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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
Second meeting**

Rome, 27–30 September 2005

Item 6 (a) of the provisional agenda*

**Issues arising out of the first meeting of the Conference of the Parties:
non-compliance: report of the Open-ended Ad hoc Working Group**

**Non-compliance: Procedures and institutional mechanisms for
determining non-compliance with the provisions of the Convention
and for the treatment of Parties found to be in non-compliance**

Note by the secretariat

1. In its article 17, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade states:

“The 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.”

2. At its first meeting, the Conference of the Parties addressed this subject and adopted its decision RC-1/10. In that decision, the Conference of the Parties recalled article 17 of the Rotterdam Convention and was mindful that the procedures and mechanisms under article 17 would help address issues of non-compliance, including by facilitating assistance and providing advice to Parties facing compliance issues. The Conference of the Parties noted with appreciation the preparatory work already undertaken by the Intergovernmental Negotiating Committee on the elaboration of the procedures and mechanisms called for by article 17, and especially that reflected in the note by the secretariat on procedures and institutional mechanisms for determining non-compliance with the provisions of the Convention and for the treatment of Parties found to be in non-compliance, prepared for the first meeting of the Conference.¹ Against that background, the Conference of the Parties decided to convene an open-ended

* UNEP/FAO/RC/COP.2/1.

¹ UNEP/FAO/RC/COP.1/20.

ad hoc working group on article 17 immediately prior to its second meeting, with a view to preparing for and carrying forward deliberations on the issue.

3. Pursuant to the decision, a meeting of the Open-ended Ad hoc Working Group on article 17 will be held on 26 and 27 September 2005 at the headquarters of the Food and Agriculture Organization of the United Nations in Rome. Document UNEP/FAO/RC/COP.1/20, which was submitted to the first meeting of the Conference of the Parties, has been presented to the Working Group for its consideration, in the annex to document UNEP/FAO/RC/OEWG.1/2. The outcomes of the Working Group will be reported to the Conference of the Parties at its second meeting.

Suggested action by the Conference of the Parties

4. The Conference of the Parties may wish to consider the report of the Open-ended Ad hoc Working Group on article 17 and to take a decision concerning the procedures and institutional mechanisms for determining non-compliance with the provisions of the Convention and for the treatment of Parties found to be in non-compliance.
