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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 6 (b) (i) a of the provisional agenda\***

**Matters stipulated for action by the Conference of the Parties at its first meeting:  
consideration of chemicals included in the interim PIC procedure for  
inclusion in Annex III: chemicals included under paragraph 7 of the  
resolution on interim arrangements: Binapacryl**

## **Inclusion of the chemical binapacryl in Annex III of the Rotterdam Convention**

### **Note by the secretariat**

#### **Introduction**

1. Article 8 of the Rotterdam Convention states:

“For 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.”

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

2. In paragraph 7 of its resolution on interim arrangements,<sup>1</sup> the Conference of the Plenipotentiaries decided that “all chemicals that have been identified for inclusion in the PIC procedure under the original PIC procedure but for which decision guidance documents have not yet been circulated before the date on which the Convention is opened for signature will become subject to the interim PIC procedure as soon as the relevant decision guidance documents have been adopted by the Committee”. The Rotterdam Convention was opened for signature on 11 September 1998.

3. Paragraph 5, subparagraph (a), of article 22 of the Convention states that “amendments to Annex III shall be proposed and adopted according to the procedure laid down in Articles 5 to 9 and paragraph 2 of Article 21”. Paragraph 2 of article 21 states:

“Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate the proposed amendment to the signatories of this Convention and, for information, to the Depository.”

4. At its sixth session, held from 12 to 16 July 1999, the Intergovernmental Negotiating Committee, in its decision INC-6/3, decided to adopt the decision guidance document on binapacryl and thereby make binapacryl subject to the interim PIC procedure.

5. In taking this decision, the Intergovernmental Negotiating Committee noted that binapacryl was no longer produced or traded internationally and therefore did not satisfy all the criteria in Annex II. It was recognized by the Committee that the decision guidance document was being adopted to conclude outstanding matters under the original voluntary procedure and did not in any way constitute a precedent for future notifications and adoptions of decision guidance documents under the interim procedure or the Convention when it entered into force. The decision guidance document on binapacryl was circulated on 1 October 1999.

6. In accordance with the time frame specified in paragraph 2 of article 21 of the Rotterdam Convention, the secretariat circulated the present note, including the text of the proposed amendment annexed hereto, on 15 March 2004.

*Suggested action by the Conference of the Parties*

7. The Conference of the Parties may wish, by adopting the annexed draft decision, to amend Annex III of the Rotterdam Convention to include binapacryl and thereby make this chemical subject to the prior informed consent procedure.

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<sup>1</sup> Final Act of the Conference of Plenipotentiaries on the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, Rotterdam, Netherlands, 10-11 September 1998 (UNEP/FAO/PIC/CONF/5), annex I, resolution 1.

**Annex****Draft decision of the first meeting of the Conference of the Parties on the inclusion of binapacryl in Annex III of the Rotterdam Convention**

*The Conference of the Parties,*

*Noting with appreciation* the work of the Intergovernmental Negotiating Committee,

*Having considered* decision INC-6/3 of the Intergovernmental Negotiating Committee, by which the Committee made binapacryl subject to the interim prior informed consent procedure,

1. *Decides* to amend Annex III of the Rotterdam Convention to include the following chemical:

<b>Chemical</b>	<b>Relevant CAS number(s)</b>	<b>Category</b>
Binapacryl	485-31-4	Pesticide

2. *Decides* that this amendment shall enter into force for all Parties on [1 February 2005].
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