

DRAFT DECISION

Regional Plan on the elimination of Aldrin, Chlordane, Dieldrin, Endrin, Heptachlor, Mirex and Toxaphene in the framework of the implementation of Article 15 of the LBS Protocol

The 16th Meeting of the Contracting Parties,

Recalling Article 8 of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean as amended in Barcelona 1995, hereinafter referred to as the Barcelona Convention,

Recalling Annex 1.C of the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources and Activities hereinafter referred to as the LBS Protocol,

Recalling further the decision 17/8 of the 15th Meeting of the Contracting Parties (Almeria, Spain, January 2008) entitled "Implementation of NAPs and the preparation of legally binding measures and timetables required by Art. 15 of the LBS Protocol,

Taking into account the pertinent provisions of the relevant international environmental conventions, especially the Stockholm Convention on Persistent Organic Pollutants, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,

Taking full account of the National Implementation Plans in course of development or already developed by the Parties under the Stockholm Convention on Persistent Organic Pollutants,

Noting that the present use of Aldrin, Chlordane, Dieldrin, Endrin, Heptachlor, Mirex, Toxaphene by the Parties is prohibited,

Noting also the different capabilities of the Parties to undertake measures, as well as their common but differentiated responsibilities,

Considering that the precautionary principle underlies the concerns of all the Parties of the Mediterranean Action Plan,

Considering that in spite of the actions already taken at regional and national level, these substances may still enter the marine environment by an insufficient management of stockpiles and wastes, although, in decreasing amounts,

Recognizing that Aldrin, Chlordane, Dieldrin, Endrin, Heptachlor, Mirex, Toxaphene are persistent organic pollutants that possess toxic properties, resist degradation, bioaccumulate and are transported widely,

Fully aware of the health concerns resulting from local exposure to persistent organic pollutants,

Recognizing the special hydrographical and ecological characteristics of the Mediterranean Sea Area,

Conscious of the need of developing regional regulatory measures for hazardous pesticides in close cooperation with other relevant international environmental agreements,

Decides to adopt the Regional Plan on the elimination of Aldrin, Chlordane, Dieldrin, Endrin, Heptachlor, Mirex and Toxaphene in the framework of the implementation of Article 15 of the LBS Protocol together with its Annexes hereinafter referred to as the Regional Plan, which are contained in the **Annex** to this decision,

Invites the Contracting Parties to take the necessary measures to the implementation of this Regional Plan.

ANNEX

Regional Plan on the elimination of Aldrin, Chlordane, Dieldrin, Endrin, Heptachlor, Mirex and Toxaphene in the framework of the implementation of Article 15 of the LBS Protocol

ARTICLE I

Definitions of Terms

(a) "Persistent Organic Pollutants (POPs)" are organic compounds from natural or anthropogenic origin that possess toxic properties, resist physical, chemical and biological degradation, bioaccumulate in high concentrations through the food web and are transported through air, water and migratory species, reaching regions where they have never been produced or used; their high persistence pose a risk of causing adverse effects to the environment and human health.

(b) "Wastes" means substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law.

"Environmentally Sound Management" of pesticides wastes" means taking all practical steps to ensure that wastes are collected, transported, and disposed of (including after-care of disposal sites) in a manner which will protect human health and the environment against the adverse effects which may result from such wastes.

ARTICLE I (Bis)

Preservation of Rights

The provisions of this Regional Plan shall be without prejudice to stricter provisions respecting the elimination of aldrin, chlordane, dieldrin, endrin, heptachlor, mirex and toxaphene contained in other existing or future national, regional or international instruments or programmes.

ARTICLE II

Measures

1. The Parties shall prohibit and/or take legal and administrative measures necessary to eliminate:

(a) the production and use of the chemicals listed in Appendix A, subject to the provisions of that Appendix; and

(b) the import and export of the chemicals listed in Appendix A and their wastes, in accordance with paragraph 2 of this article.

2. The Parties shall ensure that a chemical as active substance and or as a waste listed in Appendix A is imported or exported only:

(a) for the purpose of environmentally sound disposal according to the provisions of the Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal and the Basel

Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

3. The Parties shall take appropriate measures so that such wastes, including products and articles upon becoming wastes, are:

(a) handled, collected, transported and stored in an environmentally sound manner;

(b) disposed of in such a way that the persistent organic pollutant content is destroyed or irreversibly transformed so that they do not exhibit the characteristics of persistent organic pollutants or otherwise disposed of in an environmentally sound manner when destruction or irreversible transformation does not represent the environmentally preferable option or the persistent organic pollutant content is low, taking into account international rules, standards, and guidelines, and relevant global and regional regimes governing the management of hazardous wastes and the Basel Convention;

(c) not permitted to be subjected to disposal operations that may lead to recovery, recycling, reclamation, direct reuse or alternative uses of persistent organic pollutants; and

(d) not transported across international boundaries without taking into account relevant international rules, standards and guidelines.

4. The Contracting Parties shall endeavor to apply BAT and BEPs for environmentally sound management of POPs listed in Appendix A. In doing so, the information provided in Appendix B shall, among others, be used.

5. The Parties shall ensure that their competent authorities or appropriate bodies shall monitor the implementation of the measures.

ARTICLE III

Timetables for implementation

Each Party shall implement the measures to eliminate the chemicals listed in Appendix A by the 17th Meeting of the Contracting Parties, in 2011 and their chemical wastes and stock piles by 31 December 2012 at the latest.

ARTICLE IV

Reporting

In conformity with Article 26 of the Convention and Article 13, paragraph 2(d), the Parties shall report on a biannual basis on the implementation of the above measures and on their effectiveness. The Contracting Parties should review the status of implementation of these measures in 2011.

ARTICLE V

Technical Assistance

For the purpose of facilitating the implementation of the measures, capacity building including transfer of know how and technology will be provided by the countries and the Secretariat. Priority will be given to those Parties who have ratified the LBS Protocol.

ARTICLE VI

Identification of Stock Piles

The Parties should identify, to the extent practicable, stock piles consisting of or containing chemicals listed in Appendix A, and they should report to the Secretariat of the Barcelona Convention before 30 June 2010.

ARTICLE VII

Entry into Force

The Regional Plan shall enter into force and become binding on the 180th day following the day of notification by the Secretariat in accordance with Article 15, paragraphs 3 and 4, of the LBS Protocol.

APPENDIX A

Part I – List of Chemicals Subject to Elimination, and Specific Exemptions.

CHEMICAL	ACTIVITY	SPECIFIC EXEMPTIONS ^a
Aldrin CAS No: 309-00-2	Production	None
	Use	None
Chlordane CAS No: 57-74-9	Production	None
	Use	None
Dieldrin CAS No: 60-57-1	Production	None
	Use	None
Endrin CAS No: 72-20-8	Production	None
	Use	None
Heptachlor CAS No: 76-44-8	Production	None
	Use	None
Mirex CAS No: 2385-85-5	Production	None
	Use	None
Toxaphene CAS No: 8001-35-2	Production	None
	Use	None

^a Exemption can be granted for quantities to be used for laboratory-scale research or as a reference standard.

APPENDIX B

BAT and BEP for Environmentally Sound Management of POP Pesticides

A. Several BAT and BEP for the phasing out of Aldrin, Chlordane, Dieldrin, Endrin, Heptachlor, Mirex, Toxaphene are hereby described:

1. Develop appropriate strategies to identify:
 - a) Stockpiles consisting of or containing chemicals listed in Annex A;
 - b) Products and articles in use and wastes consisting of or containing chemicals listed in Annex A;
2. Minimize cross-contamination which may affect the choice of available destruction options. Managers of collection points and consolidation stores shall ensure segregation of pesticides waste by trained personnel on the basis of:
 - a) label information where pesticides waste is in its original container with a definitive label;
 - b) or indicative analytical tests, where label information is not available.
3. Waste pesticide holders, including farmers and householders, shall be responsible for the sound management of that waste which is in their possession;
4. Persistent organic pesticide waste must be segregated from other categories of waste that may be collected in any collection program;
5. Mixing or bulking of pesticides waste shall not occur unless the waste has been positively identified by individual or composite sampling and analysis techniques;
6. Managers of collection points and consolidation stores shall adopt and employ emergency containment and clean-up procedures for the accidental release of pesticides waste into the environment, as approved by the national authority;
7. Pesticides waste in consolidation stores shall be consigned, within one year of the starting date, for destruction by a licensed destruction facility, unless the national authority determines that viable destruction facilities are not available in the country;

B. The BAT and BEP list mentioned above is not exhaustive; more extensive information is described in the UNEP/MAP Technical Report n^o 155 Plan for the management of PCB waste and nine pesticides for the Mediterranean Region.

The Parties shall add to and exchange information on, other strategies and/or practices helpful to the phase out of the pesticides concerned.