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INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN
INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR
THE APPLICATION OF THE PRIOR INFORMED CONSENT
PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND
PESTICIDES IN INTERNATIONAL TRADE

Seventh session

Geneva, 30 October – 3 November 2000

Item 2 (a) of the provisional agenda*

ADOPTION OF THE AGENDA

Annotated provisional agenda

Item 1: Opening of the session

1. The seventh session of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, to be held at the International Conference Centre, rue de Varembé 15, Geneva, will be opened at 10 a.m. on Monday, 30 October 2000.
2. Opening and welcoming statements will be delivered by the following:
 - (a) Mr. Shafqat Kakakhel, Deputy Executive Director of the United Nations Environment Programme (UNEP); and
 - (b) Ms. Louise Fresco, Assistant Director-General of the Food and Agriculture Organization of the United Nations (FAO).

* UNEP/FAO/PIC/INC.7/1.

Item 2: Organizational matters

(a) Adoption of the agenda

3. The Committee may wish to adopt its agenda on the basis of the provisional agenda as contained in document UNEP/FAO/PIC/INC.7/1.

(b) Organization of work

4. The Committee may wish to decide that it meets from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. every day from 30 October to 3 November 2000, subject to adjustment as necessary.

Item 3: Activities of the secretariat and review of the situation as regards extrabudgetary funds

5. The Committee has before it a note by the secretariat on activities of the secretariat in the interim period and a review of the situation as regards extrabudgetary funds (UNEP/FAO/PIC/INC.7/2).

6. The Committee may wish to take note of the information presented in the secretariat's note and:

(a) Make recommendations on the secretariat's activities and the proposed allocation of funds for the biennium 2001-2002; and

(b) Decide on the mobilization of extrabudgetary funds during the interim period.

Item 4: Implementation of the interim prior informed consent procedure

(a) Status of implementation of the interim prior informed consent procedure

7. The Committee has before it a note by the secretariat on the status of implementation of the interim prior informed consent (PIC) procedure (UNEP/FAO/PIC/INC.7/14).

8. The Committee may wish to note the progress made in the implementation of the interim PIC procedure.

(b) Confirmation of experts designated for the Interim Chemical Review Committee

9. The Committee has before it a note by the secretariat on the confirmation of experts designated for the Interim Chemical Review Committee (UNEP/FAO/PIC/INC.7/3). A compilation of the nominations received will be made available in document UNEP/FAO/PIC/INC.7/INF/2.

10. The Committee may wish to consider the information presented in the note by the secretariat and, as appropriate, confirm the designation of experts for the Interim Chemical Review Committee.

(c) Presentation of the report of the Interim Chemical Review Committee on the work of its first session

11. The Committee has before it a note by the secretariat submitting the report of the Interim Chemical Review Committee on the work of its first session (UNEP/FAO/PIC/INC.7/4).

12. The Committee may wish to take note of the report. Specific issues and recommendations from the report are covered by item 4 (d - i) on the agenda.

(d) Adoption of decision guidance documents for already identified chemicals

13. The Committee has before it a note by the secretariat on the adoption of decision guidance documents for already identified chemicals (UNEP/FAO/PIC/INC.7/5).

14. The Committee may wish to consider the information presented in the note by the secretariat and, as appropriate, adopt decision guidance documents for the chemicals presented in the note, thereby making those chemicals subject to the interim PIC procedure. The Committee may also wish to consider what, if any, further action might be necessary for the two remaining chemicals.

(e) Incident report form

15. The Committee has before it a note by the secretariat on issues arising out of the first session of the Interim Chemical Review Committee (UNEP/FAO/PIC/INC.7/6).

16. The Committee may wish to consider the issue presented in section A of the note, and, as appropriate, encourage the Interim Chemical Review Committee to continue its development of an incident report form in conjunction with a simple guidance document. It may also want to make a recommendation on the use of the incident report form.

(f) Assistance to countries in identifying severely hazardous pesticide formulations

17. The Committee has before it a note by the secretariat on issues arising out of the first session of the Interim Chemical Review Committee (UNEP/FAO/PIC/INC.7/6).

18. The Committee may wish to consider the issue presented in section B of the note and, as appropriate, consider making a recommendation encouraging States, bilateral and multilateral aid agencies and non-governmental organizations to assist developing countries and countries with economies in transition in implementing specific projects to identify severely hazardous pesticide formulations causing problems under conditions of use in those countries.

(g) Contaminants

19. The Committee has before it a note by the secretariat on issues arising out of the first session of the Interim Chemical Review Committee (UNEP/FAO/PIC/INC.7/6).

20. The Committee may wish to consider the issue presented in section C of the note and, as appropriate, consider adopting a general policy to guide the Interim Chemical Review Committee in its decision on whether or not to recommend that a pesticide containing a contaminant be made subject to the interim PIC procedure.

(h) Submission of notifications of final regulatory action for chemicals that are already subject to the interim prior informed consent procedure

21. The Committee has before it a note by the secretariat on issues arising out of the first session of the Interim Chemical Review Committee (UNEP/FAO/PIC/INC.7/6).

22. The Committee may wish to consider the issue presented in section D of the note and, as appropriate, consider adopting a specific policy regarding submission of notifications of final regulatory action for chemicals that are already subject to the interim PIC procedure and their processing according to articles 5 and 7.

(i) Operational procedures for the Interim Chemical Review Committee

23. The Committee has before it a note by the secretariat on issues arising out of the first session of the Interim Chemical Review Committee (UNEP/FAO/PIC/INC.7/6).

24. The Committee may wish to consider the issue presented in section E of the note and, as appropriate, consider endorsing the proposed process for drafting decision guidance documents as contained in the flowchart in annex IV, part A of the report of the first session of the Interim Chemical Review Committee (UNEP/FAO/PIC/INC.7/4).

(j) Inclusion of chemicals in the interim PIC procedure

25. In paragraph 8 of its resolution on interim arrangements (UNEP/FAO/PIC/CONF/5, annex I, resolution 1), the Conference of Plenipotentiaries on the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade ruled that the Intergovernmental Negotiating Committee shall 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. At the time of the preparation of the present paper, however, no chemicals required such a decision.

Item 5: Preparation for the Conference of the Parties

(a) Draft rules of procedure for the Conference of the Parties

26. The Committee has before it a note by the secretariat bearing draft rules of procedure for the Conference of the Parties (UNEP/FAO/PIC/INC.7/7).

27. The Committee may wish to consider what, if any, further action is needed in order to make the draft rules of procedure available to the Conference of the Parties.

(b) Possible options for financial rules, including financial provisions for the permanent secretariat and a draft budget for the first biennium

28. The Committee has before it a note by the secretariat on possible options for financial rules and procedures for the Conference of the Parties, its subsidiary bodies and its secretariat, and a draft budget for the first biennium (UNEP/FAO/PIC/INC.7/8). A compilation of financial rules for recent multilateral environmental agreements will be made available in document UNEP/FAO/PIC/INC.7/INF/4.

29. The Committee may wish to provide guidance to the secretariat and request it to prepare draft financial rules and procedures for the Conference of the Parties, its subsidiary bodies and its secretariat for consideration by the Committee at its next session.

(c) Settlement of disputes

30. The Committee has before it a note by the secretariat on settlement of disputes (UNEP/FAO/PIC/INC.7/9).

31. As noted in the report on its sixth session, the Committee may wish to establish a working group to begin the task of developing arbitration and conciliation annexes and non-compliance procedures.

(d) Non-compliance

32. The Committee has before it a note by the secretariat on non-compliance (UNEP/FAO/PIC/INC.7/10).
33. As noted in the report on its sixth session, the Committee may wish to establish a working group to begin the task of developing arbitration and conciliation annexes and non-compliance procedures.

(e) Assignment of specific Harmonized System customs codes

34. The Committee has before it a note by the secretariat on the assignment of specific Harmonized System customs codes (UNEP/FAO/PIC/INC.7/11). The correspondence between the secretariat and the World Customs Organization, as well as the reports from the secretariats of the Montreal Protocol on Substances that Deplete the Ozone Layer and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, will be made available in document UNEP/FAO/PIC/INC.7/INF/3.
35. The Committee may want to consider the issues involved and provide guidance for the secretariat in its further work. Parties with experience in the use of Harmonised System code numbers for the chemicals listed in annex III to the Convention may wish to share such experience with the Committee in order to support its further considerations of this issue.

(f) Issues associated with the discontinuation of the interim prior informed consent procedure

36. The Committee has before it a note by the secretariat on issues associated with the discontinuation of the interim PIC procedure (UNEP/FAO/PIC/INC.7/12).
37. The Intergovernmental Negotiating Committee may wish to consider the issues involved, in particular:
- (a) Developing a recommendation to the first meeting of the Conference of the Parties regarding the date on which the interim PIC procedure will cease to operate;
 - (b) The need for, feasibility and desirability of transitional measures to facilitate the transition from the interim PIC procedure to the Convention PIC procedure;
 - (c) The need for the development of a procedure for the treatment of States and regional economic integration organizations which participate in the interim PIC procedure but are not Parties to the Convention at the time of its entry into force and at the time when the interim PIC procedure ceases to operate;
 - (d) The need for the development of a policy on the validity of the notifications of final regulatory action, proposals regarding severely hazardous pesticide formulations and responses regarding future import submitted by States or regional economic integration organizations which have participated in the interim PIC procedure but are not Parties at the time the Convention enters into force; and
 - (e) The need for the Conference of the Parties, the FAO Conference and the UNEP Governing Council to consider, jointly or individually, other measures to mitigate possible negative effects resulting from the termination of the interim PIC procedure.

Item 6: Issues arising out of the Conference of Plenipotentiaries

(a) Support for implementation

38. At its sixth session, the Committee agreed to place this item on the agenda for its seventh session.

39. Part V of the note by the secretariat on its activities and the situation as regards extrabudgetary funds (UNEP/FAO/PIC/INC.7/2) contains information on activities for facilitation of implementation and ratification.

(b) Dispute settlement, illicit trafficking and responsibility and liability

40. At its sixth session, the Committee agreed to place this item on the agenda for its seventh session.

41. The Committee may wish to consider the work undertaken by the Intergovernmental Forum on Chemical Safety at its third meeting (Salvador, Brazil, 14 - 20 October 2000) and consider what further steps it may wish to take on these matters.

(c) Location of the secretariat

42. The Committee has before it a note by the secretariat on the location of the secretariat (UNEP/FAO/PIC/INC.7/13).

43. The Committee may wish to review the categories of information presented in annex to the note, and invite interested countries to provide detailed information on the conditions and advantages attached to their offers.

Item 7: Status of signature and ratification of the Convention

44. The Committee will have before it a note by the secretariat on the status of signature and ratification of the Convention (UNEP/FAO/PIC/INC.7/INF/1).

45. The Committee may wish to take note of the information presented and call upon States and regional economic integration organizations entitled to do so, to consider signing and ratifying, accepting or approving the Convention, if they have not yet done so, with a view to bringing it into force as soon as possible.

Item 8: Other matters

46. The Committee may wish to consider other matters raised by delegations in the course of the session.

Item 9: Adoption of the report

47. At the final meeting of the session, the Committee will be invited to consider and adopt the draft report on the work of the sixth session as prepared by the Rapporteur.

48. The final report on the work of the session, as adopted by the Committee, will be subsequently circulated as document UNEP/PIC/PIC/INC.7/15.

Item 10: Closure of the session

49. It is expected that the session will be closed by the Chair by 6 p.m. on Friday, 3 November 2000.
