PLENARY

REPORTS FROM GROUP MEETINGS: Compliance Working Group: Compliance Group Chair Alistair McGlone briefed delegates on Tuesday’s meeting, noting “positive preliminary discussions” and an initial examination of the Annex to the Rotterdam Convention. For a model for dealing with non-compliance (UNEP/FAO/PIC/INC.9/16). INC Chair Rodrigues invited the Group to continue its work.

Budget Group: Jim Willis, Joint Executive Secretary of the Interim Secretariat, reported that, as a result of delegates’ comments and questions, the Secretariat would produce a revised model format for the budget issues, an updated Interim Secretariat, noted positive preliminary discussions” and an initial examination of the Annex to the Rotterdam Convention. For a model for dealing with non-compliance (UNEP/FAO/PIC/INC.9/16). INC Chair Rodrigues invited the Group to continue its work.

Regional Groups: Delegates were briefed on the deliberations of PIC Regions over whether to extend the mandate of current ICRC members, whose terms of office expired in July 2002, to the Rotterdam Convention, introduced a revised model format for the budget issues, an updated Interim Secretariat, noted positive preliminary discussions” and an initial examination of the Annex to the Rotterdam Convention. For a model for dealing with non-compliance (UNEP/FAO/PIC/INC.9/16). INC Chair Rodrigues invited the Group to continue its work.

IMPLEMENTATION OF THE INTERIM PIC PROCEDURE: Issues Arising Out of ICRC-3: Delegates concluded discussions on the consistency of the scope of reported national regulatory actions and the inclusion of chemicals in the interim PIC procedure (UNEP/FAO/PIC/INC.9/16). INC Chair Rodrigues invited the Group to continue its work.

On asbestos, delegates discussed how to list six forms of asbestos, presuming they are included in the interim PIC procedure. CANADA proposed two options: individual entries for the six forms, or keeping the listing of the amphibole forms and chrysotile separate, which would reflect their different risk levels. The RUSSIAN FEDERATION suggested focusing on amphibole forms. The EUROPEAN COMMUNITY stressed the need for consistency of Annex III to the COP.

Regarding monocrotophos, the GAMBIA, supported by the EUROPEAN COMMUNITY and SWITZERLAND, preferred the approach whereby an import response is considered to apply to the specific formulations, as it would be confusing to have two sets of import responses for the same chemical. INC Chair Rodrigues proposed that the INC adopt this recommendation, and the INC agreed.

ICRC Chair Arndt informed delegates that ICRC-4 will address the DGDs for DNOCS and asbestos and a new notification for Parathion, and hoped efforts to submit notifications for tetraethyl lead, tetramethyl lead, and tributyltin oxide.

PREPARATION FOR THE CONFERENCE OF THE PARTIES: Assignment of Specific Harmonized System Customs Codes: Jim Willis drew delegates’ attention to a report (UNEP/FAO/PIC/INC.9/17) outlining cooperation between the Secretariat and the World Customs Organization (WCO) to assign specific Harmonized System customs codes to individual chemicals or groups of chemicals listed in Convention Annex III. He noted that the Secretariat had submitted a proposal to the WCO on how the current Harmonized System of customs codes could be amended. The EUROPEAN COMMUNITY welcomed the progress made on this issue, and highlighted the proposal it had developed for consideration by the WCO.

Discontinuation of the Interim PIC Procedure: Bill Murray, Interim Secretariat to the Rotterdam Convention, introduced a document on this item (UNEP/FAO/PIC/INC.9/18), noting that a working group established at INC-8 had reached consensus on ten issues for consideration at COP-1 and had identified several issues requiring further consideration. After some discussion, INC-9 agreed to transmit the options on the composition of the PIC regions outlined in the document to the COP for further consideration, and recommended that the date of the first COP could be taken as the formal notice of non-response to Parties in relation to chemicals subject to the interim PIC procedure not yet listed in Annex III.
Delegates were also unable to reach agreement on whether the committee members should be government-designated experts, Parties, or government representatives. BARBADOS, the EU, JAMAICA, LESOTHO, MALAYSIA, NORWAY, and SWITZERLAND proposed, and CANADA and the US opposed, a suggestion that members serve in their individual capacities. BRAZIL, and the NETHERLANDS stated that the issue of capacity was not crucial as the committee will be accountable to the COP. The text remains heavily bracketed.

On equitable geographic distribution of committee members, delegates agreed to delete text stating that due regard should be given to a balance between importing and exporting Parties, or between developing and developed countries.

Regarding the length of committee members’ terms, delegates agreed to use the Basel Convention compliance mechanism as a model, but were unable to reach agreement on the number of consecutive terms that can be served.

Regarding the election of officers to the compliance committee, BRAZIL, supported by NIGERIA, recommended that language from Rule 30 of the Convention’s Rules of Procedure be applied, requiring the rotation of officers and limiting the terms of office to two consecutive terms. AUSTRALIA, supported by CANADA recommended that the entire paragraph be deleted, as Rule 30 governs this area. The paragraph remains bracketed.

On the frequency of compliance committee meetings, BRAZIL, LESOTHO, NIGERIA, and SWITZERLAND, emphasizing the facilitative role of the committee, stressed the need for the committee to meet frequently. With the EU and JAMAICA, they proposed that committee meetings occur in conjunction with the COP and other PIC meetings. JAPAN and the US stressed the cost implications of holding regular meetings. AUSTRALIA pointed out that the committee’s budget and work programme would be subject to COP approval. The Chair proposed that the meetings be held in conjunction with the COP and other PIC meetings “as necessary”; however, agreement could not be reached.

The Group continued to negotiate until 9:00 pm; however, most of the paragraphs remain heavily bracketed.

IN THE CORRIDORS
As INC-9 hit the halfway mark Wednesday, participants were discussing the “smooth and efficient” running of the Plenary meeting, and the desire to prepare the way for the Correlation to be ahead of schedule. Indeed, some participants wondered if INC-9 might finish its work earlier than expected. Observers were suggesting that the news from informal consultations on discontinuing the interim PIC procedure was also positive, and that the matter might be wrapped-up by Thursday. Meanwhile, discussions on compliance proceeded slowly as participants set out their positions. Nevertheless, several delegates expressed satisfaction with the group’s progress, suggesting that this is an important first step in negotiating a compliance mechanism. One participant noted, however, that “we are hearing all the usual positions from all the usual actors.” Another noted parallels with protracted negotiations in other MEAs on this perennially problematic issue, and suggested that countries are holding the ICRC to a standard they are not willing to meet.

THINGS TO LOOK FOR TODAY
PLENARY: Plenary will convene at 10:00 am and is expected to hear reports from the Working Group on Compliance, the PIC Regions that are still deciding on membership of the ICRC, and the informal group on the discontinuation of the interim PIC Procedure. Delegates are then expected to address draft financial rules and provisions and the other remaining agenda items.

COMPLIANCE GROUP: The Working Group on Compliance is expected to continue its work, commencing in the morning with the reporting procedure. Consult the electronic notice board for further details.