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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

Ninth session

Bonn, 30 September - 4 October 2002

Item 2 (a) of the provisional agenda*

ADOPTION OF THE AGENDA

Annotated provisional agenda

Item 1: Opening of the session

1. The ninth session of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, to be held at the Bundeshaus, Bonn, Germany, will be opened at 10 a.m. on Monday, 30 September 2001.

2. Opening and welcoming statements will be delivered by:

(a) H.E. Jürgen Trittin, Federal Minister for the Environment, Nature Conservation and Nuclear Safety;

(b) Ms. Bärbel Dieckmann, Lord Mayor of Bonn;

(c) Mr. Shafqat Kakakhel, Deputy Executive Director of the United Nations Environment Programme (UNEP);

(d) Ms. Louise Fresco, Assistant Director-General of the Food and Agriculture Organization of the United Nations (FAO).

* UNEP/FAO/PIC/INC.9/1.

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Item 2: Organizational matters

(a) Adoption of the agenda

3. The Committee may wish to adopt its agenda on the basis of the provisional agenda as contained in document UNEP/FAO/PIC/INC.9/1.

(b) Organization of work

4. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.9/3) transmitting a scenario note by the Chair of the Committee, Ms. Maria Celina de Azevedo Rodrigues, in which she communicates her plans and general expectations for the session to all delegates.

5. The Committee may wish to decide that it should meet from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. every day from 30 September to 4 October 2002, subject to adjustment as necessary.

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

6. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.9/4) on activities of the secretariat in the interim period and a review of the situation as regards extrabudgetary funds.

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

(a) Make recommendations on the secretariat's activities, consider and, as appropriate, adopt the draft budget for 2004;

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

Item 4: Implementation of the interim prior informed consent procedure

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

8. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.9/5) on the status of implementation of the interim prior informed consent (PIC) procedure.

9. The Committee may wish to note the progress made in the implementation of the interim PIC procedure, in particular the level of importing country responses as listed in chapter VI of the note by the secretariat.

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

10. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.9/11) on the confirmation of a new expert from the North American region designated for the Interim Chemical Review Committee (ICRC).

11. The Committee may wish to consider the information presented in the note by the secretariat and, as appropriate, confirm the designation of the new expert for the Interim Chemical Review Committee. It should be noted that this confirmation will have retroactive effect from the date of nomination, 18 February 2002, until the general expiration of the terms of office for the present ICRC experts on 15 July 2002.

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

12. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.9/6) submitting the report of the Interim Chemical Review Committee on the work of its third session (UNEP/FAO/PIC/ICRC.3/19) and a note by the secretariat (UNEP/FAO/PIC/INC.9/7) drafted to facilitate the discussion of items considered by ICRC.

13. The Committee will also have before it an information note by the secretariat (UNEP/FAO/PIC/INC.9/INF/4) on the compatibility of national regulatory practices with the notification requirements of the Convention and an information note by the secretariat (UNEP/FAO/PIC/INC.9/INF/3) on the status of implementation of decisions taken by the Committee.

14. The Committee may wish to take note of the ICRC report. Specific issues and recommendations from the report are covered under subitems (d) and (e) of agenda item 4.

(d) Inclusion of chemicals in the interim prior informed consent procedure

15. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.9/10) on the inclusion of the chemical Monocrotophos, category: pesticide, in the interim prior informed consent procedure.

16. The Committee may wish to consider the information presented in the note by the secretariat and, as appropriate, decide to include Monocrotophos in the interim prior informed consent procedure and adopt the draft decision guidance document for that chemical.

(e) Issues arising out of the third session of the Interim Chemical Review Committee

(i) Issues to consider in establishing whether a final regulatory action has been taken as a consequence of a risk evaluation relevant to the conditions within the reporting party in line with the criteria in annex II of the Convention.

17. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.9/8) containing in annex an issue paper by the Chair of the Interim Chemical Review Committee on issues to consider in establishing whether a final regulatory action has been taken as a consequence of a risk evaluation relevant to the conditions within the reporting Party in line with the criteria in annex II of the Convention.

18. The Committee may wish to consider the options presented in the issue paper.

(ii) Issues to consider in ensuring consistency between the scope of reported national regulatory actions and the inclusion of the chemical in the interim prior informed consent procedure.

19. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.9/9) containing in annex an issue paper prepared in cooperation with the Chair of the Interim Chemical Review Committee on issues to consider in ensuring consistency between the scope of reported national regulatory actions and the inclusion of the chemical in the interim prior informed consent procedure.

20. The Committee may wish to consider the options presented in the issue paper.

(f) The Interim Chemical Review Committee – extension of mandate or nomination of new members

21. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.9/12) on this item.

22. The Committee may wish to consider the options presented in the note and take the necessary decisions to ensure continued operation of the Interim Chemical Review Committee. Countries that wish to nominate an expert during the session are encouraged to bring to it official nominations, relevant qualifications and completed conflict of interest forms for the experts they wish to nominate.

Item 5: Preparation for the Conference of the Parties

(a) Draft financial rules and provisions

23. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.9/13) on financial rules and provisions, including short summary notes on the establishment and management of trust funds in the United Nations, UNEP and FAO.

24. The Committee may wish to continue its consideration of this issue.

(b) Settlement of disputes

25. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.8/14) on settlement of disputes.

26. The Committee may wish to consider the draft arbitration and conciliation procedures, with a particular focus on the outstanding point concerning the time period for designating members of the arbitral tribunal, and, should there be an agreement on that point, to decide whether it wishes to transmit the draft arbitration and conciliation procedures to the Conference of the Parties.

(c) Non-compliance

27. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.9/16) on procedures and institutional mechanisms for handling cases of non-compliance and a note by the secretariat (UNEP/FAO/PIC/INC.9/15) on an outline of a possible reporting procedure.

28. The Committee may wish to continue its consideration of these issues.

(d) Assignment of specific Harmonized System customs codes

29. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.8/17) on the assignment of specific Harmonized System customs codes.

30. The Committee may wish to note the information presented by the secretariat.

(e) Issues related to the discontinuation of the interim prior informed consent procedure

31. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.9/18) on issues associated with the discontinuation of the interim PIC procedure.

32. The Committee may wish to continue its consideration of the issues associated with the discontinuation of the interim PIC procedure.

Item 6: Issues arising out of the Conference of Plenipotentiaries(a) Support for implementation

33. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.9/19) on the need for technical and financial support for implementation of the Convention.

34. The Committee may wish to consider the information presented in that note and what actions should be taken.

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

35. The Committee will have before it an information note by the secretariat (UNEP/FAO/PIC/INC.9/INF/2) on dispute settlement, illicit trafficking and responsibility and liability.

Item 7: Status of signature and ratification of the Convention

36. The Committee will have before it a note by the secretariat (UNEP/FAO/PIC/INC.9/INF/1) on the status of signature and ratification of the Convention.

37. The Chair of the Committee intends to invite Governments of States that are not yet Parties to the Convention to make a short presentation on the status of their preparations and on when they expect to deposit their instruments of ratification or accession to the Convention. The Committee may wish to take note of the information presented and consider what steps may be necessary to facilitate the process of ratification with a view to bringing the Convention into force as soon as possible.

Item 8: Other matters

38. The Committee will have before it an information note from the secretariat (UNEP/FAO/PIC/INC.9/INF/5) presenting an issue paper on clustering of multilateral environmental agreements on chemicals and wastes.

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

Item 9: Adoption of the report

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

41. The final report on the work of the session, as adopted by the Committee, will be circulated subsequently as document UNEP/PIC/PIC/INC.9/20.

Item 10: Closure of the session

42. It is expected that the session will be closed by the Chair by 6 p.m. on Friday, 4 October 2002.
