On the fourth day of INC-8, delegates met briefly in Plenary to hear reports from the Working Groups and the Legal Drafting Group, then reconvened in the Working Groups to discuss discontinuation of the interim prior informed consent (PIC) procedure and conflict of interest in the Interim Chemical Review Committee (ICRC). The Legal Drafting Group also met to discuss financial rules and non-compliance.

**PLENARY**

Patrick Szell (UK), Legal Drafting Group Chair, presented the results of the group’s discussion on rules of procedure. He said the Group suggested the following: on frequency of meetings, that the second and third COPs be held annually, and every two years thereafter; regarding observers, to accept the original rule with a note on the importance of documentation for the COP being circulated well in advance; on the term of office, that the President and the Bureau be elected at the closure of the COP and serve until the closure of the following COP; on determining a quorum for a decision on a matter within the competence of a regional economic integration organization (REIO), that the REIO is entitled to cast its votes in accordance with Article 23 (voting); and that the rule on a secret ballot remain unchanged.

He noted that the rule on a two-thirds majority vote remained under review and should be revised at the next INC. Szell also said that progress on examination of conciliation and arbitration, and financial rules and procedures will be presented to Plenary on Friday morning.

Gerardo Viña-Vizcaino (Colombia), Chair of the Working Group on Conflict of Interest, presented the main recommendations of the Group, including: incorporating the main elements of the code of conduct of the Montreal Protocol into the decision on conflict of interest; and assessing conflict of interest based on the code of conduct of the Montreal Protocol into the decision on conflict of interest in a consistent manner and on a case-by-case basis.

The Group also recommended that: the declaration be filled in by the expert and submitted by the designating government to the interim Secretariat; the role of the INC Bureau be increased; the criteria set out in the declaration of interest in a consistent manner; conflict of interest; and assessing conflict of interest based on the code of conduct of the Montreal Protocol into the decision on conflict of interest in a consistent manner and on a case-by-case basis.

Delegates did not reach consensus regarding the composition of the PIC regions, leaving two options: one stating that the new PIC regions adopted at COP-1 should be based on the geographical distribution of the Parties at that time; and the second, suggested by AUSTRALIA, stating that the PIC regions adopted at COP-1 should be based on the regions used during the interim PIC procedure, pending consideration of the geographical distribution of Parties at that time.

On inclusion of chemicals in Annex III that were included in the interim PIC procedure before COP-1, but are not yet listed in Annex III, the US suggested, and delegates accepted, text specifying that chemicals added to the interim PIC procedure “prior to the entry into force of the Convention” will have met the requirements of the Convention.

Regarding obligations in relation to exports of chemicals listed in Annex III, specifically chemicals subject to the interim PIC procedure, but not yet listed in Annex III, delegates agreed to consider options stating that Parties could be given up to nine months from the first COP to provide a response, or that the date of the first COP could be taken as formal notice of non-response. They also agreed to delete an option specifying that the date of formal notice of non-response through the PIC Circulars during the interim period could be the basis for obligations in relation to exports of chemicals listed in Annex III (Article 11).
Regarding options for notifications of final regulatory actions and proposals for severely hazardous pesticide formulations, the US suggested, and delegates accepted, additional wording in the chapeau specifying that on the matter of administrative arrangements “regarding proposals by Parties, there are two options for severely hazardous pesticide formulations.”

On notifications for final regulatory actions and proposals for severely hazardous pesticide formulations submitted by non-Parties that participate in the interim PIC procedure, it was agreed that this should refer to chemicals included in the interim PIC procedure and that have subsequently been added to Annex III by a COP decision, regardless of the source of the notifications.

Regarding the status of notifications and proposals submitted by Participating States during the transition period, delegates preferred that the draft report contain the solutions presented in UNEP/FAO/PIC/INC.8/16, specifically that: verified notifications preferred that the draft report contain the solutions presented by Participating States during the transition period, delegates COP decision, regardless of the source of the notifications.

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Delegates then discussed the content of the declaration of interests form. CANADA, supported by AUSTRALIA, suggested language reflecting that disclosed information shall reside with the interim Secretariat and be made available to the INC, the Bureau and subsidiary bodies as deemed necessary. Delegates then discussed whether experts would have to fill in a declaration every year and notify the interim Secretariat of any changes as they occur. Some felt this would result in too much administrative work for the Secretariat, and suggested that all appointed experts would be required to immediately inform the Secretariat of any changes, including if an issue arises during the meeting or work itself. Regarding application of the procedure to existing ICRC members, Niek van der Graaff, Executive Secretary of the Convention, said the INC Bureau could make a recommendation to the INC as to whether or not the procedure should apply to existing ICRC members. AUSTRALIA supported applying the process to current ICRC members, and, in response to China’s request for a specific timetable, suggested that members provide a declaration prior to the next ICRC meeting. CANADA, supported by EGYPT, recommended that the procedure go into effect immediately after the conclusion of INC-8.

IN THE CORRIDORS

Day four of INC-8 started and ended on a positive note, with an encouraging report from the Legal Drafting Group stating that it had finished their initial assignment on the draft rules of procedure and were ready to begin work on financial rules and compliance. Some delegates were surprised that the Working Groups were so expeditious in carrying out their tasks and finishing before their deadlines, given the usual UN protocol to fill every minute allotted.

THINGS TO LOOK FOR TODAY

PLENARY: Delegates are expected to reconvene at 10:00 am in the Green Room at FAO Headquarters to hear reports from the legal drafting and working groups.