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**United Nations
Environment
Programme**

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

Geneva, Switzerland, 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**

**Matters pertaining to notes (ii) and (iii) in Annex A and notes (ii)
and (iii) in Annex B****

Note by the Secretariat

1. The present document has been developed in response to a request by the Conference of the Parties at its first meeting “that the Secretariat prepare for the second meeting of the Conference a meeting paper on the implementation of the provisions in Annex A and Annex B of the Convention on chemicals as constituents in articles and as site-limited closed-system intermediates.”¹

2. Regarding constituents in articles, note (ii) to Annex A and note (ii) to Annex B to the Stockholm Convention are identical and state as follows:

“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”[.]

3. Pursuant to note (ii) to Annex A and note (ii) to Annex B, the Secretariat developed a provisional format for listing notifications by Parties of constituents of articles in use, which is contained in annex I to the present note. The Secretariat has used this provisional format to list such

* UNEP/POPS/COP.2/1.

** Stockholm Convention, Article 3, Annex A, notes (ii) and (iii), and Annex B, notes (ii) and (iii); Report of the Conference of the Parties on the work of its first meeting (UNEP/POPS/COP.1/31).

¹ UNEP/POPS/COP.1/31, para. 35.

notifications since the entry into force of the Convention on 17 May 2004 and has made it publicly available on the official website of the Stockholm Convention (www.pops.int).

4. To facilitate notification of constituents of articles in use by Parties, the Secretariat prepared the form contained in annex II to the present note. This form is also publicly available on the Convention website.

5. As of 27 December 2005, the Secretariat has received two notifications of constituents of articles in use: one for the use of chlordane in structures of houses where it occurs as a constituent; and another for the use of heptachlor in structures of houses where it occurs as a constituent. These notifications are listed on the Stockholm Convention website.

6. Regarding site-limited closed-system intermediates, note (iii) to Annex A and note (iii) to Annex B to the Stockholm Convention are identical and state, in pertinent part, as follows:

“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[.]”

7. Pursuant to note (iii) to Annex A and note (iii) to Annex B, the Secretariat developed a provisional format for listing notifications by Parties of production and use of site-limited closed-system intermediates, which is contained in annex III to the present note. The Secretariat has used this provisional format to list such notifications since the entry into force of the Convention and has made it publicly available on the Convention website.

8. To facilitate notification of production and use of closed-system site-limited intermediate use by Parties, the Secretariat prepared the form contained in annex IV to the present note. This form is also publicly available on the Convention website.

9. As of 27 December 2005, the Secretariat had received three notifications of production or use of closed system site-limited intermediates: two for DDT in the production of dicofol; and one for hexchlorobenzene in the production of sodium pentachlorophenol. These notifications are listed on the Stockholm Convention website.

10. When submitting notifications, some Parties indicated the need to have a better understanding of some terms used in notes (ii) and (iii) of Annex A and Annex B, for instance the term “article”. It was also noted by the Secretariat that this term, as well as some other terms used in notes (ii) and (iii), might have different meanings in different language versions of the Convention text.

Possible action by the Conference

11. The Conference may wish to:

(a) Endorse, with any amendments, the table for listing notifications of constituents of articles in use pursuant to note (ii) of Article A and note (ii) of Article B of the Stockholm Convention contained in annex I to the present note;

(b) Endorse, with any amendments, the form for submitting notifications of constituents of articles in use contained in annex II to the present note;

(c) Endorse, with any amendments, the table for listing notifications of production and use of closed-system site-limited intermediates pursuant to note (iii) to Annex A and note (iii) to Annex B of the Stockholm Convention contained in annex III to the present note;

(d) Endorse, with any amendments, the form for submitting notifications of production and use of closed-system site-limited intermediates contained in annex IV to the present note;

(e) Invite Parties and observers to submit questions and comments on any term used in notes (ii) and (iii) which might pose a problem of interpretation in any language version and request the Secretariat to summarize those questions and prepare a draft interpretative guidance on the terms in question for consideration and adoption by the Conference at its next ordinary session.

Annex I**Provisional table listing notifications of constituents of articles in use pursuant to note (ii) to Annex A and note (ii) to Annex B of the Stockholm Convention**

Party	Chemical	Article in use	Date of notification	Any comments linked to actual notification

Annex II



Secretariat of the Stockholm Convention on Persistent Organic Pollutants



**FORM
CONSTITUENTS OF ARTICLES IN USE NOTIFICATION**

PARTY (Country name):

NOTIFICATION OF ARTICLES REMAINING IN USE

Herewith, the Secretariat for the Stockholm Convention is notified that the following articles, manufactured or already in use before or on the date of entry into force of the relevant obligation for the chemical named below and containing the same chemical as a constituent will remain in use and shall, in accordance with note (ii) of Annex A / Annex B, not be considered a specific exemption / acceptable purpose for purposes of paragraph 2 of Article 3 of the Convention. (Note: separate forms must be used for different chemicals):

Chemical name:

Articles manufactured or already in use before or on the date of entry into force for the chemical named above

THIS NOTIFICATION OF HAS BEEN SUBMITTED BY:

Name:

Institution/Department

Address

Telephone

Telefax

E-mail address

Date and signature:

PLEASE RETURN COMPLETED FORM TO:

Secretariat of the Stockholm Convention
 11-13, Chemin des Anémones
 CH - 1219 Châtelaine, Geneva, Switzerland
 Fax: (+41 22) 797 3460; E-mail: ssc@pops.int

Annex III

Provisional table for listing notifications of production and use of closed-system site-limited intermediates pursuant to note (iii) to Annex A and note (iii) to Annex B of the Stockholm Convention

Party	Chemical	Total production and use ^[1]	Date of notification	Any comments and link to actual notification ^[2]

^[1] Actual figures or estimates.

^[2] Include information regarding the nature of the closed-system site limited process including the amount of any non-transformed and unintentional trace contamination of persistent organic pollutant-starting material in the final product.

Annex IV



Secretariat of the Stockholm Convention on Persistent Organic Pollutants



FORM
CLOSED-SYSTEM SITE-LIMITED INTERMEDIATE NOTIFICATION

PARTY (Country name):	
NOTIFICATION OF CLOSED-SYSTEM SITE-LIMITED INTERMEDIATE	
Herewith, the Secretariat for the Stockholm Convention is notified that the chemical named below is within the territory of this Party, being produced and used as a closed-system site-limited intermediate, which in accordance with note (iii) of Annex A / Annex B should not be considered a production and use specific exemption for purposes of paragraph 2 of Article 3. This exemption only applies to those chemicals with an asterisk (Note: separate forms must be used for different chemicals)	
Chemical name:	
Amount (actual or estimated)	_____ (kg) production _____ (kg) use
Remarks (e.g. information regarding the nature of the closed-system site limited process including the amount of any non-transformed and unintentional trace contamination of persistent organic pollutant-starting material in the final product)	
THIS NOTIFICATION OF HAS BEEN SUBMITTED BY:	
Name:	
Institution/Department	
Address	
Telephone	
Telefax	
E-mail address	
Date and signature:	

PLEASE RETURN COMPLETED FORM TO:

Secretariat of the Stockholm Convention
11-13, Chemin des Anémones
CH – 1219 Châtelaine, Geneva, Switzerland
Fax: (+41 22) 797 3460; E-mail: ssc@pops.int