



**ELEVENTH SESSION OF THE INC FOR AN INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR THE APPLICATION OF THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE AND THE FIRST CONFERENCE OF THE PARTIES TO THE ROTTERDAM CONVENTION: 18-24 SEPTEMBER 2004**

The eleventh session of the Intergovernmental Negotiating Committee (INC-11) for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, commonly known as the Rotterdam Convention, will be held today at the International Conference Centre in Geneva, Switzerland. Today's meeting will be followed by the first Conference of the Parties (COP-1) to the Rotterdam Convention, which will convene at the same venue from 20-24 September 2004.

The prior informed consent (PIC) procedure aims to promote shared responsibility between exporting and importing countries in protecting human health and the environment from the harmful effects of certain hazardous chemicals that are traded internationally. The Rotterdam Convention was adopted in September 1998, and entered into force on 24 February 2004. The Convention currently has 74 Parties, including 73 States and the European Community.

At INC-11, delegates will discuss whether to add chrysotile asbestos, tetraethyl lead, tetramethyl lead and parathion to the interim PIC procedure. Issues to be addressed by COP-1 include: composition of the PIC Regions; inclusion of chemicals added to the interim PIC procedure in Annex III; adoption of financial rules and provisions for the COP, subsidiary bodies, and the secretariat; establishment of the Chemical Review Committee (CRC); and the location of the secretariat. Other issues to be discussed include non-compliance, settlement of disputes, operational procedures for the CRC, and cooperation with the World Trade Organization (WTO).

**A BRIEF HISTORY OF THE PRIOR INFORMED CONSENT PROCEDURE**

Growth in internationally traded chemicals during the 1960s and 1970s prompted efforts by the international community to safeguard people and the environment from the harmful results of

such trade. These efforts resulted in the development of the International Code of Conduct for the Distribution and Use of Pesticides by the Food and Agriculture Organization (FAO) and the London Guidelines for the Exchange of Information on Chemicals in International Trade by the United Nations Environment Programme (UNEP). Both the Code of Conduct and the London Guidelines include procedures aimed at making information about hazardous chemicals more readily available, thereby permitting countries to assess the risks associated with their use. In 1989, both instruments were amended to include a voluntary PIC procedure, managed jointly by FAO and UNEP, to help countries make informed decisions on the import of chemicals that have been banned or severely restricted.

At the United Nations Conference on Environment and Development held in Rio de Janeiro in 1992, delegates adopted Agenda 21, which contains in Chapter 19 an international strategy for action on chemical safety and called on States to achieve, by the year 2000, full participation in and implementation of the PIC procedure, including possible mandatory applications of the voluntary procedures contained in the amended London Guidelines and the Code of Conduct.

In November 1994, the 107th meeting of the FAO Council agreed that the FAO Secretariat should proceed with the preparation of a draft PIC convention as part of the joint FAO/UNEP programme. In May 1995, the 18th session of the UNEP Governing Council adopted Decision 18/12, authorizing the Executive Director to convene, with the FAO, an INC with a mandate to prepare an international legally binding instrument for the application of the PIC procedure.

**NEGOTIATION OF THE CONVENTION:** The first session of the INC was held from 11-15 March 1996, in Brussels. Delegates completed a preliminary review of a draft outline for a future instrument, and established a working group to identify which chemicals the instrument should include. The second session of the INC met from 16-20 September 1996, in Nairobi, and produced a draft convention text. At the third session of the INC, which met from 26-30 May 1997, in Geneva, delegates considered the revised text of draft articles for the instrument. Debate centered on the scope of the proposed convention. The fourth session of the INC took place from 20-24 October 1997, in Rome, with delegates considering the revised text of draft articles for the instrument. The fifth session of the INC met from 9-14 March 1998, in Brussels. Delegates made progress on a consoli-



dated draft text of articles, and reached agreement on the draft text of the PIC convention and a draft resolution on interim arrangements.

**CONFERENCE OF PLENIPOTENTIARIES:** The Conference of Plenipotentiaries on the Convention on the PIC Procedure was held from 10-11 September 1998, in Rotterdam. Ministers and senior officials from nearly 100 countries adopted the Rotterdam Convention, the Final Act of the Conference, and a Resolution on Interim Arrangements. Sixty-one countries signed the Convention and 78 countries signed the Final Act. In line with the new procedures contained in the Convention, the Conference adopted numerous interim arrangements for the continued implementation of the voluntary PIC Procedure. It also invited the INC to: establish an interim subsidiary body to carry out the functions that will be permanently entrusted to the CRC; define and adopt PIC Regions on an interim basis; adopt, on an interim basis, the procedures for including banned or severely restricted chemicals in Annex III to the Convention; and decide on the inclusion of additional chemicals under the interim PIC Procedure. Finally, the Conference invited UNEP and FAO to convene further INCs during the period prior to the Convention's entry into force and to oversee the operation of the interim PIC Procedure.

**INC-6:** INC-6 was held from 12-16 July 1999, in Rome. INC-6 resulted in draft decisions on the definition and provisional adoption of the PIC Regions (Africa, Europe, Asia, Latin America and the Caribbean, Near East, Southwest Pacific, and North America), the establishment of an interim CRC, and the adoption of draft decision guidance documents (DGDs) for chemicals already identified for inclusion.

**ICRC-1:** The first session of the Interim Chemical Review Committee (ICRC) took place from 21-25 February 2000, in Geneva. The Committee agreed to recommend two chemicals, ethylene dichloride and ethylene oxide, for inclusion in the interim PIC Procedure, and forwarded draft DGDs for those chemicals to INC-7 for consideration.

**INC-7:** The seventh session of the INC was held from 30 October to 3 November 2000, in Geneva. Delegates addressed, *inter alia*: implementation of the interim PIC Procedure; issues arising out of the Conference of Plenipotentiaries; and preparations for the COP, such as discontinuation of the interim PIC Procedure and financial arrangements. Delegates also adopted DGDs for ethylene dichloride and ethylene oxide, as well as a policy on contaminants within chemicals.

**ICRC-2:** The second session of the ICRC was held from 19-23 March 2001, in Rome. In light of INC-7's adoption of a general policy on contaminants within chemicals, the ICRC considered the DGD on maleic hydrazide. It also addressed: ICRC's operational procedures; inclusion of monocrotophos in the interim PIC Procedure; and the use of regional workshops to strengthen the links between designated national authorities (DNAs) and the work of the ICRC and the INC. It also forwarded recommendations to the INC on cooperation and coordination in the submission of notifications of final regulatory actions.

**INC-8:** The eighth session of the INC was held from 8-12 October 2001, in Rome. INC-8 resolved a number of complex questions associated with the discontinuation of the interim PIC Procedure and on the conflict of interest in the ICRC, although

some issues, such as treatment of non-Parties after discontinuation of the interim PIC Procedure and composition of the PIC Regions, were deferred for consideration at INC-9.

**ICRC-3:** The third meeting of the ICRC was held from 17-21 February 2002, in Geneva. The ICRC recommended that monocrotophos, Granox TBC and Spinox T, DNOC, and five forms of asbestos be added to the interim PIC Procedure.

**INC-9:** The ninth session of the INC was held from 30 September to 4 October 2002, in Bonn. Delegates agreed on the inclusion of monocrotophos in the interim PIC Procedure, and to recommendations on the range and description of DNOC, asbestos, and Granox TBC and Spinox T. In preparation for the first COP, INC-9 made progress on the draft financial rules and provisions, procedures for dispute settlement, mechanisms for handling non-compliance, and discontinuation of the interim PIC Procedure.

**ICRC-4:** The fourth session of the ICRC was held from 3-7 March 2003, in Rome. ICRC-4 completed the DGDs on asbestos, DNOC, and Granox TBC and Spinox T, and addressed new candidate chemicals for inclusion in the interim PIC Procedure, including a review of the notifications of final regulatory actions to ban or severely restrict parathion, tetraethyl lead, tetramethyl lead, and tributyltin. It also addressed issues referred to it from INC-9, including consistency in the listing of chemicals contained in the interim PIC Procedure, and guidance on the type of information that should be provided by a notifying country using a risk evaluation from another country in support of their final regulatory action. It reviewed a provisional form for reporting on environmental incidents related to the use of pesticides.

**INC-10:** The tenth session of the INC was held from 17-21 November 2003, in Geneva. Delegates agreed to add four forms of asbestos, DNOC, and dustable powder formulations of benomyl, carbofuran and thiram (formerly referred to as Granox T and Spinox TBC) to the interim PIC procedure, but deferred to the next meeting a decision on including a fifth form of asbestos, chrysotile. Delegates also agreed to hold INC-11 in advance of COP-1 in order to facilitate the transition from the interim to the legally-binding procedures, including adding further chemicals to the interim PIC Procedure.

#### INTERSESSIONAL HIGHLIGHTS

**ICRC-5:** The fifth meeting of the ICRC was held from 2-6 February 2004, in Geneva. The ICRC discussed notifications of final regulatory action to ban or severely restrict five chemicals: dimefox, endrin, endosulfan, mevinphos, and vinclozolin; and considered draft DGDs on tetraethyl lead and tetramethyl lead and parathion. On the notifications, the ICRC did not recommend that any of the five chemicals be subject to the interim PIC procedure, since the notifications did not meet all the criteria listed in Annex II. On tetraethyl and tetramethyl lead and parathion, the ICRC approved draft DGDs and forwarded recommendations for their inclusion in the interim procedure to the INC.

#### THINGS TO LOOK FOR TODAY

**INC-11:** INC-11 opens today at 10:00 am with opening remarks from UNEP Deputy Executive Director Shafqat Kakakhel and FAO Assistant Director-General Louise Fresco. After addressing organizational matters, delegates are expected to discuss the inclusion of additional chemicals in the interim PIC procedure.