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INTERIM CHEMICAL REVIEW COMMITTEE

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STATUS OF IMPLEMENTATION OF THE INTERIM PRIOR INFORMED  
CONSENT PROCEDURE AS IT RELATES TO THE WORK OF THE  
INTERIM CHEMICAL REVIEW COMMITTEE

Note by the secretariat

A. Introduction

1. The purpose of the present note is to provide the Interim Chemical Review Committee with information on the status of implementation of the interim prior informed consent (PIC) procedure, as of 31 October 2001, relevant to the ongoing discussions of the Committee on its operational procedures under agenda item 5 and 6. The note reflects the information contained in PIC Circular XIV, which was distributed to all designated national authorities and members of the Committee on 12 December 2001. References to earlier PIC circulars are made in order to compare information over the different time periods. The PIC circular is published every six months, with PIC Circular XV scheduled for release on 12 June 2002.

B. Designated national authorities

2. As of 31 October 2001, 165 Parties<sup>1</sup> were participating in the interim PIC procedure, and had nominated a total of 244 designated national authorities. The secretariat updates the list of designated national authorities as new nominations and changes to existing designated national authorities are received. This list is distributed with the PIC circular every six months.

C. Chemicals subject to the interim PIC procedure and distribution of decision guidance documents

3. Appendix III of each PIC circular contains a list of chemicals that are currently subject to the interim PIC procedure and the date of first dispatch of the corresponding decision guidance document to designated national authorities.

\* UNEP/FAO/PIC/ICRC.3/1.

<sup>1</sup> During the interim period before the Convention enters into force, a "Party" is understood to mean any State or regional economic integration organization having nominated a designated national authority or authorities for the purpose of participating in the interim PIC procedure.

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4. To date, decision guidance documents have been issued for the 21 pesticides, five severely hazardous pesticide formulations and five industrial chemicals subject to the interim PIC procedure. These include the chemicals listed in annex III of the Convention, plus binapacryl, toxaphene, ethylene oxide and ethylene dichloride, for which the Intergovernmental Negotiating Committee, at its sixth and seventh sessions respectively, adopted the corresponding decision guidance documents.

D. Notification of final regulatory action to ban or severely restrict a chemical

5. In line with article 5 of the Convention, for each notification, a completed checklist is sent to the designated national authority, indicating the result of the secretariat's verification, as well as a draft summary of the notification, to be included in appendix I, part A, of the next PIC circular. Where a notification is found to be incomplete, the checklist identifies the missing information and the secretariat provides specific guidance regarding the notification. The designated national authority has the opportunity to supplement the information provided in the original notification and to comment on the secretariat's draft summary of the notification, before the result of the verification is published in the next PIC circular. This direct feedback to designated national authorities has resulted in notifications of improved quality for individual countries. In a number of instances where additional information has been provided, it has been sufficient for the relevant notifications to be verified as complete.

6. Table 1 gives an overview of the notifications of final regulatory action that were submitted by Parties under the interim PIC procedure, between 11 September 1998 and 31 October 2001. Although the overall number of notifications submitted in the 12 months preceding the most recent PIC circular (PIC Circular XIV) – 63 in total – is less than the 134 submitted for the same period preceding PIC Circular XII, all these more recent notifications have been verified as meeting the requirements of Annex I, while only 36 per cent of those submitted previously were found to be complete. In addition virtually all (61 out of 63) of the more recent notifications concerned chemicals not yet subject to the interim PIC procedure.

7. At its eighth session, the Intergovernmental Negotiating Committee requested the secretariat to develop further guidance to designated national authorities on the submission of notifications, taking into consideration the experience gained by the secretariat, the guidance provided by the Interim Chemical Review Committee and feedback from designated national authorities on their experience. It also requested the secretariat to provide hands-on training to designated national authorities through regional workshops, in completing and submitting notifications (UNEP/FAO/PIC/INC8/19).

8. The development of further guidance on the development and submission of notifications of final regulatory actions, as well as practical training sessions for designated national authorities, will contribute to an increase in the submission of complete notifications for chemicals not yet included in the interim PIC procedure.

Table 1: Overview of notifications submitted under the interim PIC procedure between 11 September 1998 and 31 October 2001

	PIC Circular XI June 2000	PIC Circular XII December 2000	PIC Circular XIII June 2001	PIC Circular XIV December 2001
Notifications submitted	68	66	23	40
Number of notifying States	7	10	5 <sup>2</sup>	5 <sup>2</sup>
Notifications verified to meet the requirements of annex I of the Convention	6	42	23	40
Notifications verified not to meet the requirements of annex I of the Convention	62	2	0	0
Notification of chemicals already subject to the PIC procedure	41	24	0	2
Notifications on new chemicals not subject to the interim PIC procedure	27	42	23	38

9. In line with Article 5 of the Rotterdam Convention, when the secretariat has received at least one notification from each of two PIC regions that contain the information required in Annex I of the Convention, it shall forward the notifications and accompanying documentation to the members of the Interim Chemical Review Committee. The Committee shall review the information provided in such notifications and, in accordance with the criteria set out in Annex II, recommend to the Intergovernmental Negotiating Committee whether the chemical in question should be made subject to the interim PIC procedure and a decision guidance document drafted.

10. As of October 31 2001, the secretariat had received notifications verified as complete from more than one PIC region. Summaries of the notifications for asbestos, dinoterb and DNOC had been prepared in various PIC circulars, including Circular XIV. These chemicals will be considered by the Committee under item 6 (a) of the provisional agenda. The notifications for these chemicals and the relevant supporting documentation are available to the Interim Chemical Review Committee (asbestos: UNEP/FAO/PIC/ICRC3/14, UNEP/FAO/PIC/ICRC3/14.Add.1, UNEP/FAO/PIC/ICRC3/14.Add.2; dinoterb: UNEP/FAO/PIC/ICRC3/15, UNEP/FAO/PIC/ICRC3/15Add.1; and DNOC: UNEP/FAO/PIC/ICRC3/16, UNEP/FAO/PIC/ICRC3/16.Add.1, UNEP/FAO/PIC/ICRC3/16.Add.2)

#### E. Proposal for inclusion of severely hazardous pesticide formulations

11. In line with article 6 of the Convention, once the secretariat has verified that a submitted proposal for a severely hazardous pesticide formulation contains the information required in part 1 of annex IV of the Convention, it is to prepare a summary of the proposal and initiate collection of the information listed in part 2 of annex IV. The summaries of the proposals verified as complete are included in appendix II of the PIC circular.

<sup>2</sup>

Includes the European Community (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, United Kingdom)

12. As of 31 October 2001, one State had submitted two proposals for severely hazardous pesticide formulations using the provisional incident report form reviewed by the Committee at its second session. The proposals concern two formulations, produced within the proposing Party. These proposals, along with the information listed in part 2 of annex IV collected by the secretariat, will be reviewed by the Committee under item 6 (b) of the provisional agenda. The submitted proposals and information collected by the secretariat are available to the Committee in documents UNEP/FAO/PIC/ICRC3/17 and UNEP/FAO/PIC/ICRC3/17/Add.1.

F. Transmittal of a response concerning future import of a chemical

13. In line with article 10 of the Convention, each Party shall transmit to the secretariat, as soon as possible, and in any event no later than nine months after the date of dispatch of the decision guidance document, a response concerning the future import of the chemical concerned. The response shall consist of either a final decision or an interim response. The interim response may include an interim decision regarding import. If a Party modifies this response, the designated national authority shall submit the revised response to the secretariat.

14. The secretariat shall, on the expiration of the nine-month time period given, address to a Party that has not provided such a response, a written request to do so, through its designated national authority. This is done via the PIC circular. Where the phrase "Cases of failure to transmit a response" is listed in appendix IV for a Party, the designated national authority should consider this to represent the written request for that Party to provide a response for that chemical in line with article 10, paragraph 3.

G. Information on responses received concerning future import of a chemical

15. In line with article 10, the secretariat shall, every six months, inform all Parties of the responses received regarding future import, including a description of the legislative or administrative measures on which the decisions have been based, where available, and information on cases of failure to transmit a response. This is done via appendix IV of the PIC circular.

16. Any Party is considered to have failed to transmit an import response if the secretariat has not received a response from the designated national authority within nine months of the date of dispatch of the decision guidance document to the Party. For each chemical, appendix IV of the PIC circular identifies each Party and gives the date on which the secretariat first informed the Parties, through publication of the PIC circular, that the Party had failed to transmit a response. In addition, any response listed in the PIC circular not addressing importation is considered as an interim response that does not contain an interim decision.

17. As of 31 October 2001, a total of 2,535 responses regarding future import of a chemical had been received from Parties on the 31 chemicals for which a decision guidance document had been circulated. This corresponds to a response rate of 50 per cent. The Intergovernmental Negotiating Committee and the secretariat are following progress made in the implementation of the interim PIC procedure and will consider means, as appropriate, to encourage Parties to provide responses regarding future import, in line with article 10 of the Convention.

H. Information on transit movements

18. As of 31 October 2001, no Party had reported to the secretariat its need for information on transit movements through its territory of chemicals included in the interim PIC procedure.

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