



UNEP



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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**

First meeting

Geneva, 20–24 September 2004

Item 2 (b) of the provisional agenda *

Organizational matters: adoption of the agenda

Annotated provisional agenda

Item 1. Opening of the meeting

1. The first meeting of the Conference of the Parties to the Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade, to be held from 20 to 24 September 2004 at the International Conference Centre, rue de Varembe 15, Geneva, will be opened at 10 a.m. on Monday, 20 September 2004.
2. The Executive Director of the United Nations Environment Programme (UNEP) and the Director-General of the Food and Agriculture Organization of the United Nations (FAO) or, in their absence, their representatives, will preside in their capacities as the Secretaries-General of the Conference until the Conference has elected its President.
3. Opening and welcoming statements will be made by:
 - (a) Mr. Philippe Roch, State Secretary, Director, Swiss Agency for the Environment, Forests, and Landscape;
 - (b) Mr. Shafqat Kakakhel, Deputy Executive Director of UNEP;
 - (c) Ms. Louise Fresco, Assistant Director-General, Agriculture Department, FAO.

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

Item 2. Organizational matters

(a) Election of officers

4. Subject to the rules of procedure, the Conference will elect its bureau, comprising a president and four vice-presidents, one of whom shall act as rapporteur.

5. Upon election, the President shall preside in accordance with the rules of procedure.

(b) Adoption of the agenda

6. Subject to the rules of procedure, the Conference may wish to adopt its agenda on the basis of the provisional agenda contained in document UNEP/FAO/RC/COP.1/1.

(c) Organization of work

7. The Conference may wish to establish a Committee of the Whole and such other standing and ad hoc subsidiary bodies as it may deem necessary and to specify their mandates.

8. The Conference may wish to decide that it should meet from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m., subject to adjustments as necessary, and that the sessions of Thursday 23 and Friday 24 September will be convened as a ministerial segment.

9. During the ministerial segment statements may be made by representatives wishing to do so. For this purpose, a list of speakers will be opened at the secretariat on 1 September 2004. In drawing up the list of speakers, precedence will be given to heads of State, heads of Government, ministers for foreign affairs, cabinet ministers and others, in that order. The Conference may wish to set a time limit for each statement on the basis of the number of speakers inscribed on the list of speakers maintained by the secretariat.

Item 3. Adoption of the rules of procedure for the Conference of the Parties

10. The Conference may wish to consider and, as appropriate, adopt, its rules of procedure on the basis of the draft rules of procedure forwarded to it by the Intergovernmental Negotiating Committee. The draft rules are contained in document UNEP/FAO/RC/COP.1/2.

Item 4. Report on the credentials of representatives to the first meeting of the Conference of the Parties

11. Rule 19 of the draft rules of procedure for the Conference of the Parties provides that the credentials of representatives and the names of alternate representatives and advisers must be submitted to the secretariat, if possible no later than 24 hours after the opening of the meeting. Any change in the composition of the delegation must also be submitted to the secretariat. The credentials must be issued either by the head of State or Government or by the minister for foreign affairs or, in the case of a regional economic integration organization, by the competent authority of that organization. If credentials are submitted in copy or by fax, the delegation should submit the original upon registration. Please note that submission of credentials prior to the Conference would greatly facilitate the advance clearing process by the secretariat.

12. The representatives may participate in the Conference pending a decision of the Conference upon their credentials.

13. The Bureau, with the assistance of the secretariat, will examine the credentials of the representatives at the Conference and report thereon to the Conference, which will consider the report of the Bureau.

Item 5. Report on the achievements of the Intergovernmental Negotiating Committee

14. The Conference has before it a note from the secretariat with a report on the achievements of the Intergovernmental Negotiating Committee (UNEP/FAO/RC/COP.1/3).
15. The Conference may wish to note the progress made and to express its appreciation to the Committee and its Chair.

Item 6. Matters stipulated by the Convention for action by the Conference of the Parties at its first meeting

(a) Composition of the PIC regions

16. Article 5, paragraph 5, of the Convention provides that the composition of PIC regions shall be defined in a decision to be adopted by consensus at the first meeting of the Conference of the Parties.
17. The Conference may wish to consider the information provided in the note by the secretariat on the composition of the PIC regions contained in document UNEP/FAO/RC/COP.1/4.

(b) Consideration of chemicals for inclusion in Annex III

18. Article 8 of the Convention provides that “[f]or any chemical, other than a chemical listed in Annex III, that has been included in the voluntary Prior Informed Consent procedure before the date of the first meeting of the Conference of the Parties, the Conference of the Parties shall decide at that meeting to list the chemical in Annex III, provided that it is satisfied that all the requirements for listing in that Annex have been fulfilled.”

19. Under sub-item (i) of this item, the Conference is invited to consider the following chemicals included under paragraph 7 of the resolution on interim arrangements:

- (a) Binapacryl;
- (b) Toxaphene;
- (c) Ethylene dichloride;
- (d) Ethylene oxide.

20. The Conference may wish to consider the information provided in documents UNEP/FAO/RC/COP.1/5, 6, 7 and 8 and, as appropriate, to consider listing these chemicals in Annex III.

21. Under sub-item (ii) of the item, the Conference is invited to consider the following chemicals included under paragraph 8 of the resolution on interim arrangements:

- (a) Monocrotophos;
- (b) DNOC and its salts;
- (c) Severely hazardous pesticide formulations of dustable powder containing a combination of benomyl at or above 7 per cent, carbofuran at or above 10 per cent and thiram at or above 15 per cent;
- (d) Actinolite asbestos;
- (e) Anthophyllite asbestos;
- (f) Amosite asbestos;
- (g) Tremolite asbestos.

22. The Conference may wish to consider the information provided in documents UNEP/FAO/RC/COP.1/9, 10, 11 and 12 and, as appropriate, to consider listing these chemicals in Annex III.

23. Under sub-item (iii) of the item, the Conference is invited to consider the following chemicals included by the Intergovernmental Negotiating Committee at its eleventh session:

- (a) Tetraethyl lead and tetramethyl lead;
- (b) Parathion;
- (c) Chrysotile asbestos.

24. The Conference may wish to consider the information provided in documents UNEP/FAO/RC/COP.1/13, 14 and 15 and, as appropriate, to consider listing these chemicals in Annex III.

25. It should be noted that these foregoing documents have been circulated without prejudice to (or anticipation of) the outcome of the eleventh session of the Intergovernmental Negotiating Committee regarding the chemicals concerned. They have been circulated solely for the purpose of meeting the requirements of article 21, paragraph 2, of the Convention that the text of any proposed amendment be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. Should the Intergovernmental Negotiating Committee not include these chemicals in the interim PIC procedure, the provisional agenda for the first meeting of the Conference of the Parties might be amended accordingly at the time of its adoption.

(c) Adoption of financial rules for the Conference of the Parties and any subsidiary bodies and financial provisions governing the functioning of the secretariat

26. Article 18, paragraph 4, of the Convention provides that “[t]he Conference of the Parties shall by consensus agree upon and adopt at its first meeting rules of procedure and financial rules for itself and any subsidiary bodies, as well as financial provisions governing the functioning of the Secretariat.”

27. The Conference may wish to consider and, as appropriate, adopt its financial rules on the basis of the draft financial rules forwarded to it by the Intergovernmental Negotiating Committee. The draft rules are contained in document UNEP/FAO/RC/COP.1/16.

(d) Establishment of the Chemical Review Committee

28. Article 18, paragraph 6, of the Convention provides that “[t]he Conference of the Parties shall, at its first meeting, establish a subsidiary body, to be called the Chemical Review Committee, for the purposes of performing the functions assigned to that Committee by this Convention. In this regard:

“(a) The members of the Chemical Review Committee shall be appointed by the Conference of the Parties. Membership of the Committee shall consist of a limited number of government-designated experts in chemicals management. The members of the Committee shall be appointed on the basis of equitable geographical distribution, including ensuring a balance between developed and developing Parties;

“(b) The Conference of the Parties shall decide on the terms of reference, organization and operation of the Committee;

“(c) The Committee shall make every effort to make its recommendations by consensus. If all efforts at consensus have been exhausted, and no consensus reached, such recommendation shall as a last resort be adopted by a two-thirds majority vote of the members present and voting.”

29. The Conference may wish to consider the information provided in document UNEP/FAO/RC/COP.1/17 and, as appropriate, to establish a chemical review committee and to decide on the terms of reference, organization and operation of this committee.

Item 7. Matters stipulated by the Convention for action by the Conference of the Parties

(a) Encouragement of the World Customs Organization to assign specific Harmonized System customs codes to the chemicals listed in Annex III

30. Article 13, paragraph 1, of the Convention provides that “[t]he Conference of the Parties shall encourage the World Customs Organization to assign specific Harmonized System customs codes to the individual chemicals or groups of chemicals listed in Annex III, as appropriate.”

31. The Conference may wish to consider the information provided in document UNEP/FAO/RC/COP.1/18, and, as appropriate, to adopt the draft decision annexed thereto.

(b) Consideration of arrangements by the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations for provision of the secretariat

32. Article 19, paragraph 3, of the Convention provides that “[t]he secretariat functions for this Convention shall be performed jointly by the Executive Director of UNEP and the Director-General of FAO, subject to such arrangements as shall be agreed between them and approved by the Conference of the Parties.”

33. The Conference may wish to consider the information provided in document UNEP/FAO/RC/COP.1/19, and, as appropriate, to adopt the draft decision annexed thereto.

(c) Non-compliance

34. Article 17 of the Convention provides that “[t]he Conference of the Parties shall, as soon as practicable, develop and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Convention and for treatment of Parties found to be in non-compliance.”

35. The Conference may wish to consider the draft compliance mechanisms and procedures forwarded to it by the Intergovernmental Negotiating Committee, contained in document UNEP/FAO/RC/COP.1/20.

36. The Conference may also wish to consider reporting, on the basis of the information contained in document UNEP/FAO/RC/COP.1/20/Add.1, prepared by the secretariat on the request of the Intergovernmental Negotiating Committee.

(d) Settlement of disputes

37. Under sub-item (i) of this item, the Conference is invited to consider the adoption of an annex with arbitration procedures.

38. Article 20, paragraph 2, of the Convention provides that “[w]hen ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party that is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, with respect to any dispute concerning the interpretation or application of the Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

“(a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties in an annex as soon as practicable; and

“(b) Submission of the dispute to the International Court of Justice.”

39. The Conference may wish to consider and, as appropriate, adopt rules on arbitration on the basis of the draft rules on arbitration forwarded to it by the Intergovernmental Negotiating Committee. The draft rules are contained in document UNEP/FAO/RC/COP.1/21.

40. Under sub-item (ii) of the item, the Conference is invited to consider the adoption of an annex with procedures relating to the conciliation commission.

41. Article 20, paragraph 6, of the Convention provides that “[i]f the parties to a dispute have not accepted the same or any procedure pursuant to paragraph 2, and if they have not been able to settle their dispute within twelve months following notification by one party to another that a dispute exists between them, the dispute shall be submitted to a conciliation commission at the request of any party to the dispute. The conciliation commission shall render a report with recommendations. Additional procedures relating to the conciliation commission shall be included in an annex to be adopted by the Conference of the Parties no later than the second meeting of the Conference.”

42. The Conference may wish to consider and, as appropriate, adopt rules on conciliation on the basis of the draft rules on conciliation forwarded to it by the Intergovernmental Negotiating Committee. The draft rules are contained in document UNEP/FAO/RC/COP.1/22.

Item 8. Matters stipulated by the Conference of Plenipotentiaries for action by the Conference of the Parties at its first meeting

(a) Physical location of the secretariat

43. In its resolution on the secretariat¹, the Conference of Plenipotentiaries called upon the Director-General of FAO and the Executive Director of UNEP to consider the offers received from Germany and from Italy and Switzerland jointly, as well as any other offers, and in consultation with the Intergovernmental Negotiating Committee, to provide a comparative analysis of those offers regarding the physical location of the secretariat for consideration by the Conference of the Parties at its first meeting.

44. The Conference may wish to consider the information provided in document UNEP/FAO/RC/COP.1/23, UNEP/FAO/RC/COP.1/INF/5, INF/6 and INF/6/Add.1 and 2.

(b) Discontinuation of the interim PIC procedure

45. In its resolution on interim arrangements², the Conference of Plenipotentiaries decided that “the interim PIC procedure shall cease to operate on a date to be specified by the Conference of the Parties at its first meeting.”

46. The Conference may wish to consider the information provided in documents UNEP/FAO/RC/COP.1/24, on discontinuation of the interim PIC procedure, and UNEP/FAO/RC/COP.1/25, on transitional arrangements.

Item 9. Matters recommended by the Intergovernmental Negotiating Committee for action by the Conference of the Parties at its first meeting

(a) Amendments to Annex III

47. In its decision INC-10/6, the Intergovernmental Negotiating Committee decided to recommend to the Conference of the Parties that it consider amending the entries in Annex III to the Convention for the four chemicals 2,4,5-T, pentachlorophenol, dinoseb and dinoseb salts and methyl parathion.

48. The Conference may wish to consider the information provided in document UNEP/FAO/RC/COP.1/26 and, as appropriate, to amend the entries for 2,4,5-T, pentachlorophenol, dinoseb and dinoseb salts and methyl parathion in Annex III to the Convention.

(b) Operational procedures for the Chemical Review Committee

49. The Conference may wish to consider the information regarding the operational procedures for the Interim Chemical Review Committee provided in document UNEP/FAO/RC/COP.1/27.

¹ UNEP/FAO/PIC/CONF/5, annex I, resolution 2.

² UNEP/FAO/PIC/CONF/5, annex I, resolution 1.

(c) Technical assistance strategy

50. In its decision INC-10/7, on a strategic approach to technical assistance, the Committee requested the secretariat, using the regional facilities of UNEP and FAO, to strengthen cooperation with regional and other organizations, where appropriate, on technical assistance and capacity-building, and to develop a proposal for the Conference of the Parties at its first meeting on the regional delivery of technical assistance to Parties.

51. The Conference may wish to consider the information provided in document UNEP/FAO/RC/COP.1/28.

(d) Cooperation with the World Trade Organization

52. At its tenth session, the Intergovernmental Negotiating Committee decided to forward a draft decision on cooperation between the secretariat and the World Trade Organization (WTO) to the Conference of Parties for consideration at its first meeting.

53. The Conference may wish to consider the information provided in document UNEP/FAO/RC/COP.1/29 and, as appropriate, to adopt the draft decision on cooperation with WTO forwarded to it by the Intergovernmental Negotiating Committee.

Item 10. Activities of the secretariat and adoption of a budget

54. The Conference has before it document UNEP/FAO/RC/COP.1/30 on the activities of the secretariat, financial reports and a draft budget.

55. The Conference may wish to consider the information provided and, as appropriate, to adopt the budget.

Item 11. Venue and date of the second meeting of the Conference of the Parties

56. Rule 3 of the draft rules of procedure for the Conference of the Parties provides that the meetings of the Conference of the Parties shall take place at the seat(s) of the secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the secretariat in consultation with the Parties.

57. Rule 4, paragraph 2, of the draft rules of procedure for the Conference of the Parties provides that, at each ordinary meeting, the Conference of the Parties shall decide on the date and duration of the next ordinary meeting. The Conference of the Parties should endeavour not to hold such meetings at a time that would make the attendance of a significant number of delegations difficult.

58. The Conference may wish to consider and, as appropriate, to decide on the date, duration and venue for its second meeting.

Item 12. Other matters

59. The Conference may wish to consider other matters raised by delegations in the course of the meeting.

Item 13. Adoption of the report

60. At its final session, the Conference will be invited to consider and adopt the draft report on its work as prepared by the Rapporteur.

Item 14. Closure of the meeting

61. It is expected that the meeting will be closed by the President by 6 p.m. on Friday, 24 September 2004.
