

## ROTTERDAM PIC COP 4 HIGHLIGHTS: WEDNESDAY, 29 OCTOBER 2008

The fourth meeting of the Conference of the Parties (COP 4) of the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade continued its work on Wednesday, with delegates meeting in plenary and contact groups. In the morning, delegates furthered discussions on a programme for the national and regional delivery of technical assistance, and heard reports on the work of the Chemical Review Committee (CRC) and cooperation with the World Trade Organization (WTO). In the afternoon they discussed: a proposal for an independent study on implementation costs; progress in the Convention's implementation; and confirmation of appointments of CRC members. Plenary was suspended mid-afternoon and contact groups on compliance, budget and implementation continued to meet throughout the day.

### PLENARY

#### NATIONAL AND REGIONAL DELIVERY OF

**TECHNICAL ASSISTANCE:** On Wednesday morning, delegates turned to the programme for the regional and national delivery of technical assistance for the biennium 2009–2010 (UNEP/FAO/RC/COP.4/17). The EU welcomed the global nature of the programme, highlighting work with other structures reinforcing the Secretariat's work. She underscored the importance of using case studies and expressed interest in meeting with trade partners. ARGENTINA, MOLDOVA, OMAN and JORDAN noted national infrastructure for managing chemicals as a priority. SENEGAL highlighted the need for subregional consultative mechanisms. CHILE indicated that all communications should be translated and that experts should speak the language of the country where assistance is being imparted. NIGERIA, supported by SUDAN, ARGENTINA, URUGUAY and VENEZUELA, called for a shift from workshops to pilot projects.

SPAIN drew attention to Barcelona's Regional Activity Centre for Cleaner Production as a Stockholm Convention center wishing to broaden its scope. MEXICO, PERU, GABON and SUDAN noted customs capacity should be enhanced. BRAZIL said the technical identification of pesticides and export control procedures needs to be improved. PANAMA

urged a holistic approach covering the marketing, use and availability of chemicals. CUBA, CHILE and GHANA drew attention to industrial chemicals, noting they should be on par with pesticides. CHINA underscored the link between technical assistance activities and the budget cycle.

DOMINICAN REPUBLIC and the GAMBIA called for training in chemical risk management. UKRAINE said technical assistance should focus on the exchange of scientific information. SWITZERLAND echoed TOGO's call for UNITAR to be listed as a key partner. Responding to an inquiry, the Secretariat confirmed that Madagascar is one of 28 countries that will start receiving technical support in the next stage of the programme. PUBLIC SERVICE INTERNATIONAL offered to mobilize health professionals and scientists to participate in training on risk assessments and epidemiological studies. Chair Repetti asked the Secretariat to prepare a draft decision.

**CREDENTIALS:** Hamoud Darwish Salim Al-Hasani (Oman) presented the first report of the Credentials Committee stating that 77 parties had presented their credentials according to the requirements.

**CRC REPORT:** Karmen Krajnc, Chair of the CRC's fifth meeting, presented, and the COP took note of, the report of the CRC's third and fourth meetings (UNEP/FAO/RC/COP.4/7) and on chemicals scheduled for review at the Committee's fifth meeting (UNEP/FAO/RC/COP.4/INF/4).

**COOPERATION WITH THE WTO:** The Secretariat presented on cooperation with the WTO (UNEP/FAO/RC/COP.4/18) including a report by the Chairman to the Trade Negotiations Committee (UNEP/FAO/RC/COP.4/INF/11). She reported continuing negotiations on granting multilateral environmental agreements observer status but noted that the Secretariat had participated in several meetings of the Committee on Trade and Environment as an *ad hoc* observer.

The WTO noted that a more recent report on the state of the negotiations is available. ARGENTINA and INDIA supported the Secretariat seeking observer status in the WTO Trade and Environment Committee's regular sessions. Chair Repetti requested the Secretariat to prepare a draft decision.

**REPORT ON THE IMPLEMENTATION OF DECISION RC-3/5 ON FINANCIAL MECHANISMS:** The Secretariat introduced this agenda item and relevant documents (UNEP/FAO/RC/COP.4/15; INF/5; and INF/5/Add.1). CHILE, supported by CHINA, presented a proposal for a decision to

establish a team of three independent experts to assess costs for implementing the Convention during the 2009-2012 period for developing countries and countries with economies in transition (UNEP/FAO/RC/COP.4/CRP.7), and pointed out that a similar team had been used by the Stockholm Convention. The EU, supported by NORWAY, said a new study was not a priority and called for the Secretariat to continue soliciting data from parties. NEW ZEALAND suggested sending the proposal to the budget contact group. ARGENTINA proposed the Secretariat define a uniform and transparent methodology for parties to conduct their own assessments. The Secretariat pointed out that the current method solicits few answers. He said the proposed study would cost US\$90,000-100,000 and the Secretariat does not have in-house capacity to undertake it. Noting lack of consensus, Chair Repetti asked Chile to serve as informal facilitator to develop a way forward.

#### **CONTACT GROUP REPORTS: Implementation:**

Implementation contact group Co-Chair Šebková (Czech Republic) presented on the group's progress, identifying some agreement on information exchange as the way forward. She noted two different perspectives on the group's mandate had emerged, with one focusing on the COP's inability to reach consensus on listing some chemicals and using documents UNEP/FAO/RC/COP.4/13 and CRP.4 as the basis for discussion, and another focusing on capacity problems. Chair Repetti confirmed the group's mandate to focus on the documents presented.

**Budget:** The Secretariat reported that the budget contact group had reviewed the relevant documents and decided to consider a triennial budget on an exceptional basis. She noted the group is pondering three options: a 0% nominal change; a 10% increase; and a budget which meets the Secretariat's request for the programme of work.

**Non-compliance:** Chair Langlois (Canada) reported on the work of the non-compliance contact group, noting progress on compliance committee membership and party-to-party triggers. He said the text on party-to-party triggers will remain bracketed until agreement on other outstanding issues can be reached. He indicated the greatest difficulty pertains to: the role of the Secretariat in referring to the committee matters that have come to their attention; and measures to address cases of non-compliance.

**IMPLEMENTATION OF THE CONVENTION:** The Secretariat introduced a draft decision (UNEP/FAO/RC/COP.4/CRP.11) on progress in the Convention's implementation. ARGENTINA suggested amending a paragraph inviting parties to consider the extent to which "political concerns" prevent the submission of proposals to list severely hazardous pesticide formulations in Annex III, proposing to replace it with "difficulties." BELIZE suggested that such an amendment did not target the issue of concern and proposed "non-technical problems." The Secretariat emphasized only one submission on severely hazardous pesticide formulations had been received to date, and noted that while underlying technical problems were well understood, the paragraph sought to establish the extent of related political problems. The Chair said the draft decision's adoption is scheduled for Thursday's evening plenary session, when discussions will continue.

**CRC MEMBERS:** The Secretariat introduced, and the COP adopted, the draft decision on confirmation of the appointments of CRC members (UNEP/FAO/RC/COP.4/CRP.10).

#### **BUDGET CONTACT GROUP**

The budget contact group met in the morning and afternoon, to discuss details of the Secretariat's proposed budget and programme of work, with participants requesting additional clarifications on the documents under consideration. In particular, they discussed management issues among the Rotterdam, Stockholm and Basel Conventions, and the need for additional programme officers, as well as mechanisms to promote the payment of arrears in parties' contributions. Delegates will continue working on this matter on Thursday.

#### **COMPLIANCE CONTACT GROUP**

The compliance contact group met in the morning and afternoon and discussed the possibility of the Secretariat triggering the compliance mechanism, without reaching an agreement on this matter. The group also discussed, and could not agree on, measures to address compliance issues; in particular they considered whether the COP may recommend additional actions, other than those allowing the Secretariat to provide advice, and to issue statements to bring compliance issues to the attention of parties and the general public. Regarding the decision-making procedures for the compliance committee, delegates discussed whether the committee should be entitled to take majority decisions in cases where consensus could not be reached. Progress was made on cleaning up the text, although major issues still remain unresolved. The contact group will reconvene on Thursday morning.

#### **IMPLEMENTATION CONTACT GROUP**

The contact group co-chaired by Kateřina Šebková (Czech Republic) and Siti Ibrahim (Malaysia) met in the evening. Discussions focused on a proposal submitted by South Africa, after informal consultations with other delegations during the day. Most delegates agreed that the proposal provided a good starting point for further work. However, several delegates underscored their reluctance to negotiate on any permanent procedure in the eventuality that the COP fails to reach consensus on the inclusion of chemicals in Annex III. ARGENTINA and others cautioned that establishing a permanent mechanism for the voluntary application of the PIC procedure could weaken the Convention. CANADA proposed language on enhancing risk assessments and risk management. NEW ZEALAND proposed alternative text clarifying that any voluntary PIC procedure applied here would be a one-off, interim measure during the intersessional period. CHINA proposed a paragraph calling on developed country parties to provide assistance to enhance developing countries' capacity building. As delegates were not able to agree on the operational paragraphs, they agreed to reconsider the bracketed text on Thursday.

#### **IN THE CORRIDORS**

Wednesday's activity took place mostly in contact groups, with an interruption of plenary mid-afternoon due to lack of progress on the key issues of compliance and implementation. Some delegates showed signs of stress in attempting to resolve difficult matters prior to the arrival of their respective ministers on Thursday. Expectations for the High-level segment were muted. A few hoped their ministers would "bring the backing and provide the direction COP 4 is pining for" noting a special event for pledging support to the programme of work scheduled for Friday may provide new impetus to the work of the Convention. Others noted, however, that those officials whose presence is confirmed may not have the necessary authority to make meaningful political commitments.