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**Rotterdam Convention on the Prior Informed
Consent Procedure for Certain Hazardous
Chemicals and Pesticides in International Trade
Chemical Review Committee**

First meeting

Geneva, 11–18 February 2005

Item 6 (a) (i) of the provisional agenda*

**Operational procedures for the Chemical Review Committee:
working procedures and policy guidance forwarded from the
Conference of the Parties: process for drafting decision guidance
documents**

Working procedures: process for drafting decision guidance documents

Note by the secretariat

1. At its first meeting, the interim Chemical Review Committee developed a flow chart of the process and explanatory notes for drafting decision guidance documents for banned and severely restricted chemicals and severely hazardous pesticide formulations (UNEP/FAO/PIC/ICRC.1/6, annex IV). The process was adopted by the Intergovernmental Negotiating Committee at its seventh session by decision INC-7/6 and formed the basis for the work of the Committee in developing decision guidance documents for chemicals included in the interim prior informed consent (PIC) procedure, at its four subsequent sessions (UNEP/FAO/PIC/INC.7/15, annex I). The process was posted on the Rotterdam Convention web site.
2. At its first meeting, the Conference of the Parties agreed to forward the paper on the process for drafting decision guidance documents to the Chemical Review Committee for consideration at its first meeting. The working paper is annexed to the present note.

* UNEP/FAO/RC/CRC.1/1.

3. The Committee is invited to review the paper and consider its adoption as part of the working procedures for the Committee. It may also wish to request the Conference of the Parties at its second meeting to note the process for drafting decision guidance documents.

Annex

Process for drafting decision guidance documents and accompanying explanatory notes.

A. Process for drafting decision guidance documents

Flow chart

When the secretariat has identified 2
verified notifications from 2 PIC regions

When the secretariat has verified that a
proposal contains information required
(annex IV, part 1) and has collected
additional information (annex IV, part 2)



1. The secretariat forwards the notifications/proposal and accompanying documentation to the Interim Chemical Review Committee experts.



2. Interim Chemical Review Committee experts, by correspondence, provide comments on the accompanying documentation and an Interim Chemical Review Committee task group is established.



3. The Interim Chemical Review Committee task group incorporates comments and presents the notifications at a full meeting of the Interim Chemical Review Committee. The experts decide to recommend the chemical and develop an internal proposal.



4. The internal proposal is then circulated to the Interim Chemical Review Committee and its observers (States, intergovernmental organizations, non-governmental organizations) for information and comments.



5. The Interim Chemical Review Committee task group incorporates comments from the Interim Chemical Review Committee and its observers on the internal proposal and prepares a draft decision guidance document.



6. The draft decision guidance document is distributed as a meeting document (in the six official languages of the United Nations) for discussion at an Interim Chemical Review Committee meeting for finalization and approval.



7. The Interim Chemical Review Committee forwards the recommendation and draft decision guidance document to the Intergovernmental Negotiating Committee for decision.

B. Explanatory notes to the process for drafting decision guidance documents

1. Decision guidance documents for banned and severely restricted chemicals

Once the format for a decision guidance document is established, it would facilitate the task of the secretariat to forward the notifications and accompanying documentation, based on the information contained in the notifications of final regulatory action (as per annex I and II).

The Interim Chemical Review Committee must deem a notification valid prior to developing a decision guidance document. It is thus important that there be clear guidance as to what constitutes an acceptable/valid notification in order that the secretariat could undertake to prepare the documentation mentioned above.

Where the information is deemed insufficient, the secretariat would be responsible to follow up with the notifying party. The document would not be brought to the Interim Chemical Review Committee until the relevant information had been provided.

In situations where it is unclear, the secretariat would seek guidance from the Interim Chemical Review Committee.

(1)* Where the information in the notification was deemed sufficient, the secretariat would forward the notifications and accompanying documentation to the experts of the Interim Chemical Review Committee (2) for an initial round of comment. An Interim Chemical Review Committee task group would be established. The secretariat would collate the comments into a tabular format and forward them to the task group.

(3) The task group would incorporate comments, as appropriate, indicating those comments taken up and those which were not and why.

The task group would present the notifications and the accompanying documentation to the Interim Chemical Review Committee along with the tabular summary of comments. The Interim Chemical Review Committee will decide whether to make a recommendation to include the chemical in the PIC procedure, and develop an internal proposal for a decision guidance document.

(4) The internal proposal (and the tabular summary of comments) is then circulated to the Interim Chemical Review Committee and its observers for information and comments. Any comments would be directed to the secretariat, which would prepare a tabular summary for the review by the task group.

(5) The task group would incorporate comments from the Interim Chemical Review Committee and its observers on the internal proposal and prepare a draft decision guidance document.

(6) This draft decision guidance document is distributed as a meeting document for discussion at an Interim Chemical Review Committee meeting (in six languages) for finalization and approval.

(7) The Interim Chemical Review Committee forwards the recommendation and draft decision guidance document to the Intergovernmental Negotiating Committee for decision. The final documentation forwarded by the secretariat to all Parties and observers in advance of the Intergovernmental Negotiating Committee session would include the draft decision guidance document, the Interim Chemical Review Committee recommendation for inclusion in the PIC procedure, a summary of the Interim Chemical Review Committee deliberations including a rationale based on the criteria listed in annex II, as well as the tabular summary of comments received under step 4 and how they were addressed.

* Numbers refer to steps in the flow chart.

Regional coordination by members of the Interim Chemical Review Committee in preparing and providing comments is encouraged.

2. Decision guidance documents for severely hazardous pesticide formulations

Once the format for a decision guidance document is established, it would facilitate the task of the secretariat to forward the proposal and accompanying documentation, based on the information contained in the proposal and the additional information collected by the secretariat in accordance with annex IV, Part 2.

The Interim Chemical Review Committee must deem the proposal valid prior to developing a decision guidance document. It is thus important that there be clear guidance as to what constitutes an acceptable/valid proposal in order that the secretariat could undertake to prepare the documentation mentioned above.

Where the information is deemed insufficient, the secretariat would be responsible to follow up with the proposing party. The document would not be brought to the Interim Chemical Review Committee until the relevant information had been provided.

In situations where it is unclear, the secretariat would seek guidance from the Interim Chemical Review Committee.

(1) * Where the information in the proposal was deemed sufficient, the secretariat would collect the information in part 2 of annex IV from designated national authorities and non-governmental organizations and forward the proposal and accompanying documentation to the experts of the Interim Chemical Review Committee (2) for an initial round of comment. An Interim Chemical Review Committee task group would be established. The secretariat would collate the comments into a tabular format and forward them to the task group.

(3) The task group would incorporate comments, as appropriate, indicating those comments taken up and those which were not and why.

The task group would present the proposal and the accompanying documentation to the Interim Chemical Review Committee along with the tabular summary of comments. The Interim Chemical Review Committee will decide whether to make a recommendation to include the pesticide formulation in the PIC procedure, and develop an internal proposal for a decision guidance document.

(4) The internal proposal (and the tabular summary of comments) is then circulated to the Interim Chemical Review Committee and its observers for information and comments. Any comments would be directed to the secretariat, which would prepare a tabular summary for the review by the task group.

(5) The task group would incorporate comments from the Interim Chemical Review Committee and its observers on the internal proposal and prepare a draft decision guidance document.

(6) This draft decision guidance document is distributed as a meeting document for discussion at an Interim Chemical Review Committee meeting (in six languages) for finalization and approval.

(7) The Interim Chemical Review Committee forwards the recommendation and draft decision guidance document to the Intergovernmental Negotiating Committee for decision. The final documentation forwarded by the secretariat to all Parties and observers in advance of the Intergovernmental Negotiating Committee session would include the draft decision guidance document, the Interim Chemical Review Committee

* Numbers refer to steps in the flow chart.

recommendation for inclusion in the PIC procedure, a summary of the Interim Chemical Review Committee deliberations including a rationale based on the criteria listed in annex II , as well as the tabular summary of comments received under step 4 and how they were addressed.

Regional coordination by members of the Interim Chemical Review Committee in preparing and providing comments is encouraged.
