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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 5 of the provisional agenda\*

**Report on the achievements of the  
Intergovernmental Negotiating Committee**

## **Achievements of the Intergovernmental Negotiating Committee**

### **Note by the secretariat**

The secretariat is honoured to provide, for the information of the Conference of the Parties, a report by the Chair of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade on the achievements of that Committee in the time leading up to the first meeting of the Conference of the Parties to the Rotterdam Convention. The report is annexed to the present note.

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

## Annex

# **Achievements of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade**

## **Report by the Chair of the Committee**

I am honoured to report on the achievements of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade to this, 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.

It has been my great honour and pleasure to serve as Chair of the Intergovernmental Negotiating Committee from its first meeting.

Chapter 19 of Agenda 21 decided on the need to develop a legally binding instrument for the application of the prior informed consent procedure. The FAO Council and UNEP Governing Council agreed to convene an intergovernmental negotiating committee for the development of an international legally binding instrument for the application of the prior informed consent procedure for certain hazardous chemicals in international trade.

At the first meeting of the Intergovernmental Negotiating Committee, I was conscious of the difficulty of the task ahead of us in converting the voluntary procedure, which had worked well under the guidance of FAO and UNEP, into a legally binding instrument. We all realized that it was not going to be easy, but by working together, we negotiated the text of the Convention and completed our work in five sessions.

Following the adoption of the text of the Rotterdam Convention, we started the work of preparing for this, the first meeting of the Conference of the Parties. All of us were also keen to see further progress on the important work of the PIC procedure, and not to see it falter during the period between the end of the negotiation of the Convention and the date of its entry into force. With this in mind, the Interim Chemical Review Committee was quickly established to review notifications submitted by Governments and allow the inclusion of appropriate additional chemicals in the interim procedure.

I am pleased to report that under its able chair, Mr Reiner Arndt, the Interim Chemical Review Committee made great progress during its five meetings. In this time, the Review Committee:

Reviewed the decision guidance document prepared under the voluntary PIC procedure for ethylene dichloride and ethylene oxide;

Reviewed notifications of final regulatory action from at least two countries from at least two regions and prepared decision guidance documents for monocrotophos; DNOC and its salts; five additional forms of asbestos (anthophyllite, actinolite, amosite, tremolite and chrysotile); a severely hazardous pesticide formulation containing a combination of benomyl at or above 7%, carbaryl at or above 10% and thiram at or above 15%; parathion; tetraethyl lead; and tetramethyl lead;

Considered the inclusion of maleic hydrazide in the interim PIC procedure and opted to put in place a system to try to ensure that a hazardous contaminant contained in this chemical remained at a safe level;

Reviewed notifications of final regulatory action from at least two countries from at least two regions for a number of other chemicals with respect to which it decided that the criteria in Annex II of the Convention had not been met. Those chemicals included bromacil, dinoterb, tributyl tin, dimefox, endrin, endosulfan, mevinphos and vinclozolin;

Developed a process and guidelines for preparing decision guidance documents, along with a standard format for the documents, for both banned and severely restricted chemicals and for severely hazardous pesticide formulations;

Developed forms for reporting health and environment incidents relating to severely hazardous pesticide formulations;

Developed a process for determining ongoing trade in chemicals;

Developed a process for assessing common and recognized patterns of use of severely hazardous pesticide formulations;

Provided advice on how the use of a risk assessment by a country other than the notifying country to take a national decision could meet the information requirements of Annex II of the Convention; and

Considered inconsistencies between the way in which some chemicals are described in Annex III of the Convention and the information in the decision guidance documents for those chemicals.

I warmly thank the Interim Chemical Review Committee, and particularly its Chair, for the committee's work.

The Intergovernmental Negotiating Committee also worked hard in this period. During five full sessions (the sixth through the tenth sessions), the Intergovernmental Negotiating Committee considered fourteen additional chemicals recommended for inclusion in the interim PIC procedure; eleven of those were included in the interim PIC procedure, two were not included and one was deferred for consideration at the Committee's eleventh session, scheduled to take place two days before the first meeting of the Conference of the Parties. When we consider that there are currently only 27 chemicals included in Annex III of the Rotterdam Convention, this is a wonderful achievement.

The Intergovernmental Negotiating Committee also worked hard on the preparations for the first meeting of the Conference of the Parties. That work included:

Draft rules of procedure for meetings of the Conference of the Parties, which were extensively discussed and with respect to which only one point requires further discussion;

Financial rules for the operation of the Convention. This issue was extensively discussed, and a number of aspects of it will require further discussion by the Conference of the Parties at its first meeting. A consolidated draft document, incorporating the options considered by the Intergovernmental Negotiating Committee, has been drafted for consideration by the Conference of the Parties;

Procedures for managing non-compliance with the provisions of the Convention were extensively discussed, and good progress was made. A draft document is being forwarded to the Conference of the Parties for its consideration;

Draft procedures for dispute settlement and also for conciliation and arbitration were agreed by the Intergovernmental Negotiating Committee and are being forwarded to the Conference of the Parties for its consideration.

The Intergovernmental Negotiating Committee also supported the implementation of the interim PIC procedure. The Committee requested that the secretariat hold a number of regional workshops on the Rotterdam Convention, originally structured as awareness-raising workshops. Following those workshops, at the request of Governments, a series of workshops designed to train designated national authorities on the functioning of the Rotterdam Convention were developed and presented. The training workshops were held in all regions, and reports of the outcomes were made to the Intergovernmental Negotiating Committee. The Intergovernmental Negotiating Committee subsequently requested the secretariat to further investigate the regional delivery of capacity-building with respect to the Rotterdam Convention, and present its findings to the Conference of the Parties at its first meeting.

The Intergovernmental Negotiating Committee has worked hard to achieve these results, which will hopefully provide a very good basis for the work of the Conference of the Parties at its first meeting and in the future. The inclusion of additional chemicals which meet the criteria set down in the Convention reflects the desire of Governments to work toward the objectives of the Convention and to help prevent the harmful effects of hazardous chemicals.

I have been greatly honoured to work as the Chair of such a successful and hard-working committee, and I hope to see the same spirit of hard work and cooperation continue throughout this, the first meeting of the Conference of the Parties, and into the future. I wish the members of the Conference good luck in the work they will undertake together.

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