



**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 4 (a) of the provisional agenda¹

**Procedures for the preliminary review of notifications
and prioritizing work of the Chemical Review Committee**

**Procedure for dealing with notifications of final regulatory action
to ban or severely restrict a chemical**

Note by the secretariat

1. At its first meeting, the Chemical Review Committee requested the secretariat to prepare a paper setting out a possible procedure for dealing with notifications with the objective of improving the efficiency of the operation of the Committee at future meetings.
2. The Committee also recommended that the secretariat establish deadlines for the submission of information sufficiently well ahead of meetings to enable the information to receive due consideration, with the understanding that information submitted after the deadline would not be considered.
3. The annex to the present note contains a paper prepared by the secretariat in response to the request of the Committee at its first meeting.
4. The Committee may wish:
 - (a) To take into account the experience gained by the secretariat, working with the bureau, during the intersessional period;
 - (b) To review and adopt the measures proposed in the paper to promote the efficiency of the intersessional work of the Committee.

¹ UNEP/FAO/RC/CRC/2/1.

Annex

Procedure for dealing with notifications of final regulatory action to ban or severely restrict a chemical

Background

1. The Chemical Review Committee (CRC) at its first meeting considered a number of operational procedures relevant to its work. One of the outcomes of this consideration was recognition of the need for measures to promote the efficiency of intersessional work including the setting of priorities and deadlines.
2. The CRC proposed that the secretariat, working with the bureau, undertake a preliminary review of notifications of final regulatory action submitted in accordance with article 5 of the Convention. For those notifications that appear to meet the requirements of the Convention, intersessional task groups would be created prior to the session of the CRC, in line with the agreed process for drafting decision-guidance documents. Intersessional task groups would not be formed for notifications that appear not to meet the requirements of the Convention. The notifications and available supporting documentation for all candidate chemicals would be available to the CRC. The goal would be to help ensure that those notifications that are the subject of preliminary work in task groups are those for which it appears that sufficient information is available to determine that the criteria of Annex II have been met.
3. The work of the secretariat and the Bureau to establish priorities for the intersessional work of the CRC does not preclude the obligation of the CRC to review all of the submitted notifications and relevant supporting documentation for candidate chemicals.

Introduction

4. The present paper sets out a procedure for identifying priorities for intersessional work by members of the CRC based on a preliminary review of the notifications of final regulatory action to ban or severely restrict a chemical that are submitted in line with Article 5 of the Convention. It contains three chapters: chapter I provides an overview of the current process for dealing with notifications and in preparing documents for the CRC including the individual steps involved and the approximate time required for each; chapter II sets out measures to promote the efficiency of intersessional work; Chapter III proposes some deadlines and a possible process for the secretariat, working with the Bureau, to undertake a preliminary review of notifications as well as specific deadlines for the preparation of documents for meetings of the CRC.

I. Overview of the current process for dealing with notifications and in preparing documents for the CRC

Brief description of the process for the review of notifications

5. Individual notifications are verified for completeness with respect to the information requirements of Annex I of the Convention. For those notifications verified as complete, a letter is sent to the notifying country informing them of this and alerting them to the fact that when a second notification complete notification is received from a different PIC region they will be requested to provide the supporting documentation referenced in the notification. At this stage, where necessary, notifications verified as complete are translated into English.
6. Upon receipt of a further complete notification from a second PIC region for the same chemical, all countries that have submitted complete notifications are requested to submit the supporting documentation referenced in their notifications and if possible a focussed summary. Where necessary, focused summaries and, depending on its volume, supporting documentation are translated into English upon receipt.

7. The completed notification forms and the supporting documentation submitted by the countries are formatted as meeting papers for the CRC. The documents are circulated to all members of the CRC and posted on the Convention website.

8. In line with the process for the development of decision guidance documents, the members of the CRC are invited to form intersessional task groups to undertake initial assessments of the notifications and supporting documentation in the light of the information requirements of Annex I and the criteria of Annex II of the Convention (UNEP/FAO/RC/COP.2/19, annex I, decision RC-2/2). The task groups are provided with an opportunity to meet immediately preceding the meeting of the Committee to finalize their reports and their recommendations. Task group reports are presented to the full CRC for its consideration.

Steps and approximate length of time for the preparation and circulation of notifications and relevant supporting documentation for the CRC

9. The meeting documents for the CRC, including the notifications and supporting documentation for the candidate chemicals, are sent by courier to all members of the CRC and posted on the Convention website at least eight weeks in advance of the meeting at which they are to be considered. This includes the time available for the work of any intersessional task groups that may be established on individual candidate chemicals.

10. In preparing the final versions of the documents for a meeting of the CRC, there is a need to consider processing by the Division of Conference Services of the United Nations Office at Nairobi, which generally requires up to six weeks once the final documents have been prepared by the secretariat.

11. The time allowed for notifying countries to provide documentation in support of their notifications is eight weeks. The result is that the last date for notifications to be considered eligible for review by the Committee would be on the order of 14 weeks prior to the date of dispatch of the final documents for the CRC.

II. Measures to promote the efficiency of intersessional work: prioritization and deadlines

12. The CRC at its first meeting proposed that the secretariat, working with the Bureau, undertake a preliminary review of notifications of final regulatory action submitted in accordance with article 5.

13. It is proposed that the secretariat prepare an initial assessment of the notifications and submitted supporting documentation in the light of the requirements of the Convention (information requirements of Annex I and the criteria of Annex II). Following this initial assessment, the secretariat will propose priorities for the work of the CRC by clustering the candidate chemicals into three groups. The groups will be composed of those chemicals for which it appears that:

Group 1: Notifications from at least two PIC regions meet the requirements of the Convention

Group 2: Only some of the notifications (e.g., one or two notifications from a single PIC region) meet the requirements of the Convention

Group 3: None of the notifications meet the requirements of the Convention.

14. Where necessary, the report will also highlight those aspects of individual notifications for which it is not clear whether the requirements of the Convention have been met and which would benefit from closer scrutiny by the Bureau and the full CRC.

15. The initial assessment and proposals of the secretariat will be provided to the Bureau for review and comment along with the notifications and available supporting documentation. The Bureau would be requested to review the information and proposed priorities within 2–4 weeks. The comments received would be used to amend the initial assessment as necessary and form the basis for a report of the Bureau to the CRC setting out proposed priorities for the review of chemicals by the CRC, including those that would be the basis for the work of intersessional task groups. The report would be a meeting document for the CRC.

16. In line with the recommendation of the CRC at its first meeting, intersessional task groups would be established only for those chemicals for which there appear to be notifications that meet the requirements of the Convention from at least two PIC regions (Group 1). The CRC, however, will also

need to develop rationales for chemicals for which there may only be a single notification that meets the requirements of the Convention (Group 2). Lower priority would be assigned to those chemicals for which there are no notifications that appear to meet the requirements of the Convention (Group 3). In order to promote efficiency in the work of the CRC, the Chair, working with the Bureau, would propose experts from among the CRC members to be responsible for leading the discussion on individual chemicals. This would include presenting to the CRC an assessment of whether individual notifications and supporting documentation meet the requirements of the Convention and, as appropriate, developing rationales as to how the requirements of the Convention have been met. The conclusion of these assessments and the text of the individual rationales would form part of the report of the meeting. The lead experts for individual chemicals would be selected based on a consideration of a number of factors including the country or region from which the individual notifications for a chemical have been received and the need to ensure participation of a full range of experts in the work of the CRC.

17. As a further measure to promote efficiency in the review and processing of notifications of final regulatory action, and in preparation for meetings of the CRC, it is proposed that the secretariat request supporting documentation immediately upon receipt of a complete notification pertaining to a given chemical rather than wait until another complete notification relating to that chemical from a second PIC region is received. Thus, supporting documentation would be requested on an ongoing basis. For example, if the Secretariat received a notification for chemicals not included in Annex III that was verified as complete, the notifying country would be requested to submit the supporting documentation and focussed summary immediately. This would mean that the Secretariat's task of collating the supporting documentation, preparation of focussed summaries and, if necessary, translation into English, would be an ongoing process as notifications are reviewed and verified for completeness.

III. Proposed timeline for the preparation of documents for meetings of the Chemical Review Committee

18. The CRC at its first meeting also requested that specific deadlines be established for the preparation of documents for the meetings of the CRC. In the light of the comments received at the first meeting of the CRC regarding the summer holiday period in southern countries, dispatch of the documents for the CRC earlier in December rather than later was preferred.

19. It is proposed that the dates for dispatch of CRC documents (1 December) and the cut-off date for the eligibility of notifications for consideration by the CRC (15 August) be more or less fixed, while the precise dates for the intervening work, particularly that relating to the Bureau, would likely need to be reviewed on an annual basis in consultation between the secretariat and the Chair of the CRC. Requesting supporting documentation on an ongoing basis should allow some greater flexibility in the interim dates between the deadline for the eligibility of notifications for consideration by the CRC and the date of dispatch of the meeting documents.

20. Based on the steps in the process for preparing documents and the time required for each step, the following timeline is proposed:

15 August – 8 weeks before cut-off for the submission of supporting documentation

- Deadline for the receipt and review of notifications for candidate chemicals in order that they may be scheduled for review by the CRC. Notifications submitted after this date will be eligible for review by the CRC at a subsequent meeting.
- Letters to notifying countries to submit supporting documentation for candidate chemicals if they have not already done so. Information submitted in response to these letters may need translation.
- The request for supporting documentation on an ongoing basis may allow for the preparation of the information for review by the Bureau at an earlier date.

Not later than 15 October – 2 weeks before finalization of documents for the next meeting of the CRC

- Deadline for the submission of supporting documentation for candidate chemicals scheduled for review by the CRC.

- Focussed summaries and supporting documentation will be sent for translation as received if necessary.
- Commencement of initial assessment of the candidate chemicals scheduled for review by the CRC

Not later than 1 November – 6 weeks before dispatch of documents for the next meeting of the CRC

- All meeting documents are submitted to Conference Services for finalization. Some, such as notifications and supporting documentation, require only a cover page and should be processed quickly.
- The initial assessment of the candidate chemicals prepared by the secretariat is sent to the Bureau for review and amendment as appropriate within 2 to 4 weeks. The minimum time available would be two weeks, depending on the potential number of candidates for which supporting documentation is pending. The request for supporting documentation on an ongoing basis may allow for a longer time for review by the Bureau.

1 December – minimum 8 weeks before CRC meets

- All documents are sent to CRC members by courier and posted on the Convention website.
 - CRC members are invited to form intersessional task groups on priority chemicals based on the recommendations contained in the report of the Bureau.
 - Task group reports are circulated 1 to 2 weeks prior to the CRC meeting and finalized immediately prior to the meeting.
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