

POSSIBLE TECHNICAL AND PROCESS EFFICIENCIES IN THE REVIEW OF SUBSTANCES NOMINATED TO BOTH THE PROTOCOL ON PERSISTENT ORGANIC POLLUTANTS AND THE STOCKHOLM CONVENTION.

Discussion paper prepared for agenda item 3 - 43rd session of the Working Group on Strategies and Review (following earlier discussions at the 26th Session of the Executive Body, Convention on Long-range Transboundary Air Pollution).

1. Preamble

Two multi – party international agreements under the auspices of the United Nations are concerned with the control and release of persistent organic pollutants and with protecting human health and the environment from these substances. They are the 1998 Protocol to the 1979 Convention on Long-range Transboundary Air Pollution (CLRTAP) on Persistent Organic Pollutants (referred to below as the Protocol), and the 2001 Stockholm Convention on Persistent Organic Pollutants (referred to below as the Stockholm Convention).

Both agreements were designed to be “living” agreements. They can respond to emerging information on hazard and risk of substances possessing the characteristic of persistent organic pollutants (POPs) that were not included in the original agreements. Therefore, both contain procedures for the review of information on such substances (often informally termed “candidate POPs”) that may be proposed by a Party or Parties for possible international control actions in the relevant agreement.

Information on the hazard and risk of ‘candidate’ POPs accumulates in the global scientific literature over time and (although it has not always been the case), parties to both agreements have tended to identify a substance as a possible POP and to propose it for inclusion in both agreements at approximately the same time. The terminology and nature of such a proposal differs between the two agreements, but once a proposal has been received, the Protocol and Stockholm Convention procedures to evaluate the proposal are initiated.

The processes for reviewing information on “candidate POPs” under both the Stockholm Convention and the Protocol have been active for a number of years. Therefore Parties in both agreements have now accumulated experience in their operational procedures. Both processes are necessarily comprehensive, and therefore are demanding in terms of time, effort, and the expertise of those Parties and observers who wish to participate in them. Most Parties to the Protocol are also Parties to the Stockholm Convention (here called “dual agreement Parties”).

2. The Issue

A number of the “dual agreement” Parties, and non-governmental organizations (such as industry and environmental groups) have noted that opportunities may exist to improve the efficiency of resource utilization and effort by enhancing synergy between the two processes, while still respecting the individuality of the Protocol and of the Stockholm Convention. The desire to promote cooperation between international environmental agreements dealing with similar activities has been receiving considerable attention in recent years, as shown by initiatives taken between the Stockholm, Rotterdam, and Basel Conventions, and under the auspices of the Strategic Approach to International Chemical Management Initiative.

The following paper has not examined in any detail the level of synergy that is being exercised at present between the two processes. However, the reports prepared by the two agreements concerning the activities of their mechanisms to review proposals have made very few references to one another. It has therefore been assumed that whatever synergy presently exists between the two processes is operating passively.

3. Objective:

The objective of the present paper is to:

- Explore the nature of the Stockholm Convention and of the Protocol as it relates to possible cooperative synergies in the review of substances that have been proposed for addition to the agreements;
- To identify elements where cooperative actions could be achieved between the two agreements without compromise to the integrity of those agreements (see Annex 2);
- To suggest modalities and target priorities for activities according to the probable ease of implementing cooperative actions; and,
- To propose next steps or consideration by Parties of the Protocol.

The remaining sections and annexes address the above objectives. The annexes are not essential reading, but were prepared partly to provide additional substantiation to the arguments promoted in the text (especially Annex 1), and partly to provide a resource for future work (especially Annex 2).

4. The nature of the Stockholm Convention and of the Protocol in relation to possible synergies in the review of substances that have been proposed for addition to the agreements.

The purpose of this section is to identify those characteristics of each agreement that have a potential to impact strategies to enhance cooperative activities between the two agreements and to outline the most important implications. Some characteristics are self evident, while others are more subtle. Some place boundaries on what can and cannot easily be done, while others present opportunities for cooperative information exchange and review synergy.

In order to maintain brevity, a very brief synopsis of such considerations (implications in italics) is provided below. Should it be decided to further explore the possibility of developing cooperative actions, such considerations would play an important role in planning the nature of next steps. A more comprehensive review provided in Annex 1

- **Both agreements are legally independent and their individual integrity must be respected.** *Any proposed actions would need to ensure that they fully respect the integrity of each agreement. Parties of either the Protocol or the Convention are very unlikely to negotiate amendments to their respective agreements for the purpose increasing linkages between the two agreements.*
- **Differences on the geographic scope of membership.** Most Parties to the Protocol are also Parties to the Stockholm Convention (here called dual agreement parties) but

because of its global extent there will always be more Parties to the Convention than to the Protocol. *It may be simpler for the smaller number of dual agreement Parties to suggest and implement proposals for action. There is more potential benefit to them to pursue synergies since they are impacted by the outcomes of both processes.*

- **Frequency of meetings of the Conference of the Parties (COP) and the Executive Body.** The Stockholm Convention COP and its functional equivalent for the Protocol, the Executive Body (EB) to the CLRTAP, meet respectively at two and one year intervals. *This also suggests that it may be easier for the Protocol to initially suggest cooperative actions.*
- **Both the Convention and the Protocol employ a specialist technical group to review proposals.** In the Convention this is the Persistent Organic Pollutants Review Committee (POPRC) while in the Protocol it is the Task Force on Persistent Organic Pollutants (TFPOPs). *Therefore the operational focus of any cooperative activities would be at the activity level of the POPRC and the TFPOPs although because the latter is not a substantive body under the CLRTAP it may procedurally sometimes be necessary for there to be interaction between the POPRC and the WGSR.*
- **Similarities in how the COP of the Convention and the CLRTAP EB have maintained a flexible approach to the detailed operations of the POPRC and the TFPOPs.** The EB and the COP have often “taken note” of operational arrangements put in place by the TFPOPs and the POPRC rather than by taking an action that would be cumbersome to later amend. *The historical flexibility shown by the CLRTAP EB and the Stockholm Convention POP suggests that it may be possible to prepare administrative arrangements with low formality to improve synergy between the two processes, particularly if the modality of such arrangements is made through activities that can be “noted” by the EB and the COP. Such activities are at the heart of the substance review processes.*
- **Similarities in the fundamental review of a substance proposal.** Although terminology differs between the Protocol and the Stockholm Convention, the two agreements follow the same sequential examination of the same tasks in the review of a substance proposal. *Therefore it is possible that any one of these elements could be individually the focus of possible cooperative efforts without significant impact or prejudice on another element and / or task .*
- **Both agreements possess the same basic structure. Details on the actions to be taken on substances are listed in annexes that are linked to the main body of the agreement.** The annexes are segregated according to the nature of the action (elimination; restriction; and control of unintentional production). *Therefore scientific, technical, socio-economic and risk management information should be equally relevant to possible control actions under either agreement.*
- **Dissimilarities in the review of a substance proposal.** Despite fundamental similarities in proposal review under the Stockholm Convention and the Protocol, some very significant differences exist. The most important include the following:
 - i) Under the Protocol, it is the responsibility of the Party or Parties that are submitting a proposal to provide all of the information that is required to comply with EB Decision

1998/2, thus enabling (in theory) the TFPOPs to complete a technical review of the proposal without any further elaboration of it. However, working arrangements have enabled Parties and stakeholders to submit additional information to supplement the information required to be provided by the proponent.

ii) In contrast, in the Stockholm Convention, the proposing Party or Parties are only responsible for providing information relating to the screening criteria, together with statements on such matters as reasons for concern, and the need for global action. However, in practice submitting Parties are encouraged to provide draft risk profiles and draft risk management evaluations. Once the POPRC has applied the Convention Annex D screening criteria (with other information that may have been provided) and made an evaluation, it is responsible for gathering information relevant to Convention Annex E (to develop a risk profile) and Convention Annex F (to develop a risk management evaluation). The POPRC makes evaluations between these last two steps and then proposes recommendations to the COP.

iii) In its review of a proposal, the TFPOPs simultaneously initiates a two track process. Track A evaluates those proposal elements that characterize the substance as a POP and is therefore analogous with the screening and risk profile elements (Annexes D and E) of the work of the POPRC. The findings of the Track A evaluation are brought to the CLRTAP EB. If the EB decides to continue to consider the proposal, the TFPOPs exclusively focuses on the continuation of the Track B review on management options, which is analogous to the Annex F stage of the Stockholm Convention.

iv) Although a proposal to add a substance may be made for both the Protocol and the Convention at the same time, the individual review process stages and a final recommendation may not occur at the same time. Hence considerable savings in technical effort should be possible by increasing harmonization of technical procedures and guidance used in the two review processes.

v) The POPRC has produced templates for documenting the risk evaluation and the risk management evaluation that are more detailed than those developed by the TFPOPs, and the wider geographic scope of the Stockholm Convention's membership means that risk management considerations may arise in the Stockholm Convention processes that are additional to those that are identified and relevant to the LRTAP process.

The main differences between the two processes lie not in what is done but how it is done, by whom, and over what timeframe. If a dossier is simultaneously provided that is fully compliant with the requirements of both of the agreements then in theory this should represent a significant degree of synergy between the two processes. However, a proposal that is complete in the context of the Stockholm Convention will only be complete in the context of the Protocol if risk and risk management evaluations have been included. An additional issue can result from the global membership of the Stockholm Convention bringing perspectives to the evaluation of a dossier that have not been raised from the LRTAP regional Parties.

Both the TFPOPs draft "Guidelines for Technical Review" and the sequential process outlined in Article 8 of the Stockholm Convention provide clear opportunities for information to be brought into the review process from outside. These are potential entry points for information exchange between the two agreements.

The probability that the review stages and a final recommendation are unlikely to be reached simultaneously on a proposal implies that informal information exchange may be one of the most useful forms of cooperative activity. It would not be constrained by formal process entry points and would enable the POPRC and TFPOPs to ask questions of one another.

The present existence of endorsed templates for risk evaluation and risk management evaluation by the POPRC that are considerably more detailed than guidance provided by the TFPOPs will probably have a major impact on any future cooperative activities between the two processes.

- **Meetings of the POPRC and the TFPOPs take place without significant attempts of information exchange or cooperative action.** This is true even if the same element of a substance review is ongoing at the same time in the two processes. The preoccupation in the POPRC and the TFPOP is to ensure compliance with the legal needs of the Convention and the Protocol. *Therefore any proposals to promote cooperative information exchange between the two agreements are unlikely to be successful without a clear expression of expectation from both agreements and the delegation of an appropriate degree of specified associated responsibility. The secretariats may be able to play an active role in facilitating technical information exchange.*

The Protocol Parties are often represented by delegates drawn from national ministries responsible for air pollution while in the Stockholm Convention they tend to have a background in the national chemical hazard / risk assessment and human health sectors. *Consequently, “dual agreement” parties in the Stockholm Convention and in the Protocol (including the POPRC and the TFPOPs) sometimes do not know of one another. This is a problem that could be solved by encouraging dual parties to ensure adequate internal coordination at the national level.*

- **During negotiation of the Stockholm Convention, many countries (including those with developing and developed economies) outside of the UN ECE region were cautious of being influenced by the Protocol.** *Therefore any proposals for harmonizing actions between the two agreements may need to be introduced and implemented with sensitivity and care. It also suggests that the primary locus for identifying synergies and cooperative opportunities should lie, at least in the first instance, in unilateral actions that UNECE proceedings and Parties can take to encourage such interaction.*

The above characteristics and their associated implications have influenced the following section in which modality options for next steps and target activities for possible cooperative actions are explored.

5. Proposal for consideration by Parties of the Protocol on next steps that they may wish to take to further address the issue and to identify priority target activities.

As noted in section 2 above, this paper has not attempted to verify or quantify the observations made by a number of “dual agreement” Parties and observers that there is a need to enhance cooperative links between the substance review processes that operate under the Protocol and the Stockholm Convention. It has however been observed that specific work actions of this nature between the two processes have not been included in TFPOPs and POPRC documentation.

The title of this section has deliberately cited only Parties to the Protocol. This is in recognition of the fact that the paper has been prepared for presentation at the WGSR. However as will have become evident in Section 4, there are actions that the Protocol could quickly take without any formal arrangements being established with the Stockholm Convention. It is therefore suggested that a simple initial strategy would be to address first those activities that can be largely achieved without any administrative agreement between the Protocol and the Stockholm Convention, and then to investigate with the latter whether such an arrangement would be useful in the future.

In this section, a stepwise approach is suggested to assist the CLRTAP decide if and how it would like to further address the issue.

Step 1: Decide on whether the issue warrants further attention.

Suggested venue: This can probably be decided following a short discussion at the 43rd Session of the WGSR but it would be important that in such a discussion the voices of those individuals (Parties and Observers) who have experience in both the LRTAP (TFPOPs) and Stockholm Convention (POPRC) processes are well heard. In addition to being familiar with both mechanisms, they are also the best equipped to judge the size and consequences of any present deficit in communicative actions.

Step 2: Identify the target issues to be addressed, appropriate actions to be taken, and the optimum modality (means) to do the job.

If it is decided to give the issue further attention, the next step is to consider and decide upon:

a) The types of issues and associated targets where “dual agreement” parties believe that the work of the Protocol and Stockholm Convention processes could be improved by enhanced cooperation. The limited consultation undertaken for this paper suggests the issues relate not immediately to significant differences in process but primarily to:

- i) Access; and,
- ii) Exchange of views on the evaluation of scientific, technical, socioeconomic, and risk management information while the TFPOPs and POPRC are engaged in the various stages of their work on a substance proposal. For example, how can the TFPOPs and the POPRC collaborate and harmonize their approach to such issues as inter alia:
 - i) How to define a substance that appears only as part of a commercial mixture or mixtures;
 - ii) How to address isomers of a substance, including those intentionally produced; and,
 - iii) How to address substance that is not POP, but that can degrade to a POP.

b) The most appropriate modalities to address such target issues bearing in mind the relevant characteristics of the two agreements (section 4 above and annex 1). The key question to ask is what modalities and actions would be the most effective and

expeditious to achieve results (to address “a” above) with the least degree of formality and effort? In this instance, formality means with the least possible level of operational engagement of the CLRTAP EB and the Stockholm Convention COP. This in turn means selecting modalities that in addition to fully respecting the Protocol and the Stockholm Convention, would produce actions that minimize as much as possible decisions that have already been made on procedures by the TFPOPs and the POPRC. Three overall types of modality and target activity can be envisaged. These are briefly defined and illustrated with their chief characteristics in table 1 below.

Table 1 Comparison of modalities and targets for possible actions to enhance cooperation.

Modality Definition and Target Activity Options	Action	Advantages/Disadvantages
<p>1) <i>Informal/Operational</i>. Targets the review of each proposal.</p>	<p>Dual Party representatives are assigned (under the auspices of the Protocol) specific coordination /information exchange responsibilities that correspond to the two track TFPOPS process and the POPRC three stage processes.</p>	<p><i>Advantages:</i></p> <ol style="list-style-type: none"> 1) Very low formality and little administrative investment. The Stockholm Convention Secretariat and the POPRC should be informed of the activity but it is not necessary that they make any formal engagement apart from expressing intent to encourage the two way transfer of information. 2) The EB/WGSR and the Convention COP may wish to be informed of the activity but they would have no need to be involved. 3) Quick to implement and flexible – effort can quickly be focused upon unforeseen emerging issues in a proposal evaluation. 4) The least labor intensive option. 5) Avoids sensitivity issues with non-UNECE region Parties to the Stockholm Convention. <p><i>Disadvantages:</i></p> <ol style="list-style-type: none"> 1) The modality may suffer from a lack of accountability – who will monitor that the desired information exchange is taking place? (see the note in section 5 - step 3 of the main text below). The informal features responsible for the advantages of this option could easily lead to its neglect. 2) The individual review process stages and a final recommendation may not occur in the two processes at the same time. Therefore this mode may have difficulty in achieving the best timing for exchange of information, an issue which can partly be addressed by increasing harmonization of technical procedures and guidance used in the two review processes (see the two

		<p>modalities below).</p> <p><i>Comment:</i> The activity is mutually compatible with either modality/target 2 or 3 below (but not with both)</p>
<p>2) <u><i>Informal/Procedural.</i></u> Targets the achievement of increased harmony in the practices of the two review processes</p>	<p>The TFPOPs examines its guidance for the preparation of dossiers together with the parallel but more comprehensive documents used by the POPRC. The TFPOPs then revises its templates to be as similar to the POPRC guidance as can be achieved.</p>	<p><i>Advantages</i></p> <ol style="list-style-type: none"> 1) Low formality and little administrative investment. The Stockholm Convention Secretariat and the POPRC should be informed of the activity but it is not necessary that they make any formal engagement. 2) It may be intrusive into the present mode of operation of the TFPOPs but not of the POPRC. 3) The EB/WGSR and the Convention COP should be informed of the activity but they may have no need to be involved other than to “take note”. 4) The activity can be easily abandoned if it is found to be difficult to implement. 5) Avoids any sensitivity issues with non-UNECE region Parties to the Stockholm Convention. 6) The individual review process stages and a final recommendation may not occur in the two processes at the same time, thus limiting to some extent the utility of information exchanges. Therefore this option could afford considerable savings in technical effort and other resources by increasing harmonization of technical procedures and guidance used in the two review processes. <p><i>Disadvantages:</i></p> <ol style="list-style-type: none"> 1) It would need to be verified (preferably by “dual agreement” Parties) that achieving the target would improve cooperation. Better harmonizing templates may not lead to any improvement. 2) Moderately labour intensive. <p><i>Comment:</i> The activity is mutually compatible with modality/target 1 above.</p>
<p>3) <u><i>Formal/Procedural.</i></u> Targets achievement of increased harmony in the practices of the two</p>	<p>The TFPOPs and the POPRC jointly examine their guidance documents for the preparation of dossiers and the documents are</p>	<p><i>Advantages</i></p> <ol style="list-style-type: none"> 1) Equal engagement of both the Protocol and the Stockholm Convention in the harmonization process.

<p>review processes.</p>	<p>revised to be as similar as can be achieved. The target is therefore similar to modality 2 above, but in this instance it is addressed jointly by the POPRC and the TFPOPs.</p>	<p>2) The EB/WGSR and the Convention COP should be informed of the activity but they may have no need to be involved other than to “take note”.</p> <p>3) The individual review process stages and a final recommendation may not occur in the two processes at the same time, thus limiting to some extent the utility of information exchanges during a review. Therefore considerable savings in technical effort and other resources could be afforded by increasing harmonization of technical procedures and guidance used in the two review processes.</p> <p><i>Disadvantages:</i></p> <p>1) It would need to be verified (preferably by “dual agreement” Parties) that achieving the target would improve cooperation. Better harmonizing templates may not lead to any improvement.</p> <p>2) Relatively high level of formality. The TFPOPs, POPRC, and the secretariats of the Stockholm Convention and CLRTAP would be involved. A higher level of approval of the use of resources may be required than would be anticipated for the other two options above.</p> <p>3) The activity would be more difficult to abandon than for the other options if it is found to be difficult to implement.</p> <p>4) The activity would be labour intensive with a administrative involvement (secretariats).</p> <p>5) Could be vulnerable to sensitivity issues with non-UNECE region Parties to the Stockholm Convention.</p> <p>6) It would be intrusive into the present mode of operation of both the POPRC and the TFPOPs.</p> <p><i>Comment:</i></p> <p>The activity is mutually compatible with modality/target 1 above.</p>
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It may assist the decision process to quickly view annex 2 which was prepared partly to provide a preliminary appreciation of the scope of work involved for implementation the modality/target options.

If it is agreed that the most pressing issues relate primarily to accessing and evaluating scientific, technical, socio-economic and risk management information rather than on

significant differences in process, and if it is agreed that the key question to ask is what actions would be the most effective and expeditious to achieve results with the least degree of formality and effort, then the most likely conclusion is that modality options 1 and 2 would be favored at this stage. The selection of modality options 1 and 2 need not mean the rejection of modality option 3. It could be decided to proceed with options 1 and 2 now and in the future to reconsider an expansion of the work along the lines of modality option 3 or some other modality.

To facilitate the further development of this paper, it has been assumed that the WGSR may be most interested (at least initially) in modality options 1 and 2. Collectively they offer the most cost effective enhancement of sharing experience in the review of proposals and of aligning as much as possible the technical details of proposal evaluation undertaken in the two processes. If different options are selected, Steps 3 and 4 below should still be valid, but the implementation details would vary.

Suggested venue: This discussion could be undertaken at the 43rd session of the WGSR. The 7th meeting of the TFPOPs (2-5 June 2009) is another option, but if the output must be sent to the WGSR for approval it is unlikely that actions could be taken that will help with the review of the new substances presently being considered by the TFPOPs.

Step 3: The TFPOPs develops a proposed strategic plan and work plan which is in accord with the decisions taken in Steps 1 and 2. The proposed strategic plan is forwarded for consideration at the 45th session of the WGSR (22-25 September 2009).

Where possible, the strategic plan and work plan should pay particular attention to opportunities to address disadvantages noted in Table 1. For example, with respect to option 1, it is noted that “the modality may suffer from a lack of accountability - who will monitor that the desired information exchange is taking place” and what will prevent the option from falling into neglect? In this case, the proposed strategic plan could contain measures to address these potential weaknesses such as the inclusion of a stated expression of expectation from both the EB and the WGSR on evidence of results and the delegation of specific responsibilities for information transfer and exchange. It should also be clear that there would be an active interest in promoting knowledge between agreements on how specific scientific and technical information is being used (evaluated) in substance proposal evaluation. A requirement could be made that such matters are included in at least one report to the WGSR in any year in which proposals are being evaluated and that the performance of the plan be included in any future evaluations of the effectiveness and sufficiency of the Protocol (Article 10, paragraph 3).

With respect to steps to implement modality option 2, the strategic plan could identify concrete steps to better align the TFPOPs templates with those adopted by the POPRC, and identify steps to draft alternative language to achieve that alignment.

The strategic plan should be short (one to two pages). The first draft could probably be best prepared by two or three individuals who are active in both the TFPOPs and the POPRC. Annual implementation of the plan could be incorporated into the annual work plans of the TFPOPs and the WGSR. Informal work to implement option 1 could begin as soon as the strategic plan has been prepared.

It would be useful to not firmly shut the door on future attention being paid to the types of issues and activities suggested for more intensive integration and alignment (e.g.,

option 3). This could for example be achieved by making the strategic plan open ended, allowing for an expansion in scope at a later stage.

Suggested venue: It is proposed that this work could be undertaken by a small ad hoc group within the WGSR similar the sidebar group presently assisting the WGSR with BAT and BEP. A rough framework for activities could be agreed upon at the 43rd session, and work developed electronically for further face to face discussion at the 44th session with finalization at the 45th session. This approach is suggested instead of adding the issue to the heavy agenda of the TFPOPs because the latter is only meeting once in 2009 and the work to be performed contains both strategic and technical elements.

Modality options 1 and 2 involve no formal agreements between the Protocol and the Stockholm Convention. If a different modality option is selected, it is less likely that the TFPOPs would be able to develop and agree upon a plan of action in the time available.

Step 4: The WGSR comments on the proposed strategic plan and forwards it to the 27th session of the EB.

It would be anticipated that the strategic plan would be of a nature that would enable the EB to simply “take note”.

Suggested venue: 45th session of the WGSR (22-25 September 2009 and 27th session of the EB.

Step 5: The TFPOPs begins to implement the Strategic Plan.

In addition to the steps noted above several other actions could be taken. These include:

- i) The Stockholm Convention secretariat should be contacted, informed of the present activity, and invited to suggest how the Convention may wish to participate or be updated on progress. Of particular interest would be advice on how best to approach the POPRC and whether there would be an interest now or in the future for the development of an administrative agreement between the Stockholm Convention and the Protocol as an umbrella for cooperative actions between the POPRC and the TFPOPs.
- ii) A decision should be taken on whether to informally brief the Chair of the POPRC at the 4th meeting of the Stockholm Convention COP (4-8 May 2009 in Geneva).

6. Concluding remarks.

This paper has covered much ground and consequently many of the details in the operational procedures used by the POPRC and the TFPOPs in their deliberations on substance proposals have been aggressively summarized or omitted. The author apologizes for omissions and inaccuracies but believes that it is an appreciation of the over-all aspects of proposal review that is important.

It was difficult to prepare a paper, devoid of personal bias, particularly with respect to conclusions and to possible next steps. My own views will be very obvious to all. Again the author apologizes.

Finally, I would like to express my thanks for being given the opportunity to prepare and present the paper. I hope that the WGSR will find it helpful in their discussions on ways to strengthen the two way transfer of information and experience between the TFPOPs and the POPRC. Although decisions may be taken that differ from those suggested here, it is hoped that the paper will provide useful background information to assist in further discussion.

Annex 1

CONSIDERATIONS ON THE NATURE OF THE STOCKHOLM CONVENTION AND OF THE PROTOCOL AS IT RELATES TO POSSIBLE SYNERGIES IN THE REVIEW OF SUBSTANCES THAT HAVE BEEN PROPOSED FOR ADDITION TO THE AGREEMENTS.

The purpose of this section is to identify those characteristics of each agreement that have a potential to impact upon strategies to enhance cooperative activities between the two agreements and to outline the most important implications. Some characteristics are self evident, while others are more subtle. Some place boundaries on what can and cannot easily be done, while others present opportunities. Should it be decided to further explore the possibility of developing cooperative actions, such considerations would play an important role in planning the nature of next steps. In the present paper, they have significantly influenced section 5 (that proposes next steps) and the suggested elements for cooperative activity between the work of the TFPOPs and the POPRC (outlined in Annex 2). Therefore this annex has been provided to make available more detail than is found in the brief analysis presented in section 4.

A brief review, together with associated implications, suggests the following:

- **Both agreements are legally independent.** Re-negotiation of any text in either the Protocol or the Stockholm Convention is administratively complex. Although the fundamental details in the procedure for adding substances to the Protocol are contained in Executive Body Decision (EB 1998/2) and are not laid out in the Protocol itself, in practice it would be a significant undertaking to make any modifications to this document.

Implications: It is not practical to believe that Parties of either the Protocol or the Convention would be receptive to negotiate amendments to their respective agreements to enable formal interaction between the Protocol and the Stockholm Convention. Any proposed actions would need to ensure that they fully respect the integrity of each agreement.

- **Differences on the geographic scope of membership.** The Stockholm Convention is open to parties globally while the Protocol is restricted to the UN-ECE region (roughly Europe, countries that comprised the former Soviet Union, and North America). Although most Parties to the Protocol are also Parties to the Stockholm Convention (here called “dual agreement” parties), the reverse can never be the case and there will always be more Parties to the Convention than to the Protocol.

Implications: There is more potential benefit to the ““dual agreement” parties” to pursue synergies because they are impacted by the outcomes of both processes. However in terms of substance, all Parties should expect to benefit from synergy. This somewhat asymmetrical balance of potential benefits and the practical advantages of negotiating any synergy arrangements with a relatively small number of Parties indicate that it may be easier for the Protocol to initially suggest and implement cooperative actions than vice versa.

- **Frequency of meetings of the Conference of the Parties (COP) and the Executive Body.** The Stockholm Convention COP and its functional equivalent for the Protocol,

the Executive Body (EB) to the CLRTAP meet respectively at two and one year intervals. The EB, having once made a policy decision, in practice then delegates the responsibility for implementation to the Working Group on Strategies and Review (WGSR), and asks to be informed on progress. The WGSR usually holds more than one session per year.

Implications: This also suggests that it may be easier for the Protocol to initially suggest cooperative and actions than vice versa.

- **Similarities in the responsibility for review of a substance proposal.** Both the Convention and the Protocol employ a specialist technical group to review proposals. In the Convention this is the Persistent Organic Pollutants Review Committee (POPRC) established under Article 19 while in the Protocol it is the Task Force on Persistent Organic Pollutants (TFPOPs), established through a Decision of the CLRTAP EB (EB 2003/10). Thus the POPRC is a substantive body under the Stockholm Convention, which is not the case for the TFPOPs.

Implications: The operational focus of any cooperative information exchange activities would preferably be at the activity level of the POPRC and the TFPOPs although because the latter is not a substantive body under the CLRTAP it may procedurally sometimes be necessary for there to be interaction between the POPRC and the WGSR.

- **Similarities in how the COP of the Convention and the CLRTAP EB appear to have been willing to maintain a flexible and low profile approach to the detailed operations of the POPRC and the TFPOPs.** For example, in the case of the Protocol, the TFPOPs found it necessary to prepare draft generic guidelines for the technical review of dossiers (proposals) for new substances (ECE/EB.AIR/79/Add.2). These guidelines essentially operationalize the details of EB Decision 88/2 into a sequence of tasks, outputs, and reporting, and clarify responsibilities for each stage. The EB was made aware of the guidelines through the WGSR, “noted” their existence and agreed that they should be used for review of proposals to add substances to the annexes. Significantly, there was no formal decision or other action that would require special formal effort if an amendment may be needed. Similarly, although details were made available to the WGSR and the EB, no formal decisions were taken by them on the structure for substance proposals (in accordance with EB decision 98/2) or with the structure of the final TFPOPs summary reports that were developed by the former POPs Expert Group.

The Stockholm Convention provides the POPRC with more detailed operational instructions than is the case under the Protocol. However the POPRC has still found it necessary to prepare work plans for the preparation of draft risk profiles and for draft risk management evaluations. Again after being made aware of these plans, the COP has taken “note” of their existence.

Implications: The historical flexibility shown by the CLRTAP EB and the Stockholm Convention POP towards the detailed operation of the TFPOPs and the POPRC suggests that it may be possible to include with low formality administrative arrangements to improve synergy between the two processes, particularly if the entry of such arrangements is made through activities that are “noted” by the EB and the COP. Encouragingly, such activities are at the heart of the substance review processes. However, it may be that swift two way exchange of information may require other entry points than those presently existing.

- **Similarities in the fundamental review of a substance proposal.** Although terminology differs between the Protocol and the Stockholm Convention, the two agreements follow the same sequential examination of the same tasks in the review of a substance proposal. These are described in EB Decision 98/2 in the case of the Protocol and in Article 8 (with Annexes D, E, and F) of the Stockholm Convention. Basically: 1) a Party or Parties submits a proposal that conforms with information requirements specified in the above noted documents. 2) Guidance and numerical indicative values (in the case of the TFPOPs) and screening criteria (in the case of the POPRC) are then applied to examine whether or not the proposed substance may be considered as a POP in the context of the relevant agreement. 3) A risk profile of the substance is then examined by the TFPOPs and the POPRC (as specified in EB Decision 98/2 and in Annex E of the Stockholm Convention). Finally, the TFPOPs and the POPRC evaluate technical and socioeconomic factors specified respectively in EB 98/2 and in Annex F and propose possible risk management options that may be considered by the CLRTAP EB (via the WGSR) or the Stockholm Convention COP.

The above review is superficial. In finer detail significant differences exist some of which are considered below. However, the simple summary is valuable because it highlights an important implication.

Implications: The fact that the two agreements follow the same sequential examination of the same elements / tasks means that it is possible that any one of these elements can be individually the focus of possible cooperative information exchange efforts without significant impact or prejudice on another element and / or task .

- **Both agreements possess the same basic structure. Details on the actions to be taken on substances are listed in annexes that are linked to the main body of the agreement.** The annexes are segregated according to the nature of the action (elimination; restriction; and control of unintentional production).

Implications: This suggests that scientific, technical, socio-economic and risk management information that may be relevant to one type of possible control action under one agreement should be equally relevant under the other agreement. Combined with the implication noted above concerning similarities in substance review, this implies substantial scope for information exchange to the benefit of Parties to both agreements without prejudice to either.

- **Dissimilarities in the review of a substance proposal.** Although it was noted above that there are fundamental similarities in the way a substance proposal is reviewed under the Stockholm Convention and under the Protocol, there are also some very significant differences in the details. The most important in the present context include the following:

Under the Protocol, it is the responsibility of the Party or Parties that are submitting a proposal to provide all of the information that is required to comply with EB Decision 1998/2. The scope of intent of this information requirement therefore embraces the combined intent of the Stockholm Convention's Annex D (screening criteria), Annex E (risk profile), and Annex F (socio-economic and risk management considerations). It is not formally anticipated that the LRTAP proposal will require any further elaboration once it has been received from the proposing Party. It is to be evaluated and reviewed in

writing as prescribed in the EB Decision although in practice, the guidelines used by the TFPOPs do allow for new information to be brought into the process. However, working arrangements have enabled Parties and stakeholders to submit additional information to supplement the information required to be provided by the proponent.

In the Stockholm Convention, the proposing Party or Parties are only responsible for providing information relating to the screening criteria, together with statements on such matters as reasons for concern and the need for global action. However, in practice submitting Parties are encouraged to provide draft risk profiles and draft risk management evaluations (Annex to decision SC1/7, paragraph 28). Once the POPRC has applied the Annex D screening criteria and is satisfied that they have been met, the Convention Secretariat invites all Parties and observers to contribute technical material relevant to the information specified in Annex E. The POPROC is then responsible for the development of a risk profile as prescribed in Annex E (The LRTAP Protocol is listed as a potential information source for this stage in the “Draft handbook for effective participation in the work of the POPs Review Committee”). The POPRC has produced an outline for the risk profile (UNEP/POPs/POPRC.1/10). If the committee (following guidance from Article 8) decides that the risk profile indicates that international action is warranted, the Convention Secretariat invites all Parties and observers to contribute information relevant to Annex F, which describes requirements for the development of a risk management evaluation. The POPROC then produces the risk management evaluation following an outline endorsed by the committee (UNEP/POPs/POPRC.3/6). It then makes recommendations to enable the COP to decide on whether or not the substance should be listed in the action annexes to the Convention and what risk management actions for the substance could be taken.

In its review of a proposal, the TFPOPs follows a two track process as outlined in its Generic Guidelines for the Technical Review of Dossiers (EB.AIR/WG2004/1). Both tracks are initially conducted simultaneously. Track A is concerned with the evaluation of those elements of the proposal that characterize the substance as a POP in the context of the Protocol. This is therefore analogous with the screening and risk profile elements (Annexes D and E) of the work of the POPRC within the Stockholm Convention process. The findings of the TFPOPs Track A deliberations are brought by the WGSR to the CLRTAP EB. If the EB decides to continue the proposal, the work of the TFPOPs is exclusively focused on the continuation of the Track B review. This is analogous to the Annex F stage of the Stockholm process and is concerned with the evaluation and recommendation of possible control measures that could be taken if the substance is listed under the Protocol.

Therefore, the POPRC plays a much more significant role in developing the rationale for the inclusion of the substance as a POP under the Convention than is played by the TFPOPs which basically reviews information provided in the substance proposal (dossier) and provides the WGSR with a summary of that review. Nevertheless, the TFPOPs may become involved in drafting possible control actions, if it is requested to do so by the WGSR.

The POPRC uses proposal specific sub-groups to prepare draft material at each stage of their evaluation of a proposal (an open-ended work group for the criteria stage; and separate working groups for risk evaluation and risk management evaluation). This is not required in the Protocol process where only peer review groups are formed to help assess

a proposal, but the LRTAP Parties may well deem it desirable in light of its effectiveness in identifying and clarifying issues in the POPRC process.

Although a proposal to add a substance may be made for both the Protocol and the Convention at the same time, the individual review process stages and a final recommendation may not occur at the same time. This means that if one review runs ahead of the other review, the faster process will benefit less from information exchange. Therefore in addition to promoting information exchange, considerable savings in technical effort should be sought by increasing harmonization of technical procedures and guidance used in the two review processes. This would help ensure that the two processes have available the same body of information to review and that the technical specifications for the review are as similar as possible.

Implications: The most significant implications are as follows:

- i) Although there are differences in the details of the requirements for the characterization, risk profile, and risk management elements of a proposal review, they are more similar than different. This is particularly so with the substance characterization element (indicative values and criteria).*
- ii) The main differences are not in what is done but how it is done, by whom, and possibly at what different rates of progress.*
- iii) A proposal from a Party that is complete in the context of the Stockholm Convention is not necessarily complete in the context of the Protocol. Therefore a “dual agreement” Party that simultaneously wishes to propose a substance under both agreements by preparing a single proposal (dossier) finds itself providing far more information to the Stockholm Convention than is required at that stage. However, if a dossier is simultaneously provided that is fully compliant with the requirements of both of the agreements (as has historically been the case and is encouraged by the POPRC) then in theory this should represent significant information sharing synergy that should (again in theory) aid in the development of the POPRC risk management profile and risk management evaluation.*
- iv) Both the TFPOPs draft guidelines for Technical Review and the sequential process outlined in Article 8 of the Stockholm Convention provide clear opportunities for information to be brought into the review process from outside. These are therefore potential entry points for information exchange between the two agreements. However they are not ideal mechanisms for the TFPOPs and the POPRC to request information of one another.*
- v) The probability that the review stages and a final recommendation are unlikely to be reached simultaneously on a proposal (even if it was submitted at the same time) implies that active two way information exchange may be only one of the most useful forms of cooperative activity to be enhanced in the future. The other key area would be to promote harmonization of the information contained in a proposal and in the technical procedures used for review.*
- vi) To be most effective in the Stockholm process, any information derived from Protocol deliberations would need to be available to the POPRC ad hoc working groups (for criteria, risk, and risk management evaluation) before or during their own deliberations.*
- vii) The present existence of templates endorsed by the POPRC for risk evaluation and risk management evaluation (UNEP/POPs/POPRC.1/10) and (UNEP/POPs/POPRC.3/6) that are considerably more detailed than guidance provided by the TFPOPs (Annex II Summary Report of the 2nd Meeting of the POPs Expert Group, Working Group on Strategies and Review, 2001) will probably have a major impact on any future cooperative activities between the two processes.*

- **Meetings of the POPRC and the TFPOPs take place without significant attempts of information exchange or cooperative action.** This is true even if the same element of a substance review is ongoing at the same time in the two processes. No individuals are present at the meetings who have the responsibility of promoting two way information exchange between the two processes. Any information exchange that may occur results from individual initiative by delegates who may participate in both groups. Therefore such cooperative activities occur by passive diffusion rather than in compliance with expression of interest to do so coming from either the Protocol or the Convention or as a result of curiosity in one process on how substance specific issues are being dealt with in the other process (active cooperation). It is easy to understand how this situation has arisen with each group focused upon ensuring that it fully complies with the legal needs of the Convention and the Protocol. However, a modest investment in cooperation /synergy could make tasks easier rather than more challenging. An active role of the Secretariats could be investigated.

Implications: Any proposals for cooperative information exchange actions between the two agreements are unlikely to be successful without a clear expression of intent and expectation from both agreements and the delegation of an appropriate degree of responsibility for promoting actions. The latter need not be onerous and could utilize secretariats or individuals from “dual agreement” Parties through whom such information exchange could be organized.

- **The delegates active in the Stockholm Convention and the Protocol sometimes retain vestiges of the history of the two agreements.** The Protocol Parties are often represented by delegates drawn from national ministries responsible for air pollution while in the Stockholm Convention they tend to have a background in the national chemical hazard / risk assessment and human health sectors.

Implications: Representatives of the ““dual agreement”” parties in the Stockholm Convention and in the Protocol (including the POPRC and in the TFPOPs) are often not the same individuals and sometimes do not know one another.

- **Other perceptual vestiges of the history of the two agreements.** The Protocol was signed in the same year that negotiation of the Stockholm Convention began, and it was assumed by many that the Protocol would provide a valuable source of information and experience in the global negotiations. However many countries (including those with developing and developed economies) outside of the UN ECE region were cautious of being influenced by any agreement drawn up within the UN ECE region. Consequently any impact made by the Protocol on the Convention occurred as a result of passive diffusion.

Implications: Any proposals for synchronized actions between the two agreements may need to be introduced and implemented with sensitivity and care.

Annex 2

IDENTIFICATION AND PRIORIZATION OF POSSIBLE ELEMENTS WHERE COOPERATION OR SYNERGY COULD BE ACHIEVED BETWEEN THE TWO AGREEMENTS WITHOUT COMPROMISE TO THEIR INTEGRITY.

This annex provides a brief review of possible elements for cooperation or synergy in the review of substance proposals under the Protocol and the Stockholm Convention. Some could be quite straight forward to implement while others may be more challenging. They were prepared in a way that paid attention to the relevant characteristics of the two agreements as identified in Section 4 above and in Annex 1.

The possible elements for cooperative action have been presented below as relatively small discrete items. If preferred, they could easily be bunched into more composite packages. However, the small discrete mode has been used here to enable easier items to be selected for action first and to minimize the possibility of difficulties in one area slowing up progress in another area.

The elements have been presented in the option 3 modality because it would be easier to redraft into the other modalities than vice versa. This also serves to indicate some of the administrative investment that could be involved with the option 3 modality. Any actions undertaken following the option 3 modality would require some form of an umbrella administrative arrangement between at least the secretariats of the two agreements. All of the elements could be redrafted into the modalities that require less administrative investment (modalities 1 and / or 2).

5.1 Elements concerning “Screening Criteria” / “Indicative Values” as found in EB 1998/2 para.1a-d and in Annex D of the Convention.

This element can be separated into two components:

Sub-element 5.1.1: Development of actions to maximize the degree of utility of dossiers for each agreement in relation to the “Screening Criteria” / “Indicative values” sections of substance proposals / dossiers (i.e. one dossier fully services both agreements).

Summary: As already noted, the requirements outlined in EB 88/2 paragraphs 1a-d and in Annex D of the Convention concerning these topics are very similar. If ¹experience has shown the need for a common template that is acceptable to both the POPRC and the TFPOPs for the use of Parties submitting proposals, then such a template could be produced.

Complexity: This action should be relatively straight forward to develop and implement whichever modality² is selected.

Authorization: The intent would be that the template would be fully faithful to the needs of EB 1998/2 para.1a-d and Annex D of the Convention. It could then be expected that the COP and the CLRTAP EB need only be informed of, and take note of the use of the template.

¹ This topic may not be an issue.

² See modality definition in section 5, table 1

Implementation: It may be practical for the Protocol “dual agreement” Parties to be prepared to do the initial work in developing a draft common template. They will be thoroughly familiar with both processes and have the most to gain from maximizing as much harmonization as is possible in the format of proposal submission between the Protocol and the Stockholm Convention.

Sub-element 5.1.2: Development of cooperative and information sharing activities in the evaluation of “criteria” and “indicative values”.

Summary: The work to be undertaken by the TFPOPs and the POPRC in evaluating the EB98/2 paragraphs 1a-d and the Annex D sections of a dossier/proposal are similar but not identical. Therefore any proposals for cooperative action must pay careful attention to the differences. A way of proceeding could be for a two/three person work group of individuals active in both processes to prepare recommendations on how to actively share information on the evaluation of the criteria / indicative values contained in substance proposals. The options considered by the group could include, for example, that several dual party representatives in both the POPRC and the TFPOPs be given the responsibility of undertaking information exchanges and requests between the POPRC and TFPOPs and for the provision of progress reports. The recommendations should suggest how the TFPOPs and the POPRC could collaborate and harmonize their approach to such issues as inter alia:

- i) How to define a substance that appears only as part of a commercial mixture or mixtures;
- ii) How to address isomers of a substance, including those intentionally produced;
- iii) How to address substance that is not POP, but that can degrade to a POP; and,
- iv) How to encourage the TFPOPs and the POPRC to ask questions of one another during this stage of their work.

The recommendations could be evaluated by the TFPOPs and the POPRC and a proposed information sharing approach agreed upon.

Complexity: This action may be of low to moderate complexity to develop and implement although this depends on what is attempted and which modality is selected.

Authorization: The intent would be that the information sharing approach would be fully faithful to the needs of EB 88/2 paragraphs 1a-d, 2, and 3: and, paragraphs 3 and 4 and Annex D of the Convention. It could then be expected that the COP and the CLRTAP EB need only be informed of, and take note of the use of the approach.

Implementation: As indicated above, it may be practical for the Protocol “dual agreement” Parties represented in both processes to be prepared to do the initial work in developing the draft recommendations. They will be thoroughly familiar with both processes.

5.2 Elements concerning the development and evaluation of the risk profile as found in paragraphs 1 (first part) 2, and 3 in EB 88/2; and in paragraphs 6 and 7 of Article 8 and in Annex E of the Convention.

This element can be separated into two components:

Sub-element 5.2.1: Development of actions relating to the development of the risk profile.

Summary: In the Protocol process, the risk profiles are prepared by the proposing Party/Parties while in the Convention they are prepared by the POPRC. This means that direct synergy in the simultaneous development of a risk profile is unlikely. However, if (as is encouraged by the POPRC in SC-1/7) the proposing party has provided a draft risk profile) a certain degree of synergy is achieved, especially if the “drafter” of the risk profile in the ad hoc POPRC process is the proposing Party representative (as has often been the case).

Two objectives could be considered:

1) If “dual agreement” Parties in practice always prepare a risk profile for the Protocol that is also provided as a draft profile for the Stockholm Convention then it will probably do so following the more comprehensive guidance provided in UNEP/POP/POPRC.1/10 EXC/Annex IV Risk Profile Outline, than that provided through the Protocol (Annex II to the summary report of the second meeting of the POPs Expert Group (as presented by the WGSR to the CLRTAP EB in December 2001). Therefore the TFPOPs may wish to examine whether information exchange and synergies would be enhanced if a common or harmonized template for risk profile structure and content was to be developed. Practically, this would probably mean basing the template on that developed by the POPRC, while ensuring compliance with EB 1998/2. If it is decided that benefits would be minor, the activity should not be pursued.

2) Focus on information sharing. The suggested way of proceeding would be for a two to three person work group to prepare recommendations on how to share information for use during the development of risk profiles. The options considered by the work group could include, for example, that identified dual party representatives in both the POPRC and the TFPOPs be given the responsibility of undertaking information exchanges and requests between the POPRC and TFPOPs. Alternatively, reliance could be placed on the fact that the Stockholm Convention process does contain a formal entry point for the solicitation by the secretariat of new information relevant to the development of a risk profile although as already noted, this is not ideal for the support of an ongoing dialogue between the two processes as they deal with a proposal. The recommendations could be evaluated by the POPRC and the TFPOPs and a proposed information sharing approach to assist in the preparation of risk profiles be agreed upon.

Complexity: These actions may be of moderate to high complexity to develop and implement although this depends on what is attempted and which modality is selected.

Authorization: The intent would be that products would be fully faithful to the needs of EB1998/2 and of Article 8 and Annex E of the Convention. It could then be expected that the COP and the CLRTAP EB need only be informed of, and take note of the products.

Implementation: Because the first objective is “internal” to the Protocol, the POPRC need not play a significant role in implementation. For the second objective, it may be practical for “dual agreement” parties to offer to prepare the recommendations.

Sub-element 5.2.2: Development of actions relating to the evaluation of the risk profile.

Summary: Because the two review processes can be expected to proceed at different rates, direct synergy in the simultaneous evaluation of a risk profile is unlikely, even if the original proposal had been submitted at the same time to the Stockholm Convention and to the Protocol. Therefore cooperative action would probably be focused on ensuring that the experience, background information, and results of each evaluation process are exchanged between the POPRC and the TFPOPs in an expeditious fashion and are responsive to information requests from either organization. The ideal modality for such information exchange would be one that passes over information as soon as it is available, rather than one that waits for the process in one organization to be completed before exchange occurs, or that is limited to the use of existing formal entry points, such as the secretariat calls for information described in Article 8 of the Stockholm Convention.

A possible way of proceeding would be for a short paper to be prepared by two or three individuals (experienced in both processes) on how to share information on the evaluation of risk profiles. The options considered by the group could include for example, that dual party representatives in both the POPRC and the TFPOPs to be given the responsibility of undertaking information exchanges and requests between the POPRC and TFPOPs, for the provision of progress reports, and for making available the final evaluations. The recommendations should also facilitate the TFPOPs and the POPRC asking questions of one another. The draft recommendations could be evaluated by the POPRC and the TFPOPs and a proposed information sharing approach for risk profile evaluations agreed upon.

Complexity: This action may be of moderate to high complexity to develop and implement although this depends on what is attempted and which mode is selected.

Authorization: The intent would be that the information sharing approach agreed upon would fully comply with EB 1998/2 and with Article 8 and Annex E of the Stockholm Convention. It could then be expected that the COP and the CLRTAP EB need only be informed of, and take note of the use of the approach.

Implementation: It may be practical for the Protocol “dual agreement” Parties represented in both processes to be prepared to do the initial work in developing the first draft approach. If this work was conducted in the option 1 modality, it would develop an approach that (at least in its first phase) would not require the POPRC to modify its operational procedures, except to be receptive to “dual agreement” parties acting as a conduit of passive and active information exchange (“active” implying that one group may ask a question of another group).

5.3 Elements concerning the development and evaluation of socio-economic and risk management information and of the development of the risk management evaluation as

found paragraphs 1 (second part) and 3 (last part) in EB 1988/2; and in paragraph 8 of Article 8 and in Annex F of the Convention.

This element has been separated into two components, one related to the preparation of information on risk management and the other related to the evaluation of such material. This division should fit with the Protocol process but it may not be suitable for the Stockholm procedures where the gathering of information on risk management blends into the evaluation of such material in the risk management evaluation document. If it is decided that the sub-division approach does not function, the two divisions could easily be combined.

Sub-element 5.3.1 Development of actions relating to the development of socio-economic / risk management information and the risk management evaluation.

Summary: In the Protocol process, the socio-economic and risk management information in a proposal is prepared by the proposing Party/Parties according to the requirements set out in EB 1998/2 while in the Convention risk management evaluation is prepared by the POPRC, as required in Annex F (to the Convention). This means that direct synergy in the simultaneous development of such information is unlikely. However, if (as is encouraged by the POPRC in SC-1/7 paragraph 28) the proposing party has provided a draft risk management evaluation, a certain degree of synergy can be achieved, especially if the “drafter” of the risk management evaluation in the ad hoc POPRC process was also the proposing Party representative for the Protocol. The same synergy could be achieved even where there are different proposing Parties if the LRTAP parties adopted a requirement that a Proposing Party also provide information that is collected in the POPRC process, where such information is available.

Two objectives could be considered which essentially replicate the approach suggested above for risk profile preparation:

1) If “dual agreement” Parties in practice always prepare socio-economic and management material for the Protocol that is also provided as a draft risk management evaluation for the Stockholm Convention then it will probably do so following the more comprehensive guidance provided in POPROC (UNEP/POPS/POPRC.3/6) than that provided through the Protocol (Annex II to the summary report of the second meeting of the POPs Expert Group - as presented by the WGSR to the CLRTAP EB in December 2001). Therefore the TFPOPs may wish to examine whether information exchange and synergies would be enhanced if a common or harmonized template for risk management evaluation material was to be developed. Practically, this would probably mean basing the template on that developed by the POPRC, while ensuring compliance with EB 1998/2. If it is decided that benefits would be minor, or that the difficulties in harmonizing the text of EB 1998/2 and Annex F of the Convention are too great, then the activity should not be pursued.

2) Focus on information sharing. The suggested way of proceeding would be for a two to three person work group (individuals active in both processes) to prepare recommendations on how to share information for use during the development of socio-economic and risk management evaluation material. The options considered by the work group could include for example, that identified dual party representatives in both the POPRC and the TFPOPs be given the responsibility of undertaking information exchanges and requests between the POPRC and TFPOPs, or reliance could be placed on the fact that the Stockholm Convention process does contain a formal entry point for the

solicitation by the secretariat of new information relevant to the development of a risk management evaluation. However, the deficiencies of the latter in the context of an active dialogue between the two processes should be noted. The recommendations could be evaluated by the POPRC and the TFPOPs and a proposed information sharing approach to assist in the preparation of risk management information be agreed upon.

Complexity: These actions may be of moderate to high complexity to develop and implement although this depends on what is attempted and the modality is selected.

Authorization: The intent would be that the information sharing approach would be fully faithful to the needs of EB1998/2 and of Article 8 and Annex F of the Convention. It could then be expected that the COP and the CLRTAP EB need only be informed of, and take note of the use of the approach.

Implementation: As with 5.2.1 it may be practical for the Protocol “dual agreement” Parties represented in both processes to be prepared to do the initial work in developing the first draft approach. If this work was conducted in the option 1 modality, it would develop an approach that (at least in its first phase) would not require the POPRC to modify its operational procedures, except to be receptive to “dual agreement” parties acting as a conduit of passive and active information exchange (“active” implying that one group may ask a question of another group).

Sub-element 5.3.2 Development of actions relating to the evaluation of risk management information and of the completed risk management evaluation.

Differences in timing, and the processes outlined in Article 8 and Annex F of the Stockholm Convention and in EB 1998/2, together with the greater socio-economic spread of conditions in the Convention and the Protocol may restrict opportunities for the simultaneous evaluation of risk management information. In addition, this is the element with the greatest differences in approach between the two processes. Therefore cooperative action would probably be focused on ensuring that the experience, background information, and results of each evaluation process are exchanged between the POPRC and the TFPOPs in an expeditious fashion. As with 5.2.2, the ideal modality for such information exchange would be one that passes over information as soon as it is available and one that facilitates questions and answers being passed between the two agreements.

A possible way of proceeding would be for a short paper to be prepared by two or three individuals (experienced in both processes) on how to share information on the evaluation of risk management information. The options considered by the group could again include dual party representatives in both the POPRC and the TFPOPs to be given the responsibility of undertaking information exchanges and requests between the POPRC and TFPOPs. The draft recommendations could be evaluated by the POPRC and the TFPOPs and a proposed approach developed for the active two way sharing of information on the risk management.

Complexity: This action may be of moderate to high complexity to develop and implement although this depends on what is attempted and which modality is selected.

Authorization: The intent would be that the information sharing approach agreed upon would fully comply with EB 1998/2 and with Article 8 and Annex F of the Stockholm

Convention. It could then be expected that the COP and the CLRTAP EB need only be informed of, and take note of the use of the approach.

Implementation: It may be practical for the Protocol “dual agreement” Parties represented in both processes to be prepared to do the initial work in developing the first draft approach. If this work was conducted in the option 1 modality, it would develop an approach that (at least in its first phase) would not require the POPRC to modify its operational procedures, except to be receptive to “dual agreement” parties acting as a conduit of passive and active information exchange (“active” implying that one group may ask a question of another group).