

Stockholm Convention (2001) on Persistent Organic Pollutants

2003/0118(CNS) - 12/06/2003 - Legislative proposal

PURPOSE : to conclude, on behalf of the European Community, the Stockholm Convention on Persistent Organic Pollutants. **CONTENT** : the promotion of measures at international level to deal with environmental problems is one of the objectives of the Community's policy on the environment, in accordance with Article 174 of the Treaty. The Stockholm Convention on Persistent Organic Pollutants was adopted and signed by the Community and Member States in Stockholm on 22 May 2001. The Convention provides a framework, based on the precautionary principle, for elimination of production, use, import and export of the initial twelve priority Persistent Organic Pollutants, their safe handling and disposal and elimination or reduction of releases of certain unintentional Persistent Organic Pollutants. In addition, the Convention lays down the rules for the listing of new chemicals in the Convention. The overall objective of the Convention is to protect human health and the environment from POPs. Specific reference is made to a precautionary approach as set forth in Principle 15 of the Rio Declaration on Environment and Development. Most importantly, this principle is made operational in Article 8, which lays down the rules for including additional chemicals in the Convention. The nine intentionally produced chemicals currently listed in Annex A of the Convention (aldrin, chlordane, dieldrin, endrin, hexachlorobenzene, heptachlor, mirex, toxaphene and PCBs) are subject to a ban on production and use except where there are generic or specific exemptions. In addition, the production and use of DDT, a pesticide still used in many developing countries for malaria and other disease vector control, is severely restricted, as set out in Annex B of the Convention. As required by the terms of the Convention, the Community has annexed to the draft Decision a declaration of the extent of its competence in respect of the matters governed by the Convention. While the provisions of the Convention concern environmental protection, certain provisions on the control of intentional production and use of chemicals, are also relevant to the functioning of the internal market. Consequently, the legal bases of the draft decision are Articles 175(1) and 95(1) as the legal basis, in conjunction with Article 300. The Convention foresees that Parties submit proposals to the Secretariat of the Convention for listing additional substances in Annexes A, B or C. As these proposals may affect relevant Community legislation and as it is necessary to ensure that proposals are justified and have sufficient support in the Community, only joint proposals by the Community and the Member States may be submitted to the Secretariat. Furthermore, when an amendment of Annex A, B or C of the Convention has been adopted, the Commission must decide on its implementation in the framework of the Regulation on persistent organic pollutants and amending Directives 79/117/EEC and 96/59/EC. (See COD/2003/0119). If this amendment is not implemented within one year from the date of communication by the depositary of the adoption of the amendment, and to avoid situations of non-compliance, the Commission must notify the non-acceptance of the amendment in accordance with Article 22(3)(b) of the Convention.