



Ministry of Environment, Climate Change and Technology
Republic of Maldives

TERMS OF REFERENCE
(IUL)438-ENV/438/2021/153

**CONSULTANCY SERVICES TO DEVELOP AN OVERARCHING CHEMICALS
MANAGEMENT ACT**

**“Eliminating Persistent Organic Pollutants Through Sound Management of Chemicals
Project”**

Issued on: 24nd May 2021

Issued By: Eliminating Persistent Organic Pollutants Through Sound Management of Chemicals
Project – Project Management Unit

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SCHEDULE OF CRITICAL DATES

Activity	Action Date
Advertised date	25 nd May 2021
Bid clarification deadline	31 th May 2021 before 1200hrs
Proposal submission deadline	02 nd June 2021 before 1000hrs

SUBMISSION REQUIREMENTS

The following related documents shall be submitted for the bids to be considered sufficiently responsive.

Applicants should submit their proposals containing the following documents and applicable Technical Proposal – Standard Forms and Financial Proposal – Standard Forms under ANNEX B.

Technical Proposal – Standard Forms

1. Proposal submission form – (Tech Form 1)
2. Approach, Methodology and Work Plan – (Tech Form 2)
3. A summary of the work plan must be presented in the format in Work Schedule (Tech Form 3) showing in the form of a bar chart the timing proposed for each activity.
4. Curriculum Vitae (CV) of the Individual / Team Leader
5. Copy of academic certificates and reference letters demonstrating experiences listed in this TOR (required experiences and other experiences relevant to this TOR must be specified clearly or highlighted) – (Tech Form 4)
6. Signed letter of commitment – (Tech Form 5)
7. For firms, copy of business registration certificate
8. For individual consultant, copy of Sole Proprietor business registration certificate
9. If more than one party wishes to show interest as a JV, Joint Venture or Association Agreement between the parties needs to be provided
10. Copy of GST Registration certificate issued by Maldives Inland Revenue Authority
11. Copy of Tax Clearance Report

Financial Proposal – Standard Forms

1. Completed proposal submission form (Fin Form 1)
2. Completed financial breakdown form (Fin Form 2).

1. INTRODUCTION

The Government of Maldives has received funding from the Global Environment Facility (GEF) for the project “Eliminating Persistent Organic Pollutants Through the Sound Management of Chemicals”. The Government intends to apply part of the proceeds towards procuring the services of a consultant (individual/ firm/ Joint Venture) to draft an overarching Chemicals Management Act that covers life cycle management of chemicals and the legal framework for implementation of the chemicals conventions - Basel, Rotterdam, Stockholm and Minamata.

2. PROJECT BACKGROUND

The Republic of Maldives is a Small Island Developing State (SIDS) which faces sustainable development challenges such as small but growing populations, land scarcity, vulnerability to climate change impacts (and other natural disasters) as well as economic development problems due to high transportation costs, lack of adequate infrastructure and lack of industrial development incentives. The Maldives is an archipelago comprised of 1,190 coral islands in 26 atolls over an area of about 750 km on a North-south axis and 120 km on an east-west axis. The land area of the Maldives accounts for about 1% of the Country’s territory. The Maldives islands are low lying land areas with an average height above sea level of 1.8 meters (m).

The country’s population of approximately 400000 people dispersed across 187 inhabited islands. An additional more than 166 islands have tourist resorts. Waste generation is estimated to be 324,000 tons annually with consisting of approximately 0.5 to 11% of hazardous chemicals and of approximately 3-9% of plastics depending on location and size of the island. The fact that (chemical) waste is being generated on 278 island presents the country with an incredible challenge, as land is very scarce, low lying and transportation of chemicals and waste from island to island is costly and complicated. The inadequate storage options and current disposal practices of hazardous chemicals and waste, especially open burning of waste at dumpsites or disposal near the coastline, make it very likely that these toxic chemicals and waste will end up in the waters and oceans. In the Republic of Maldives, the tourism sector accounts for more than 28% percent of the Gross Domestic Product (GDP) of the economy. Tourists to the Maldives are seeking a pristine environment, not one with polluted waters, degraded coral reefs, waste dumps which are openly burning or waste floating in the ocean. Therefore, the Sound Management of Chemicals and waste, especially the environmentally sound management of Persistent Organic Pollutants (hereinafter referred to as POPs) and hazardous waste, is an important element to achieving environmental sustainability. Further, given the economic importance of tourism to the Maldives, implementing environmentally sound chemical and waste management systems would help decouple growth in the tourism sector from environmental degradation.

To tackle these environmental and human health risks, the Government of the Republic of Maldives through the Ministry of Environment, Climate Change and Technology (MECT) has already taken some steps to try to manage its growing chemicals and waste management problems. Maldives has ratified the Stockholm Convention (SC) on 17 October, 2006 and in accordance to Article 7 of the Convention has submitted its National Implementation Plan (NIP) to the Stockholm Convention Secretariat (SCS) on 18 July, 2017, which covers the initial POPs as well as the new POPs added at the 4th and the 5th Conference of the Parties.

According to this NIP the highest-ranking national Priorities are the following:

- a) First Priority: The Implementation of measures to strengthen the institutional and regulatory framework; which includes the (i) developing legislation for chemicals management; (ii) strengthening institutional capacity; (iii) improving data collection and management systems and (iv) conducting research on the effects of POPs;
- b) Second Priority: Developing an action plan to eliminate PCB-containing equipment and its waste by 2025, which includes the (i) identification, labeling and mapping where PCBs and equipment potentially-containing PCBs are located in the country); (ii) putting in place labelling mechanism for all PCB-containing equipment; (iii) establishing adequate storage facilities for replaced equipment containing PCBs; (iv) formulating guidelines for disposal of equipment-containing PCBs; and (v) disposing safely of equipment containing PCBs.
- c) Reducing the incineration and open burning of wastes (including medical and hazardous waste), which is the source of 98.6% of U-POPs releases in the country- totaling 153.4 g-TEQ/year;
- d) Raising awareness through the development of education curricula and targeted awareness campaigns;
- e) Establishing a standard Chemical Management System, including chemical labeling in multiple languages.

In order to address the above-mentioned barriers the project will focus on addressing regulatory/policy barriers, technical and capacity and knowledge barriers so that the Maldives has a) a better foundation to establish a nationwide environmentally sound Management system to address POPs and highly hazardous chemicals, with b) the adequate coordination of key public, private and community stakeholders, regulatory departments, and centers of expertise, and c) the enhanced capacity of all involved, for the Environmentally Sound Management of Chemicals.

The project is implemented by UNDP as GEF's Implementing Agency and MECT as national executing agency.

The project is expected to support implementation of the developmental targets and priorities of the Government set out in the Strategic Action Plan (SAP) for five-year period 2019-2023.

3. OBJECTIVE OF THE CONSULTANCY

The main objective of this consultancy is to develop a Legislative Framework for the Environmentally Sound Management of Chemicals and ensure that chemicals management aspects, especially POPs are properly addressed and sufficiently defined in the regulation, including provisions for the life cycle chemicals management.

4. SCOPE OF WORK

The consultancy involves development of the following legislation in Dhivehi and English languages;

1. An overarching Chemicals Management Act for the sound management of chemicals that covers;
 - a. Development of standards for chemical classification, labelling, packaging, developing inventory, restricting chemicals of concern, compilation of safety data sheets and preventing industrial accidents arising from chemicals

- b. Development of national legal framework to implement the international chemicals Conventions (Basel, Rotterdam, Stockholm and Minamata)

The consultant (individual/ firm/ Joint Venture) will be supported by an international technical consultant, providing necessary technical inputs for the completion of the tasks relevant to the formulation of the Chemicals Management Act. The tasks to be undertaken by the consultant (individual/ firm/ Joint Venture) is outlined in this Terms of Reference (TOR) and are to be undertaken in close collaboration with the Ministry of Environment, Climate Change and Technology and relevant stakeholders as necessary, and include but are not necessarily limited to, the following.

1. Inception meeting to ensure that the work is aligned with the scope of this TOR and international technical expert
2. Conduct desktop review with any relevant stakeholder consultations, identifying the existing legal and institutional framework for chemicals and waste management, relevant policies and strategies across stakeholders (legal instruments developed to address chemicals management). The desk review report should address the mandated functional overlaps with the existing legislations and provide recommendations for addressing overlaps. The desk review report will be finalized via presentation of the review to the client at a policy -level meeting.
3. Technical report on the legal rights and obligations relevant to the Maldives for the national implementation of the Basel, Rotterdam, Stockholm and Minamata Conventions
4. Bilateral meetings with stakeholders to understand their needs and expectation with regard to chemicals management aspects and to identify their roles and responsibilities
5. Conduct inter-ministerial review meeting/s at the policy level to identify the required inputs for drafting Chemicals Management.
6. Draft legislation prepared as per the scope outlined in Annex A of this TOR
7. Conduct at least two stakeholder workshops to finalize Chemicals Management Act
8. Conduct policy level review meeting to finalize the draft regulation

5. QUALIFICATIONS AND EXPERIENCE

An individual / firm / Joint Venture is eligible to apply for this consultancy. In case the proposal is submitted on behalf of a company or a JV, team leader should be identified. **If the proposal is submitted, by a team only the team lead assigned for the work will be considered for evaluation.**

In case of a JV company the applicant shall propose a team leader that fulfils the qualifications and experience outlined below:

The roles and responsibilities of the Team Leader are as follows;

- Monitoring the project schedule and being responsible for the quality of the outputs
- Coordinating the planning, implementation of the necessary studies and ensuring that the work is conducted following the highest professional standards.
- Ensuring that the quality control and supervision mechanism in place for the assignment is effective, manage the data collection team and ensure that each member performs his or her specific scope of work.

5.1 Qualification and skills of the Individual / Team leader

- Minimum Undergraduate Degree in the field of Law. A Master's degree in the field of Law is advantageous
- Fluency in written and spoken Dhivehi and English and excellent interpersonal skills

5.2 General Professional Experience of the Individual / Team leader

- Minimum 7 years of work experience in the field of Law.

5.3 Specific Professional Experience of the Individual / Team leader

- Successful completion of at least 03 similar assignments related to drafting Legislation or subsidiary Legislations
- Proven ability to work with a wide range of partners, including government offices and independent institutions.

6. DELIVERABLES AND PAYMENT SCHEDULE

	DELIVERABLE	DETAILS	DURATION	END PRODUCT	PAYMENT SCHEDULE
1	Workplan and Technical approach and methodology for the consultancy	Detailed work plan and technical approach and methodology for the assignment Workplan should take into account the period of delays brought by the client of setting up of meetings, review and approval of documents, facilitating of any relevant documents	Five days after signing the contract	<ul style="list-style-type: none"> ▪ Final Workplan ▪ Approved approach and methodology 	10%
2	Desktop Review Report in English	<p>Conduct desktop review with any relevant stakeholder consultations, identifying the existing legal and institutional framework for chemicals and waste management, relevant policies and strategies across stakeholders at three levels of national administration (policy, management, enforcement) to assess gaps and overlaps and inefficiencies in the organization of national administration with a focus on:</p> <ul style="list-style-type: none"> ▪ Existing authorities at the three levels ▪ Coordination and cooperation mechanisms ▪ Available capacity and expertise ▪ Information management systems ▪ The desk review report should address the mandated functional overlaps with the existing legislations and provide recommendations for addressing overlaps. The desk review report will be finalized via presentation of the review to the client at a policy -level meeting. 	2 Weeks upon submitting the workplan	<ul style="list-style-type: none"> ▪ Desktop Review Report with inputs from international technical expert and presentation of findings in English 	20% upon completion and approval of deliverables 2 and 3

3	Technical report on the legal rights and obligations relevant to the Maldives in the implementation of BRS and Minamata Conventions English	Develop Technical report on the legal rights and obligations relevant to the Maldives for the national implementation of the Basel, Rotterdam, Stockholm and Minamata Conventions at three levels of national administration (policy, management, enforcement) to assess gaps and overlaps and inefficiencies in the organization of national administration with a focus on: <ul style="list-style-type: none"> ▪ Existing authorities at the three levels ▪ Coordination and cooperation mechanisms ▪ Available capacity and expertise ▪ Information management systems ▪ Monitoring and surveillance systems 	4 weeks upon submitting the desktop review report (deliverable 2).	<ul style="list-style-type: none"> ▪ Combined technical report with inputs from international technical expert in English 	
4	Technical bilateral meetings with stakeholders	Hold Bilateral meetings with stakeholders to understand their needs and expectation with regard to chemicals management aspects and to identify their roles and responsibilities	4 weeks upon submitting the technical report (deliverable 3)	<ul style="list-style-type: none"> ▪ Detailed meeting minutes in English ▪ An executive summary/report summarizing findings and propose recommendations from all the meetings highlighting key points made by stakeholders in English 	15% upon completion and approval of deliverables 4 and 5
5	Review meetings at inter-ministerial policy level	Conduct inter-ministerial review meeting/s at the policy level to identify the required inputs for drafting Chemicals Management Act	Held within 1 week from submission of the deliverable 4	<ul style="list-style-type: none"> ▪ Submission and approval of inter-ministerial policy level review meeting minutes and recommendations 	
6	Legal draft of Chemicals Management Act	Develop Dhivehi and English Draft Legislation prepared as per the scope outlined in Annex A of this TOR	6 weeks from inter-ministerial review meeting(s) at the policy level	<ul style="list-style-type: none"> ▪ Submission of hard and soft copies and presentation of draft Chemicals Management bill in Dhivehi and English as per Annex A 	25% upon completion and approval of deliverable 6

7	Two Stakeholder Workshops	<p>Conduct two stakeholder workshops to discuss the legal drafts</p> <ul style="list-style-type: none"> ▪ A stakeholder consultation workshop to present the draft legislations ▪ A validation workshop held after incorporating all comments and inputs received from the stakeholder consultation workshop 	<ul style="list-style-type: none"> ▪ 1st workshop two weeks after submission of draft legislations. ▪ Validation workshop to be held 3 weeks after the initial workshop. 	<ul style="list-style-type: none"> ▪ Two workshop reports in Dhivehi and English 	15% upon completion and approval of deliverable 7
8	Finalize the Chemicals Management Act in line with the guidance detailed in Annex A	Present the draft legislation to policymakers.	5 weeks from approval of the drafts	<ul style="list-style-type: none"> ▪ Meeting minutes of the policy level meeting held with MECT in Dhivehi and English ▪ Final submission of the legislation in Dhivehi and English 	15% upon completion and approval of deliverable 8

7. REPORTING OBLIGATIONS

The consultant is to coordinate with the PMU, relevant government and non-government institutions during the consultation and formulation process of the Legal documents so that risks are identified, avoided, mitigated and managed throughout the assignment. The consultant will report directly to the Project Manager through bi-weekly meetings.

PMU will facilitate the consultant in setting up and obtaining relevant documents, arranging meeting rooms at MECT, logistical and venue arrangements for stakeholder workshops.

Unit:

Eliminating Persistent Organic Pollutants Through the Sound Management of Chemicals
Project Management Unit
Environmental Management and Conservation Department
Ministry of Environment, Climate Change and Technology
Green Building, Handhuvaree Hingun
Maafannu, Male', 20392
Republic of Maldives

Project:

“Eliminating Persistent Organic Pollutant through the Sound Management of Chemicals”

Duty Station:

Home-based in Maldives

8. SCHEDULE FOR THE ASSIGNMENT

Duration of the assignment is **6 months** from the date of signing of the contract. The contract for this consultancy work will be signed concurrently with the international technical expert contract. The proposed duration would not account the period of delay brought by the client of setting up of meetings, review and approval of documents, facilitating of any relevant documents.

9. QUERIES

For any queries, please email to procurement@environment.gov.mv copied to thuhufa.abudulla@environment.gov.mv before 1200hrs on 30th May 2021.

10. EVALUATION CRITERIA

Criteria, sub-criteria, and point system for the evaluation of Full Technical Proposals are:

DETAILS	MAXIMUM POINTS
(i) Adequacy of the proposed methodology and Monitoring Plan in responding to the Technical Requirement:	[30]
a) Technical approach and methodology <ul style="list-style-type: none"> <i>[05] points for demonstrating an understanding of the objective of the assignment in the context of the project</i> <i>[05] points for proposal on methodology on carrying out the activities</i> 	[10]
b) Tentative work plan <ul style="list-style-type: none"> <i>[15] points for proposed main activities of the assignment, their content and duration, phasing and interrelations, milestones (including interim approvals by the Client and delivery dates of the reports</i> <i>[05] points for work plan being consistent with proposed Technical Approach and Methodology</i> 	[20]
(ii) Key professional staff qualifications and experience	[70]
a) Qualification and skills of the Individual/Team Leader <ul style="list-style-type: none"> <i>[15] points for minimum undergraduate Degree in the field of law, [05] points for any additional level above undergraduate Degree</i> <i>[2] points for fluency in written and spoken Dhivehi and English and excellent interpersonal skills</i> 	[22]
b) General Professional Experience of the Individual/Team Leader <ul style="list-style-type: none"> <i>[20] points for minimum 7 years general professional experience in the field of law, [02] point for each additional year up to 5 years</i> 	[30]
c) Specific Professional Experience of the Individual/Team Leader <ul style="list-style-type: none"> <i>[10] points for completion of minimum 3 similar assignments relating to drafting legislation or subsidiary legislation, [01] point for each additional assignment up to 5 assignments</i> <i>[03] points for proven ability to work with a wide range of partners, including government offices and independent institutions demonstrated as work experience</i> 	[18]

If the minimum set educational qualification, general and specific experience is not met, then consultant (individual/ firm/ Joint Venture) will be disqualified.

Total technical score (s): 100

- The minimum technical score (s) required to pass is: 60 Points, proposal that does not qualify the minimum technical score will be disqualified from further evaluation.
- The formula for determining the financial scores is the following:
 $S_f = 100 \times F_m / F$, in which S_f is the financial score, F_m is the lowest price and F the price of the proposal under consideration.
- The weights given to the Technical and Financial Proposals are:
 $T = [0.6]$, and $F = [0.4]$

11. SUBMISSION

Bid submission	On or before 02nd June 2021 10:00 hours local time
Bid opening	02nd June 2021 10:00 hours local time. Proposals will be opened in the presence of the proponents' representatives who choose to be present at the address below at the time of proposal opening.
Submission instruction	Proposals must be delivered in sealed envelopes titled “Do not Open Before 02nd June 2021 10:00 hours - Consultancy Services to Develop an Overarching Chemicals Management Act” and the submitting party’s name and address Electronic submission is not permitted. Late proposals will be rejected.
Submission address	Procurement Section Ministry of Environment, Climate Change and Technology Green Building, Handhuvaree Hingun, Maafannu Male’, 20392, Republic of Maldives Email: procurement@environment.gov.mv Website: www.environment.gov.mv Project name: Eliminating Persistent Organic Pollutants Through the Sound Management of Chemicals

ANNEX A

Key Provisions Related to Overarching Chemicals Management Act

Developing a comprehensive set of legislations in chemicals management should include the following sections;

1. Classification, labeling and packaging of dangerous substances and preparations;
2. Inventory, notification and risk assessment of substances;
3. Restrictions on the production, use and marketing of certain dangerous substances, preparations and articles;
4. Compilation and distribution of safety data sheets (SDS).
5. Prevention of industrial accidents arising from chemicals
6. Provisions for implementation of Basel Convention on the control of transboundary movements of hazardous wastes and their disposal
7. Provisions for implementation of Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade
8. Provisions for implementation of Stockholm Convention on Persistent Organic Pollutants
9. Provisions for implementation of Minamata Convention on Mercury

Specific content of each sections of the legislation has been provided individually, however, the final legislation should be crafted as a single document combining all provisions provided below.

1. Classification, labeling and packaging (CLP) of dangerous substances and preparations

The aim is to ensure a high level of protection of human health and the environment as well as the free movement of substances, mixtures and some articles placed on the market by defining administrative and technical rules and principles for classification of substances and mixtures, and the rules on labelling and packaging for hazardous substances and mixtures.

KEY POINTS

The legislation section should contain:

- i. General provisions on classification, labelling and packaging of hazardous substances and mixtures
 - a. Classification of substances and mixtures
 - b. General principles of classification, labelling and packaging of hazardous substances and mixtures
- ii. Hazard classification
 - a. Identification and examination of available information on substances
 - b. Identification and examination of available information on mixtures
 - c. Animal and human testing
 - d. Generating new information for substances and mixtures
 - e. Evaluation of hazard information for substances and mixtures
 - f. Concentration limits and M-factors for classification of substances and mixtures
 - g. Cut-off values
 - h. Specific cases requiring further evaluation
 - i. Decision to classify substances and mixtures
 - j. Specific rules for the classification of mixtures
 - k. Review of classification for substances and mixtures
 - l. Classification of substances included in the classification and labelling inventory

- iii. Hazard communication in the form of labelling
 - a. Content of the label
 - b. Product identifiers
 - c. Hazard pictograms
 - d. Signal words
 - e. Hazard statements
 - f. Precautionary statements
 - g. Derogations from labelling requirements for special cases
 - h. Request for use of an alternative chemical name
 - i. Supplemental information on the label
 - j. Principles of precedence for hazard pictograms
 - k. Principles of precedence for hazard statements
 - l. Principles of precedence for precautionary statements
 - m. Exemptions from labelling and packaging requirements
 - n. Updating information on labels
 - o. General rules for the application of labels
 - p. Location of Information on the Label
 - q. Specific Rules for Labelling of Outer Packaging, Inner Packaging and Single Packaging
- iv. Packaging
 - a. Requirements of Packaging
- v. Harmonization of classification and labelling of substances and the classification and labelling inventory
 - a. Harmonization of classification and labelling of substances
 - b. Procedure for harmonization of classification and labelling of substances
 - c. Content of opinions and decisions for harmonized classification and labelling and accessibility of information
 - d. Classification and labelling inventory
 - e. Obligation to notify
 - f. Establishing and updating of the classification and labelling inventory
- vi. Enforcement
- vii. Inspection
- viii. Obligation to maintain information and requests for information
- ix. Safeguard Clause
- x. Penalties
- xi. Annexes: Classification guideline, list of hazardous chemicals

2. Inventory, notification and risk assessment of substances;

The aim is to regulate the administrative and technical procedures and principles regarding inventory formation and control in order to provide effective protection against the adverse effects that chemicals may create on human health and the environment.

KEY POINTS

The legislation section should contain:

- i. General provisions
 - a. Placing of the substances on the market (no data no market)
 - b. General obligation to register substances on their own or in mixtures
 - c. Registration and notification of substances in articles
 - d. Substances regarded as being registered

- ii. Registration of Substances
 - a. Providing data on large quantities of substances produced or imported
 - b. Providing data on low quantities of substances produced or imported
 - c. Exemptions
 - d. Data provisioning procedures
 - e. Updating the information provided
 - f. Data confidentiality
 - g. Priority list
- iii. Assessment of risks of substances to human and environment
 - a. Risk assessment for substances in the priority list
- iv. Chemical Regulatory/Management Board
 - a. Members of the Board
 - b. Mandate of the Board
- v. Inspection
- vi. Enforcement
- vii. Penalties

3. Restrictions on the production, use and marketing of certain dangerous substances, preparations and articles;

The aim is to ensure the protection of human health and the environment, through the administrative and technical procedures and principles regarding the production and use of some dangerous substances or substance groups on their own, their use in the preparation or article and their placing on the market.

KEY POINTS

The legislation section should contain:

- i. General provisions
 - a. Ban and Restriction
- ii. Inspection and market surveillance
 - a. Obligation to maintain information and requests for information
 - b. Roles and responsibilities of institutions on market surveillance
- iii. Enforcement
- iv. Penalties

4. Compilation and distribution of safety data sheets (SDS)

The aim is to determine the principles and procedures related with compilation and distribution of safety data sheet for effective control and efficient observance to protect the human health and the environment against adverse effects of hazardous substances and mixtures placed on the market.

KEY POINTS

The legislation section should contain:

- i. General provisions
 - a. Requirements for safety data sheets
 - b. Information that should be included in safety data sheet
- ii. Certification institute, exam of competency and certificate of competency
 - a. Certification institute
 - b. Competency examination
 - c. Competency certificate
- iii. Inspection

- iv. Enforcement

5. Prevention of industrial accidents arising from chemicals

The aim is prevention of major accidents which involve dangerous substances, and the prevention of major incidents and their adverse impacts on human health and the environment.

KEY POINTS

The legislation section should contain:

- i. General provisions for chemicals owners
- ii. Notification
- iii. Major-accident prevention policy
- iv. Emergency plans
- v. Safety report
- vi. Information to be supplied by the operator following a major accident
- vii. Inspections
- viii. Information system
- ix. Confidentiality
- x. Annex: List of dangerous substance with thresholds, Minimum data and information to be considered in the safety report, Content of Emergency plan, content of information to be supplied under (vi)

6. Basel Convention on the control of transboundary movements of hazardous wastes and their disposal

The convention is the most comprehensive global environmental agreement on hazardous wastes and other wastes. It aims to protect human health and the environment from the adverse effects resulting from the generation, the transboundary (crossing borders) movement and the management of hazardous wastes and other wastes.

The convention regulates the transboundary movements of hazardous wastes and other wastes and requires its parties to ensure that they manage and dispose of such wastes in an environmentally sound manner.

The parties also undertake to:

- minimize the quantities that are transported;
- treat and dispose of the wastes as close as possible to their place of generation;
- prevent or minimize the generation of wastes at source.

KEY POINTS

General obligations of the convention, Parties agree the following:

- not to export (or import) hazardous wastes or other wastes to (or from) a non-signatory state;
- not to export waste unless the state of import has given its prior consent in writing to the specific import;
- to communicate information about proposed international movements to the states concerned by means of a notification form; this will allow them to evaluate the effects of hazardous waste or other wastes on human health and the environment;
- to permit international movements of wastes only where there is no danger with regard to their movement and disposal;

- to package, label and transport the wastes that are moved in line with international rules, and to ensure they are accompanied by a movement document from the point at which movement starts to the point of disposal.

Any party may impose additional requirements that are consistent with the convention.

Notification procedures

The convention introduces notification procedures with regard to:

- international movements between parties;
- international movements from a party through the territory of non-signatory states.

Illegal shipments

Where wastes are illegally exported, parties to the convention must re-import them.

Environmentally sound management

Parties agree to work together on environmentally sound practices for the management of hazardous and other wastes.

Dispute settlement

Parties should settle any disputes through negotiation or any other peaceful means of their choice. If a solution is not found, the dispute is submitted to the International Court of Justice or to an arbitration tribunal consisting of 3 parties.

The convention has 8 annexes:

- Annex I: Categories of wastes to be controlled — ranging from clinical wastes to wastes from the production, formulation and use of organic solvents;
- Annex II: Categories of wastes requiring special consideration — wastes collected from households and residues arising from the incineration of household wastes;
- Annex III: List of hazardous characteristics — such as whether they are explosive, flammable liquids or solids, liable to spontaneous combustion, corrosive or ecotoxic (harmful to the environment);
- Annex IV: List of disposal operations;
- Annex V A: Information to be provided on notification;
- Annex V B: Information to be provided on the movement document;
- Annex VI: Arbitration;
- Annex VII: (not in force);
- Annex VIII: List of wastes.

7. Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

The convention provides for a prior informed consent procedure for certain hazardous chemicals and pesticides traded internationally.

KEY POINTS

The convention

- Regulates the trade of hazardous chemicals and pesticides listed under Annex III.
- Requires any of the chemicals which it lists to receive an importer's prior consent before they may be exported.
- Establishes a procedure for exchanging information on decisions taken by importing countries.

- Requires each signatory to the convention to appoint a national authority to ensure it is fully implemented.
- Asks each signatory whether or not it is prepared to accept imports of the chemicals and pesticides it lists.
- Requires exporters to ensure that the listed chemicals are not exported if the importing country has not given its formal approval.
- Requests parties that have banned or severely restricted a chemical to notify this to the convention's Secretariat.
- Provides for the exchange of scientific, technical, economic and legal information on the chemicals it covers and the possibility of technical assistance for developing countries on chemical regulation.
- Allows a signatory to withdraw from the convention 1 year after receiving its notification to do so.

The convention does not cover narcotics, radioactive materials, waste, chemical weapons, food and food additives, genetically modified organisms or chemicals exported for research.

The convention has 7 annexes:

- Annex I: Information requirements for notifications made pursuant to Article 5
- Annex II: Criteria for listing banned or severely restricted chemicals in Annex III
- Annex III: Chemicals subject to the Prior Informed Consent Procedure
- Annex IV: Information and criteria for listing severely hazardous pesticide formulations in Annex III
- Annex V: Information requirements for export notification
- Annex VI: Settlements of disputes
- Annex VII: Procedures and mechanisms on compliance with the Rotterdam Convention

8. Stockholm Convention on Persistent Organic Pollutants

The global treaty aims to protect human health and the environment from the harmful effects of Persistent Organic Pollutants (POPs). It restricts, and ultimately eliminates, their intentional or unintentional production, use, trade, release and storage.

KEY POINTS

The convention requires signatories to:

- tackle intentional production and use of POPs by:
 - eliminating the production, use, import and export of chemicals listed in Annex A;
 - restricting the production and use of chemicals listed in Annex B;
 - ensuring that chemicals listed in Annexes A and B are only imported for approved use and can be disposed of in an environmentally sound manner;
 - keeping a publicly accessible register containing all the national exemptions to the general bans and restrictions listed in the 2 annexes;
- address unintentional production and use of POPs by:

- adopting a detailed action plan, within 2 years of the convention coming into force, to minimize use of, and ultimately eliminate, chemicals listed in Annex C;
- reduce or eliminate stocks and waste by:
 - developing strategies to identify stockpiles containing chemicals in annexes A or B, and products and articles in use containing or contaminated by chemicals listed in all 3 (A, B and C) annexes;
 - managing stockpiles in a safe, efficient and environmentally sound manner;
 - ensuring all waste is properly handled, collected, transported and stored;
 - disposing of waste so that all pollutants are either destroyed or cannot be reused or, failing that, in the most environmentally friendly way;
- draw up implementation plans (updated as appropriate), within 2 years of the convention entering into force. These set out how they will honor their commitments, cooperate with partners, including global, national, regional and sub-regional organizations, and consult with national stakeholders;
- exchange relevant information, via the convention's secretariat, on reducing or eliminating POPs and on possible viable alternatives;
- promote public information, awareness and education among decision makers and the public, especially women and children, and facilitate training for key personnel;
- encourage or carry out appropriate national and international research, development, monitoring and cooperation on POPs;
- give timely and appropriate technical assistance, and if necessary financial support, to developing countries and economies in transition;
- allocate the necessary finance and incentives to achieve national commitments;
- report to all other signatories (the Conference of the Parties) on the measures taken, and their impact, to implement convention commitments;
- provide the convention secretariat periodically with:
 - data, or a reasonable estimate, on the total quantities of production, import and export of each chemical in annexes A and B;
 - a list of the countries from or to which each substance has been imported or exported.

The convention has 7 annexes:

- Annex A: Elimination
- Annex B: Restriction
- Annex C: Unintentional Production
- Annex D: Information requirements and screening criteria
- Annex E: Information requirements for the risk profile
- Annex F: Information on socio-economic considerations;
- Annex G: Arbitration and conciliation procedures for settlement of disputes

9. Minamata Convention on Mercury

The global treaty aims to protect human health and the environment from the adverse effects of mercury. The convention is included in the annex to the decision.

KEY POINTS

The Minamata Convention on Mercury concluded under the auspices of the United Nations Environment Program sets up an international set of rules for cooperation and measures to limit the use of mercury and mercury compounds. It further aims to control and reduce anthropogenic emissions (i.e. relating to, or resulting from the influence of human beings) of mercury and mercury compounds to air, water and land.

The convention covers the complete life-cycle of mercury. It contains articles that introduce:

- a ban on new mercury mines and a phase-out of existing ones;
- restrictions on international trade in mercury;
- control measures on emissions and releases;
- measures to prohibit the manufacture, import or export of a range of mercury-added products;
- measures to phase-out and phase-down the use of mercury in key manufacturing processes;
- measures to phase down the use of dental amalgam;
- measures to reduce mercury emissions from artisanal and small-scale gold mining and processing;
- measures to ensure the *environmental sound* interim storage of mercury and mercury compounds and the *environmental sound* management of mercury waste.

The convention has 5 annexes:

- Annex A: Mercury-added products
- Annex B: Manufacturing processes in which mercury or mercury compounds are used
- Annex C: Artisanal and small-scale gold mining
- Annex D: List of point sources of emissions of mercury and mercury compounds to the atmosphere
- Annex E: Arbitration and conciliation procedures