annex D of the Convention. Annex II sets out the text (in English) of an explanatory note submitted by the Government of the Russian Federation regarding the proposed amendments

To facilitate discussion at the ninth meeting of the Conference of the Parties, Parties are invited to submit to the Secretariat and to the Government of the Russian Federation any comments relating to the amendment proposals by **31 December 2018**. The Secretariat will provide the Conference of the Parties with a compilation of any comments submitted. Please send your comments, preferably by e-mail, to all the following:

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(continued on next page)

To: Stockholm Convention official contact points

cc: Representatives of permanent missions to the United Nations Office at Geneva
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Should you require additional information or clarification, please do not hesitate to contact the Secretariat.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Rolph Payet', written over a horizontal line.

Rolph Payet
Executive Secretary

Annex I

Proposals by the Russian Federation to amend Article 8 and Annex D of the Convention

Draft amendment to Article 8 of the Stockholm Convention on Persistent Organic Pollutants

1. In subparagraph "a" of paragraph 7 to replace the words "Lack of full scientific certainty shall not prevent the proposal from proceeding" with the words "The risk management evaluation is prepared on the basis of certain and reproducible scientific data".
2. In paragraph 9 to replace the words "including any scientific uncertainty" with the words "scientific certainty and reproducibility of the data".

Draft amendment to Annex D "Information requirements and screening criteria"

In subparagraphs "b"(i) and "c"(ii) of paragraph 1 after the sign ";" to replace the conjunction "or" with the conjunction "and".

Annex II

An explanatory note from the Russian Federation proposing amendments to Article 8 and Annex D of the Stockholm Convention

A PROPOSAL TO AMEND ARTICLE 8 OF THE STOCKHOLM CONVENTION

The Stockholm Convention on Persistent Organic Pollutants (POPs) is a global treaty to protect human health and the environment from chemicals that remain intact in the environment for long periods, become widely distributed geographically, accumulate in the fatty tissue of humans and wildlife, and have harmful effects on human health or on the environment. Exposure to POPs can lead to serious health problems including some cancers, birth defects, dysfunction of immune and reproductive systems, greater susceptibility to disease, and damage to the central and peripheral nervous systems. Given the long-range transport, global action is needed to protect people and the environment from POPs.

The Stockholm Convention is science based and to this end, the Convention established the Persistent Organic Pollutants Review Committee (hereinafter referred to as the "POPRC") as a body subsidiary to the Conference of the Parties of the Stockholm Convention. The POPRC consists of 31 government-designated experts in areas of chemical assessment or management from all UN regions.

The POPRC reviews proposals received from the Parties for listing new chemicals in accordance with Article 8 of the Convention, then applies the screening criteria set out in Annex D in a flexible and transparent way, taking all information provided into account in an integrative and balanced manner, and recommends to the Conference of the Parties whether the chemical in question should be listed in Annexes A, B, and/or C. A lack of full scientific certainty shall not prevent a proposal from proceeding.

The Conference of the Parties, taking due account of the recommendations of the POPRC, including any scientific uncertainty, shall decide in a precautionary manner whether to list the chemical and to specify the related control measures in Annexes A, B, and/or C.

In recent years, there have been a number of cases where the recommendations adopted by the POPRC contained insufficient reliable scientific information and analysis to meet the requirements specified in Annexes D and E.

This situation calls into question the effectiveness of the Convention, and the Russian Federation has expressed concern at several meetings of the POPRC and Conference of the Parties.

The amendment is aimed at enhancing the importance of scientific research under the Convention, at providing scientific inputs to the process of the listing of chemicals under the Convention, at addressing the gaps in access to scientific information in relation to the implementation of the Convention, and at improving the decision-making process and effectiveness of the Stockholm Convention Conference of the Parties.

Paragraphs 7 and 9 of article 8 of the Convention should be amended to read as follows:

Article 8

Listing of chemicals in Annexes A, B and C

7. If, on the basis of the risk profile conducted in accordance with Annex E, the Committee decides:
(a) That 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, the proposal shall proceed. *The risk management evaluation is prepared on the basis of reliable and reproducible scientific data.* The Committee shall, through the Secretariat, invite information from all Parties and observers relating to the considerations specified in Annex F. It shall then prepare a risk management evaluation that includes an analysis of possible control measures for the chemical in accordance with that Annex; or

(b) That the proposal should not proceed, it shall, through the Secretariat, make the risk profile available to all Parties and observers and set the proposal aside.

9. The Committee shall, based on the risk profile referred to in paragraph 6 and the risk management evaluation referred to in paragraph 7 (a) or paragraph 8, recommend whether the chemical should be considered by the Conference of the Parties for listing in Annexes A, B and/or C. The Conference of the Parties, taking due account of the recommendations of the Committee, and *scientific certainty and reproducibility of the data*, shall decide, in a precautionary manner, whether to list the chemical, and specify its related control measures, in Annexes A, B and/or C.

A PROPOSAL TO AMEND ANNEX D OF THE STOCKHOLM CONVENTION

Persistent organic pollutants (POPs) are organic compounds that are resistant to environmental degradation through chemical, biological, and photolytic processes.

POPs persist in the environment for long periods, are capable of long-range transport, bioaccumulate in human and animal tissue, biomagnify in food chains, and have potentially significant effects on human health and the environment.

According to the provisions of analytical chemistry, the main indicator of persistence is half-life. This indicator cannot be replaced by any other parameters in the study of persistence.

According to the provisions of analytical chemistry, the main indicators of bioaccumulation are the bioconcentration factor or bioaccumulation factor and log Kow. These indicators cannot be replaced by any other parameters in the study of bioaccumulation.

Subparagraphs “b” and “c” of paragraph 1 of Annex D to the Convention should be amended to read as follows:

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):

.....

(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; **and**

(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 Kow 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;

and

(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;