

## Decision 2009/3

### Amendment of annexes V and VII to the 1998 Protocol on Persistent Organic Pollutants

*The Parties to the 1998 Protocol on Persistent Organic Pollutants meeting within the twenty-seventh session of the Executive Body,*

*Decide* to amend the 1998 Protocol on Persistent Organic Pollutants (“the Protocol”) to the Convention on Long-Range Transboundary Air Pollution as follows:

#### **ARTICLE 1: AMENDMENT**

##### **A. Annex V**

1. Paragraph 1 of annex V to the Protocol shall be replaced by the following:

“1. The purpose of this annex is to provide the Parties to the Convention with guidance in identifying best available techniques to allow them to meet the obligations in article 3, paragraph 5, of the Protocol. Further description of, and guidance regarding, such best available techniques is provided in a guidance document adopted by the Parties at a session of the Executive Body and may be updated as necessary by a consensus of the Parties meeting within the Executive Body.”

2. Paragraph 4 of annex V to the Protocol shall be replaced by the following:

“4. Experience with new plants incorporating low-emission techniques, as well as with retrofitting of existing plants, is continuously growing. The regular elaboration and amendment of the guidance document referred to in paragraph 1 above will therefore be necessary. Best available techniques (BAT) identified for new plants can usually be applied to existing plants provided there is an adequate transition period and they are adapted.”

3. Paragraph 5 of annex V to the Protocol shall be replaced by the following:

“5. The guidance document referred to in paragraph 1 above lists a number of control measures which span a range of costs and efficiencies. The choice of measures for any particular case will depend on a number of factors, including economic circumstances, technological infrastructure and capacity, and any existing air pollution control measures.”

4. Parts III, IV and V of annex V are deleted.

##### **B. Annex VII**

Annex VII to the Protocol is deleted.

**ARTICLE 2: ENTRY INTO FORCE**

In accordance with article 14(4) of the Protocol, this Amendment shall become effective for those Parties which have not submitted a notification to the Depositary in accordance with article 14(5) of the Protocol on the expiry of ninety days from the date of its communication to all Parties by the Executive Secretary of the Commission.

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