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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) (ii) d – g of the provisional agenda *

**Matters stipulated by the Convention for action by
the Conference of the Parties at its first meeting:
consideration of chemicals for inclusion in Annex III:
Chemicals included under paragraph 8 of the resolution
on interim arrangements: Actinolite asbestos, Anthophyllite asbestos,
Amosite asbestos and Tremolite asbestos**

Inclusion of the chemicals amosite, actinolite, anthophyllite and tremolite asbestos 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.”

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

2. In paragraph 8 of its resolution on interim arrangements,¹ the Conference of Plenipotentiaries decided that the Intergovernmental Negotiating Committee would “decide, between the date on which the Convention is opened for signature and the date of its entry into force, on the inclusion of any additional chemicals under the interim PIC procedure in accordance with the provision of Articles 5, 6, 7 and 22 of the Convention.” The Rotterdam Convention was opened for signature on 11 September 1998, and entered into force on 24 February 2004.

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 Depositary.”

4. At its tenth session, held from 17 to 21 November 2003, the Intergovernmental Negotiating Committee considered the recommendation made by the Interim Chemical Review Committee to include actinolite, anthophyllite, amosite, tremolite and chrysotile asbestos in the interim prior informed consent procedure, including the Review Committee’s determination that all of the requirements of Annex II of the Rotterdam Convention had been met. By decision INC-10/2, the Intergovernmental Negotiating Committee decided to make actinolite, anthophyllite, amosite and tremolite asbestos subject to the interim prior informed consent procedure and approved the decision guidance document on actinolite, anthophyllite, amosite, crocidolite and tremolite asbestos. The Committee noted that this decision guidance document also covered crocidolite, and would replace the existing decision guidance document for that chemical. The decision guidance document was circulated on 1 February 2004. A decision on the inclusion of chrysotile asbestos was postponed until the eleventh session of the Committee.

5. 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.

Possible action by the Conference of the Parties

6. The Conference of the Parties may wish, by adopting the annexed draft decision, to amend Annex III of the Rotterdam Convention in accordance with the provisions of article 8 to include amosite, actinolite, anthophyllite and tremolite asbestos.

¹ 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 actinolite, anthophyllite, amosite and tremolite asbestos 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-10/2 of the Intergovernmental Negotiating Committee, by which the Committee made subject to the interim prior informed consent procedure the following forms of asbestos: actinolite, anthophyllite, amosite and tremolite,

Being satisfied that all the requirements for listing in Annex III of the Rotterdam Convention have been met,

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

Chemical	Relevant CAS number(s)	Category
Asbestos:		
Actinolite	77536-66-4	Industrial
Anthophyllite	77536-67-5	Industrial
Amosite	12172-73-5	Industrial
Tremolite	77536-68-6	Industrial

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

3. *Notes* that the decision guidance document pertaining to the above forms of asbestos also covers crocidolite and shall replace the existing decision guidance document for that chemical.