





### **Additional information on legal, institutional and budgetary impact concerning CP/RAC decisions on POPs**

This report aims at giving additional information about the legal, institutional and budgetary implications deriving from the fact that the Regional Activity Centre for Cleaner Production (CP/RAC) has been endorsed as Regional Centre of the Stockholm Convention for capacity-building and transfer of technology.

#### **History of CP/RAC and legal personality**

On July 1, 1994 a new department of the Waste Board (now the Catalan Waste Agency) was established, called the Initiative Centre for Cleaner Production (CIPL). The objective of the body was to encourage businesses to adopt practices and technologies in order to effectively reduce industrial pollution.

Later, in accordance with article 35.2 of Act 4 / 1985, of 29 March, the Catalan public company Statute, by agreement of the Government of Catalonia, dated 30 July 1998, authorized the establishment of the Initiative Centre for Cleaner Production Ltd., as a public limited company with its capital fully subscribed by the Government of Catalonia, and attached to the Department of Environment. That is, despite its commercial name, the legal system applicable to the company was that of the Government of Catalonia's public company Statute.

On 24 May 1995, an agreement was signed between the abolished Ministry of Public Works, Transport and the Environment and the Government of Catalonia for joint action in promoting clean technologies.

In the text of the aforementioned Agreement the Initiative Centre for Cleaner Production (hereinafter ICCP) was recognized as the appropriate body to promote the adoption, by businesses, of practices and technologies that would enable the effective reduction of industrial pollution, in addition to being designated a regional activity centre for the Mediterranean Action Plan (hereinafter MAP). It was agreed to present such proposals at the Ninth Meeting of the Contracting Parties to the Barcelona Convention to be held in Barcelona on 5 June of the same year.

During the Extraordinary Meeting of the Contracting Parties to the Barcelona Convention held in Montpellier (1996) it was decided to establish the CP/RAC. Previously (9th Ordinary Meeting, 1995) the Meeting had accepted the request by the Government of Spain that the Centre for Cleaner Production of Barcelona become a RAC in the Mediterranean Region under the umbrella of MAP. The Montpellier Meeting adopted the program of action to be developed by CP/RAC.

The CP/RAC promotes the reduction of industrial waste from the Mediterranean industrial sector and disseminates tried-and-tested cleaner production techniques. The centre also organizes training programs, and promotes the exchange of experts, facilitating technology transfer within the region.

Subsequently, and by agreement of the Extraordinary General Assembly and General Meeting of shareholders on 22 May 2000, it was agreed to change the name ICCP to Centre for Business and the Environment Ltd. (CBE). This resolution was approved by the Government of Catalonia on 25 June 2000.

Similarly, by agreement of the Government of Catalonia, dated 19 September 2006, the public company CEMA, S.A., attached to the Department of Environment and Housing, was dissolved, and it was decided that the Catalan Waste Agency assume the functions of CEMA, S.A. with regard to the regional activities of the Mediterranean Action Plan and all its personnel assigned to the program.

Subsequently, by Resolution of the Minister of the Environment and Housing and the Chairman of the Catalan Waste Agency, dated 1 October 2006, a unit called the Regional Activity Centre for Cleaner Production (CP/RAC) was created as a department attached to the Catalan Waste Agency (CWA).

The CWA is a government-owned company that is subject to the legal system of Legislative Decree 2 / 2002 of 24 December, which is approved by the amended Text of the Act of Parliament of Catalonia 4 / 1985 dated 29 March, of the public company Statute of Catalonia attached to the Department of Environment and Housing of the Government of Catalonia.

As a unit attached to the CWA, the CP/RAC has the autonomy to develop its roles within the framework of its obligations under the Barcelona Convention or the MAP, being able to do so with the support of the CWA functions and programmes.

### **The Regional Centre under the Stockholm Convention**

In accordance with Paragraph 4 of Article 12 of the Stockholm Convention of 22 May 2001 on persistent organic pollutants (POPs), of which Spain has been a member since May 2004, the Conference of the Parties, in decision C-2/9, approved the mandate for regional and sub-regional centers to create centers for capacity-building and technology transfers as well as criteria for evaluating the performance of these centers. The mandate and criteria appear in annexes I and II respectively of that decision.

Paragraph 3 of the terms of reference for the centers indicates that “each centre, in accordance with its area of expertise, may be entrusted by the Conference of Parties to the Stockholm Convention with the implementation of specific tasks related to priorities identified in a particular region or sub-region being served by the centre”.

Spain applied an expression of interest that led to the recognition of the CP/RAC as a Regional Centre under the Stockholm Convention on persistent organic pollutants, as is set out in the annex to the Decision SC-3/12.

In this sense and in accordance with the Decision SC-2/9 is stated the following: “Taking into account national legislation, centers should be perceived as independent legal entities from the hosting institution and Government and operate, to the extent permissible by national laws, as separate legal entities”.

This decision enshrines a global strategy concerning the regional Centers as a technical organisms endowed with international capacity to develop and achieve regional programs and tasks in accordance with different international instruments (Barcelona Convention, Stockholm Convention, Basel Convention, etc.).

On last January 2009, CP/RAC was nominated as Regional Centre for the Stockholm Convention. This nomination was ratified on the fourth meeting of the Conference of the Parties of the Stockholm Convention (COP4) which took place last May 2009 in Geneva.

### **Budgetary implications**

In the Extraordinary Meeting of the Contracting Parties of the Barcelona Convention, held in Montpellier (France) the 4<sup>th</sup> July 1996, the Spanish government engaged to provide the necessary technical and financial support to carry out the CP/RAC activities.

This technical and financial support materialized through various different cooperation agreements between the state administration and the regional government of Catalonia, which established the transfers by means of the state budgets for financing the Center's operational structure and activities. This cooperation is still in place today.

Although at the moment of presenting the proposal for the establishment of the Center the Government of Spain noted that it would be wholly financed by Spain, nowadays the Center's activities are partly financed, as the rest of RACs and programs, by the MAP resources: the Trust Funds or contributions States do to the Program, the Earmarked Contributions for the CP/RAC and the GEF Contributions (the GEF Strategic Partnership for the Mediterranean Large Marine Ecosystem, implemented by UNEP and the World Bank), being Spain one of its donors.

The fact that the CP/RAC has been ratified as Regional Centre for the Stockholm Convention for capacity-building and transfer of technology (particularly linked with the promotion of best available techniques and best environmental practices) is expected to allow CP/RAC access to additional financing instruments. This means that implications on budgetary issues cannot be others than positive. The coincidence among some of the persistent organic pollutants (POPs) being considered by the Stockholm Convention, and those considered in the framework of the implementation of Art. 15 of the LBS protocol is expected to favor synergies among the Barcelona and the Stockholm Conventions objectives (and, in some cases, the Basel Convention ones), leading to overall financial savings in achieving positive results in the implementation of programs of work, thus attaining the reduction or elimination of specific pollutants coming out from industrial premises.

One early example of this synergic approach is the inclusion of CP/RAC in the GEF funded project "Strategic Partnership for the Mediterranean Sea Large Marine Ecosystem – Regional Component: Implementation of agreed actions for the protection of the environmental resources of the Mediterranean Sea and its coastal areas" with activities including the preparation of dissemination and awareness materials on the elimination of PCB containing materials and wastes, the preparation of awareness activities as well as capacity-building activities in five Mediterranean Countries which have already ratified the Stockholm Convention.