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INTERIM CHEMICAL REVIEW COMMITTEE
First session
Geneva, 21-25 February 2000

REPORT OF THE INTERIM CHEMICAL REVIEW COMMITTEE
ON THE WORK OF ITS FIRST SESSION

Introduction

1. The Interim Chemical Review Committee, hereinafter referred to as "the Committee", was established pursuant to decision INC-6/2 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 adopted at its sixth session in July 1999, with a membership of 29 government-designated experts appointed on the basis of the interim prior informed consent (PIC) regions.

2. In accordance with paragraph 7 of that decision and pursuant to the provisions of articles 5, 6 and 7 of the Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the functions and responsibilities of the Committee were: to make recommendations on the inclusion of banned and severely restricted chemicals; to make recommendations for the inclusion of severely hazardous pesticide formulations; and to prepare, as appropriate, the relevant draft decision guidance documents.

I. OPENING OF THE MEETING

3. The first session of the Interim Chemical Review Committee was held at the Palais des Nations in Geneva, Switzerland, from 21 to 25 February 2000.

4. The session was opened at 10.15 a.m. on Monday, 21 February 2000 by Ms. Maria Celina de Azevedo Rodrigues (Brazil), Chair 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. She welcomed the participants to the meeting, pointing out that its task was to establish precedents that could serve as a guide in future work on the subject, including the period once the Convention had entered into force.

5. Opening statements were made by the two Executive Secretaries of the interim secretariat, Mr. James Willis, Director of United Nations Environment Programme (UNEP) Chemicals, on behalf of Mr. Klaus Töpfer, Executive Director of UNEP, and Mr. Niek van der Graaff, Chief, Plant Protection Service, Food and Agriculture Organization of the United Nations (FAO), on behalf of Mr. Jacques Diouf, Director-General of FAO.

6. Mr. Willis said that the Committee's first session would set the course for the future technical implementation of the Convention, by serving as a model for the Chemical Review Committee (CRC), which would be set up once the Convention entered into force. The particular task of the CRC was to take action called for under articles 5, 6, 7 and 9 of the Convention. During the interim period, the Committee would be responsible for efforts to implement the interim prior informed consent (PIC) procedure agreed on by Governments in the Final Act adopted in Rotterdam in 1998. At its sixth session, the Intergovernmental Negotiating Committee had also entrusted the Committee with the task of reviewing draft decision guidance documents for four chemicals and revising those draft decision guidance documents, as appropriate, in accordance with the mandate given by the Intergovernmental Negotiating Committee.

7. Mr. van der Graaff said that, at their sessions in October/November 1999, the FAO Council and Conference had welcomed the conclusion of negotiations on the Convention and the resulting secretariat arrangements. Aware of the fragile funding basis for the interim secretariat and the future permanent secretariat, the FAO Conference had requested that additional regular programme funding should be made available for the secretariat. Consequently, FAO had allocated an additional \$200,000 to the secretariat for the year 2000. He noted that the Committee's current session marked a further step towards control of trade in banned or severely restricted pesticides and industrial chemicals. In addition to giving consideration to draft decision guidance documents for four chemicals, the Committee was expected to make recommendations to the Intergovernmental Negotiating Committee on the operational procedures that would govern its work. He urged Governments to assist the secretariat in its work by communicating to it promptly the information called for in the Convention.

II. ELECTION OF THE BUREAU

8. At its opening meeting, the Committee elected the following officers to serve until the expiry of a period of three years or until the first meeting of the Conference of the Parties, whichever should occur first:

<u>Chair:</u>	Mr. Reiner Arndt	(Germany)
<u>Vice-Chairs:</u>	Mr. Dudley Achu Sama	(Cameroon)
	Ms. Flor de María Perla de Alfaro	(El Salvador)
	Mr. Tamás Kőmives	(Hungary)
	Mr. Masayuki Ikeda	(Japan)

9. In addition, it was agreed that Mr. Achu Sama would serve as rapporteur.

III. ORGANIZATIONAL MATTERS

A. Attendance

10. At its sixth session, by its decision INC-6/2, the Intergovernmental Negotiating Committee had decided that the Committee should comprise 29 members, designated by Governments, who would serve on an interim basis pending formal confirmation of their appointment by the Intergovernmental Negotiating Committee at its seventh session.

11. Accordingly, the session was attended by the following 26 experts: Mr. Ian Coleman (Australia), Ms. Sandra de Souza Hacon (Brazil), Mr. Dudley Achu Sama (Cameroon), Mr. William James Murray (Canada), Mr. Julio C. Monreal (Chile), Ms. Yong-Zhen Yang (China), Ms. Mercedes Bolaños Granda (Ecuador), Mr. Mohamed El Zarka (Egypt), Ms. Flor de María Perla de Alfaro (El Salvador), Mr. Marc Debois (Finland), Ms. Fatoumata Jallow Ndoeye (Gambia), Mr. Reiner Arndt (Germany), Mr. Tamás Kőmives (Hungary), Mr. R. R. Khan (India), Mr. Kasumbogo Untung (Indonesia), Mr. Masayuki Ikeda (Japan), Mr. Ravinandan Sibartie (Mauritius), Mr. Mohamed Ammati (Morocco), Mr. Bhakta Raj Palikhe (Nepal), Mr. Karel A. Gijsbertsen (Netherlands), Mr. Hassan A. Al-Obaidly (Qatar), Mr. Boris Kurlyandski (Russian Federation), Mr. William J. Cable (Samoa), Mr. Jan Ferdinand Goede (South Africa), Mr. Azhari Omer Abdelbagi (Sudan) and Ms. Cathleen Barnes (United States of America).

12. Observers from the following parties were also present: Argentina, Australia, Canada, China, Eritrea, European Community, Indonesia, Israel, Japan, Mexico, Morocco, New Zealand, Philippines, Qatar, Switzerland, Ukraine and United States of America.

13. Representatives of the following United Nations bodies and specialized agencies were also present: Secretariat of the Basel Convention.

14. The following non-governmental organizations were also represented: Global Crop Protection Federation (GCPF); Harvard University; International Council of Chemicals Associations (ICCA); and International Union of Food, Agriculture, Hotel, Restaurant, Catering and Allied Workers Associations.

B. Adoption of the agenda

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15. At its opening meeting, the Committee adopted the following agenda on the basis of the provisional agenda (UNEP/FAO/PIC/ICRC.1/1) and as amended in the meeting:

1. Opening of the session.
2. Election of the Bureau.
3. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Organization of work.
4. Review of the role and mandate of the Interim Chemical Review Committee.
5. Presentation of the prior informed consent procedure.
6. Consideration of draft decision guidance documents referred to the Interim Chemical Review Committee by the Intergovernmental Negotiating Committee for the following four chemicals:
 - (a) Ethylene dichloride;
 - (b) Ethylene oxide;
 - (c) Maleic hydrazide;
 - (d) Bromacil.
7. Review of operational procedures for the Interim Chemical Review Committee:
 - (a) Making recommendations on the inclusion of banned and severely restricted chemicals;
 - (b) Making recommendations on the inclusion of severely hazardous pesticide formulations;
 - (c) Preparing draft decision guidance documents;
 - (d) Considering a mechanism for collecting and disseminating comments received on draft decision guidance documents as they are developed, so that countries taking a decision based on those documents are fully aware of the reasons behind the control action.
8. Other matters.
9. Adoption of the report.
10. Closure of the meeting.

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C. Organization of work

16. At its opening meeting, the Committee decided to conduct its work in plenary and to establish contact groups as the need arose.

IV. REVIEW OF THE ROLE AND MANDATE OF THE INTERIM CHEMICAL REVIEW COMMITTEE

17. The representative of the secretariat introduced the secretariat's note on a review of the role and mandate of the Committee, as presented in document UNEP/FAO/PIC/ICRC.1/2.

V. PRESENTATION OF THE PRIOR INFORMED CONSENT PROCEDURE

18. The representative of the secretariat introduced the secretariat's note on a general presentation of the PIC procedure in the Convention, as contained in document UNEP/FAO/PIC/ICRC.1/3, which set forth the operation of the PIC procedure as set out in articles 4-14 of the Convention.

19. One expert from a developing country drew attention to the difficulty faced by countries such as hers in providing the information required in annex I. In particular, she wondered whether it was really necessary for countries to submit notifications for chemicals already included in the PIC procedure, and for which they had provided an import response; or for which they had no history of use, and which they had already banned. The Chair suggested that the Intergovernmental Negotiating Committee might be requested to consider a procedure whereby, in such cases, it would be sufficient for the country concerned merely to notify the secretariat of its action.

VI. CONSIDERATION OF DRAFT DECISION GUIDANCE DOCUMENTS REFERRED TO THE INTERIM CHEMICAL REVIEW COMMITTEE BY THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR THE FOLLOWING FOUR CHEMICALS

20. In the discussion of the item, it was recognized that the decision guidance documents for ethylene dichloride and ethylene oxide were being recommended in order to conclude outstanding matters under the original PIC procedure and did not in any way constitute a precedent for future notifications and adoption of decision guidance documents under the interim PIC procedure or under the Convention when it entered into force.

A. Ethylene dichloride

21. The representative of the secretariat introduced the background documentation on the sub-item, namely, the secretariat's cover note on consideration of the draft decision guidance documents referred to the Committee by the Intergovernmental Negotiating Committee and the addendum to that note containing the draft decision guidance document for ethylene dichloride (UNEP/FAO/PIC/ICRC.1/4 and Add.1), and also the sections on ethylene dichloride in the compilation of notifications of control actions, background documents and comments on the draft decision guidance documents (UNEP/FAO/PIC/ICRC.1/INF/2 and Add.1). He also drew attention to the exact mandate conferred upon the Committee by the Intergovernmental Negotiating

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Committee with respect to ethylene dichloride, in paragraph 2 of its decision INC-6/3, namely, to review the information provided by Governments, regional economic international organizations and interested observers pursuant to that decision, in order to make a further distinction between the industrial and pesticidal uses of ethylene dichloride in the decision guidance document.

22. Following that introduction, the Committee agreed to establish a small drafting group, coordinated by Mr. Achu Sama, to consider the additional information provided in the compilation contained in UNEP/FAO/ICRC.1/INF/2 and Add.1 relating to pesticidal and industrial uses of ethylene dichloride, to incorporate it into the draft decision guidance document and to report back thereon in writing to the plenary. In addition, the drafting group was requested to report back on any matters of principle arising in the course of its discussion.

23. Following the conclusion of the drafting group's work, the coordinator of the drafting group presented the draft decision guidance document on ethylene dichloride as revised by the group and introduced the amendments.

24. The Committee duly decided to entrust the secretariat with the task of incorporating points raised by experts in their discussion of the revised draft. Introducing the updated draft decision guidance document on ethylene dichloride, the representative of the secretariat said that, in accordance with the mandate contained in the decision of the Intergovernmental Negotiating Committee, the draft had been revised so as to specify, wherever possible, the uses of the chemical. He also said that the revised draft incorporated the outcome of discussions in the drafting group and that the draft text would be harmonized in its presentation with that of ethylene oxide, wherever possible. In addition, the draft had been revised to reflect concerns raised and comments made during discussion of the chemical both in the drafting group and in the plenary and the secretariat had endeavoured, in general, to improve the draft document.

25. The Committee's recommendation to the Intergovernmental Negotiating Committee on ethylene dichloride is contained in annex I, and the corresponding revised draft decision guidance document in annex II, to the present report.

B. Ethylene oxide

26. The representative of the secretariat introduced the background documentation on the sub-item, namely, the secretariat's cover note on consideration of the draft decision guidance documents referred to the Committee and the addendum to that note, containing the draft decision guidance document for ethylene oxide (UNEP/FAO/PIC/ICRC.1/4 and Add.2), and also the sections on ethylene oxide in the compilation of notifications of control actions, background documents and comments on the draft decision guidance documents (UNEP/FAO/PIC/ICRC.1/INF/2 and Add.1). He also drew attention to the exact mandate conferred upon the Committee by the Intergovernmental Negotiating Committee with respect to ethylene oxide, in paragraph 2 of its decision INC-6/3, namely, to review the information provided by Governments, regional economic integration organizations and interested observers pursuant to that decision, in order to make a further distinction between the industrial and pesticidal uses of ethylene oxide in the decision guidance document.

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27. Following that introduction, the Committee agreed to establish an open-ended contact group, coordinated by Mr. Murray, to consider the additional information provided in the compilation contained in UNEP/FAO/ICRC.1/INF/2 and Add.1 relating to pesticides and industrial uses of ethylene oxide, to incorporate it into the draft decision guidance document and to report back thereon in writing to the plenary. In addition, the contact group was requested to report back on any matters of principle arising in the course of its discussion.

28. Following the conclusion of the contact group's work, the coordinator of the contact group presented the draft decision guidance document on ethylene oxide as revised by the group and introduced the amendments.

29. The Committee duly decided to entrust the secretariat with the task of incorporating points raised by experts in their discussion of the revised draft. Introducing the updated draft decision guidance document on ethylene oxide, the representative of the secretariat said that, in accordance with the mandate contained in the decision of the Intergovernmental Negotiating Committee, the draft had been revised so as to specify, wherever possible, the uses of the chemical. He also said that the revised draft incorporated the outcome of discussions in the contact group and that the draft text would be harmonized with that of ethylene dichloride, wherever possible. In addition, the draft had been revised to reflect concerns raised and comments made during discussion of the chemical both in the contact group and in the plenary and the secretariat had endeavoured, in general, to improve the draft document.

30. It was noted by one expert that more could have been done to improve the information content of the draft decision guidance document.

31. The Committee's recommendation to the Intergovernmental Negotiating Committee on ethylene oxide is contained in annex I, and the corresponding revised draft decision guidance document in annex II, to the present report.

C. Maleic hydrazide

32. The representative of the secretariat introduced the background documentation on the sub-item, namely, the secretariat's cover note on consideration of the draft decision guidance documents referred to the Committee and the addendum to that note, containing the draft decision guidance document for maleic hydrazide (UNEP/FAO/PIC/ICRC.1/4/Add.3), and also the sections on maleic hydrazide in the compilation of notifications of control actions, background documents and comments on the draft decision guidance documents (UNEP/FAO/PIC/ICRC.1/INF/2 and Add.1). He also drew attention to the exact mandate conferred upon the Committee by the Intergovernmental Negotiating Committee with respect to maleic hydrazide, in paragraph 3 of its decision INC-6/3, namely, to review the chemical, 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 chemical, rather than to the chemical 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.

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33. Following a discussion of the issue of contaminants and the question of whether chemicals could be included in the PIC procedure on the basis of specified levels of contaminants, rather than the nature of the chemicals themselves, the Committee decided to establish an open-ended contact group on the matter. The contact group was coordinated by Mr. Abdelbagi and Mr. Gijbertsen.

34. Introducing their report to the Committee, the coordinators of the contact group explained that the group had identified a number of different possible scenarios involving contaminants and their possible effect on the candidature of chemicals for PIC listing of pesticides. Following an extensive discussion of the report, the Committee agreed that there were, essentially, two scenarios: the first, when final regulatory actions to ban a chemical had been taken in at least two countries in two PIC regions on the basis of a contaminant contained in that chemical, and the second, when such regulatory actions had been taken on a chemical on the basis of a specified level of a contaminant. Under the second scenario, the Committee also discussed the situation when product specifications, such as those developed by FAO, were applied on a global scale. Scenarios 3 and 4 were not considered relevant by the Committee. The report of the contact group is attached as annex III to the present report.

35. The Committee agreed that, in the first scenario, the criteria for PIC listing had been met and the chemical would be proposed for inclusion in the PIC procedure. In the second scenario, some experts were of the view that, according to the criteria, no ban or severe restriction had been imposed on the chemical, and it could not therefore be considered for inclusion in the PIC procedure. Many experts, drawing attention to the problem faced by countries in dealing with pesticides, sometimes containing high levels of contaminants, which they lacked the capacity to measure, stressed the need for a mechanism under the Convention to protect such countries against chemicals containing hazardous contaminants. The Committee agreed that the issue was one of policy, involving the interpretation of the terms "chemical", "banned chemical" and "severely restricted chemical", and taking into consideration the aim of the Convention.

36. Accordingly, the Committee decided to refer the issue of chemicals whose use had been banned or severely restricted on the basis of specified levels of contaminants back to the Intergovernmental Negotiating Committee for its further consideration. The Committee also agreed that there might be a need for it to resume its consideration of the issue of contaminants, in the light, first, of discussion of the issue by the Intergovernmental Negotiating Committee and, second, of the outcome of further consideration of other issues relating to maleic hydrazide.

37. One expert noted that the issues associated with maleic hydrazide went beyond a mere consideration of contaminants.

38. The Committee decided not to address the draft Decision Guidance Document on maleic hydrazide until after the seventh session of the Intergovernmental Negotiating Committee.

D. Bromacil

39. The Committee agreed that its deliberations under the sub-item on bromacil would be chaired by Ms. Flor de María Perla de Alfaro, Vice-Chair of the Committee.

40. The representative of the secretariat introduced the background documentation on the sub-item, namely, the secretariat's cover note on consideration of the draft decision guidance documents referred to the Committee and the addendum to that note, containing the draft decision guidance document for bromacil (UNEP/FAO/PIC/ICRC.1/4/Add.4), and also the sections on bromacil in the compilation of notifications of control actions, background documents and comments on the draft decision guidance documents (UNEP/FAO/PIC/ICRC.1/INF/2 and Add.1). He also drew attention to the exact mandate conferred upon the Committee by the Intergovernmental Negotiating Committee with respect to bromacil, in paragraph 4 of its decision INC-6/3, namely, to review the chemical 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.

41. Following a discussion of the draft decision guidance document and, specifically, the four notifications that had served as a basis for its preparation, the Committee noted that there was some doubt as to whether the severe restriction reported by Belize and the ban reported by Slovenia were still in force. Moreover, whereas the original expert group had accepted a control action taken in Germany as a justification for proposing the listing of bromacil under the original procedure, further information had since come to light which indicated that the German control action on bromacil had not contained a risk evaluation addressing chemical-specific hazards. For those reasons the Committee felt that the requirements set out in article 5 and annex II of the Convention had not been met, and decided not to recommend inclusion of the chemical in the interim PIC procedure.

42. The Committee also took note of an offer by Mr. Arndt to circulate to all the parties under article 14, paragraph 1 (b), of the Convention the information on bromacil that had been presented during the discussion, as well as information to be provided by the United States of America.

VII. REVIEW OF OPERATIONAL PROCEDURES FOR THE
INTERIM CHEMICAL REVIEW COMMITTEE

- A. Making recommendations on the inclusion of banned and severely restricted chemicals
- B. Making recommendations on the inclusion of severely hazardous pesticide formulations
- C. Preparing draft decision guidance documents
- D. Considering a mechanism for collecting and disseminating comments received on decision guidance documents as they are developed, so that countries taking a decision based on those documents are fully

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aware of the reasons behind the control action

43. The Committee decided to take up the agenda item and its sub-items as a single cluster. During the discussion of the item, a number of general policy issues were raised relating to procedures. To consider those issues more closely, the Committee decided to establish an open-ended contact group on operational procedures. The contact group was coordinated by Mr. Coleman and Mr. Untung.

44. Following the discussion, the Committee decided to assign higher priority to four of the tasks which had been identified by the contact group: first, to revise the notification form pursuant to article 5 so as to make it fully consistent with annex I and revise the guidance of providing information, linking the information to the criteria set out in annex II; second, to prepare a form for proposals pursuant to article 6, based on annex IV, part 1, develop an incident report form and develop guidance on providing information, linking the information to the criteria set out in annex IV, part 3; third, to develop standard formats for decision guidance documents reflecting the needs of countries with respect to import decisions based on the information provided in the notification of final regulatory action (annex I and annex IV); and fourth, to cooperate in and coordinate work on notifications under article 5 and article 6.

45. The Committee also agreed, in order to ensure full participation by all its members, to set up task groups on the four priority tasks identified. As far as possible they would reflect the membership of the PIC regional groups. Annex V to the present report contains the work plan for developing operational procedures for the Committee, together with a list of Committee members who volunteered to participate in the task groups, as well as the expert or organization which would play a lead role in each group.

46. The membership of the task groups on chemicals would consist in the first place of Committee members who had put themselves forward as willing to serve and interested in a particular chemical; subsequently it would be important to ensure fair geographical representation, a task in which the Chair of the Committee and the secretariat would have a useful role to play. Once members had been identified for a particular group, Committee members could be asked by e-mail to endorse their membership. Experts considered that it was also important that the regions from which notifications originated should be represented in the task groups. A number of small groups would be necessary to deal with a large number of chemicals, although, if the workload was light, the work could be entrusted to the Committee as a whole. The task groups would work between sessions of the Committee, keeping in contact by means of e-mail or fax.

47. The Committee also identified the following tasks, to which it assigned lower priority:

(a) To develop guidance on collecting additional information (international assessments) - format, content, resources, delivery of information;

(b) To develop guidance for the secretariat on the collection of the information listed in annex IV, part 2;

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(c) To develop a form for the collection of information from designated national authorities and other relevant bodies (non-governmental organizations, intergovernmental organizations, etc.) under annex IV, part 2;

(d) To revise the import response form;

(e) To develop a guidance document on the operation of the prior informed consent procedure;

(f) To develop a format and contents for a recommendation or recommendations from the Committee to the Intergovernmental Negotiating Committee on the inclusion of a chemical;

(g) To develop a process for drafting decision guidance documents, including deadlines, taking into account the timing stipulated in the Convention.

48. Following consideration of the provisional flow chart (see annex IV to the present report), the Committee decided to approve the chart as put forward by the contact group, and took note of a statement by the Chair of the Intergovernmental Negotiating Committee that it was her intention to invite the Bureau of the Committee to be part of an extended Bureau of the Intergovernmental Negotiating Committee, with a view to strengthening coordination between the two bodies. Various experts made suggestions for changes in the texts on drafting decision guidance documents on banned and severely restricted chemicals and on severely hazardous pesticide formulations.

49. The Committee agreed, furthermore, that, in view of the importance to developing countries and countries with economies in transition of being able effectively to meet the requirements of article 6 on severely hazardous pesticide formulations, full advantage must be taken of all opportunities to collect relevant information.

50. In addition, full advantage should be taken of the large number of training and assistance projects related to pesticides management under way in countries, by providing copies of a guidance document on reporting pesticide poisoning incidents to such projects and encouraging them to make use of that material. A cooperative approach of that kind would facilitate the identification of problematic pesticide formulations and their inclusion in the Convention.

51. Accordingly, the Committee recommended 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 and annex IV, part I, of the Convention. The guidance document would also provide reference to the use of the information relevant to the Convention and request that the information be forwarded to the secretariat.

52. The recommendation to the Intergovernmental Negotiating Committee on the one-page incident report form is contained in annex I to the present report.

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53. The recommendation to the Intergovernmental Negotiating Committee on assistance to countries in identifying severely hazardous pesticide formulations is contained in annex I to the present report.

VIII. OTHER MATTERS

A. Request to the secretariat

54. The secretariat was requested to produce a compilation of examples of notified bans and severe restrictions applying to pesticides or to industrial chemicals, to provide experts with an indication of the variety of actions on which notifications were submitted.

B. Dates for the second session of the Committee

55. Concerning the matter of the second session of the Committee, it was pointed out that the funds currently available to the secretariat might be sufficient to permit a further session of the Intergovernmental Negotiating Committee, or of the Committee, but not both. Given the desirability of maintaining the momentum that had been built up at its first session, however, it was agreed that a second session of six or seven days should be held as soon as possible after the next session of the Intergovernmental Negotiating Committee, if resources permitted. The Committee noted that there was a possibility of a second session at the end of 2000 or in early 2001. If the workload proved to be large, the Intergovernmental Negotiating Committee could be informed that a further session would be needed.

IX. ADOPTION OF THE REPORT

56. The present report was adopted on the basis of the draft report, which had been circulated to experts in documents UNEP/FAO/PIC/ICRC.1/L.1 and Add.1, and on the understanding that finalization of the report would be entrusted to the secretariat working in consultation with the Rapporteur.

X. CLOSURE OF THE SESSION

57. Following the customary exchange of courtesies, the Chair declared the session closed at 5 p.m. on Friday, 25 February 2000.

Annex I

RECOMMENDATIONS TO THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE,
ADOPTED BY THE INTERIM CHEMICAL REVIEW COMMITTEE AT ITS FIRST SESSION,
GENEVA, 21-25 FEBRUARY 2000

A. Ethylene dichloride

The Interim Chemical Review Committee recommends that the Intergovernmental Negotiating Committee adopt the draft decision guidance document for the chemical ethylene dichloride contained in annex II to the report of the Committee on the work of its first session, with the effect that the chemical becomes subject to the interim PIC procedure as it is defined in paragraph 2 of the resolution on interim arrangements.

B. Ethylene oxide

The Interim Chemical Review Committee recommends that the Intergovernmental Negotiating Committee adopt the draft decision guidance document for the chemical ethylene oxide contained in annex II to the report of the Committee on the work of its first session, with the effect that the chemical becomes subject to the interim PIC procedure as it is defined in paragraph 2 of the resolution on interim arrangements.

C. Incident report form

The Interim Chemical Review Committee recognizes the need to develop 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 I, of the Convention. The Committee therefore recommends that the Intergovernmental Negotiating Committee should encourage States, bilateral and multilateral aid agencies, intergovernmental organizations and non-governmental organizations to make use of the incident report form and guidance document on reporting pesticide poisoning incidents in their projects.

D. Assistance to countries in identifying severely hazardous pesticide formulations

The Committee recommends that the Intergovernmental Negotiating Committee encourage States, bilateral and multilateral aid agencies 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.

E. Contaminants

The Committee recommends that the Intergovernmental Negotiating Committee adopt a policy on contaminants which would include final regulatory actions to ban a pesticide that had been taken by at least two countries in two PIC regions on the basis of a contamination contained in that substance, where the notification also met the requirements of annexes I and II of the Convention.

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Annex II

DRAFT DECISION GUIDANCE DOCUMENTS
REVISED BY THE INTERIM CHEMICAL REVIEW COMMITTEE
AT ITS FIRST SESSION

A. Ethylene dichloride

B. Ethylene oxide

Annex III

REPORT OF THE CONTACT GROUP ON CONTAMINANTS

Chairs: Karel Gijsbertsen, A. Abdelbagi
Rapporteur: Goede
Evening session 2000-02-23, Morning session 2000-02-24

Definitions:

Contaminant:

Any constituent other than active ingredient, including impurities, remaining starting materials and/or any degradation products of them, present or appearing at the production stage, or during storage, transport and use, being of health or environmental concern.

Avoidable / unavoidable / intentionally / unintentionally: The different concepts were discussed but it was not found useful to find a solution, for example:

- most contaminants are avoidable, either by changing the feedstock and/or manufacturing process, but it may be impractical due to for example cost issues.

Scenarios:

General assumption: Basic active ingredient is of no concern, only the contaminant has adverse effects.

Two notifications from two PIC-regions (ban or severe restriction) are required for consideration of the substance. Action taken for health or environment reasons, based on risk evaluation.

- 1) Two countries out of two PIC-regions take an action because of contaminant-
Consequence: no use permitted
- 2) Two countries out of two PIC-regions take an action on substances with more than e.g.(x) pm
contaminant-
Consequence: substances with more than e.g.(x) ppm contaminants are prohibited.
 - a) Product specification applies to two countries only
 - b) Product specification applies on global scale
 - c) Country A takes an action on a substance X with contaminant Y, Country B takes an action on a substance X with contaminant Z – Consequence: substances are prohibited.
- 3) Several countries take action on the same contaminant with different level of contaminant (Product specification applies to more than two countries)
- 4) Restricted use only on certain crops or certain uses

Scenario 1)

Two notifications from two PIC-regions (ban or severe restriction) taken because of same contaminant(s)-Consequence: no use permitted

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Solution:

The substance will be proposed for inclusion in the PIC procedure

Scenario 2.a)

Two countries out of two PIC-regions take an action on substances with more than e.g.(x)ppm contaminant – Consequence: substances with more than e.g.(x)ppm contaminants are prohibited.

- Product specification applies to two countries only

Solution:

- substance with more than e.g.(x)ppm contaminant to be suggested for PIC listing, a DGD developed
- specifying the contaminant name only, a DGD developed (seems to be more appropriate for industrial chemicals, risk assessment will be difficult
- FAO specification could offer solution where ever applied

Scenario 2.b)

Two countries out of two PIC-regions take an action on substances with more than e.g.(x)ppm contaminant – Consequence: substances with more than e.g.(x)ppm contaminants are prohibited.

- Product specification applies on global scale

Solution:

- FAO specification could offer solution when globally applied
- To be considered by ICRC, determine whether the problem presently exists, situation regarding the substance should regularly be reviewed, otherwise PIC listing will be considered again

Scenario 2.c)

Country A takes an action on a substance X with contaminant Y, Country B takes an action on a substance X with contaminant Z – Consequence: substances are prohibited

Solution:

- feed back in 2a) and 2b)

Scenario 3)

Several countries take action on the same contaminant with different level of contamination

Solution:

- name the contaminants in the title of the DGD, and provide specific details of individual levels of the contaminants in the DGD

Scenario 4)

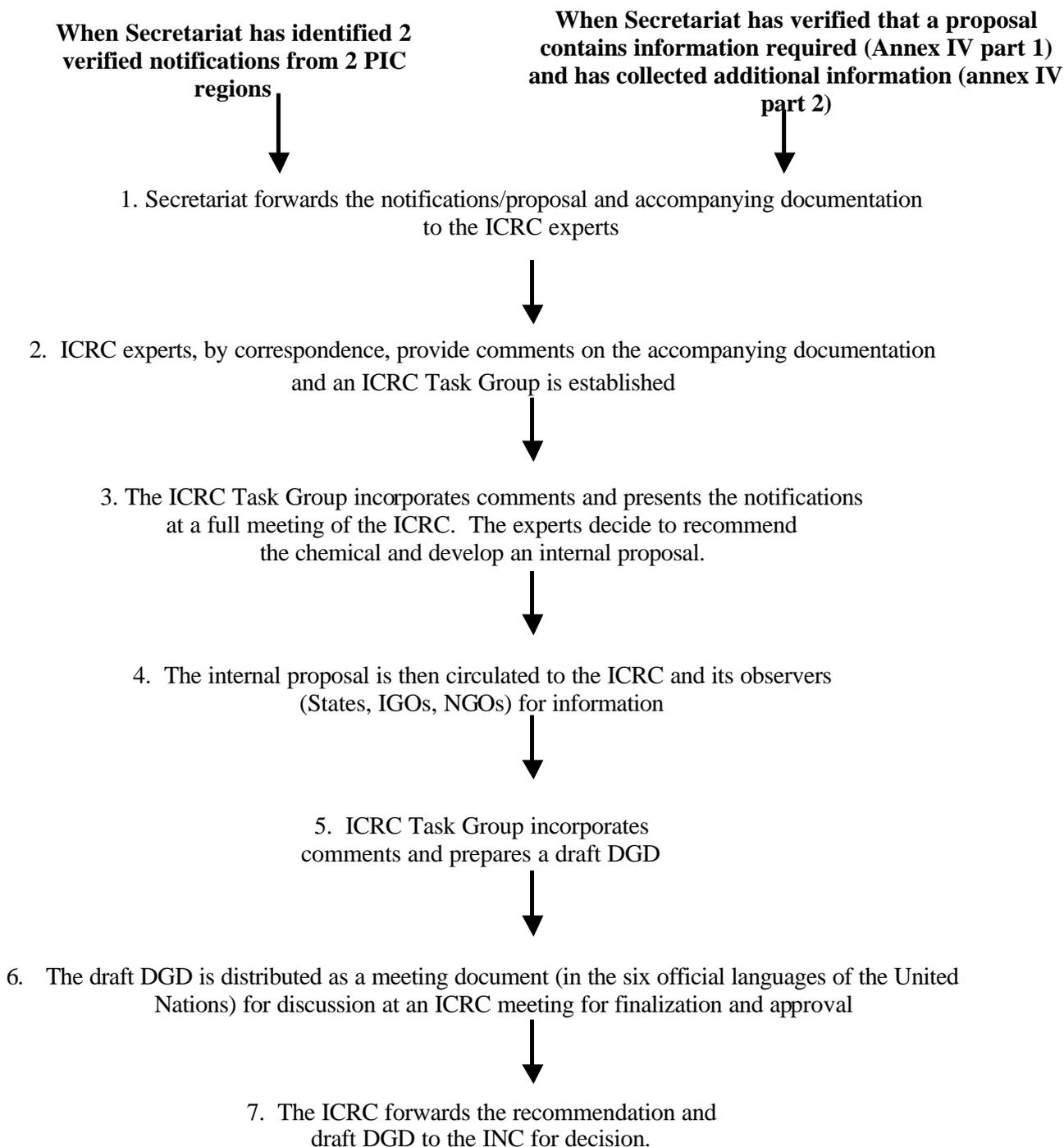
Restricted use only on certain crops of certain uses

Solution: Article 14 of the Convention

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Annex IV

PROPOSED PROCESS FOR DRAFTING DECISION GUIDANCE DOCUMENTS

A. Flow chart

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B. Proposed process for drafting DGDs 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).

ICRC must deem a notification valid prior to developing a DGD. 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 ICRC until the relevant information had been provided.

In situations where it is unclear the Secretariat would seek guidance from the ICRC.

(1)* Where the information in the notification was deemed sufficient, the Secretariat would forward the notifications and accompanying documentation to the experts of the ICRC (2) for an initial round of comment. An ICRC 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 ICRC along with the tabular summary of comments. The ICRC will decide whether to make a recommendation to include the chemical in the PIC procedure, and develop an internal proposal for a DGD.

(4) The internal proposal (and the tabular summary of comments) is then circulated to the ICRC and its observers for information. Any comments would be directed to the Secretariat, who would prepare a tabular summary for the review by the Task Group.

(5) The Task Group would prepare a draft DGD.

(6) This draft DGD is distributed as a meeting document for discussion at an ICRC meeting (in 6 languages) for finalization and approval.

(7) The ICRC forwards the recommendation and draft DGD to the INC for decision. The final documentation forwarded by the Secretariat to all Parties and observers in advance of the INC would include the draft DGD, the ICRC recommendation for inclusion in the PIC procedure, a summary of the ICRC 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 ICRC in preparing and providing comments is encouraged.

* Numbers refer to steps in the flow chart.

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C. Proposed process for drafting DGDs 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.

ICRC must deem the proposal valid prior to developing a DGD. 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 ICRC until the relevant information had been provided.

In situations where it is unclear, the Secretariat would seek guidance from the ICRC.

(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 ICRC (2) for an initial round of comment. An ICRC 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 ICRC along with the tabular summary of comments. The ICRC will decide whether to make a recommendation to include the pesticide formulation in the PIC procedure, and develop an internal proposal for a DGD.

(4) The internal proposal (and the tabular summary of comments) is then circulated to the ICRC and its observers for information. Any comments would be directed to the Secretariat, who would prepare a tabular summary for the review by the Task Group.

(5) The Task Group would prepare a draft DGD.

(6) This draft DGD is distributed as a meeting document for discussion at an ICRC meeting (in 6 languages) for finalization and approval.

(7) The ICRC forwards the recommendation and draft DGD to the INC for decision. The final documentation forwarded by the Secretariat to all Parties and observers in advance of the INC would include the draft DGD, the ICRC recommendation for inclusion in the PIC procedure, a summary of the ICRC 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 ICRC in preparing and providing comments is encouraged.

* Numbers refer to steps in the flow chart.

Annex V

WORK PLAN FOR DEVELOPING OPERATIONAL PROCEDURES FOR THE INTERIM CHEMICAL REVIEW COMMITTEE

Task Group No	HIGH PRIORITY TASKS	ICRC members and observers participating in the Task Group	WHEN
1	Revise Notification Form, Article 5, to make it fully consistent with Annex I Revise guidance on providing information, linking the information to the criteria in Annex II	Secretariat (lead) Reiner Arndt Cathleen Barnes Marc Debois Karel Gijsbertsen Masayuki Ikeda	1/
2	Prepare form for Proposal under Article 6, based on Annex IV, part 1 Develop incident report form Develop guidance on providing information, linking the information to the criteria in Annex IV, part 3.	Bill Murray (lead) Azhari Omer Abdelbagi Mohamed Ammati Cathleen Barnes Mercedes Bolaños Granda Ian Coleman Marc Debois Mohamed El Zarka Masayuki Ikeda Tamás Kömives Julio Monreal Fatoumata Jallow Ndoeye Sandra de Souza Hacon Kasumbogo Untung Dudley Achu Sama Secretariat NGOs: GCPF (Jakob Brassel) ILIE (Peter Hurst)	1/
3	A. Develop formats for DGDs for banned and severely restricted pesticides and industrial chemicals, based on format of notification which collected the information (Annex I and Annex IV) B. Develop formats for DGDs for severely hazardous pesticides formulations, based on format of notification which collected the information (Annex I and Annex IV)	Secretariat (lead) Reiner Arndt Cathleen Barnes Marc Debois Karel Gijsbertsen Masayuki Ikeda Dudley Achu Sama Secretariat (lead) Azhari Omer Abdelbagi Mohamed Ammati Cathleen Barnes Mercedes Bolaños Granda Ian Coleman Marc Debois Mohamed El Zarka Masayuki Ikeda Julio Monreal Bill Murray Fatoumata Jallow Ndoeye Sandra de Souza Hacon Ravinandan Sibartie Kasumbogo Untung Dudley Achu Sama NGOs: GCPF (Jakob Brassel) ILIE (Peter Hurst)	1/
4	Cooperation and coordination on notifications according to Article 5	Cathleen Barnes (lead) Reiner Arndt Marc Debois Karel Gijsbertsen Ian Ferdinand Goede	1/

1/ Deadline will depend on timing of next ICRC session. The product of the Task Group's work will need to be circulated minimum 6 weeks before the ICRC session takes place.

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Annex VI

OBSERVATIONS BY REPRESENTATIVES OF NON-GOVERNMENTAL ORGANIZATIONS

A. Global Crop Protection Federation (GCPF)

1. The Global Crop Protection Federation (GCPF) accepts that, if a regulatory action is taken to ban or severely restrict a substance for health or environmental reasons because a contaminant of concern is present in the substance at an unacceptable level, this action would constitute one of the grounds for consideration of that substance as a candidate for inclusion in the PIC procedure. If, however, the contaminant is reduced to an acceptable level through improvements in the manufacturing process or other means, the substance would not qualify for consideration as a candidate.

2. GCPF considers that an FAO specification is an acceptable international standard for product quality. If a substance is included in the PIC procedure because of an unacceptable level of a contaminant of concern, the decision and the title of the decision guidance document should be, "substance (X) with impurity (Y) at levels greater than (Z) ppm." If the chemical with the contaminant of concern at an unacceptable level is no longer traded, the chemical should not be included in the procedure, because the criteria of the Convention will not be met.

B. Other organizations

3. A number of observers noted their regret at not having received invitations to attend the meeting.

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Annex VII

LIST OF DOCUMENTS BEFORE THE COMMITTEE AT ITS FIRST SESSION

SYMBOL	TITLE
UNEP/FAO/PIC/ICRC.1/1	Provisional agenda
UNEP/FAO/PIC/ICRC.1/Add.1	Annotated provisional agenda
UNEP/FAO/PIC/ICRC.1/2	Review of the role and mandate of the Interim Chemical Review Committee
UNEP/FAO/PIC/ICRC.1/3	General presentation of the PIC procedure in the Convention
UNEP/FAO/PIC/ICRC.1/4	Consideration of draft decision guidance documents referred to the Interim Chemical Review Committee by the Intergovernmental Negotiating Committee for the following four chemicals: ethylene dichloride, ethylene oxide, maleic hydrazide and bromacil
UNEP/FAO/PIC/ICRC.1/Add.1	Draft decision guidance document on ethylene dichloride
UNEP/FAO/PIC/ICRC.1/Add.2	Draft decision guidance document on ethylene oxide
UNEP/FAO/PIC/ICRC.1/Add.3	Draft decision guidance document on maleic hydrazide
UNEP/FAO/PIC/ICRC.1/Add.4	Draft decision guidance document on bromacil
UNEP/FAO/PIC/ICRC.1/5	Review of operational procedures for the Interim Chemical Review Committee
UNEP/FAO/PIC/ICRC.1/INF/1	Rules of procedure 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
UNEP/FAO/PIC/ICRC.1/INF/2 and Add.1	Compilation of notifications of control actions, background documents and comments on the draft decision guidance documents on ethylene dichloride, ethylene oxide, maleic hydrazide and bromacil
UNEP/FAO/PIC/ICRC.1/INF/3 and Add.1 and Add.2	Designation of experts for the Interim Chemical Review Committee

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