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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) (iii) c 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 by the Intergovernmental Negotiating  
Committee at its eleventh session: chrysotile asbestos**

## **Inclusion of the chemical chrysotile asbestos in Annex III of the Rotterdam Convention<sup>1</sup>**

**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.

<sup>1</sup> This document has been issued without prejudice to (or anticipation of) the outcome of the eleventh session of the Intergovernmental Negotiating Committee regarding the chemical concerned. It has been issued solely for the purpose of meeting the requirements of article 21, paragraph 2, of the Convention that 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. Should the Intergovernmental Negotiating Committee not include this chemical 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.

2. In paragraph 8 of its resolution on interim arrangements,<sup>2</sup> 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 provisions of Articles 5, 6, 7 and 22 of the Convention”. The Convention 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 Depository.”

4. At its tenth session, held from 17 to 21 November 2003, the Intergovernmental Negotiating Committee noted that there appeared to be a discrepancy between article 8 of the Convention and paragraph 8 of the resolution on interim arrangements. The authority given to the Committee in paragraph 8 of the resolution on interim arrangements to include chemicals under the interim PIC procedure would seem to be limited in time to the period between the opening for signature of the Convention on 11 September 1998 and the date of its entry into force, while the Convention itself seems to foresee that chemicals may be entered into the voluntary PIC procedure right up to the date of the first meeting of the Conference of the Parties.

5. At its tenth session, the Intergovernmental Negotiating Committee decided in decision INC-10/5 to convene the eleventh session of the Intergovernmental Negotiating Committee, in the form of a conference of plenipotentiaries, immediately before the first meeting of the Conference of the Parties for the purpose of deciding whether to include chrysotile asbestos, tetraethyl lead, tetramethyl lead and parathion in the interim PIC procedure. For this purpose, the secretariat has circulated the draft decision guidance document on chrysotile asbestos six months in advance of the eleventh session of the Intergovernmental Negotiating Committee, in line with paragraph 2 of decision INC-10/5.

6. Any decision taken by the Intergovernmental Negotiating Committee at its eleventh session on the inclusion of chrysotile asbestos in the interim PIC procedure will be made available to the Conference of the Parties at its first meeting.

7. 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*

8. 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 chrysotile asbestos.

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<sup>2</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 chrysotile 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-11/[ ] of the Intergovernmental Negotiating Committee, by which the Committee made chrysotile asbestos subject to the interim prior informed consent procedure,

*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 chemical:

<b>Chemical</b>	<b>Relevant CAS number(s)</b>	<b>Category</b>
Asbestos		
Chrysotile	12001-29-5	Industrial

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

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