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**Rotterdam Convention on the Prior
Informed Consent Procedure for Certain
Hazardous Chemicals and Pesticides in
International Trade
Conference of the Parties
Third meeting
Geneva, 9–13 October 2006
Item 5 (d) of the provisional agenda***

**Implementation of the Convention:
report of the Chemical Review Committee
on the work of its second meeting**

Issues arising out of the second meeting of the Chemical Review Committee

Note by the secretariat

1. The annex to the present note is a paper prepared by the secretariat providing background information and a summary of the deliberations of the Chemical Review Committee at its second meeting on selected issues that it wanted to bring to the attention of the Conference of the Parties at its third meeting. The full report of the second meeting of the Chemical Review Committee is set out in document UNEP/FAO/RC/COP.3/7.
2. The paper is divided into two chapters: chapter I concerns two issues relevant to the further development of working procedures and policy guidance for the operation of the Chemical Review Committee. Chapter II discusses a number of issues that the Committee agreed should be brought to the attention of the Conference of the Parties regarding the chemical chrysotile asbestos, which the Committee is recommending for inclusion in Annex III of the Convention.
3. The paper provides background information and a summary of the deliberations and recommendations of the Chemical Review Committee on each issue. Also included, where appropriate, are suggestions by the secretariat for possible action by the Conference of the Parties.
4. The Conference of the Parties may wish to consider the issues raised in the paper and provide further guidance to the Chemical Review Committee on possible future action.

* UNEP/FAO/RC/COP.3/1.

Annex

I. Procedures for the preliminary review of notifications of final regulatory action and prioritizing the work of the Chemical Review Committee and policy guidance

A. Procedures for the preliminary review of notifications of final regulatory action and prioritizing the work of the Chemical Review Committee

1. Background

1. At its first meeting the Chemical Review Committee considered possible procedures for the preliminary review of notifications of final regulatory action to assist the Committee in prioritizing its work. The secretariat drafted a paper setting out such a process, which was discussed with the Bureau and used for the work of the Committee in the lead-up to its second meeting and presented to the Committee at that meeting in document UNEP/FAO/RC/CRC.2/6. The Committee agreed in general on the proposed process, with some minor amendments, noting that it was a work in progress and would be included in the compilation of procedures and policy guidance that has been developed to facilitate the work of the Committee and to help ensure transparency and consistency.

2. Possible action by the Conference of the Parties

2. The Conference of the Parties is invited to take note of the procedures for the preliminary review of notifications and prioritizing the work of the Chemical Review Committee set out in document UNEP/FAO/RC/CRC.2/6.

B. Policy guidance: clarification of the term “misuse”

1. Background

3. In considering a notification of final regulatory action from Thailand regarding the chemical endosulfan, the Chemical Review Committee at its second meeting extensively discussed the term “misuse” as used in Annexes II and IV of the Convention. To capture the Committee’s discussion, and to clarify the matter for future meetings, a working paper on the issue of misuse was prepared and attached as annex IV to the report of that meeting. As noted above, the paper is before the Conference in document UNEP/FAO/RC/COP.3/7.

2. Possible action by the Conference of the Parties

4. The Conference of the Parties may wish to take note of the working paper set out in annex IV to document UNEP/FAO/RC/COP.3/7. The Conference may also wish to consider encouraging Parties, when submitting notifications of final regulatory action, to describe clearly how a chemical that is the subject of a notification has been used in the notifying Party and how that use led to the regulatory action. Such information would facilitate the task of the Committee in assessing whether criterion (d) of Annex II of the Convention has been met.

II. Issues that the Chemical Review Committee at its second meeting agreed should be brought to the attention of the Conference of the Parties regarding the draft decision-guidance document for chrysotile asbestos

A. Background

5. At its second meeting, the Chemical Review Committee agreed to recommend the inclusion of chrysotile asbestos in Annex III of the Convention and the adoption of the associated decision guidance document. In reaching agreement on its recommendation concerning chrysotile asbestos, the Committee agreed that three issues should be brought to the attention of the Conference of the Parties at its third meeting.

6. First, it was agreed that the full report of a World Health Organization (WHO) workshop on the mechanism of fibre carcinogenesis and the assessment of chrysotile asbestos substitutes should be made available to the Conference of the Parties. That report has not yet been issued, but when it is it will be posted on the Convention website and made available as document UNEP/FAO/RC/COP.3/INF/9.

7. The second issue was whether information on alternatives and a comparative evaluation of alternatives and chrysotile should be included in the decision guidance document for chrysotile. It was agreed that this question should be considered by the Conference of the Parties as part of its review of the mechanisms under the Convention that provide for information exchange, such as those under Articles 7 and 14 and the clearing-house mechanism. As requested by the Conference of the Parties at its second meeting, the secretariat has prepared a paper on information-exchange mechanisms under the Convention (UNEP/FAO/RC/COP.3/21), which will be discussed under agenda item 6 (i).

8. The third issue relates to the use of previously considered notifications in considering the inclusion of chemicals in Annex III of the Convention. The secretariat has sought advice from UNEP legal officers on the status of notifications for chemicals which have been considered for inclusion in Annex III. According to this advice, a lack of consensus for inclusion of a chemical does not invalidate the notifications which led to that consideration. The notifications remain in the custody of the Chemical Review Committee and remain valid. Thus the submission of additional notifications from one or more different PIC regions found to meet the requirements of Annex I would trigger the further consideration of whether the chemical should be included in Annex III and the previously considered notifications would have to be taken into account.

9. The Conference of the Parties has never considered the inclusion of chrysotile asbestos in Annex III of the Convention. The Intergovernmental Negotiating Committee, however, did consider whether to include chrysotile asbestos in the interim prior informed consent procedure at its eleventh session, on the basis of notifications of final regulatory action submitted by the European Community and Chile. The Negotiating Committee was unable to reach consensus on the inclusion of chrysotile asbestos in the interim prior informed consent procedure. Consequently, chrysotile asbestos was not among the chemicals which had been included in the interim prior informed consent procedure and considered at the first meeting of the Conference of the Parties under the provisions of Article 8 of the Convention.

B. Possible action by the Conference of the Parties

10. The Conference of the Parties may wish:

(a) To consider the information in the full report of the WHO workshop and make it available to all Parties under the information-exchange provisions of the Convention;

(b) To discuss the issue of information-exchange mechanisms under the Convention under agenda item 6 (i);

(c) To decide that the notifications from the European Community and Chile considered by the Intergovernmental Negotiating Committee under the interim prior informed consent procedure remain valid and should be taken into account in the consideration of whether to include chrysotile asbestos in Annex III of the Convention.