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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

REPORT 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
ON THE WORK OF ITS SEVENTH SESSION

I. 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 was held at the Geneva International Conference Centre in Geneva, Switzerland, from 30 October to 3 November 2000.
2. The session was opened by Ms. Maria Celina de Azevedo Rodrigues (Brazil), Chair of the Committee, at 10.20 a.m. on Monday, 30 October 2000.
3. Opening statements were made by Mr. Shafqat Kakakhel, Deputy Executive Director of the United Nations Environment Programme (UNEP) and Ms. Louise Fresco, Assistant Director-General, Agriculture Department of the Food and Agriculture Organization of the United Nations (FAO).
4. Mr. Kakakhel welcomed the participants to Geneva on behalf of the Executive Director. He underlined UNEP's continued commitment to the Rotterdam Convention and noted the strong cooperation between UNEP and FAO in providing the interim secretariat. He also mentioned a number of activities in UNEP that would strongly underpin the technical aspects of the Convention.
5. He welcomed the fact that 11 Governments had ratified the Convention, and strongly urged other Governments to do so in order for the Convention to enter into force as soon as possible, and in time for the tenth anniversary of the Rio Earth Summit, in 2002. He urged Governments to provide the financial

resources needed for the operation of the interim PIC procedure by contributing to the trust fund, and also stressed the need for support to less developed countries to help ensure timely ratification and implementation of the Convention in the very countries it was designed to help.

6. He also reminded Governments of their obligation to notify regulatory actions and decisions regarding future imports of products covered by the interim PIC procedure. He concluded by wishing the participants a successful meeting.

7. Ms. Fresco pointed out that the seventh session of the Committee fell within a framework of close cooperation between UNEP and FAO. In 1999 the FAO Conference had favourably viewed the cooperation between FAO and UNEP, and at the request of the Conference an additional US\$ 200,000 had been made available to the interim secretariat for the year 2000.

8. She noted that, with the expected continued growth in demand for food over the coming 50 years, the intensification of production and increases in yield would be essential, and despite improvements in mechanical and biological control of pests, it was unlikely that pesticides would be replaced in the foreseeable future. Hence the need for the PIC procedure, which would contribute both to a reduction in environmental and health risks and to the sustainability of agriculture.

9. She emphasized that it was essential for countries to begin using the processes developed and approved by the Committee if the PIC procedure was to remain effective. She urged countries to continue to contribute to the process, and in particular to ratify the Convention if they had not already done so, to make its early entry into force possible. At the same time she stressed the important contribution to be made by the public sector, industry and non-governmental organizations, and thanked donors for their continued support for attendance by participants from developing countries.

II. ORGANIZATIONAL MATTERS

A. Attendance

10. The session was attended by representatives of the following parties: Algeria, Angola, Argentina, Armenia, Australia, Austria, Bangladesh, Belarus, Belgium, Bhutan, Brazil, Burkina Faso, Burundi, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, European Community, Finland, France, Gabon, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Madagascar, Malaysia, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Republic of Korea, Russian Federation, Rwanda, Samoa, Saudi Arabia, Senegal, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela and Zambia.

11. The following United Nations bodies and specialized agencies were represented: United Nations Institute for Training and Research (UNITAR), World Health Organization (WHO), World Trade Organization (WTO) and the Secretariat of the Basel Convention.

12. The following intergovernmental organizations were represented: Intergovernmental Forum on Chemical Safety and World Customs Organization.

13. The following non-governmental organizations were represented: European Chemical Industry Council, Foundation for Advancements in Science and Education, Global Crop Protection Federation, Indian Chemical Manufacturers Association, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF-UITA-IUL), Japan Crop Protection Association, Pesticide Action Network-UK and World Wide Fund for Nature (WWF).

B. Officers

14. As Mr. William James Murray (Canada) was unable to complete his term of office as a Vice-Chair of the Committee, and Mr. Wang Zhijia (China) was unable to attend the seventh session, the Committee elected Mr. Bernard Madé (Canada) to replace Mr. Murray as Vice-Chair and Mr Jarupong Boon-Long (Thailand) to serve as Rapporteur for the seventh session. Consequently, the officers at the seventh session were as follows:

Chair: Ms. Maria Celina de Azevedo Rodrigues (Brazil)

Vice-Chairs: Mr. Bernard Madé (Canada)
Mr. Mohamed El-Zarka (Egypt)
Mr. Yuri Kundiev (Ukraine)

Rapporteur: Mr. Jarupong Boon-Long (Thailand)

15. The Chair thanked Mr. Murray for his contribution to the Bureau in assuring the overall success of the work of the Committee.

16. The Chair indicated her intention to work with the assistance of an extended bureau, composed of the Committee bureau and the bureau of the Interim Chemical Review Committee.

C. Adoption of the agenda

17. The Committee adopted the following agenda on the basis of the provisional agenda, which had been circulated as document UNEP/FAO/PIC/INC.7/1:

1. Opening of the session.
2. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Organization of work.
3. Activities of the secretariat and review of the situation as regards extrabudgetary funds.
4. Implementation of the interim prior informed consent procedure:
 - (a) Status of implementation of the interim prior informed consent procedure;
 - (b) Confirmation of experts designated for the Interim Chemical Review Committee;
 - (c) Presentation of the report of the Interim Chemical Review Committee on the work of its first session;

- (d) Adoption of decision guidance documents for already identified chemicals;
 - (e) Incident report form;
 - (f) Assistance to countries in identifying severely hazardous pesticide formulations;
 - (g) Contaminants;
 - (h) Submission of notifications of final regulatory action for chemicals that are already subject to the interim prior informed consent procedure;
 - (i) Operational procedures for the Interim Chemical Review Committee;
 - (j) Inclusion of chemicals in the interim prior informed consent procedure.
5. Preparation for the Conference of the Parties:
- (a) Draft rules of procedure for 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;
 - (c) Settlement of disputes;
 - (d) Non-compliance;
 - (e) Assignment of specific Harmonized System customs codes;
 - (f) Issues associated with the discontinuation of the interim prior informed consent procedure.
6. Issues arising out of the Conference of Plenipotentiaries:
- (a) Support for implementation;
 - (b) Dispute settlement, illicit trafficking and responsibility and liability;
 - (c) Location of the secretariat.
7. Status of signature and ratification of the Convention.
8. Other matters.
9. Adoption of the report.
10. Closure of the session.

18. A list of documents before the Committee at its seventh session is contained in annex V to the present report.

D. Organization of work

19. At its opening meeting, the Committee decided to continue its work in plenary and to establish contact groups as needed.

III. ACTIVITIES OF THE SECRETARIAT AND REVIEW OF THE SITUATION AS REGARDS EXTRABUDGETARY FUNDS

20. In its consideration of this item, the Committee had before it a note on activities of the secretariat and a review of the situation concerning extrabudgetary funds (UNEP/FAO/PIC/INC.7/2 and Add.1). The Committee noted that, in addition to the regional workshops described therein, the secretariat had convened a workshop in Cartagena, Colombia, in October 2000, for Latin American countries. The workshop for countries of the Pacific, originally scheduled for Fiji in 2000, was now tentatively scheduled to be held in Brisbane, Australia, in the first week of April 2001. The Committee noted that a lack of resources in 2000 had prevented the secretariat from organizing more such workshops, but expressed its wish that workshops would be organized in 2001 for countries of the Caribbean; countries of West Asia and the Middle East; French-speaking African countries; and countries of Central and Eastern Europe.

21. With regard to resources, in the period 1 July to 30 September 2000, the following additional contributions not listed in the note had also been made for the year 2000: Belgium - 1.9 million Belgian francs (approximately \$44,000); Czech Republic - \$3,000; Norway - 100,000 Norwegian kroner (approximately \$11,000); and Switzerland - \$150,000. Those contributions represented additional resources of approximately \$208,000. Pledges had been indicated by the Netherlands (approximately \$215,000) and the United Kingdom of Great Britain and Northern Ireland (100,000 pounds sterling - approximately \$160,000). While expressing thanks to all contributors, the secretariat representative noted that the Committee at its sixth session had estimated costs for the year 2000 to be \$2.32 million (UNEP/FAO/PIC/INC/6.7, annex II). Receipts had lagged behind requirements, and he thus underlined the need for the Committee to encourage additional contributions.

22. The representative of the European Community reported that his organization had set aside 100,000 euros (approximately \$83,000) for the secretariat for the year 2000.

23. One representative noted that prioritization of activities was essential, particularly as long as a funding shortfall existed. The Committee noted that it might be useful to future budget discussions if the secretariat could provide a written indication of priorities in the future.

24. The Committee expressed its great satisfaction at the amount and quality of the work achieved by the secretariat, with limited staff and budgetary resources. The budget approved for 2001-2002 is contained in annex II to the present report.

IV. IMPLEMENTATION OF THE INTERIM PRIOR INFORMED CONSENT PROCEDURE

A. Status of implementation of the interim prior informed consent procedure

25. In its consideration of this subitem, the Committee had before it a note by the secretariat on the status of implementation of the PIC procedure (UNEP/FAO/PIC/INC.7/14). With regard to notification of final regulatory action to ban or severely restrict a chemical, in the period of operation of the interim PIC procedure until May 2000 only six notifications (9 per cent of the total submitted) had been verified by the secretariat as containing all the information required by annex I. While figures to be circulated in the December 2000 issue of the PIC Circular showed a more positive trend, there were still no chemicals for which at least one notification had been received from each of two PIC regions that had been verified as meeting the information requirements of annex I and thus could be forwarded to the Interim Chemical Review Committee. In addition, to date no proposals had been received for inclusion of severely hazardous pesticide formulations. Concerning future imports of chemicals subject to the PIC procedure, an import response had been submitted in only 43 per cent of possible cases.

26. The Committee noted that the notifications received from each PIC region could be monitored to see whether they were indicative of a global problem, and that one of the task groups set up by the Interim Chemical Review Committee could monitor notifications and consider changes to reporting forms.

27. The representative of a regional economic integration organization announced that his organization had recently developed a data bank to meet the demands of the new PIC procedure; an explanatory document was available to participants. He also indicated that 13 new import decisions had recently been transmitted to the secretariat and announced the notification of a regulatory action on asbestos.

28. The Committee took note of the report of the secretariat and of the progress made in the implementation of the interim PIC procedure. Noting that there were some aspects of the implementation of the interim PIC procedure that gave cause for concern, the Committee requested the secretariat to prepare an analysis of the problems frequently encountered by Parties in their preparation of notifications. The Committee agreed that a preliminary version of the analysis was to be made available to the Interim Chemical Review Committee for consideration at its second session, scheduled for early 2001, and that the final analysis and any recommendations from the Interim Chemical Review Committee should be submitted to the Committee at its eighth session.

B. Confirmation of experts designated for the Interim Chemical Review Committee

29. In its consideration of this subitem, the Committee had before it a note by the secretariat (UNEP/FAO/PIC/INC.7/3 and Corr.1 and Corr.2) and qualifications of the experts (UNEP/FAO/PIC/INC.7/INF/2, INF/5 and INF/6).

30. Decision INC-7/1 on the confirmation of experts designated for the Interim Chemical Review Committee is contained in annex I to the present report.

C. Presentation of the report of the Interim Chemical Review Committee on the work of its first session

31. In its consideration of this subitem, the Committee had before it a note by the secretariat (UNEP/FAO/PIC/INC.7/4), including the report of the first session of the Interim Chemical Review Committee. The Chair of the Interim Chemical Review Committee introduced the report and its subitems. He noted that consideration should be given to the possibility of electing officers for a given session at the end of the previous session, so that they would have an opportunity to participate actively in the preparations for the next session. He also mentioned that further attention should be paid to ensuring balance among various non-governmental organizations in the work of the Interim Chemical Review Committee.

32. An observer expressed support for the call for a balance among non-governmental organizations and requested that the Interim Chemical Review Committee should further discuss the issue at its next meeting and report thereon to the Committee at its eighth session.

33. The Committee noted the progress made at the first session of the Interim Chemical Review Committee, and expressed its appreciation to the Interim Chemical Review Committee and its Chair for the work they had accomplished and their contribution to the secretariat's work.

D. Adoption of decision guidance documents for already identified chemicals

34. In its consideration of this subitem, the Committee had before it a note by the secretariat (UNEP/FAO/PIC/INC.7/5) containing information on the adoption of decision guidance documents for already identified chemicals.

35. Decision INC-7/2 on adoption of decision guidance documents for already identified chemicals is contained in annex I to the present report. The representative of the United States noted that, under article 8 of the Convention, the Conference of the Parties would decide to list such chemicals in annex III provided that it was satisfied that all the requirements for listing had been fulfilled.

36. With regard to bromacil, the Interim Chemical Review Committee had been of the opinion that the requirements set out in article 5 and annex II to the Convention had not been met and had therefore decided not to recommend the inclusion of bromacil in the interim PIC procedure. The Committee endorsed the decision of the Interim Chemical Review Committee on bromacil.

37. Concerning maleic hydrazide, the Interim Chemical Review Committee had decided to seek further guidance from the Committee on the overall issue of contaminants before making a recommendation.

38. The Committee decided to defer consideration of maleic hydrazide until after the conclusion of the work of the open-ended technical contact group on contaminants established under agenda subitem 4 (g).

E. Incident report form

39. In its consideration of this subitem, the Committee had before it a note by the secretariat containing background information (UNEP/FAO/PIC/INC.7/6, sect. A).

40. The Committee agreed with the Interim Chemical Review Committee's recommendation that a one-page incident report form should be developed in conjunction with a simple guidance document on the completion of the form and the development of proposals in line with article 6 of the Convention. It was also agreed that regional economic integration organizations should be included in the list of bodies referred to in the recommendation.

41. A representative of WHO informed the meeting of an ongoing project that had close relevance to the work to be developed. Pesticide exposure report forms developed under the project had been tested in three WHO regions. The project was continuing in those regions and would cover all WHO regions in due course. WHO was willing to cooperate in respect of the issue.

42. Decision INC-7/3 on the incident report form is contained in annex I to the present report.

F. Assistance to countries in identifying severely hazardous pesticide formulations

43. In its consideration of this subitem, the Committee had before it a note by the secretariat containing background information (UNEP/FAO/PIC/INC.7/6, sect. B).

44. Representatives of two non-governmental organizations reported on their activities to support the collection of information on severely hazardous pesticide formulations, and expressed their willingness to share such information with any interested parties.

45. The Committee encouraged States, regional economic integration organizations, bilateral and multilateral aid agencies, intergovernmental organizations 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.

46. Several representatives proposed that a procedure be established by means of which countries requiring assistance could make their needs known. The Committee agreed that any country needing assistance in implementing specific projects to identify severely hazardous pesticide formulations causing problems under conditions of use in that country could report its need to the secretariat, which would inform States, regional economic integration organizations, bilateral and multilateral aid agencies, intergovernmental organizations and non-governmental organizations accordingly.

G. Contaminants

47. In its consideration of this subitem, the Committee had before it a note from the secretariat (UNEP/FAO/PIC/INC.7/6, sect. C) containing background information. The Interim Chemical Review

Committee's discussions of the matter had been inconclusive. The issue of pesticides that had been notified as banned or severely restricted on the basis of specified levels of contaminants was therefore being referred back to the Committee for further guidance.

48. Decision INC-7/4 on contaminants is contained in annex I to the present report.

49. In order to address the unresolved issue, the Committee also decided to establish an open-ended technical contact group, under the chairmanship of Mr. Reiner Arndt, to consider the policy issues involved.

50. Reporting on the work of the contact group, the Chair of the group said that its deliberations had culminated in a recommendation based on two diverging approaches which it was submitting to the Committee for approval. The Committee endorsed the recommendation, which is set out in decision INC-7/5.

51. The Committee was of the view that, in line with the recommendation it had made earlier under item 4 (f) on assistance to countries in identifying severely hazardous pesticide formulations, it was important that consideration should be given to assisting countries in ensuring that chemicals imported met acceptable international quality standards, such as FAO specifications. Furthermore, countries could make compliance with FAO specifications a requirement which could be met by provision of a certificate of analysis by the producer or exporter. The Committee noted that that aim might also be accomplished at no additional cost to the importing country if it included in the agreement to purchase a requirement for a certificate of analysis from an independent laboratory.

52. One representative drew attention to the fact that there had been no consideration by the Committee of contaminants in industrial chemicals. The Committee agreed to address that issue once it had concluded its discussion on maleic hydrazide.

53. Decision INC-7/5 on contaminants is contained in annex I to the present report.

54. The Committee took note of the relevance of FAO's pesticide specifications to the PIC procedure. Some representatives raised the issue of the need to establish an institutional mechanism to monitor compliance by manufacturers with internationally accepted specifications of chemicals, such as FAO pesticide specifications. The Committee encouraged FAO to speed up work on pesticide specifications. In establishing such specifications, due consideration should be given to the environmental and human health effects of those substances.

H. Submission of notifications of final regulatory action for chemicals that are already subject to the interim prior informed consent procedure

55. In its consideration of this subitem, the Committee had before it a note by the secretariat containing background information (UNEP/FAO/PIC/INC.7/6, sect. D). During the first session of the Interim Chemical Review Committee, mention had been made of the burden imposed, especially on developing countries and countries with economies in transition, by the requirement to provide all the information stipulated in annex I to the Convention for chemicals that had already been included in the PIC procedure and for which a decision guidance document, providing extensive information on that chemical, already existed. The Committee recognized that the principal purpose of the requirement was to gather information of use in identifying chemicals for inclusion in the interim PIC procedure. However, a large proportion of the notifications submitted so far related to chemicals that were already included in the PIC procedure, duplicated information already contained in decision guidance documents and posed a reporting burden for many countries. The Committee acknowledged that the information thus provided in the notifications did serve other purposes, such as that of keeping countries aware of developments relating to banned or severely restricted chemicals elsewhere in the world. The need to study the situation in greater detail was recognized.

56. The Committee decided that, as an interim measure, countries should set priorities when preparing notifications of final regulatory actions relating to banned or severely restricted chemicals, with the highest priority being given to chemicals that were not already subject to the interim PIC procedure. Lower priority should be given to submitting notifications relating to chemicals that were already subject to the interim PIC procedure. The Committee also agreed that the secretariat should, when verifying whether submitted notifications contained all the information required under annex I to the Convention, give priority to notifications relating to chemicals not yet subject to the interim PIC procedure.

57. The Committee requested the secretariat to prepare a paper for presentation to it at its eighth session, analysing the issue and outlining options that would reconcile the need for information exchange with the need to avoid placing excessive reporting burdens on Parties or appraisal burdens on the secretariat.

I. Operational procedures for the Interim Chemical Review Committee

58. In its consideration of this subitem, the Committee had before it a note by the secretariat containing background information on proposed operational procedures from the Interim Chemical Review Committee (UNEP/FAO/PIC/INC.7/6, sect. E). In response to a request from the Committee, the Interim Chemical Review Committee had developed a flow chart of a process for developing decision guidance documents (UNEP/FAO/PIC/INC.7/4, attachment, annex IV). It was noted that a tabular summary on comments received would accompany a decision guidance document forwarded to the Committee.

59. The Committee strongly emphasized the importance of observing the time-frame set out in the Convention for preparing and forwarding decision guidance documents, in particular the requirement of article 21, paragraph 2, that proposed amendments must be communicated to the Parties at least six months before the session at which they were proposed for adoption. There was agreement on the need to gather experience on the process during the interim period and to amend the procedures as necessary.

60. Decision INC-7/6 on the process for drafting decision guidance documents is contained in annex I to the present report.

J. Inclusion of chemicals in the interim prior informed consent procedure

61. No additional chemicals currently required a decision.

V. PREPARATION FOR THE CONFERENCE OF THE PARTIES

A. Draft rules of procedure for the Conference of the Parties

62. In its consideration of this subitem, the Committee had before it a note by the secretariat (UNEP/FAO/PIC/INC.7/7) containing draft rules of procedure for the Conference of the Parties prepared in response to the request made to the secretariat by the Committee at its sixth session.

63. The Committee commended the secretariat on its work and noted that the document prepared was a good basis upon which to initiate discussion on the issue.

64. A number of representatives expressed their preliminary views on some of the draft rules of procedure, such as those on the periodicity of meetings of the Conference of the Parties, modalities of distribution of documents, voting methods and the quorum. A number of representatives also supported the proposal to consider a rule enabling the election of officers for the Conference of the Parties and the Chemical Review Committee at the preceding session.

65. The Committee decided to establish an open-ended legal working group, under the chairmanship of Mr. Patrick Széll (United Kingdom), to consider the note by the secretariat and work on the draft text attached thereto. The working group was encouraged to look at existing rules of procedure from other multilateral environmental agreements, as well as those under development, but was advised that it would not be necessary to follow the precedents slavishly.

66. Reporting on the discussions in the open-ended legal working group, the Chair of the group said that members had decided to concentrate efforts on an examination of the draft rules of procedure for the Conference of the Parties and to defer consideration of the procedure for settlement of disputes until a future session of the Committee. The Chair pointed out that the group's deliberations had shown a need for further detailed examination of the issues within the following areas: rule 4 (Dates of meetings); rule 7 (Participation of other bodies or agencies); rule 22 (Election of officers); rule 36 (Quorum); rule 46 (Majority required); and rule 51 (Method of voting for general matters).

67. The Committee took note with thanks of the report and requested the group to reconvene at the eighth session of the Committee and to accord priority in its deliberations to the examination and possible resolution of the outstanding issues identified in the draft rules of procedure.

68. The report of the open-ended legal working group is contained in annex IV to the present report.

B. Possible options for financial rules, including financial provisions for the permanent secretariat and a draft budget for the first biennium

69. In its consideration of this subitem, the Committee had before it a note by the secretariat (UNEP/FAO/PIC/INC.7/8 and UNEP/FAO/PIC/INC.7/INF/4) on financial rules and procedures for the Conference of the Parties, its subsidiary bodies and its secretariat prepared in response to the request made to the secretariat by the Committee at its sixth session.

70. The Committee noted that the document contained elements for financial rules and provisions following the pattern of those adopted by other Conferences of the Parties. It further noted that the draft budget in annex II to the note was based on certain assumptions relating to the periodicity of the Conference of the Parties and the Interim Chemical Review Committee, and the nature of contributions.

71. A number of representatives expressed their preliminary views on elements of possible future financial rules and procedures, including the financial period, the capital reserve, contributions, support charge and base percentage, as well as the need to take into account, in the budget, the contribution made by the host of the future secretariat. In discussing contributions, a number of delegations expressed their support for the use of the United Nations scale of assessment. One representative questioned the need for assessments, but also urged that alternative assessment methodologies should be investigated and that financial decisions should be taken by consensus. Some representatives favoured voluntary contributions, while others favoured obligatory contributions.

72. It was agreed that the secretariat should prepare draft financial rules and provisions taking into account all comments received from the floor, in particular regarding contributions, and how they might change as the number of Parties changes, as well as the merits of voluntary versus mandatory contributions and the United Nations versus alternative scales of assessment, for consideration by the Committee at its eighth session.

C. Settlement of disputes

73. In its consideration of this subitem, the Committee had before it a note by the secretariat (UNEP/FAO/PIC/INC.7/9) on settlement of disputes prepared in response to the request made to the secretariat by the Committee at its sixth session.

74. The Committee decided to request the open-ended legal working group established to address the draft rules of procedure also to consider the settlement of disputes on the basis of the paper prepared by the secretariat, and to work on the draft text attached thereto.

75. The Committee noted that the legal working group had not had enough time to discuss this issue.

D. Non-compliance

76. In its consideration of this subitem, the Committee had before it a note by the secretariat (UNEP/FAO/PIC/INC.7/10) on procedures and institutional mechanisms for determining non-compliance prepared in response to the request made to the secretariat by the Committee at its sixth session.

77. The Committee requested the secretariat to develop a model for a procedure to handle cases of non-compliance based on work that had been or was being undertaken in other forums, taking into account comments received from the floor, and in particular the need for an efficient mechanism in the Convention. It also invited all members to provide their inputs on the issue to the secretariat by 1 February 2001, and requested the secretariat to submit the model to the Committee at its eighth session.

78. A representative expressed the view that, in considering the matter of non-compliance, it was also necessary to consider the different circumstances of developed countries, developing countries and countries with economies in transition, as well as the different requirements placed upon importing and exporting Parties. The representative of a regional economic integration organization said that cases of non-compliance should be handled in a completely independent manner and that it should be possible to seek and receive information from any source, and not only from Parties.

79. Several representatives felt that meeting the obligations of and compliance with the Convention would be better served if a procedure for reporting were in place. The Committee considered that the issue of reporting needed to be further examined, and invited all members to provide proposals, information and views on the matter of reporting to the secretariat by 1 February 2001. The Committee also requested the secretariat to draft for submission at its next session an outline of a possible reporting procedure. The outline should be based on comments received from members of the Committee and should encompass, inter alia, the frequency and the composition of the reporting system.

E. Assignment of specific Harmonized System customs codes

80. In its consideration of this item, the Committee had before it a note by the secretariat on the assignment of specific Harmonized System custom codes (UNEP/FAO/PIC/INC.7/11) and an information paper containing correspondence with the World Customs Organization (WCO) and reports from the secretariats of the Montreal Protocol on Substances that Deplete the Ozone Layer and of the Basel Convention on Transboundary Movements of Hazardous Wastes and Their Disposal (UNEP/FAO/PIC/INC.7/INF/3).

81. A representative of WCO gave a detailed presentation on the structure and functioning of the nomenclature applied within the Harmonized System customs codes.

82. The representative of a regional economic integration organization expressed the willingness of his organization, as a member of the Harmonized System Convention, to submit a proposal to the WCO Assembly for the modification of Harmonized System customs codes to facilitate the application of the PIC procedure. It was also proposed that countries might be requested to already introduce their own national subheadings for classification purposes, to allow the rapid adoption of control measures when the anticipated amendments to the Harmonized System entered into force in 2007.

83. The Committee took note with thanks of the information prepared by the secretariat and the presentation given by the representative of WCO. It also requested the secretariat to continue to work with WCO, together with other relevant organizations, in order to encourage WCO, in line with article 13, paragraph 1, of the Rotterdam Convention, to assign specific Harmonized System customs codes to the individual chemicals or groups of chemicals listed in annex III to the Convention. The Committee agreed that such work should be completed in time to meet the 2007 deadline for the next set of amendments to the Harmonized System.

F. Issues associated with the discontinuation of the interim prior informed consent procedure

84. In its consideration of this item, the Committee had before it a note by the secretariat (UNEP/FAO/PIC/INC.7/12) on background information.

85. The Committee gave wide support to a transitional phase from the interim PIC procedure to the Convention PIC procedure once the Convention came into force. The aim of the transitional phase would be to retain the accomplishments and experience gained in the application of the interim PIC, while providing incentives for countries and regional economic integration organizations to adhere to the Convention. The transitional phase would allow non-parties that participated in the interim PIC procedure, but were not parties at the time of the first Conference of the Parties, to continue to participate in operational processes of the Convention procedure while preparing for ratification. The Committee agreed that the Committee and the Interim Chemical Review Committee would not meet any more after the first session of the Conference of the Parties, to avoid any operations being carried out parallel to the Convention PIC procedure. Statements by representatives indicated that the transitional period might vary between one and two years after the first meeting of the Conference of the Parties. One representative expressed the view that there should not be a time limit to the transitional phase.

86. Some representatives stated that during the transitional phase notifications by non-parties that had participated in the interim procedure should continue and could contribute to decisions of the Conference of the Parties on the inclusion of chemicals in annex III. Others also stated that import decisions of non-parties should continue to be respected.

87. Several representatives stated that although the decision guidance documents for binapacryl, ethylene dichloride, ethylene oxide and toxaphene were based on notifications that did not meet all the requirements of annex I to the Convention, the Committee should recommend to the Conference of the Parties that these be included in annex III.

88. The Committee requested the secretariat to prepare a paper, for consideration at its eighth session, setting out the options for the issues related to the discontinuation of the interim PIC procedure and indicating the most feasible solutions. Countries and regional economic integration organizations agreed to provide written comments on the secretariat's note (UNEP/FAO/PIC/INC.7/12) by 1 February 2001 at the latest. In preparing the paper the secretariat was to take into account the points raised in the Committee's discussion of this item, as well any comments submitted in writing. The secretariat was encouraged to propose an approach that could most effectively address the problems associated with discontinuation of the interim procedure.

89. Decision INC-7/7, on issues associated with the discontinuation of the interim prior informed consent procedure, is contained in annex I to the present report.

VI. ISSUES ARISING OUT OF THE CONFERENCE OF PLENIPOTENTIARIES

A. Support for implementation

90. In its consideration of this item, the Committee had before it a note by the secretariat containing information on activities for facilitation of implementation and ratification (UNEP/FAO/PIC/INC.7/2, part V).

91. The Committee expressed its satisfaction with the activities undertaken to implement article 16 of the Convention. It noted the work accomplished by the secretariat in holding regional workshops to support the implementation of the Convention and the pilot projects on technical assistance and interchange of expertise acquired by designated national authorities, initiated in Argentina and Thailand with the joint sponsorship of the European Community and the Ministry of Economic Cooperation and Development of Germany, coordinated by GTZ. It also expressed appreciation to countries which had provided for technical assistance and strongly urged other Parties that were in a position to do so to follow suit. The representative of Argentina thanked the sponsors for contributing to the implementation of the pilot project and noted that the project enhanced the ratification process in her country.

92. The secretariat was requested to circulate reports on its regional workshops so that other regions could benefit from the experience acquired.

93. The representative of Hungary informed the Committee that his country would be holding a regional workshop in Budapest in 2001 which would, inter alia, consider the Convention.

94. The Committee took note with satisfaction of the efforts accomplished in support of the implementation of the Convention and strongly encouraged Parties to continue such activities.

B. Dispute settlement, illicit trafficking and responsibility and liability

95. In its consideration of this item, the Committee had before it a conference room paper submitted by the Chair of the Committee on the work undertaken by the Intergovernmental Forum on Chemical Safety at its third meeting (UNEP/FAO/PIC/INC.7/CRP.6).

96. The Committee noted that the third session of the Intergovernmental Forum on Chemical Safety had discussed the matter of programme area F of chapter 19 of Agenda 21, entitled "Prevention of illegal international traffic in toxic and dangerous products". One representative, who had co-chaired the Forum session on that subject, reported on the recommendations made by the Forum. The recommendations made by the Forum, which cover, inter alia, the establishment of a working group on illegal trafficking under the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) and efforts by Governments to elaborate national strategies for prevention, detection and control of illegal traffic, are contained in annex III to the present report. Another representative highlighted the fruitful work performed by the Forum on that issue and the importance of supporting the efforts of the working group in order to avoid duplication.

97. Several representatives urged the Committee to assign high priority to the issue of illicit trafficking, whose large and growing scale, together with the inadequate legal and regulatory framework in many developing countries, caused substantial problems and encouraged the Committee also to address the question of liability for harm caused by such trafficking. It was noted that the allocation of specific Harmonized System customs codes for PIC chemicals constituted one possible means of tackling the problem.

98. The Committee took note of and strongly endorsed the recommendations adopted by the Forum. It requested the working group to be set up by IOMC to report to the Committee at its eighth session on the

work accomplished in response to those recommendations. The Committee also requested that the IOMC working group should consider the issue of responsibility and liability for illicit trafficking.

99. The Committee agreed to place the item of dispute settlement, illicit trafficking and responsibility and liability on the agenda of its eighth session.

C. Location of the secretariat

100. In its consideration of this item, the Committee had before it a note by the secretariat on the location of the permanent secretariat (UNEP/FAO/PIC/INC.7/13).

101. The representatives of Germany, Italy and Switzerland reaffirmed the offers made by their Governments to host the secretariat and provided brief supplementary and updated information.

102. The Committee approved the procedure suggested by the secretariat for the consideration of offers to host the permanent secretariat, as set out in document UNEP/FAO/PIC/INC.7/13. The Committee agreed that the secretariat had prepared an accurate list of the information that should be requested from countries interested in hosting the permanent secretariat. The Committee also agreed that countries interested in hosting the permanent secretariat should submit to the secretariat information on the length of time that they required to process any travel or visa requirements.

103. A number of representatives expressed the view that it would be valuable for the Committee to have an idea of the priority attached to each of the elements. Acknowledging that it would be inappropriate to task the secretariat with such prioritization, the Committee considered that, once the relevant countries had provided the requisite information, the Parties themselves would be in a better position to assess where the priorities lay.

104. The Committee decided that all offers must be submitted to the secretariat by 15 April 2001 in order to be considered at its eighth session.

105. Decision INC-7/8 on the procedure to be followed in the consideration of offers to host the permanent secretariat of the Convention is contained in annex I to the present report.

VII. STATUS OF SIGNATURE AND RATIFICATION OF THE CONVENTION

106. In its consideration of this item, the Committee had before it a note by the secretariat (UNEP/FAO/PIC/INC.7/INF/1) on background information. Many representatives announced that the process of ratification had been initiated and was progressing favourably in their countries, and that they hoped shortly to be able to deposit their instruments of ratification.

107. A representative of the chemical industry in Europe informed the Committee that, in collaboration with the European Community, the industry was ready to apply certain provisions of the Convention on a voluntary basis in advance of the adoption of any legal instrument aimed at implementing the Convention.

108. The Committee urged countries that had not yet done so to expedite efforts to ensure the entry into force of the Convention before the tenth anniversary of the Rio Earth Summit, in 2002.

VIII. OTHER MATTERS

Meetings in 2001

109. The Committee took note of the timing of meetings and sessions in 2001, which the secretariat announced would be held in Rome. The second meeting of the Interim Chemical Review Committee would be held from 19 to 23 March 2001, while the eighth session of the Committee would take place from 8 to 12 October 2001.

Conflict of interest

110. The Committee noted the possible need for the Interim Chemical Review Committee to be protected through the use of conflict-of-interest procedures. The Committee requested the secretariat to collect information on procedures and forms used to address matters such as conflict of interest, disclosure and recusal in use by scientific bodies in other conventions. The secretariat was requested to develop a draft disclosure and/or recusal form and procedure for consideration by the Committee at its eighth session along with a summary of the information collected.

IX. ADOPTION OF THE REPORT

111. The Committee adopted its report on the basis of the draft report, contained in documents UNEP/FAO/PIC/INC.7/L.1 and L.1/Add.1 which had been circulated during the meeting, as amended, and on the understanding that finalization of the report would be entrusted to the Rapporteur, working in conjunction with the secretariat.

X. CLOSURE OF THE SESSION

112. Following the customary exchange of courtesies, the Chair declared the session closed at 1 p.m. on Friday, 3 November 2000.

Annex I

DECISIONS ADOPTED BY 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 AT ITS SEVENTH SESSION, HELD IN GENEVA, 30 OCTOBER – 3 NOVEMBER 2000

Decision INC-7/1: Confirmation of experts designated for the Interim Chemical Review Committee

The Intergovernmental Negotiating Committee

1. Decides to formally appoint the 29 experts designated by Governments identified below to act as members of the Interim Chemical Review Committee:

Africa

| | |
|--------------|------------------------------|
| Cameroon | Mr. Dudley Achu Sama |
| Ethiopia | Mr. Ammanuel N. Malifu |
| Gambia | Mrs. Fatoumata Jallow Ndoeye |
| Mauritius | Mr. Ravinandan Sibartie |
| Morocco | Mr. Mohamed Ammati |
| South Africa | Mr. Jan Ferdinand Goede |

Asia

| | |
|-----------|------------------------|
| China | Ms. Yong-Zhen Yang |
| India | Mr. R.R. Khan |
| Indonesia | Mr. Kasumbogo Untung |
| Japan | Mr. Masayuki Ikeda |
| Nepal | Mr. Bhakta Raj Palikhe |

Europe

| | |
|--------------------|-------------------------|
| Finland | Mr. Marc Debois |
| Germany | Mr. Reiner Arndt |
| Hungary | Mr. Tamás Kömives |
| Netherlands | Mr. Karel A. Gijbertsen |
| Russian Federation | Mr. Boris Kurllyandski |
| Switzerland | Mr. Pietro Fontana |

Latin America and the Caribbean

| | |
|-------------|-----------------------------------|
| Barbados | Ms. Beverly Wood |
| Brazil | Ms. Sandra de Souza Hacon |
| Chile | Mr. Julio C. Monreal |
| Ecuador | Ms. Mercedes Bolaños Granda |
| El Salvador | Ms. Flor de María Perla de Alfaro |

Near East

| | |
|-------|---------------------------|
| Egypt | Mr. Mohammed El Zarka |
| Qatar | Mr. Hassan A. Al-Obaidly |
| Sudan | Mr. Azhari Omer Abdelbagi |

North America

| | |
|-----------------------------|---------------------|
| Canada | Ms. Janet K. Taylor |
| United States of America | Ms. Cathleen Barnes |

Southwest Pacific

| | |
|-----------|----------------------|
| Australia | Mr. Ian Coleman |
| Samoa | Mr. William J. Cable |

2. Reaffirms the provisions of decision INC-6/2 as regards the duration and terms of service of the experts.

Decision INC-7/2: Adoption of decision guidance documents for already identified chemicals

The Intergovernmental Negotiating Committee

Adopts the decision guidance documents for the chemicals ethylene dichloride (Chemical Abstracts Service number 107-06-2; category: pesticide) and ethylene oxide (Chemical Abstracts Service number 75-21-8; category: pesticide), with the effect that these chemicals become subject to the interim prior informed consent procedure as defined in paragraph 2 of the resolution on interim arrangements.

Decision INC-7/3: Incident report form

The Intergovernmental Negotiating Committee

1. Encourages the Interim Chemical Review Committee to continue its development of a one-page incident report form in conjunction with a simple guidance document on the completion of the form and the development of proposals in line with article 6 and annex IV, part 1, of the Convention;
2. Recommends that States, regional economic integration organizations, bilateral and multilateral aid agencies, intergovernmental organizations and non-governmental organizations make use of the incident report form and guidance document on reporting pesticide poisoning incidents in their projects, once it is available and has been circulated via the secretariat.

Decision INC-7/4: Contaminants

The Intergovernmental Negotiating Committee

Adopts a policy on contaminants that includes final regulatory actions to ban a pesticide that have been taken by at least two countries in two prior informed consent regions on the basis of a contamination contained in that substance, where the notification also meets the requirements of annexes I and II to the Convention.

Decision INC-7/5: Contaminants

The Intergovernmental Negotiating Committee

Decides that the Interim Chemical Review Committee should, on a pilot basis and without prejudice to any future policy on contaminants, apply the following two approaches in its consideration of maleic hydrazide and report on the outcome at the next session of the Intergovernmental Negotiating Committee:

1. Consider pesticide A with contaminant Y less than the specified upper limit of X as a different entity from pesticide A containing contaminant Y at more than X.

In such cases, the pesticide containing more than the specified upper limit of contaminant is banned and this is the basis for the control action reported to the secretariat.

(a) It would need to be established that the pesticide subject to the control action - that containing more than the maximum level of the contaminant - was moving in international trade (as per annex II C (iv) of the Convention);

(b) At the same time, industry could be encouraged to support the development of FAO specifications to characterize "acceptable" products. The contact group recommended that FAO give priority to the development of such specifications;

(c) Once an international specification for the pesticide is in place there would be no need to list it in annex III of the Convention, as the specification would provide importing countries and manufacturers with an internationally recognized quality standard against which to judge the acceptability of the pesticide moving in trade. The end result would be to effectively reduce the market for pesticides not meeting this acceptable standard.

2. Consider the pesticide as a single entity.

In this case, pesticide A containing contaminant Y at less than the specified maximum level of X would still be moving in trade and acceptable for a range of uses.

Such cases would not likely be considered to have met the criteria in annex II, C (i) of the Convention, e.g. resulted in a decrease in the quantity of the chemical used or a decrease in the number of uses.

- (a) In such cases a country may decide not to notify the chemical, since it would not be considered for inclusion in the PIC procedure;
- (b) If a notification of the regulatory action was made which complied with the requirements of annex I, the secretariat should prepare a summary of the information received and circulate it to all Parties;
- (c) Countries may decide to send export notifications in line with article 12 and should provide information on this control action to other Parties as an information exchange activity in line with article 14;
- (d) As a consequence of this, industry could be encouraged to support the development of FAO specifications to characterize “acceptable” products. The contact group recommended that FAO give priority to the development of such specifications;
- (e) Once an international specification for the pesticide is in place, it would provide importing countries and manufacturers with an internationally recognized quality standard against which to judge the acceptability of the pesticide moving in trade. The end result would be to effectively reduce the market for pesticides not meeting this acceptable standard.

Decision INC-7/6: Process for drafting decision guidance documents

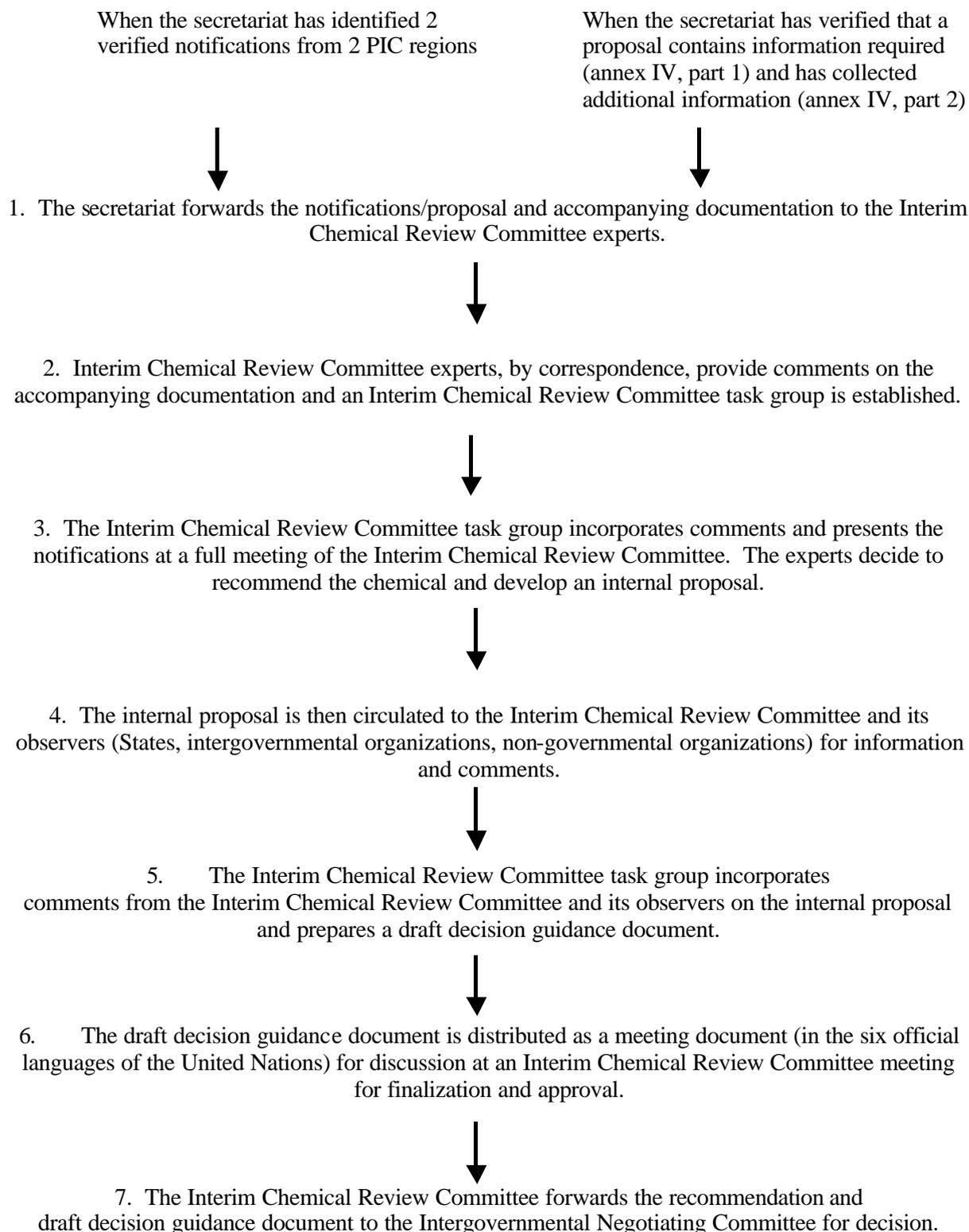
The Intergovernmental Negotiating Committee

Adopts the process for drafting decision guidance documents set out in the flow chart and explanatory notes appended to the present decision.

Appendix

A. Process for drafting decision guidance documents

Flow chart



B. Explanatory notes to the process for drafting decision guidance documents

1. Decision guidance documents for banned and severely restricted chemicals

Once the format for a decision guidance document is established, it would facilitate the task of the secretariat to forward the notifications and accompanying documentation, based on the information contained in the notifications of final regulatory action (as per annex I and II).

The Interim Chemical Review Committee must deem a notification valid prior to developing a decision guidance document. It is thus important that there be clear guidance as to what constitutes an acceptable/valid notification in order that the secretariat could undertake to prepare the documentation mentioned above.

Where the information is deemed insufficient, the secretariat would be responsible to follow up with the notifying party. The document would not be brought to the Interim Chemical Review Committee until the relevant information had been provided.

In situations where it is unclear, the secretariat would seek guidance from the Interim Chemical Review Committee.

(1)* Where the information in the notification was deemed sufficient, the secretariat would forward the notifications and accompanying documentation to the experts of the Interim Chemical Review Committee (2) for an initial round of comment. An Interim Chemical Review Committee task group would be established. The secretariat would collate the comments into a tabular format and forward them to the task group.

(3) The task group would incorporate comments, as appropriate, indicating those comments taken up and those which were not and why.

The task group would present the notifications and the accompanying documentation to the Interim Chemical Review Committee along with the tabular summary of comments. The Interim Chemical Review Committee will decide whether to make a recommendation to include the chemical in the PIC procedure, and develop an internal proposal for a decision guidance document.

(4) The internal proposal (and the tabular summary of comments) is then circulated to the Interim Chemical Review Committee and its observers for information and comments. Any comments would be directed to the secretariat, which would prepare a tabular summary for the review by the task group.

(5) The task group would incorporate comments from the Interim Chemical Review Committee and its observers on the internal proposal and prepare a draft decision guidance document.

(6) This draft decision guidance document is distributed as a meeting document for discussion at an Interim Chemical Review Committee meeting (in six languages) for finalization and approval.

(7) The Interim Chemical Review Committee forwards the recommendation and draft decision guidance document to the Intergovernmental Negotiating Committee for decision. The final documentation forwarded by the secretariat to all Parties and observers in advance of the Intergovernmental Negotiating Committee session would include the draft decision guidance document, the Interim Chemical Review Committee recommendation for inclusion in the PIC procedure, a summary of the Interim Chemical Review Committee deliberations including a rationale based on the criteria listed in annex II, as well as the tabular summary of comments received under step 4 and how they were addressed.

* Numbers refer to steps in the flow chart.

Regional coordination by members of the Interim Chemical Review Committee in preparing and providing comments is encouraged.

2. Decision guidance documents for severely hazardous pesticide formulations

Once the format for a decision guidance document is established, it would facilitate the task of the secretariat to forward the proposal and accompanying documentation, based on the information contained in the proposal and the additional information collected by the secretariat in accordance with annex IV, Part 2.

The Interim Chemical Review Committee must deem the proposal valid prior to developing a decision guidance document. It is thus important that there be clear guidance as to what constitutes an acceptable/valid proposal in order that the secretariat could undertake to prepare the documentation mentioned above.

Where the information is deemed insufficient, the secretariat would be responsible to follow up with the proposing party. The document would not be brought to the Interim Chemical Review Committee until the relevant information had been provided.

In situations where it is unclear, the secretariat would seek guidance from the Interim Chemical Review Committee.

(1) * Where the information in the proposal was deemed sufficient, the secretariat would collect the information in part 2 of annex IV from designated national authorities and non-governmental organizations and forward the proposal and accompanying documentation to the experts of the Interim Chemical Review Committee (2) for an initial round of comment. An Interim Chemical Review Committee task group would be established. The secretariat would collate the comments into a tabular format and forward them to the task group.

(3) The task group would incorporate comments, as appropriate, indicating those comments taken up and those which were not and why.

The task group would present the proposal and the accompanying documentation to the Interim Chemical Review Committee along with the tabular summary of comments. The Interim Chemical Review Committee will decide whether to make a recommendation to include the pesticide formulation in the PIC procedure, and develop an internal proposal for a decision guidance document.

(4) The internal proposal (and the tabular summary of comments) is then circulated to the Interim Chemical Review Committee and its observers for information and comments. Any comments would be directed to the secretariat, which would prepare a tabular summary for the review by the task group.

(5) The task group would incorporate comments from the Interim Chemical Review Committee and its observers on the internal proposal and prepare a draft decision guidance document.

(6) This draft decision guidance document is distributed as a meeting document for discussion at an Interim Chemical Review Committee meeting (in six languages) for finalization and approval.

(7) The Interim Chemical Review Committee forwards the recommendation and draft decision guidance document to the Intergovernmental Negotiating Committee for decision. The final documentation forwarded by the secretariat to all Parties and observers in advance of the Intergovernmental Negotiating Committee session would include the draft decision guidance document, the Interim Chemical Review Committee recommendation for inclusion in the PIC procedure, a summary of the Interim Chemical Review Committee

* Numbers refer to steps in the flow chart.

deliberations including a rationale based on the criteria listed in annex II , as well as the tabular summary of comments received under step 4 and how they were addressed.

Regional coordination by members of the Interim Chemical Review Committee in preparing and providing comments is encouraged.

Decision INC-7/7: Issues associated with the discontinuation of the interim prior informed consent procedure

The Intergovernmental Negotiating Committee

1. Requests the secretariat to prepare for consideration at its eighth session a paper relating to the issues associated with the discontinuation of the interim prior informed consent procedure and setting out the options and their consequences, advantages and disadvantages in relation to the implementation of the prior informed consent procedure;

2. Further requests the secretariat, in preparing the paper, to take into account the comments made during the Committee's discussion of the item at its seventh session and any written comments on the secretariat's note (UNEP/FAO/PIC/INC.7/12) by States and regional economic integration organizations, which should be submitted to the secretariat by 1 February 2001;

3. Decides that the paper should include consideration of the following issues, taking into account the need to maintain the achievements of the interim procedure, while providing sufficient incentives for States and regional economic integration organizations to ratify or otherwise accede to the Convention:

(a) The date on which the interim prior informed consent procedure should be discontinued;

(b) The nature of transitional measures;

(c) The possible need for measures for the treatment of States and regional economic integration organizations that participate in the interim prior informed consent procedure, but which are not party to the Convention after the discontinuation of transitional measures;

(d) Measures to decide on the validity of notifications of final regulatory action, proposals regarding severely hazardous pesticide formulations and responses regarding future imports submitted during the original and interim prior informed consent procedure by States or regional economic integration organizations that participated in the interim procedure, but are not Parties when the Convention enters into force;

(e) Where appropriate, draft recommendations to the Conference of the Parties, the Conference of the Food and Agriculture Organization of the United Nations and the Governing Council of the United Nations Environment Programme concerning the need to consider, jointly or individually, other measures to mitigate possible negative effects resulting from the termination of the interim prior informed consent procedure.

Decision INC-7/8: Consideration of offers to host the permanent secretariat of the Rotterdam Convention

The Intergovernmental Negotiating Committee

1. Decides to invite interested countries to provide to the secretariat, by 15 April 2001, detailed information on the conditions and advantages attached to their offers, with special focus on the items listed in the appendix to the present decision;

2. Requests the secretariat to compile the offers received and submit them to the Committee for consideration at its eighth session.

Appendix

Categories of information that might be requested from countries
interested in hosting the permanent secretariat

Legal framework

1. Privileges and immunities which would be conferred on the permanent secretariat and its staff members.
2. Rules, including any restrictions, applicable to the employment of dependants of staff members.
3. Nature of the headquarters agreement.

Features of the office site and related financial issues

4. Main features of the building to house the permanent secretariat, including office space, facilities for conferences and availability of general services (security, maintenance, etc).
5. Basis for placing the office facilities at the disposal of the permanent secretariat, such as:
 - (a) Ownership by the permanent secretariat (through donation or purchase);
 - (b) Ownership by the host Government without rent;
 - (c) Host Government ownership with rent, and amount of such rent.
6. Responsibility for:
 - (a) Major maintenance and repairs to the office facilities;
 - (b) Normal maintenance and repair;
 - (c) Utilities, including communication facilities.
7. Extent to which the office facilities would be furnished and equipped by the host Government.
8. Duration of the arrangements regarding office space.

Local facilities and conditions

9. Description of the following facilities and conditions:
 - (a) Diplomatic representation in the host city;
 - (b) Presence of international organizations;
 - (c) Availability of international conference facilities and the conditions for their use (free of charge, rent, etc.);
 - (d) Access to qualified conference servicing staff, e.g. interpreters, translators, editors and meeting coordinators, familiar with United Nations conferences and practices;
 - (e) International transport facilities;

- (f) Local transport facilities;
- (g) Local availability of trained personnel for possible employment in the permanent secretariat, taking account of language and other skills;
- (h) Health facilities and access to them by staff members of the permanent secretariat;
- (i) Availability of suitable housing;
- (j) Availability of schools at all levels, including those providing classes in languages other than the local language;
- (k) Facilities for the transfer of funds to and from foreign countries for the permanent secretariat and its staff members;
- (l) Time needed for processing entry requirements.

Other relevant information

10. Any additional contributions to be made by the host Government to meet the operating costs of the permanent secretariat or to defray conference-servicing expenses.
11. Any other information which the potential host country may deem relevant.

Annex IIApproved budget for 2001-2002
(United States dollars)

| | Year 2001 | Year 2002 |
|--|------------------|------------------|
| One session of the Intergovernmental Negotiating Committee in Rome or Geneva | 625 000 | 625 000 |
| One session of the Interim Chemical Review Committee in Rome or Geneva | 145 000 | 145 000 |
| Facilitation of implementation and ratification | 165 000 | 55 000 |
| Office automation and databases | 203 000 | 26 500 |
| Core secretariat costs | 960 225 | 1 191 275 |
| Total | 2 098 225 | 2 042 775 |
| United Nations administrative costs (13%) | 272 769 | 265 561 |
| TOTAL | 2 370 994 | 2 308 336 |

Annex III

INTERGOVERNMENTAL FORUM ON CHEMICAL SAFETY

Third sessionRecommendation concerning prevention of illegal international traffic in toxic and dangerous products

1. The Forum requests that the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) participating organizations establish a working group on illegal trafficking, drawing on the expertise of the Forum and considering recommendations given by the regional groups. This working group shall build upon ongoing activities within IOMC and shall assess illegal traffic in toxic and dangerous substances, review measures to detect and prevent illegal traffic, and make recommendations as to how its participating organizations may advance, add value to, and help integrate the work undertaken by other organizations, such as Interpol, the Organization for the Prohibition of Chemical Weapons, and the World Customs Organization. This assessment and recommendations shall be considered by Forum IV; interim reports on the progress of analysis should be made to the Forum Standing Committee in the following areas:

- National legislation and enforcement programmes;
- Capacity to detect illegal import and export;
- Resources and operational mechanisms for technical assistance for developing countries and for countries with economies in transition;
- The extent of illegal traffic at international, regional, subregional and national levels, and the assessment of its impact at these levels;
- The extent of coordination and cooperation among all stakeholders;
- How international conventions related to the sound management of chemicals and national laws may be more effectively applied to the transboundary movement of chemicals.

2. The Forum recommends that Governments elaborate national strategies of prevention, detection and control of illegal traffic, including the strengthening of laws, judicial mechanisms, and the capacity of customs administrations and other national authorities to control and prevent illegal shipments of chemicals, by enhancing information systems, e.g. case report systems, training, and other practical measures. In particular, in line with article 13(1) of the Rotterdam Convention, countries should give appropriate support to initiatives taken by World Customs Organization members aiming at the attribution of specific Harmonized System codes for certain chemicals falling under the Rotterdam Convention and persistent organic pollutants, and enabling their comparison to environmental compliance data.

Annex IV

ROTTERDAM CONVENTION ON THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN
HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE

Draft rules of procedure of the Conference of the Parties and its subsidiary bodies

Submitted by the Chair of the legal working group

I. INTRODUCTION

Scope

Rule 1

The present rules of procedure shall apply to any meeting of the Conference of the Parties to the Convention convened in accordance with Article 18 of the Convention.

Definitions

Rule 2

For the purposes of the present rules:

1. "Convention" means the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, adopted at Rotterdam, on 10 September 1998;
2. "Parties" means Parties to the Convention;
3. "Conference of the Parties" means the Conference of the Parties established by Article 18 of the Convention;
4. "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties convened in accordance with Article 18 of the Convention;
5. "Regional economic integration organization" means an organization defined in Article 2 (h) of the Convention;
6. "President" means the President of the Conference of the Parties elected in accordance with Rule 22, paragraph 1;
7. "Secretariat" means the Secretariat established by Article 19, paragraph 1 of the Convention.
8. "Subsidiary body" means the body established pursuant to Article 18, paragraph 6 of the Convention, as well as any body established pursuant to Article 18, paragraph 5 (a) of the Convention.
9. "Parties present and voting" means Parties present at the meeting in which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.

II. MEETINGS

Place of meetings

Rule 3

The meetings of the Conference of the Parties shall take place at the seat(s) 1/ of the Secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the Secretariat in consultation with the Parties.

Dates of meetings

Rule 4

1. Ordinary meetings of the Conference of the Parties shall be held once every year 2/ unless the Conference of the Parties decides otherwise.
2. At each ordinary meeting, the Conference of the Parties shall decide on the date and duration of the next ordinary meeting. The Conference of the Parties should endeavour not to hold such meetings at a time that would make the attendance of a significant number of delegations difficult.
3. Extraordinary meetings of the Conference of the Parties shall be held at such times as may be decided either by the Conference of the Parties at an ordinary meeting or at the written request of any Party, provided that, within ninety days of the request being communicated to the Parties by the Secretariat, it is supported by at least one third of the Parties.
4. In the case of an extraordinary meeting held at the written request of a Party, it shall be held not more than ninety days after the date on which the request is supported by at least one third of the Parties in accordance with paragraph 3.

Notification of meetings

Rule 5

The Secretariat shall notify all Parties of the dates and venue of ordinary and extraordinary meetings at least sixty days before the meeting in question is due to commence.

III. OBSERVERS

Participation of United Nations, specialized agencies and non-Parties

Rule 6

1. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented at meetings as observers.
2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any meeting, unless at least one third of the Parties present at the meeting object.

1/ Will depend on the decision regarding the location of the Secretariat.

2/ One representative in the Legal Working Group proposed that the phrase “once every year” should be replaced by “once every two years”.

Participation of other bodies or agencies

Rule 7

1. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the Secretariat of its wish to be represented at a meeting as an observer may be so admitted unless at least one third of the Parties present at the meeting object. ^{3/}
2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent, unless at least one third of the Parties present at the meeting object.

Notification by Secretariat

Rule 8

The Secretariat shall notify those entitled to be observers and those which have informed the Secretariat of their wish to be represented, pursuant to rules 6 and 7, of the dates and venue of the next meeting.

IV. AGENDA

Preparation of provisional agenda

Rule 9

In agreement with the President, the Secretariat shall prepare the provisional agenda for each meeting.

Items on provisional agenda for ordinary meeting

Rule 10

The provisional agenda for each ordinary meeting shall include, as appropriate:

- (a) Items arising from the articles of the Convention, including those specified in its Article 18;
- (b) Items the inclusion of which has been decided at a previous meeting;
- (c) Items referred to in rule 16;
- (d) The proposed budget as well as all questions pertaining to the accounts and financial arrangements;
- (e) Any item proposed by a Party and received by the Secretariat before the provisional agenda is circulated.

^{3/} One representative in the Legal Working Group proposed that the following sentence be inserted at the end of Rule 7.1: "Upon request by a Party, the Secretariat shall inform that Party which of its national NGOs expressed their wish to be represented at the meeting as an observer."

Distribution of provisional agendaRule 11

For each ordinary meeting, the provisional agenda, together with supporting documents, shall be distributed in the official languages by the Secretariat to the Parties at least six weeks before the opening of the meeting.

Supplementary itemsRule 12

The Secretariat shall, in agreement with the President, include any item that is proposed by a Party and has been received by the Secretariat after the provisional agenda for an ordinary meeting has been produced, but before the opening of the meeting, in a supplementary provisional agenda.

Addition, deletion, deferment or amendment of itemsRule 13

When adopting the agenda for an ordinary meeting, the Conference of the Parties may decide to add, delete, defer or amend items. Only items that are considered by the Conference of the Parties to be urgent and important may be added to the agenda.

Agenda for extraordinary meetingRule 14

The agenda for an extraordinary meeting shall consist only of those items proposed for consideration by the Conference of the Parties at an ordinary meeting or in the request for the holding of the extraordinary meeting. It shall be distributed to the Parties at the same time as the notification of the extraordinary meeting.

Report on administrative and budgetary implicationsRule 15

The Secretariat shall report to the Conference of the Parties on the administrative and budgetary implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the Conference of the Parties decides otherwise, no such substantive agenda item shall be considered until at least forty-eight hours after the Conference of the Parties has received a report of the Secretariat on its administrative and budgetary implications.

Incomplete consideration of itemRule 16

Any item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the provisional agenda of the next ordinary meeting, unless otherwise decided by the Conference of the Parties.

V. REPRESENTATION AND CREDENTIALS

Composition of delegation

Rule 17

Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

Alternates and advisers

Rule 18

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Submission of credentials

Rule 19

The credentials of representatives as well as the names of alternate representatives and advisers shall be submitted to the Secretariat if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

Examination of credentials

Rule 20

The Bureau of any meeting shall examine the credentials and submit its report to the Conference of the Parties.

Provisional participation

Rule 21

Representatives shall be entitled to participate provisionally in the meeting, pending a decision by the Conference of the Parties to accept their credentials.

VI. OFFICERS

Election of officersRule 22 4/

1. At the commencement of each ordinary meeting, a President and four Vice-Presidents, one of whom shall act as a Rapporteur, shall be elected from among the representatives of the Parties present at the meeting. They shall serve as the Bureau of the meeting. Each of the five regional groups shall be represented by one Bureau member. The Chairs of the Chemical Review Committee and any other subsidiary bodies shall be members *ex-officio* of the Bureau. The offices of President and Rapporteur shall normally be subject to rotation among the five regional groups.
2. The officers referred to in paragraph 1 above, shall remain in office until their successors are elected at the next ordinary meeting and shall serve in that capacity at any intervening extraordinary meetings. No officer may serve on the Bureau for more than two consecutive terms.
3. The President shall participate in the meeting in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative who shall be entitled to represent the Party in the meeting and to exercise the right to vote.

^{4/} There was support within both the INC and the Legal Working Group to modify the cycle of Bureau membership so that members would take up office at the end of the Conference of the Parties in which they were appointed rather than at the beginning. This would draw the practice of the Rotterdam Convention into line with that of a growing number of environmental bodies including CITES, CSD and (most recently) the Biodiversity Convention. The Legal Working Group noted that there were various way of addressing this matter. For example, the changes introduced by the COP-5 of the Biodiversity Convention - in decision V/20 it decide to amend its rules of procedure as follows:

- (a) By replacing the first two sentences of paragraph 1 of rule 21 with the following sentences: “At the commencement of the first session of each ordinary meeting a President and ten Vice-Presidents, one of whom shall act as Rapporteur, are to be elected from among the representatives of the Parties. They shall serve as the bureau of the Conference of the Parties. The term of office of the President shall commence straight away and the terms of office of the Vice-Presidents shall commence upon the closure of the meeting at which they are elected”; and
- (b) By replacing the first two sentences of paragraph 2 of rule 21 with the following sentences: “The President shall remain in office until a new President is elected at the commencement of the next ordinary meeting and the Vice-Presidents shall remain in office until the closure of the next ordinary meeting. They shall serve as the bureau of any extraordinary meeting held during their term of office and provide guidance to the Secretariat with regard to preparations for, and conduct of, meetings of the Conference of the Parties”; and
- (c) By replacing the words “a President for the meeting” in rule 25 with “a new President”.

If such an approach were to be followed it would also be necessary to draft provisions to cover the specific situation of COP-1. The Secretariat will prepare a text for this transitional situation, taking into account any written proposals submitted before the 1st of February 2001. The LWG proposes to consider the cycle of Bureau membership, which relates to both Rule 22 and 26, in detail at INC-8.

General powers of the President

Rule 23

1. In addition to exercising the powers conferred upon the President elsewhere by the present rules, the President shall declare the opening and closing of the meeting, preside at the meetings, ensure the observance of the present rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to the present rules, shall have complete control of the proceedings and over the maintenance of order thereat.
2. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.
3. The President, in the exercise of the functions of that office, remains under the authority of the Conference of the Parties.

Acting President

Rule 24

1. The President, if temporarily absent from a meeting or any part thereof, shall designate a Vice-President to act as President. The President so designated shall not at the same time exercise the rights of a representative of a Party.
2. A Vice-President acting as President shall have the powers and duties of the President.

Replacement of an officer

Rule 25

If an officer of the Bureau resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, a representative of the same Party shall be named by the Party concerned to replace the said officer for the remainder of that officer's term.

Temporary President

Rule 26

At the first session of each ordinary meeting, the President of the previous ordinary meeting, or in the absence of the President, a Vice-President, shall preside until the meeting has elected a President for the meeting.

VII. SUBSIDIARY BODIES

Application of rules to subsidiary bodies

Rule 27

Save as provided in rules 28 to 33, the present rules shall apply mutatis mutandis to the proceedings of any subsidiary bodies, subject to any modifications decided by the Conference of the Parties.

Establishment of subsidiary bodiesRule 28

1. The Conference of the Parties may establish, in accordance with Article 18, paragraph 5 (a), such subsidiary bodies, as it considers necessary for the implementation of the Convention, in addition to the subsidiary body established under Article 18, paragraph 6.
2. Meetings of subsidiary bodies shall be held in public unless the Conference of the Parties or the subsidiary body concerned decides otherwise.

Quorum for non open-ended subsidiary bodiesRule 29

In the case of a subsidiary body that is not open-ended, a simple majority of the Parties designated by the Conference of the Parties to participate therein shall constitute a quorum.

Dates of meetingsRule 30

The Conference of the Parties shall decide on the dates of the meetings of the subsidiary bodies, taking note of any proposals to hold such meetings in conjunction with the meetings of the Conference of the Parties.

Election of officers for subsidiary bodiesRule 31

The Chair of the Chemical Review Committee shall be elected by the Conference of the Parties. Unless the Conference of the Parties decides otherwise, the Chair of any other subsidiary body shall be elected by the Conference of the Parties. Each subsidiary body shall elect its own officers other than the Chair. The officers of such subsidiary bodies shall be elected with due regard to the principle of equitable geographical representation and shall not serve for more than two consecutive terms.

Matters for considerationRule 32

Subject to Article 18, paragraph 6 (b), of the Convention, the Conference of the Parties shall determine the matters to be considered by each subsidiary body and the President may, upon the request of the Chair of the subsidiary body concerned, adjust the allocation of work.

VIII. SECRETARIAT

Duties of the heads of the Secretariat

Rule 33

1. The heads of the Secretariat shall jointly exercise the functions of that office in all meetings of the Conference of the Parties and of its subsidiary bodies. Either head of the Secretariat may designate a representative to serve in its place.
2. The heads of the Secretariat shall jointly arrange for the provision of staff and services required by the Conference of the Parties and its subsidiary bodies, within available resources. The heads of the Secretariat shall jointly manage and direct such staff and services and provide appropriate support and advice to the Bureau of the Conference of the Parties and its subsidiary bodies.

Functions of the Secretariat

Rule 34

In addition to the functions specified in the Convention, in particular in article 19, the Secretariat shall, in accordance with the present rules:

- (a) Arrange for interpretation at the meeting;
- (b) Collect, translate, reproduce and distribute the documents of the meeting;
- (c) Publish and distribute the official documents of the meeting;
- (d) Make and arrange for keeping of sound recordings of the meeting; and
- (e) Arrange for the custody and preservation of the documents of the meeting.

IX. CONDUCT OF BUSINESS

Sessions

Rule 35

Sessions of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides otherwise.

Quorum

Rule 36

The President shall not declare a session of the meeting of the Conference of the Parties open or permit the debate to proceed unless at least one third of the Parties to the Convention are present. The presence of two thirds of the Parties to the Convention shall be required for any decision to be taken. 5/

5/ Rule 36 could be divided into two paragraphs, as follows:

“1. The President shall not declare a session of the meeting of the Conference of the Parties open or permit the debate to proceed unless at least one third of the Parties to the Convention are present.

Procedures for speakingRule 37

1. No one may address a meeting without having previously obtained the permission of the President. Subject to rules 38, 39, 40 and 42, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall maintain a list of speakers. The President may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.
2. The Conference of the Parties may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call the speaker to order without delay.

The presence of two-thirds of the Parties to the Convention shall be required for any decision to be taken”.

“2. For the purpose of determining a quorum, as specified above, a regional economic integration organization shall be counted to the extent that it is entitled to vote in the meeting in respect of which the quorum is sought”.

Proposed paragraph 2 is based on the proposition that the quorum may not be the same and vary depending on whether it is a regional organization that is entitled to vote, or its member States that are Parties to the Convention. Article 23, paragraph 2 of the Rotterdam Convention, reflected in proposed rule 45, provides that “a regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are Parties” to the Convention. “Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa”. Thus, if a regional organization is competent to do so and votes in place of its member States, it will exercise a given number of votes equal to the number of its member States that are Parties to the Convention. If the member States that are Parties to the Convention are competent they will exercise their right to vote individually. In this case a situation could arise where, as a consequence of the absence of one or several of those States from a meeting of the Conference of the Parties, the number of votes that they would exercise could be less than the number of member States of the regional economic integration organization that are Parties to the Convention. Therefore, the quorum could vary depending on whether the right to vote were to be exercised by a regional economic integration organization or by its member States.

Thus, consideration could be given to the need to provide that a regional economic integration organization should be counted to the extent to which it is entitled to vote on any decision for which the presence of two-thirds of the Parties is required. Furthermore, in accordance with Article 23, paragraph 2 of the Rotterdam Convention, as reflected in proposed rule 45 of the rules of procedure, it should be accorded a number of votes equal to the number of its individual States that are Parties to the Convention.

The same provision is found in rule 16, Paragraph 2 of the rules of procedure of the Intergovernmental Negotiating Committee.

The Legal Working Group considered the proposal to insert paragraph 2 above into Rule 36 and because of the differences of views expressed decided to return to the issue at INC-8.

Precedence

Rule 38

The Chair or Rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.

Points of order

Rule 39

During the discussion of any matter, a representative may at any time raise a point of order, on which the President shall immediately rule in accordance with the present rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Decisions on competence

Rule 40

Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote taken on the proposal or amendment in question.

Proposals and amendments to proposals

Rule 41

Proposals and amendments to proposals shall normally be introduced in writing, in one of the official languages, by the Parties and handed to the Secretariat, which shall circulate copies to delegations. As a general rule, no proposal or amendment to proposal shall be discussed or put to the vote at any session unless copies of it have been circulated to delegations not later than the day preceding that session. The President may, however, permit the discussion and consideration of proposals, of amendments to proposals or of procedural motions even though such proposals, amendments to proposals or motions have not been circulated or have been circulated only the same day.

Order of procedural motions

Rule 42

1. Subject to rule 40, the following motions shall have precedence in the order indicated below over all other proposals or motions:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the question under discussion;
- (d) To close the debate on the question under discussion.

2. Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Withdrawal of proposals or motionsRule 43

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any other Party.

Reconsideration of proposalsRule 44

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Conference of the Parties, by a two-thirds majority of the Parties present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover, to one speaker in favour of and two against the proposal, after which it shall be put immediately to the vote.

X. VOTING

Right to voteRule 45

1. Each Party shall have one vote, except as provided for in paragraph 2.
2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

Majority requiredRule 46 6/

1. The Parties shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting, unless otherwise provided by the Convention, by the financial rules referred to in Article 18, paragraph 4 of the Convention or by the present rules of procedure.
2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting.

^{6/} The Legal Working Group noted that Rule 46 as presented at INC-7 merely addressed the question of decision-making on matters of substance. It inserted text regarding decision-making on matters of procedure and for distinguishing between procedure and substance based on the language of Rule 47 of the Rules of Procedure of the Desertification Convention. The Group will consider Rule 46 as a whole at INC-8.

3. If the question arises whether a matter is one of procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.
4. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

Order of voting on proposals

Rule 47

If two or more proposals relate to the same question, the Conference of the Parties, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Conference of the Parties may, after each vote on a proposal, decide whether to vote on the next proposal.

Division of proposals and amendments

Rule 48

1. Any representative may request that any part of a proposal or of an amendment to a proposal be voted on separately. The President shall allow the request unless a Party objects. If an objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the request, after which it shall be put immediately to the vote. The President may limit the time allowed to each speaker.
2. If the request referred to in paragraph 1 is allowed or adopted, those parts of a proposal or of an amendment to a proposal that are approved shall then be put to vote as a whole. If all operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

Amendment to a proposal

Rule 49

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Order of voting on amendments to a proposal

Rule 50

If two or more amendments to a proposal are moved, the Conference of the Parties shall first vote on the amendment furthest removed in substance from the original proposal, then on the next amendment furthest removed therefrom, and so on, until all amendments have been put to the vote. The President shall determine the order of voting on the amendments under this rule.

Method of voting for general mattersRule 51

1. Voting, except for elections, shall normally be by show of hands. A roll call vote shall be taken if so requested by any Party. The roll call shall be taken in the English alphabetical order of the names of the Parties, beginning with the Party whose name is drawn by lot by the President. If at any time, however, a Party requests a secret ballot, that shall be the method of voting on the issue in question. ^{7/}
2. When the Conference of the Parties votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll call.
3. The vote of each Party participating in a roll call or recorded vote shall be included in the relevant documents of the meeting.

Conduct during votingRule 52

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to a proposal to explain his/her vote on his/her own proposal or amendment, except if it has been amended.

XI. ELECTIONS

Method of voting for electionsRule 53

All elections shall be held by secret ballot, unless otherwise decided by the Conference of the Parties.

Absence of majorityRule 54

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.
2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1.

^{7/} A number of representatives in the INC and in the LWG expressed the view that that threshold for triggering a secret ballot should not be as low as a single Party. Some representatives recommended that the threshold should be a majority of the Parties. In this regard the following language will be considered further by the Group at INC-8: "A secret ballot shall be the method of voting on the issue in question provided that the request is support by a majority of the Parties present and voting."

Election to two or more elective places

Rule 55

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected.
2. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.
3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

XII. LANGUAGES AND SOUND RECORDS

Official languages

Rule 56

The official languages of the Conference of the Parties shall be Arabic, Chinese, English, French, Russian and Spanish.

Interpretation

Rule 57

1. Statements made in an official language shall be interpreted into the other official languages.
2. A representative of a Party may speak in a language other than an official language if the Party provides for interpretation into one such official language.

Languages of official documents

Rule 58

Official documents of the meetings shall be drawn up in one of the official languages and translated into the other official languages.

Sound recordings of meetings

Rule 59

Sound recordings of the meetings of the Conference of the Parties, and whenever possible of the subsidiary bodies, shall be kept by the Secretariat, consistent with the practice of the United Nations.

XIII. AMENDMENTS TO RULES OF PROCEDURE

Rule 60

The present rules of procedure may be amended by consensus by the Conference of the Parties.

XIV. OVERRIDING AUTHORITY OF THE CONVENTION

Precedence of Convention

Rule 61

In the event of any conflict between any provision of the present rules and any provision of the Convention, the Convention shall prevail.

XV. MISCELLANEOUS

Underlined headings

Rule 62

The underlined headings of the present rules are for reference purposes only. They shall be disregarded in the interpretation of the rules.

Annex V

List of documents

| | |
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| UNEP/FAO/PIC/INC.7/1 | Provisional agenda |
| UNEP/FAO/PIC/INC.7/1/Add.1 | Annotated provisional agenda |
| UNEP/FAO/PIC/INC.7/2 and Add.1 | Activities of the secretariat and review of the situation as regards extrabudgetary funds |
| UNEP/FAO/PIC/INC.7/3 and Corr.1 and 2 | Implementation of the interim prior informed consent procedure: Confirmation of experts designated for the Interim Chemical Review Committee |
| UNEP/FAO/PIC/INC.7/4 | Implementation of the interim prior informed consent procedure: Report of the Interim Chemical Review Committee on the work of its first session |
| UNEP/FAO/PIC/INC.7/5 | Implementation of the interim prior informed consent procedure: Adoption of decision guidance documents for already identified chemicals |
| UNEP/FAO/PIC/INC.7/6 | Implementation of the interim prior informed consent procedure: Issues arising out of the first session of the Interim Chemical Review Committee |
| UNEP/FAO/PIC/INC.7/7 | Preparation for the Conference of the Parties: Draft rules of procedure of the Conference of the Parties |
| UNEP/FAO/PIC/INC.7/8 | Preparation for the Conference of the Parties: Possible options for financial rules, including financial provisions for the permanent secretariat and a draft budget for the first biennium |
| UNEP/FAO/PIC/INC.7/9 | Preparation for the Conference of the Parties: Settlement of disputes |
| UNEP/FAO/PIC/INC.7/10 | Preparation for the Conference of the Parties: Non-compliance |
| UNEP/FAO/PIC/INC.7/11 | Preparation for the Conference of the Parties: Assignment of specific Harmonized System customs codes |
| UNEP/FAO/PIC/INC.7/12 | Issues associated with the discontinuation of the interim prior informed consent procedure |
| UNEP/FAO/PIC/INC.7/13 | Issues arising out of the Conference of Plenipotentiaries: Location of the permanent secretariat |
| UNEP/FAO/PIC/INC.7/14 | Status of implementation of the interim PIC procedure |
| UNEP/FAO/PIC/INC.7/15 | Report of the meeting |
| UNEP/FAO/PIC/INC.7/INF/1 | Status of signature and ratification of the Convention |

| | |
|--------------------------|---|
| UNEP/FAO/PIC/INC.7/INF/2 | Implementation of the interim prior informed consent procedure: Confirmation of experts designated for the Interim Chemical Review Committee |
| UNEP/FAO/PIC/INC.7/INF/3 | Preparation for the Conference of the Parties: Assignment of specific Harmonized System customs codes |
| UNEP/FAO/PIC/INC.7/INF/4 | Preparation for the Conference of the Parties: Possible options for financial rules, including financial provisions for the permanent secretariat and a draft budget for the first biennium |
| UNEP/FAO/PIC/INC.7/INF/5 | Implementation of the interim prior informed consent procedure: Confirmation of experts designated for the Interim Chemical Review Committee |
| UNEP/FAO/PIC/INC.7/INF/6 | Implementation of the interim prior informed consent procedure: Confirmation of experts designated for the Interim Chemical Review Committee |
| UNEP/FAO/PIC/INC.7/INF/7 | Provisional list of participants |
