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**Conference of the Parties of the Stockholm  
Convention on Persistent Organic Pollutants  
Second meeting**

Geneva, 1–5 May 2006

Item 5 (a) (ii) of the provisional agenda\*

**Matters for consideration or action by the Conference of the Parties:  
measures to reduce or eliminate releases from intentional production  
and use: exemptions**

**Criteria for the review process for entries in the register of  
specific exemptions\*\***

**Note by the Secretariat**

1. At its first meeting, the Conference of the Parties adopted a review process for entries in the register of specific exemptions in its decision SC-1/24. In addition, as reflected in the report of the first meeting of the Conference (UNEP/POPS/COP.1/31, para. 34), the Conference requested the Secretariat to develop criteria for the review process for entries in the register of specific exemptions.
2. In response to the above request, the Secretariat considered criteria for similar processes developed under other multilateral environmental agreements, in particular the Montreal Protocol on Substances that Deplete the Ozone Layer to the Vienna Convention on Protection of the Ozone Layer.
3. On the basis of the above-mentioned information, the Secretariat has developed the draft criteria contained in the annex to the present note to be applied in the review process for entries in the register of specific exemptions.

**Possible action by the Conference of the Parties**

4. The Conference may wish to consider and adopt, with any amendments, the criteria to be applied in the review process for entries in the register of specific exemptions contained in the annex to the present note.

\* UNEP/POPS/COP.2/1.

\*\* Stockholm Convention, Article 4, paragraph 5; Report of the Conference of the Parties on the work of its first meeting (UNEP/POPS/COP.1/31), paragraph 34 and annex I, decision SC-1/24.

## Annex

### **Draft criteria to be applied in the review process for entries in the register of specific exemptions**

#### **A. Production**

1. The extension of a specific exemption for production of a chemical listed in Annex A or Annex B of the Convention may be granted by the Conference of the Parties to a State Party which requests such an extension pursuant to paragraphs 6 and 7 of Article 4 of the Convention if the following conditions have been met:

- (a) The Party has submitted a justification for the extension pursuant to paragraph 6 of Article 4 of the Convention that establishes that the extension is necessary for health or safety or is critical for the functioning of society (encompassing cultural and intellectual aspects);
- (b) The national implementation plan required by Article 7 of the Convention (as originally submitted or as updated in accordance with Article 7) contains a strategy aimed at phasing out the production for which the extension is requested as soon as is feasible;
- (c) In accordance with the strategy in subparagraph (b) above, all feasible measures have been taken by the Party to minimize the production of the chemical for which the extension is requested, including legal or administrative measures, and to prevent illegal production;
- (d) The chemical for which the extension is requested is not available in sufficient quantity and quality from existing stockpiles, bearing in mind the need for the chemical by developing countries or countries with economies in transition;
- (e) The extension is not likely to result in an increase in international trade in the chemical for which the extension is sought;
- (f) In the case of a developing country Party or a Party with an economy in transition, the Party has requested technical assistance pursuant to Article 12 of the Convention in order to phase out as soon as is feasible the production for which the extension is requested.

#### **B. Use**

2. The extension of a specific exemption for use of a chemical listed in Annex A or Annex B of the Convention may be granted by the Conference of the Parties to a State Party which requests such an extension use pursuant to paragraphs 6 and 7 of Article 4 of the Convention if the following conditions have been met:

- (a) The Party has submitted a justification for the extension pursuant to paragraph 6 of Article 4 of the Convention that establishes that the extension is necessary for health or safety or is critical for the functioning of society (encompassing cultural and intellectual aspects);
- (b) The national implementation plan required by Article 7 of the Convention (as originally submitted or as updated in accordance with Article 7) contains a strategy aimed at phasing out the use for which the extension is requested as soon as is feasible;
- (c) There are no technically and economically feasible alternatives that are available and acceptable to the Party from the standpoint of environment and health and that can entirely replace the use in the Party as from the expiry date of the specific exemption;
- (d) In accordance with the strategy in subparagraph (b) above, all feasible measures have been taken by the Party to minimize the use, including legal or administrative measures, and to prevent illegal use of the chemical for which the extension is requested;
- (e) In accordance with the strategy in paragraph (b) above, the Party has adopted measures to prevent or minimize environmental release of the chemical for which the extension is requested and to ensure efficiency of information regarding release prevention controls;

(f) In the case of a developing country Party or a Party with an economy in transition, the Party has requested technical assistance pursuant to Article 12 of the Convention in order to phase out as soon as is feasible the use for which the extension is requested.

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