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INTERIM CHEMICAL REVIEW COMMITTEE

Second session

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Item 3 of the provisional agenda*

REVIEW OF THE OUTCOME OF THE SEVENTH SESSION OF THE INTERGOVERNMENTAL
NEGOTIATING COMMITTEE – ACTION ITEMS/DECISIONS RELEVANT TO THE
WORK OF THE INTERIM CHEMICAL REVIEW COMMITTEE

Note by the secretariat

1. The purpose of this note is to provide the Interim Chemical Review Committee with an overview of the action items and decisions relevant to its work that resulted from the deliberations of the Intergovernmental Negotiating Committee at its seventh session in Geneva, 30 October - 3 November 2000.
2. Section I describes new issues for which the Intergovernmental Negotiating Committee have requested follow-up action from the Interim Chemical Review Committee, while section II reports on other decisions taken by the Intergovernmental Negotiating Committee of relevance to the Interim Chemical Review Committee's work. Finally, section III reports on the decisions taken by the Intergovernmental Negotiating Committee, based on the recommendations made by the Interim Chemical Review Committee at its first session.

I. ACTION ITEMS REQUESTED FROM
THE INTERIM CHEMICAL REVIEW COMMITTEE

(a) Contaminants

3. On the basis of the recommendation made by the Interim Chemical Review Committee at its first session, the Intergovernmental Negotiating Committee, in decision INC.7/5, adopted a policy on contaminants which includes final regulatory actions to ban a pesticide that have been taken by at least two countries in two PIC regions on the basis of a contaminant contained in that substance, where the notification also meets the requirements of annexes I and II of the Convention.
4. In addition, the Intergovernmental Negotiating Committee, in decision INC-7/6, decided that with regard to the issue of pesticides that had been notified as banned or severely restricted on the basis of specified levels of contaminants, the Interim Chemical Review Committee should, on a pilot basis and

* UNEP/FAO/PIC/ICRC.2/1.

without prejudice to any future policy on contaminants, apply two approaches in its consideration of maleic hydrazide and report on the outcome at the next session of the Intergovernmental Negotiating Committee.

5. The Secretariat has developed a note (UNEP/FAO/PIC/ICRC.2/4) to support the Interim Chemical Review Committee's deliberations on the issue. The issue will be discussed under agenda item 5 of the provisional agenda.

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

6. Noting that there were some aspects of the implementation of the interim PIC procedure that gave cause for concern, the Intergovernmental Negotiating Committee requested the secretariat to prepare an analysis of the problems frequently encountered by Parties in preparing notifications of final regulatory action to ban or severely restrict a chemical. It agreed that a preliminary version of the analysis was to be made available to the Interim Chemical Review Committee for consideration at its second session, scheduled for early 2001, and that the final analysis and any recommendations from the Interim Chemical Review Committee should be submitted to the Intergovernmental Negotiating Committee at its eighth session.

7. A preliminary analysis is made available to the Interim Chemical Review Committee as document UNEP/FAO/PIC/ICRC.2/9.

II. OTHER DECISIONS OF RELEVANCE TO
THE INTERIM CHEMICAL REVIEW COMMITTEE'S WORK

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

8. During the first session of the Interim Chemical Review Committee, designated experts served as members of the Committee on an interim basis, pending formal confirmation of their appointment by the Intergovernmental Negotiating Committee at its seventh session. Subsequently, designations of three experts were changed by the respective nominating governments (Canada, Ethiopia and Turkey).

9. The Intergovernmental Negotiating Committee, in decision INC-7/1, formally confirmed the designation of the 29 experts to serve on the Interim Chemical Review Committee, and reaffirmed the provisions of decision INC-6/2 with regard to the duration and terms of service of the experts.

(b) Conflict of interest

10. The Intergovernmental Negotiating Committee noted the possible need for the Interim Chemical Review Committee to be protected through the use of conflict-of-interest procedures. It requested the secretariat to collect information on procedures and forms used to address matters such as conflict of interest, disclosure and recusal in use by scientific bodies in other conventions. The secretariat was requested to develop a draft disclosure and/or recusal form and procedure for consideration by the Intergovernmental Negotiating Committee at its eighth session along with a summary of the information collected.

(c) Submission of notifications of final regulatory action for chemicals already subject to the interim prior informed consent procedure

11. During the first session of the Interim Chemical Review Committee, mention had been made of the burden imposed on countries, especially on developing countries and those with economies in transition, by the requirement to provide all the information stipulated in annex I to the Convention for chemicals that had already been included in the PIC procedure and for which a decision guidance document providing extensive information on that chemical already existed.

12. The Intergovernmental Negotiating Committee decided that, as an interim measure, countries should set priorities when preparing notifications of final regulatory actions relating to banned or severely restricted chemicals, with the highest priority being given to chemicals not already subject to the interim PIC procedure. Lower priority should be given to submitting notifications relating to chemicals already subject to the interim PIC procedure. The Intergovernmental Negotiating Committee also agreed that the secretariat should, when verifying whether submitted notifications contained all the information required under annex I to the Convention, give priority to notifications relating to chemicals not yet subject to the interim PIC procedure.

13. The Intergovernmental Negotiating Committee also requested the secretariat to prepare a paper for presentation at its eighth session, analyzing the issue and outlining options that would reconcile the need for information exchange with the need to avoid placing excessive reporting burdens on Parties or appraisal burdens on the secretariat.

III. DECISIONS TAKEN BASED ON RECOMMENDATIONS FROM THE FIRST SESSION OF THE INTERIM CHEMICAL REVIEW COMMITTEE

14. The Intergovernmental Negotiating Committee noted the progress made at the first session of the Interim Chemical Review Committee, and expressed its appreciation to the Committee and its Chair for the work they had accomplished and their contribution to the secretariat's work. The Intergovernmental Negotiating Committee, in its deliberations on issues forwarded by the Interim Chemical Review Committee, followed closely the recommendations made by the Interim Chemical Review Committee.

(a) Adoption of decision guidance documents for already identified chemicals

15. On the basis of the recommendations made by the Interim Chemical Review Committee at its first session, the Intergovernmental Negotiating Committee, in decision INC.7/2, adopted the decision guidance documents for the chemicals ethylene dichloride and ethylene oxide, with the effect that these chemicals became subject to the interim prior informed consent procedure as defined in paragraph 2 of the resolution on interim arrangements.

16. With regard to bromacil, the Interim Chemical Review Committee had been of the opinion that the requirements set out in article 5 and annex II to the Convention had not been met and had therefore decided not to recommend the inclusion of bromacil in the interim PIC procedure. The Intergovernmental Negotiating Committee endorsed the decision of the Interim Chemical Review Committee on bromacil.

17. Concerning maleic hydrazide, the Interim Chemical Review Committee had decided to seek further guidance from the Intergovernmental Negotiating Committee on the overall issue of contaminants before making a recommendation. The results of the Intergovernmental Negotiating Committee's deliberations can be found under section I (a) of this note.

(b) Incident report form

18. During the discussion, at its first session, on developing operational procedures for its mandated tasks relating to article 6 on severely hazardous pesticide formulations, the Interim Chemical Review Committee recommended that a one-page incident report form 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 1, of the Convention. The Committee established a task group to work inter-sessionally on the development of such an incident report form and guidance document.

19. The Intergovernmental Negotiating Committee agreed with the Interim Chemical Review Committee's recommendations on the issue. Through decision INC-7/3, it encouraged the Interim Chemical Review Committee to continue its development of a one-page incident report form and simple guidance document. It also recommended that States, regional economic integration organizations, bilateral and multilateral aid agencies, intergovernmental organizations and non-governmental organizations make use of the incident report form and guidance document on reporting pesticide poisoning incidents in their projects, once it is available and has been circulated via the secretariat.

20. The results of the work of the task group established by the Interim Chemical Review Committee at its first session will be discussed under agenda item 6(b) of the provisional agenda. The Secretariat has developed a note, UNEP/FAO/PIC/ICRC.2/6, to support the Committee's deliberations on the issue.

(c) Assistance to countries in identifying severely hazardous pesticide formulations

21. The Intergovernmental Negotiating Committee also adopted the Interim Chemical Review Committee's recommendation regarding assistance to countries in identifying severely hazardous pesticide formulations. It encouraged States, regional economic integration organizations, bilateral and multilateral aid agencies, intergovernmental organizations 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.

22. The Intergovernmental Negotiating Committee also agreed that any country needing assistance in implementing specific projects to identify severely hazardous pesticide formulations causing problems under conditions of use in that country could report its need to the secretariat, which would inform States, regional economic integration organizations, bilateral and multilateral aid agencies, intergovernmental organizations and non-governmental organizations accordingly.

(d) Operational procedures for the Interim Chemical Review Committee

23. The Interim Chemical Review Committee, at its first session, discussed and agreed on operational procedures to guide its work, based on the functions and responsibilities mandated to it by the Intergovernmental Negotiating Committee. It approved a flowchart setting out a process for drafting decision guidance documents (UNEP/FAO/PIC/ICRC.1/6, Annex IV).

24. The Intergovernmental Negotiating Committee, in decision INC-7/6, adopted the proposed process for drafting decision guidance documents set out in the flowchart and in the explanatory notes developed by the Interim Chemical Review Committee. The Intergovernmental Negotiating Committee strongly emphasized the importance of observing the timeframe set out in the Convention for preparing and forwarding decision guidance documents, in particular the requirement of article 21, paragraph 2, that proposed amendments must be communicated to the Parties at least six months before the session at which they were proposed for adoption. There was also agreement on the need to gain experience on the process during the interim period and to amend the procedures as necessary.
