



UNEP



**United Nations
Environment Programme**

**Food and Agriculture Organization
of the United Nations**

Distr.: General
8 November 2005

English only

**Rotterdam Convention on the Prior Informed
Consent Procedure for Certain Hazardous
Chemicals and Pesticides in International Trade
Chemical Review Committee**

Second meeting

Geneva, 13–17 February 2006

Item 3 of the provisional agenda*

**Review of the outcome of the second
meeting of the Conference of the Parties**

**Issues arising out of the second meeting of the Conference of the
Parties**

Note by the secretariat

I. Introduction

1. The purpose of the present note is to provide the Chemical Review Committee with an overview of the guidance, action items and decisions relevant to its work that resulted from the deliberations of the Conference of the Parties at its second meeting, in Rome, from 27 to 30 September 2005. The report of the second meeting of the Conference of the Parties (UNEP/FAO/RC/COP.2/19) was circulated in December 2005 and posted on the Rotterdam Convention web site (www.pic.int).

2. This note is divided into four chapters: chapter II describes issues for which the Conference of the Parties has requested follow-up by the Chemical Review Committee, while chapters III and IV are for information only. Chapter III reports on the outcome of discussions at the second meeting of the Conference of the Parties of the recommendations made by the Chemical Review Committee at its first meeting. Chapter IV reports on other decisions taken by the Conference of the Parties of relevance to the work of the Chemical Review Committee.

* UNEP/FAO/RC/CRC.2/1.

II. Issues on which follow-up by the Chemical Review Committee was requested: risk evaluations conducted under different international bodies

3. The Conference requested the secretariat to prepare a paper for consideration by the Chemical Review Committee at its second meeting on how substances whose trade was prohibited, severely restricted or managed in some way under other multilateral agreements should be treated under the Rotterdam Convention. The paper would provide information on existing provisions relevant to trade and procedures for risk evaluation and would include consideration of case studies of specific chemicals covered under other multilateral agreements, with a possible assessment of the value of including those chemicals in the Rotterdam Convention and the number of chemicals that might be implicated. The Chemical Review Committee would report back to the Conference of the Parties on that paper at the latter's third meeting.

4. To facilitate discussion of this issue, the Secretariat has prepared two documents. The first is entitled "Risk evaluations under other multilateral environmental agreements and their relevance to chemicals eligible for inclusion in Annex III of the Rotterdam Convention" (UNEP/FAO/RC/CRC2/4), and the second, "Trade restrictions under other multilateral environmental agreements and their relevance to chemicals eligible for inclusion in Annex III of the Rotterdam Convention" (UNEP/FAO/RC/CRC.2/5). These documents are scheduled for consideration under agenda item 3.

III. Outcome of the discussions at the second meeting of the Conference of the Parties on the recommendations made by the Chemical Review Committee at its first meeting

A. Decision RC-2/2: process for the preparation of decision guidance documents

5. At its first meeting, the Chemical Review Committee considered the process for drafting decision guidance documents as set out in document UNEP/FAO/RC/CRC.1/5. It adopted that process, amended so that the titles in the explanatory notes followed more closely the wording of the Convention. The process, as adopted by the Committee, was annexed to the report of the meeting (UNEP/FAO/RC/CRC.1/28, annex II).

6. At its second meeting, the Conference of the Parties considered the process for drafting decision guidance documents as adopted by the Chemical Review Committee at its first meeting. The Conference briefly considered the role of comments from observers in preparing decision guidance documents and amended the text of the process to reflect this discussion.

7. In decision RC-2/2 (UNEP/FAO/RC/COP.2/19, annex I), the Conference decided that the preparation of decision guidance documents by the Chemical Review Committee pursuant to Article 7 of the Convention would follow the process set out in the flow chart and explanatory notes contained in the annex to that decision.

8. The full text of the process may be found in document UNEP/FAO/RC/CRC.2/INF.3, entitled "Compilation of working procedures and policy guidance for the Chemical Review Committee".

B. Other issues

9. The chair of the Chemical Review Committee reported on issues arising out of the first meeting of that Committee, as discussed in a note by the secretariat (UNEP/FAO/RC/COP.2/9). The results of the consideration of the individual items are discussed in paragraphs 10–18 below.

Determination of existing trade in chemicals

10. The Conference agreed to encourage industry bodies, non-governmental organizations and Parties to provide the information requested for the determination of ongoing trade in chemicals as contained in annex III to the report of the first meeting of the Chemical Review Committee (UNEP/FAO/RC/CRC.1/28).

Preparation and use of focused summaries

11. The Conference agreed to encourage Parties to prepare focused summaries in accordance with the guidance contained in annex IV to the report of the first meeting of the Chemical Review Committee (UNEP/FAO/RC/CRC.1/28).

Confusion between trade names and brand names

12. At the first meeting of the Committee, one observer had noted the need to clarify the distinction between trade names, which were required to be included in a notification of regulatory action, and brand names.

13. At the second meeting of the Conference of the Parties, the representative of a non-governmental organization observer explained that the term “trade name” referred to the name of a company or business, while the term “brand name” referred to specific products or preparations. It was a brand name that distinguished a specific product from others in the marketplace and in trade and was most useful to the Rotterdam Convention. He expressed the view that most verified notifications appeared to refer to brand names rather than trade names.

14. The Conference invited the observer to work with the Committee on a case-by-case basis to attempt to clarify any confusion that might exist when considering new chemicals for inclusion in Annex III of the Convention.

Guidance on the term “severely restricted”

15. The Conference encouraged Parties, when submitting notifications of final regulatory action, to describe clearly the effects, real or expected, of the regulatory actions with regard to the use of chemicals in order to facilitate the task of the Committee in assessing whether criterion (c) (i) of Annex II of the Convention had been met.

Additional information

16. With respect to the information used by the Committee in its review of individual chemicals, the Chair reported that some of its members had suggested that it would be valuable if the Committee could consider information from a broad range of sources in addition to that provided by notifying Parties, and that others had suggested that it would be useful to establish a process for updating decision guidance documents. The Conference was asked to consider whether it wished to invite the secretariat to prepare a paper on the scope of decision guidance documents and the feasibility of a process for updating and refining them for consideration at their next meeting.

17. Several parties expressed the view that the scope of decision guidance documents was clearly set out in the Convention and that it was therefore unnecessary for the secretariat to prepare any study on the matter. A representative of a regional economic integration organization agreed with the view that the Convention limited the Committee to considering information on regulatory measures provided by notifying Parties and internationally agreed peer reviewed information. He suggested that additional measures for providing other information, such as information exchange under article 14 of the Convention or the clearing-house on the Convention website, should be explored. One representative presented a conference room paper and noted that the study was welcome and should consider the needs of Parties for information; the decision guidance document in the context of other information sources available under the Convention; and options for a periodic review of the effectiveness of information from all sources.

18. The Conference requested the secretariat to prepare a paper reviewing the mechanisms under the Convention that provide for information exchange, such as those under articles 7 and 14 and the clearing-house mechanism, and assessing how they were meeting the needs of the Parties to the Convention.

IV. Other decisions of relevance to the work of the Chemical Review Committee: confirmation of experts designated for the Chemical Review Committee

19. At its second meeting, the Conference of the Parties considered a note by the secretariat setting out a list of experts designated to serve on the Chemical Review Committee (UNEP/FAO/RC/COP.2/7) and an information document describing the qualifications of those experts (UNEP/FAO/RC/COP.2/INF/5). The designated experts had participated on an interim basis at the first

meeting of the Committee pending formal confirmation by the Conference of the Parties at its second meeting.

20. It was noted that no expert from Gabon had been designated for membership on the Committee, and it was agreed that the Democratic Republic of the Congo would designate an expert to serve on the Committee in lieu of the expert that was to have been designated by Gabon.

21. In Decision RC-2/1 (UNEP/FAO/RC/COP.1/33, annex I), the Conference of the Parties, recalling the duration and terms of service of the members of the Committee as provided for in decision RC-1/6, confirmed the appointment of the 30 members of the Chemical Review Committee; decided to elect Ms. Bettina Hitzfeld as Chair of the Committee; and requested the Democratic Republic of Congo to designate an expert to serve on the Committee on an interim basis pending formal confirmation by the Conference of the Parties at its third meeting; and for this purpose, to provide through the Secretariat the name and relevant qualifications to the Parties by 1 December 2005.
