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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

Sixth session
Rome, 12-16 July 1999

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 SIXTH SESSION

I. OPENING OF THE SESSION

1. The sixth 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 headquarters of the Food and Agriculture Organization of the United Nations (FAO), Rome, from 12 to 16 July 1999.
2. The session was opened by Ms. Maria Celina de Azevedo Rodrigues (Brazil), Chair of the Committee, at 10.20 a.m. on Monday, 12 July 1999.
3. Opening statements were made by Mr. David Harcharik, Deputy Director-General of FAO, and Mr. James Willis, Director, United Nations Environment Programme (UNEP) Chemicals, on behalf of Mr. Klaus Töpfer, Executive Director of UNEP.
4. In his statement, after welcoming participants to Rome, Mr. Harcharik said that the convening of the sixth session of the Committee at FAO headquarters was a further example of the fruitful cooperation between FAO and UNEP on the PIC procedure. Over the next 25 years agricultural production, particularly in the developing countries, would have to exceed population growth in order to provide sufficient food for all. Achieving that goal without recourse to pesticides was no easy task. Although many promising non-chemical mechanisms to protect plants from pests had recently

been identified, their introduction and widespread application could pose problems. In developing countries, pesticide regulations were lacking or not enforced and most farmers were unable to handle highly toxic pesticides in a safe manner. By restricting access to such chemicals, the PIC procedure would contribute to the sustainability of agriculture in developing countries.

5. After identifying the main tasks before the Committee at the current session, he recalled that the governing bodies of FAO and UNEP had authorized the participation of those organizations in the secretariat during the interim period, as well as in the future secretariat of the Convention. A report on the outcome of the Conference of Plenipotentiaries, the secretariat arrangements and the current session would be presented to the FAO Conference in November 1999.

6. Developing countries needed assistance in implementing the Convention and managing pesticides and chemicals. Donors should thus give careful consideration to their needs. The countries themselves must also take steps to strengthen their regulatory infrastructures and control mechanisms, and farmers must be assisted in taking decisions on pest management. In closing, he called upon States to ratify the Convention as soon as possible and thanked donors for their generosity in enabling participants from developing countries to attend.

7. In his statement, Mr. Willis welcomed participants and conveyed the Executive Director's best wishes for a successful meeting. The Rotterdam Convention had been adopted two years in advance of the goals set in chapter 19 of Agenda 21 and would offer greater protection to health and the environment - particularly in developing countries and countries with economies in transition - than the previous voluntary procedure.

8. The resolution on interim arrangements brought the voluntary PIC procedure into line with the procedure in the Convention and provided for a "fast start" to the Convention. He outlined tasks facing the Committee at its current session, including the need to set in motion the voluntary implementation of the new PIC procedure; to provide guidance to the interim secretariat during the interim period; to explore means of providing the necessary financial resources for the operation of the Convention and the secretariat during that interim period; to launch the preparatory process for the first meeting of the Conference of the Parties; and to consider the important issues raised during the Conference of Plenipotentiaries in Rotterdam.

9. Noting with gratification the level of participation at the current session - the largest to date - he expressed the hope that it would build on past successes and maintain the excellent spirit of cooperation that had distinguished the negotiations for the Convention. He noted the generous contributions from a number of donors which had enabled the Committee's sixth session to be held, urged States that had not already done so to sign the Convention and called for early ratification by those that had.

II. ORGANIZATIONAL MATTERS

A. Attendance

10. The session was attended by representatives of the following parties: Algeria, Angola, Argentina, Armenia, Australia, Austria, Bangladesh, Barbados, Belarus, Belgium, Brazil, Burkina Faso, Burundi, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, European Community, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guinea, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lesotho, Liberia, Libyan Arab Jamahiriya, Lithuania, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Yemen, Zambia and Zimbabwe.

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

12. The following other intergovernmental organizations were represented: League of Arab States, Organization of the Islamic Conference and Organization for the Prohibition of Chemical Weapons.

13. The following non-governmental organizations were represented: Chemical Manufacturers Association, Consumers International, European Chemical Council, Foundation for Advancements in Science and Education, Global Crop Protection Federation, Indian Chemical Manufacturers Association, International Association of Lions Clubs, International Centre for Environmental, Social and Policy Studies, International Council of Women, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Worker's Association (IUF-UITA-IUL), Japan Crop Protection Association, International Council of Chemicals Associations, Pesticide Trust, Project Voarisoa, Westdeutscher Rundfunk and World Wide Fund for Nature (WWF)-International.

B. Officers

14. The following officers continued to serve in their respective capacities on the Bureau of the Committee:

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

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

Rapporteur: Mr. Wang Zhijia (China)

C. Adoption of the agenda

15. The Committee adopted the following agenda on the basis of the provisional agenda, which had been circulated as document UNEP/FAO/PIC/INC.6/1/Rev.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) Definition and provisional adoption of the PIC regions;
 - (b) Establishment of an interim chemical review committee;
 - (c) Adoption of decision guidance documents for already identified chemicals;
 - (d) Inclusion of chemicals in the interim PIC procedure.
5. Preparation for the Conference of the Parties:
 - (a) Decisions required at the first meeting of the Conference of the Parties;
 - (b) Functions of the Conference of the Parties where the Committee may wish to take action;
 - (c) Other functions of the Conference of the Parties.
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.

D. Organization of work

16. At its opening meeting, the Committee decided to continue its work in plenary and to establish contact groups on an as-needed basis.

III. ACTIVITIES OF THE SECRETARIAT AND REVIEW OF THE SITUATION REGARDING EXTRABUDGETARY FUNDS

17. In its consideration of the item, the Committee had before it the note on activities of the secretariat in the interim period and review of the situation as regards the trust fund (UNEP/FAO/PIC/INC.6/3). The Committee noted that funds had almost run out and resources had to be urgently identified to ensure continuation of the implementation procedure in a regular and predictable manner, including convening future meetings of the Committee and of the interim chemical review committee.

18. The Committee also noted, in addition to the contribution listed in the secretariat's note, a further contribution of 150,000 Swiss francs from Switzerland and pledges of 150,000 Norwegian kronor by Norway and 50,000 Finnish marks by Finland. In addition, some funds remained from the 2.2 million guilder pledge previously received from the Government of the Netherlands. UNEP and FAO would continue their respective annual contributions of \$140,000.

19. Several countries committed further resources: France would contribute to the implementation process by providing an expert to the secretariat by the end of 1999; the United Kingdom would contribute 100,000 pounds sterling to the trust fund; and Japan would contribute between \$235,000 and \$240,000. For its part, the European Community would decide on a financial contribution in the near future.

20. Among other issues raised in the discussion, it was noted that much information currently existed on toxic and hazardous substances and pesticides and should be made easily available, including in electronic format. In addition, some representatives said that their Governments would be willing to host PIC implementation workshops.

21. The Committee agreed that the budget estimates and activities, as proposed in the document, were a reasonable basis on which to continue discussions under other agenda items. The Committee further agreed that the first priority would be to establish an interim chemical review committee and to follow up with other steps to implement procedures as identified by the Rotterdam Convention and that the second priority would be the holding of implementation and ratification workshops to be undertaken subject to available resources.

22. Noting its concern over the financial situation, the Committee agreed that convening the seventh session of the Intergovernmental Negotiating Committee within the time-frame September-November 2000 would allow for the mobilization of further resources, ease current cash-flow problems and leave ample time for the work of the interim chemical review committee and preparations for that session. At the same time, the Committee called on donors to provide additional resources to facilitate the full implementation of the interim work programme and agreed, in addition, to keep the matter of

resource mobilization under review at its future sessions.

23. It was further agreed that the secretariat would prepare a revised budget, in a simplified format, to be attached to the report of the current session. The revised budget may be found below, in annex II to the present report.

IV. IMPLEMENTATION OF THE INTERIM PRIOR INFORMED CONSENT PROCEDURE

A. Definition and provisional adoption of the PIC regions

24. In its consideration of the item, the Committee had before it the secretariat's note on the definition and provisional adoption of the PIC regions (UNEP/FAO/PIC/INC.6/5). The Committee agreed to base the interim PIC regions on the FAO regions, with the assignment of parties to the Intergovernmental Negotiating Committee which were not members of FAO to appropriate regions, respecting their natural geographical affinities and with the proviso that such adoption was on an interim basis only and that the final determination of PIC regions would be made by the Conference of the Parties. Decision INC-6/1 on a listing of interim PIC regions is contained in annex I to the present report.

B. Establishment of an interim chemical review committee

25. In considering the item, the Committee had before it the secretariat's note on the establishment of an interim chemical review committee (UNEP/FAO/PIC/INC.6/4). Its deliberations on the item focused, inter alia, on the issues of the size of the interim chemical review committee; the basis for representation on the committee and the need to ensure an equitable geographical balance; its working languages; the terms of office and the periodicity of meetings; the participation of observers and the need for a transparent process; and the need for comprehensive reports on its work. The Committee also considered a proposal by Australia on a model for the interim chemical review committee, which had been circulated to participants.

26. A contact group was established, under the chairmanship of Mr. Reiner Arndt (Germany), to draft a decision on the interim chemical review committee.

27. Reporting on the work of the contact group, the chair of the group said that it had agreed that the functions of the interim chemical review committee should be as set out in paragraph 4 of the annotated outline for a decision establishing the interim chemical review committee, contained in the annex to the secretariat's note on the issue (UNEP/FAO/PIC/INC.6/4), excluding subparagraph 4 (d) on the removal of chemicals, which was outside the committee's mandate as provided for in the resolution of the Conference of Plenipotentiaries on interim arrangements.

28. The group had noted that the qualifications of the members of the interim chemical review committee were identified in paragraph 6 (a) of article 18, as well as in Annex II of the Convention.

29. In addition, it was agreed that consideration should be given to the issue of rotation of membership within regions in the Chemical Review

Committee under the Convention.

30. On the issue of the working languages of the interim chemical review committee, several representatives said that they would have preferred it to work in three languages, while others expressed a preference for it to work in all six United Nations official languages but that, given the financial constraints, they were able to accept the use of English only for the current period, provided that all decision guidance documents were distributed in all six languages in a timely manner. It was stressed that the issue of languages should be revisited by the Conference of Parties at its first meeting.

31. The representative of Argentina made a statement stressing the provisional nature of the entire decision adopted by the Intergovernmental Negotiating Committee. She also expressed the view that, when the Conference of the Parties adopted its future decision on the establishment of the definitive Chemical Review Committee, all six United Nations official languages should be retained as the working languages of the Chemical Review Committee.

32. It was noted that the interim chemical review committee might wish to have two meetings between the sixth and seventh sessions of the Intergovernmental Negotiating Committee, for the purposes, first, of organizing its work and commencing its examination of the four decision guidance documents referred to it by the Committee at the current session and, second, undertaking its assigned functions.

33. With regard to the participation of non-governmental organization observers, it was recommended that the balance between industry, public interest groups and trade unions, as established during the meetings of the FAO/UNEP Joint Group of Experts under the original voluntary PIC procedure, should be maintained. In addition, it was stressed that, when considering observer participation, attention should be paid to maintaining a balanced participation in meetings of the interim chemical review committee. If a balance was not maintained, the interim chemical review committee would refer the issue of observer participation to the Intergovernmental Negotiating Committee.

34. On the issue of the appointment of members, it was agreed that the interim PIC regional groups would identify countries for the interim chemical review committee from those countries that were participating in the interim PIC procedure. Their Governments would then formally designate the 29 experts and submit their names and qualifications to the parties to the Intergovernmental Negotiating Committee, through the secretariat, by 15 September 1999.

35. The interim PIC regional groups accordingly identified the following Governments which were to designate experts to the interim chemical review committee:

(a) Africa: Cameroon, Ethiopia, Gambia, Mauritius, Morocco and South Africa;

(b) Asia: China, India, Indonesia, Japan and Nepal;

(c) Europe: Finland, Germany, Hungary, Netherlands, Russian Federation and Turkey;

(d) Latin America and the Caribbean: Barbados, Brazil, Chile, Ecuador and El Salvador;

(e) Near East: Egypt, Qatar and Sudan;

(f) North America: Canada and United States of America; and

(g) Southwest Pacific: Australia and Samoa.

36. The Committee noted that, should the seat occupied by the Russian Federation become vacant, the interim Europe PIC region had determined that Ukraine would fill that vacancy.

37. Decision INC-6/2 on the establishment of the interim chemical review committee is contained in annex I to the present report.

C. Adoption of decision guidance documents for already identified chemicals

38. In its consideration of the item, the Committee had before it the secretariat's note on the adoption of decision guidance documents for already identified chemicals (UNEP/FAO/PIC/INC.6/6) and its six addenda, containing draft decision guidance documents on, respectively, binapacryl, bromacil, ethylene dichloride, ethylene oxide, maleic hydrazide and toxaphene.

39. The Committee approved the decision guidance documents on binapacryl and toxaphene and agreed to their inclusion in the interim PIC procedure. One representative noted that there were, however, some factual errors in the listing of names of manufacturers and that the decision guidance documents would require updating in that regard before being distributed. It was noted that both those chemicals were no longer produced or traded internationally and therefore did not satisfy the criteria in Annex II. It was recognized that those decision guidance documents were being adopted to conclude outstanding matters under the original voluntary procedure and did not in any way constitute a precedent for future notifications and adoptions of decision guidance documents under the interim procedure or the Convention when it entered into force.

40. The representative of Australia said that a review of its original notification of control action for binapacryl had indicated that it was based on a commercial decision of the manufacturer to withdraw the chemical from the market and not on any health or environmental concerns. Australia therefore withdrew its notification of control action on that substance.

41. The Committee decided to refer the decision guidance documents on ethylene oxide and ethylene dichloride to the interim chemical review committee. It was noted that the decision guidance documents for the two substances did not clearly distinguish between pesticidal and industrial uses. The Committee requested the interim chemical review committee to examine all uses of the two substances and to ensure that information on ongoing uses was included. Countries should be requested to provide clarification of control actions taken, with a view to further refining the

decision guidance documents.

42. The Committee decided to refer the decision guidance documents on bromacil and maleic hydrazide to the interim chemical review committee, with the request that it should consider the policy issues related to adding those chemicals to the PIC list.

43. The Committee requested that all notifications of control actions, background documents and comments on the decision guidance documents on ethylene dichloride, ethylene oxide, maleic hydrazide and bromacil should be provided to the secretariat by 31 October 1999 and made available to the interim chemical review committee.

44. The Committee considered whether, when the interim chemical review committee reviewed and updated the decision guidance documents for the substances under discussion, it should proceed on the basis of the criteria previously set out in the voluntary PIC procedure and not the new criteria as defined in article 5 of the Rotterdam Convention, or whether it should consider also the Convention's criteria, to ensure that the interim decisions were an adequate reflection of the Convention, in the light of the provisions of article 8.

45. The interim chemical review committee should consider a mechanism for collecting and disseminating comments received on decision guidance documents as they were developed, so that countries taking a decision based on those documents were fully aware of the reasons behind the control action.

46. Some representatives said that, if it was established that a substance was no longer being produced, or if there was no recent indication of international trade in that substance, it should not be a priority for the development of a decision guidance document and inclusion in the PIC list. Other representatives noted, however, that stockpiles of the substances could still remain and that those stockpiles could be subject to reexportation.

47. Decision INC-6/3 on the adoption of the decision guidance documents for already identified chemicals is contained in annex I to the present report.

D. Inclusion of chemicals in the interim PIC procedure

48. No additional chemicals currently required a decision.

V. PREPARATION FOR THE CONFERENCE OF THE PARTIES

A. Decisions required at the first meeting of the Conference of the Parties

1. Rules of procedure and financial rules (article 18)

49. The Committee invited the secretariat to prepare draft rules of procedure, as well as a paper outlining possible options for the financial rules and a draft budget for the first biennium, as a basis for discussion at the next session of the Committee.

2. Secretariat arrangements and financial provisions for the secretariat (article 19)

50. The Committee requested the secretariat to integrate secretariat arrangements and financial provisions for the secretariat into the paper to be prepared by the secretariat on the financial rules and draft budget for the first biennium.

3. Discontinuation of the interim PIC procedure (paragraph 13 of the resolution on interim arrangements)

51. The secretariat was invited to develop an analysis of the issues associated with the discontinuation of the interim PIC procedure for discussion by the Committee at its next session.

B. Functions of the Conference of the Parties in respect of which the Committee may wish to take action

1. Assignment of specific Harmonized System customs codes (article 13)

52. In view of the urgency of the issue, the secretariat and the Chair were invited to initiate contacts with the World Customs Organization (WCO) and the secretariat was requested to report to the Committee at its next session on the outcome of those contacts. The secretariat was also invited to report on progress made by the secretariats of the Montreal Protocol on Substances that Deplete the Ozone Layer and of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in assigning Harmonized System customs codes.

2. Adoption of annexes on arbitration and conciliation (article 20)

53. The secretariat was requested to prepare documentation, for submission to the Committee at its seventh session, on the issue of arbitration and conciliation annexes, and also on procedures and institutional mechanisms for determining non-compliance. Thereafter, a working group might be established, to begin the task of developing arbitration and conciliation annexes and non-compliance procedures at the eighth session of the Committee, or under other arrangements if the state of ratifications so permitted.

C. Other functions of the Conference of Parties

54. The Committee took note of the other functions of the Conference of Parties.

VI. ISSUES ARISING OUT OF THE CONFERENCE OF PLENIPOTENTIARIES

A. Support for implementation

55. The representative of the group of African countries noted that, while technical assistance in the form of workshops and training was a vital component for effective implementation of the Convention, it was also necessary to provide financial assistance to developing countries and countries with economies in transition to assist them with implementation, and she said that the group wished to see that issue reflected in the

Convention.

56. The representative of a regional economic integration organization said that Governments should give due attention to implementation of the Convention when reviewing work programmes and the funding of international organizations and that there should be coordinated multilateral and bilateral assistance programmes. A proposal was introduced by the organization for a joint project for capacity-building in developing countries and countries with economies in transition, in line with article 16 of the Convention.

57. It was also reported that the regional economic integration organization had developed a database and software to assist in national implementation of the PIC procedure, which it would make available to all countries.

58. The Committee agreed to the proposed workshops on implementation and ratification of the Convention, described in the secretariat's note on its activities in the interim period and review of the situation as regards the trust fund (UNEP/FAO/PIC/INC.6/3), as a good basis for a work programme on support for implementation, and supported the provision of complementary assistance. It was noted that the Conference of the Parties should consider the issue of support for implementation.

B. Dispute settlement, illicit trafficking and responsibility and liability

59. It was noted that the Intergovernmental Forum on Chemical Safety (IFCS) was likely to address the issue of illicit trafficking at its next meeting. It was further noted that illicit trafficking should still be a matter for consideration by the Conference of Parties at its first meeting.

60. The Committee encouraged delegations to ensure that IFCS would address the topic of illicit trafficking at its next meeting and agreed that the issue would be revisited by the Committee at its next session, bearing in mind, inter alia, the outcome of any discussion thereon by IFCS.

61. The group of African countries reiterated the concerns which it had raised at the Conference of Plenipotentiaries, regarding technical and financial assistance, dispute settlement, illicit trafficking and responsibility and liability. The Committee agreed that those items would be placed on the agenda for its seventh session.

C. Location of the secretariat

62. The representatives of Germany, Italy and Switzerland reaffirmed their respective Governments' offers to host the secretariat of the Rotterdam Convention. The Committee agreed that the secretariat would prepare a list of elements of information required for further consideration of the issue of the location of the secretariat by the Committee at its next session.

63. The Committee noted the offer by the Government of Germany, made on the occasion of the Conference of Plenipotentiaries in Rotterdam on 10 September 1998, to host the first meeting of the Conference of the Parties but recalled that an offer by Switzerland to host that meeting had already been welcomed at the fifth session of the Intergovernmental Negotiating Committee, held in

Brussels from 9 to 14 March 1998.

VII. STATUS OF SIGNATURE AND RATIFICATION OF THE CONVENTION

64. The Committee took note of the report of the secretariat on the status of signature and ratification of the Convention (UNEP/FAO/PIC/INC.6/INF/1) and the recent signing of the Convention by Australia and the Czech Republic.

Several 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, to ensure the early entry into force of the Convention.

65. Some representatives expressed concern regarding the issue of the validity of the credentials and full powers presented by their delegates to the Conference of Plenipotentiaries.

VIII. OTHER MATTERS

66. The representative of the United States of America drew attention to a paper which his delegation had circulated on possible activities of the interim chemical review committee additional to its assigned functions.

67. The representatives of Senegal and Ukraine said that their countries had offered to host regional workshops to promote implementation and ratification of the Convention.

IX. ADOPTION OF THE REPORT

68. The Committee adopted its report on the basis of the draft report, contained in documents UNEP/FAO/PIC/INC.6/L.1 and L.1/Add. 1-3, 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

69. Following the customary exchange of courtesies, the Chair declared the session closed at 5 p.m. on Friday, 16 July 1999.

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
SIXTH SESSION, ROME, 12-16 JULY 1999

Decision INC-6/1: Interim PIC regions

The Intergovernmental Negotiating Committee

Decides to adopt, on an interim basis, the listing of countries contained in the annex to the present decision, to be known as the "interim PIC regions", for the purpose of the implementation of the interim arrangements for the application of the PIC procedure, pending the formal adoption, by consensus, of a listing of countries by PIC regions by the Conference of the Parties at its first meeting.

Annex

INTERIM PIC REGIONS

Africa

Algeria
Angola
Benin
Botswana
Burkina Faso
Burundi
Cameroon
Cape Verde
Central African Republic
Chad
Comoros
Congo
Côte d'Ivoire
Democratic Republic
of the Congo
Equatorial Guinea
Eritrea
Ethiopia
Gabon
Gambia
Ghana
Guinea
Guinea-Bissau
Kenya
Lesotho

Liberia
Madagascar
Malawi
Mali
Mauritania
Mauritius
Morocco
Mozambique
Namibia
Niger
Nigeria
Rwanda
Sao Tome and Principe
Senegal
Seychelles
Sierra Leone
South Africa
Swaziland
Togo
Tunisia
Uganda
United Republic of Tanzania
Zambia
Zimbabwe

Asia

Bangladesh
Bhutan
Brunei Darussalam
Cambodia
China
Democratic People's Republic
of Korea
India
Indonesia
Japan
Kazakhstan
Laos
Malaysia

Maldives
Mongolia
Myanmar
Nepal
Pakistan
Philippines
Republic of Korea
Singapore
Sri Lanka
Thailand
Viet Nam

Europe

Albania
Andorra
Armenia
Austria
Azerbaijan
Belarus
Belgium
Bosnia and Herzegovina
Bulgaria
Croatia
Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Georgia
Germany
Greece
Holy See
Hungary
Iceland
Ireland
Israel
Italy
Latvia

Liechtenstein
Lithuania
Luxembourg
Malta
Monaco
Netherlands
Norway
Poland
Portugal
Republic of Moldova
Romania
Russian Federation
San Marino
Slovakia
Slovenia
Spain
Sweden
Switzerland
The Former Yugoslav Republic of
Macedonia
Turkey
Ukraine
United Kingdom of Great Britain
and Northern Ireland
Yugoslavia

Latin America and the Caribbean

Antigua and Barbuda
Argentina
Bahamas
Barbados
Belize
Bolivia
Brazil
Chile
Colombia
Costa Rica
Cuba
Dominica
Dominican Republic
Ecuador
El Salvador
Grenada
Guatemala

Guyana
Haiti
Honduras
Jamaica
Mexico
Nicaragua
Panama
Paraguay
Peru
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Suriname
Trinidad and Tobago
Uruguay
Venezuela

Near East

Afghanistan
Bahrain
Djibouti
Egypt
Iran (Islamic Republic of)
Iraq
Jordan
Kuwait
Kyrgyzstan
Lebanon
Libyan Arab Jamahiriya

Oman
Qatar
Saudi Arabia
Somalia
Sudan
Syrian Arab Republic
Tajikistan
Turkmenistan
United Arab Emirates
Uzbekistan
Yemen

North America

Canada
United States of America

Southwest Pacific

Australia
Cook Islands
Fiji
Kiribati
Marshall Islands
Micronesia (Federated States of)
Nauru
New Zealand

Niue
Palau
Papua New Guinea
Samoa
Solomon Islands
Tonga
Tuvalu
Vanuatu

Decision INC-6/2: Interim Chemical Review CommitteeThe Intergovernmental Negotiating Committee

1. Decides to establish an interim subsidiary body, to be called the Interim Chemical Review Committee, composed of twenty-nine government-designated experts appointed by the Intergovernmental Negotiating Committee on the basis of the interim PIC regions, as follows: six experts from Africa; five experts from Asia; six experts from Europe; five experts from Latin America and the Caribbean; three experts from the Near East; two experts from North America; and two experts from the Southwest Pacific;
2. Decides that the members of the Interim Chemical Review Committee shall be experts in chemicals management and that the experts shall serve for a period of three years from the date of this decision, or until the first session of the Conference of the Parties, whichever shall occur first, and that if, on the expiration of the three years, the Convention has not yet entered into force, the Intergovernmental Negotiating Committee will take any necessary decisions regarding the extension of the term of office of its members or the appointment of new members;
3. Decides that the twenty-nine Governments identified at the sixth session of the Intergovernmental Negotiating Committee shall formally designate those experts and, through the secretariat, provide their names and relevant qualifications to the parties to the Intergovernmental Negotiating Committee by 15 September 1999 and that such experts shall serve as members of the Interim Chemical Review Committee on an interim basis, pending formal confirmation of their appointment by the Intergovernmental Negotiating Committee at its seventh session;
4. Decides that any vacancy arising during an inter-sessional period shall be filled in accordance with such procedure as the region concerned may determine; and that the qualifications of the new member shall be circulated to the parties to the Intergovernmental Negotiating Committee through the secretariat;
5. Decides that the Interim Chemical Review Committee shall normally meet once a year, approximately six months before each session of the Intergovernmental Negotiating Committee, subject to the availability of funds and work requirements of the Interim Chemical Review Committee;
6. Decides that the meetings of the Interim Chemical Review Committee shall be held in English only and that any draft decision guidance documents to be considered by the Interim Chemical Review Committee or forwarded by it to the Intergovernmental Negotiating Committee shall be available in all six languages of the Intergovernmental Negotiating Committee;
7. Decides that the Interim Chemical Review Committee, consistent with the provisions of the Convention, in particular its articles 5, 6 and 7, shall have the following functions and responsibilities:

(a) Making recommendations on the inclusion of banned and severely restricted chemicals: reviewing the information provided in notifications of final regulatory actions and, in accordance with the criteria set out in Annex II of the Convention, recommending to the Intergovernmental Negotiating Committee whether the chemical in question should be made subject to the interim PIC procedure;

(b) Making recommendations on the inclusion of severely hazardous pesticide formulations: reviewing the information provided in proposals for the inclusion of a severely hazardous pesticide formulation in the interim PIC procedure and, in accordance with the criteria set out in part 3 of Annex IV of the Convention, recommending to the Intergovernmental Negotiating Committee whether the chemical in question should be made subject to the interim PIC procedure;

(c) Preparing draft decision guidance documents: specifically, for each chemical that the Interim Chemical Review Committee has decided to recommend to be made subject to the interim PIC procedure, preparing a draft decision guidance document, which should, at a minimum, be based on the information specified in Annex I of the Convention or, as the case may be, Annex IV, and include information on uses of the chemical in a category other than the category for which the final regulatory action applies;

8. Decides that the sessions of the Interim Chemical Review Committee shall be open to observers in accordance with the rules of procedure of the Intergovernmental Negotiating Committee.

Decision INC-6/3: Decision guidance documents for already identified chemicals

The Intergovernmental Negotiating Committee

1. Decides to adopt the decision guidance documents for the chemicals binapacryl (CAS number 485-31-4; category: pesticide) and toxaphene (CAS number 8001-35-2; category: pesticide), with the effect that these chemicals become subject to the interim PIC procedure as it is defined in paragraph 2 of the resolution on interim arrangements, and to request the secretariat to ensure that the list of manufacturers is correct;

2. Requests Governments, regional economic integration organizations and interested observers to provide clarification to the secretariat on all uses of the chemicals ethylene dichloride (CAS number 107-06-2; category: pesticide) and ethylene oxide (CAS number 75-21-8; category: pesticide) and decides that the Interim Chemical Review Committee shall review the information provided in order to make a further distinction between the industrial and pesticidal uses of those chemicals in the decision guidance documents;

3. Decides that the Interim Chemical Review Committee shall review the chemical maleic hydrazide (CAS number 123-33-1; category: pesticide), addressing, in particular, the impurity hydrazine and the overall policy issues related to adding chemicals to the PIC procedure on the basis of control actions related to contaminants within the substance, rather than to the substance itself and, should it so decide, review and revise, as

appropriate, the draft decision guidance document for that chemical for presentation to the Intergovernmental Negotiating Committee at its next session;

4. Decides that the Interim Chemical Review Committee shall review the chemical bromacil (CAS number 314-40-9; category: pesticide) with regard to the basis for the reported control action and the appropriateness of the inclusion of the chemical in the PIC procedure and, should it so decide, review and revise, as appropriate, the draft decision guidance document for that chemical for presentation to the Intergovernmental Negotiating Committee at its next session;

5. Decides that, following its review and revision, as appropriate, of relevant draft decision guidance documents, the Interim Chemical Review Committee shall forward such draft decision guidance documents to the Intergovernmental Negotiating Committee for its consideration.

Annex II

REVISED BUDGET FOR 1999 AND 2000

Error! Reference source not found. BUDGET FOR 1999 AND 2000 (AS OF JULY 1999)				
	1999		2000	
	Estimated costs	Allocated amount <u>e/</u>	Estimated costs	Allocated amount
One session of the Intergovernmental Negotiating Committee in Rome or Geneva <u>a/</u>	\$678,000	\$540,140	\$678,000	\$0
One meeting of the Interim Chemical Review Committee in Rome or Geneva <u>b/</u>	\$150,000	\$0	\$150,000	\$0
Facilitation of implementation and ratification <u>c/</u>	\$180,000	\$0	\$503,000	\$0
Office automation and databases	\$132,450	\$67,800	\$0	\$0
Core Secretariat costs <u>d/</u>	\$989,000	\$601,995	\$989,000	\$280,000
TOTAL	\$2,129,450	\$1,209,935	\$2,320,000	\$280,000

a/ The figures in table 1 are identical to figures presented to the Intergovernmental Negotiating Committee at its fourth session in the background document UNEP/FAO/PIC/INC.4/INF/1. By fully utilizing the facilities in Rome and Geneva, conference-servicing costs might be reduced by approximately \$75,000-\$100,000, thereby freeing up funds that might be used to support further participation from developing countries.

b/ This figure has been revised, following the establishment of the Interim Chemical Review Committee by the Intergovernmental Negotiating Committee at its sixth session, and is based upon a meeting held in Geneva or Rome, with English as the working language, 20 participants from developing countries and countries with economies in transition and the preparation of four draft decision guidance documents in all six official languages.

c/ The scheduling of the workshops and other activities, and hence the funding needed in 1999 and 2000, has been adjusted on the basis of the guidance provided by the Intergovernmental Negotiating Committee, but still depends on available funding.

d/ Core secretariat costs include the contributions by UNEP and FAO to the operation of the secretariat.

e/ Does not include additional pledges and contributions made by Finland, France, Japan, Norway, Switzerland and the United Kingdom.

Annex III

LIST OF DOCUMENTS BEFORE THE COMMITTEE AT ITS SIXTH SESSION

Error! Reference source not found. SYMBOL	TITLE	DATE	LANGUAGES
UNEP/FAO/PIC/INC.6/1/Rev.1	Provisional agenda	5 May 99	All languages
UNEP/FAO/PIC/INC.6/1/Add.1	Annotated provisional agenda	24 May 99	All languages
UNEP/FAO/PIC/INC.6/2	Work programme for the interim period	12 May 99	All languages
UNEP/FAO/PIC/INC.6/3	Activities of the secretariat in the interim period and review of the situation as regards the trust fund	27 May 99	All languages
UNEP/FAO/PIC/INC.6/4	Implementation of the interim prior informed consent procedure: establishment of an interim chemical review committee	20 April 99	All languages
UNEP/FAO/PIC/INC.6/5	Implementation of the interim prior informed consent procedure: definition and provisional adoption of the PIC regions	27 May 99	All languages
UNEP/FAO/PIC/INC.6/6	Implementation of the interim prior informed consent procedure: adoption of decision guidance documents for already identified chemicals	28 May 99	All languages
UNEP/FAO/PIC/INC.6/6/Add.1	Draft decision guidance document for binapacryl	28 May 99	English French Spanish
UNEP/FAO/PIC/INC.6/6/Add.2	Draft decision guidance document for bromacil	28 May 99	English French Spanish
UNEP/FAO/PIC/INC.6/6/Add.3	Draft decision guidance document for ethylene dichloride	28 May 99	English French Spanish
UNEP/FAO/PIC/INC.6/6/Add.4	Draft decision guidance document for ethylene oxide	28 May 99	English French Spanish
UNEP/FAO/PIC/INC.6/6/Add.5	Draft decision guidance document for maleic hydrazide	28 May 99	English French Spanish
UNEP/FAO/PIC/INC.6/6/Add.6	Draft decision guidance document for toxaphene	28 May 99	English French Spanish
UNEP/FAO/PIC/INC.6/INF/1	Status of signature and ratification of the Convention	17 June 99	English only

	as on 16 June 1999		
UNEP/FAO/PIC/INC/INF/3	List of documents available at the session: documents available as on Wednesday, 14 July 1999	14 July 99	English only
UNEP/FAO/PIC/INC.6/INF/3/Add.1	List of documents available at the session: additional documents available as on Thursday, 15 July 1999	15 July 99	English only
UNEP/FAO/PIC/INC.6/INF/3/Add.2	List of documents available at the session: additional documents available as on Friday, 16 July 1999	16 July 99	English only
UNEP/FAO/PIC/INC.6/INF/4	List of participants	15 July 99	English French Spanish
UNEP/FAO/PIC/INC.6/L.1	Draft report of the Intergovernmental Negotiating Committee on the work of its sixth session	12 July 99	All languages
UNEP/FAO/PIC/INC.6/L.1/Add.1	Draft report of the Intergovernmental Negotiating Committee on the work of its sixth session (continued)	15 July 99	All languages
UNEP/FAO/PIC/INC.6/L.1/Add.2	Draft report of the Intergovernmental Negotiating Committee on the work of its sixth session (continued)	15 July 99	All languages
UNEP/FAO/PIC/INC.6/L.1/Add.3	Draft report of the Intergovernmental Negotiating Committee on the work of its sixth session (continued)	15 July 99	All languages
UNEP/FAO/PIC/INC.6/L.2	Outline for a draft decision on PIC regions	13 July 99	All languages
UNEP/FAO/PIC/INC.6/L.3	Outline for a draft decision on the adoption of decision guidance documents for already identified chemicals	13 July 99	All languages
UNEP/FAO/PIC/INC.6/L.4	Outline for a draft decision on the establishment of an interim chemical review committee	14 July 99	All languages
