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INTERIM CHEMICAL REVIEW COMMITTEE

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STATUS OF IMPLEMENTATION OF THE INTERIM PIC PROCEDURE
AS IT RELATES TO THE WORK OF THE INTERIM CHEMICAL REVIEW COMMITTEE

Note by the secretariat

A. Introduction

1. The purpose of this note is to provide the Interim Chemical Review Committee with information on the status of implementation of the interim PIC procedure, as of 31 October 2000, relevant to the on-going discussions of the Committee on its operational procedures under agenda item 6. The note reflects the information contained in PIC Circular XII, which was distributed to all designated national authorities (DNAs) and members of the Committee on 12 December 2000. The PIC Circular is published every six months, with PIC Circular XIII scheduled to be released on 12 June 2001.

B. Designated national authorities

2. As of 31 October 2000, 164 Parties^{1/} were participating in the interim PIC procedure, and had nominated a total of 238 DNAs. The secretariat updates the list of DNAs as new nominations and changes to existing DNAs are received. This list is distributed jointly with the PIC Circular every six months.

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

^{1/} During the interim period before the Convention enters into force, a “Party” is understood to mean any State or regional economic integration organization having nominated a designated national authority or authorities for the purpose of participating in the interim PIC procedure.

C. Chemicals subject to the interim PIC procedure and distribution of decision guidance documents

3. Appendix III of each PIC Circular contains a list of chemicals that are currently subject to the interim PIC procedure and the date of first dispatch of the corresponding decision guidance document to DNAs.

4. To date, decision guidance documents have been issued for the 21 pesticides, five severely hazardous pesticide formulations and five industrial chemicals subject to the interim PIC procedure. These include the chemicals listed in annex III of the Convention plus binapacryl, toxaphene, ethylene oxide and ethylene dichloride, for which the Intergovernmental Negotiating Committee, at its sixth and seventh sessions respectively, adopted the corresponding decision guidance documents.

D. Notification of final regulatory action to ban or severely restrict a chemical

5. In line with Article 5 of the Convention, the secretariat verifies that notifications of final regulatory actions submitted by Parties contain all the information required in Annex I of the Convention. Where a notification is found to be complete, a summary is prepared and included in appendix I, part A of the PIC Circular. In those instances where a notification is found to be incomplete, a letter is sent to the DNA outlining the missing information and indicating that reference to the notification will be included in appendix I, part B of the PIC Circular, should no additional information be provided.

6. Table 1 below gives an overview of the notifications of final regulatory action that were submitted by Parties under the interim PIC procedure, between 11 September 1998 and 30 October 2000. During the period, a total of 134 notifications were submitted. It is clear that while there would appear to be a recent trend for notifications to be complete (42 notifications between May and October 2000, versus six for the period September 1998 to May 2000) there are still a substantial number (86 out of 134) that do not meet the requirements of annex I of the Convention. Similarly, a significant number of notifications received concern chemicals already subject to the interim PIC procedure (65 out of 134).

Table 1: Overview of notifications submitted under the interim PIC procedure, between 11 September 1998 and 31 October 2000

	Submitted between 11 September 1998 and 31 May 2000	Submitted between 1 June 2000 and 31 October 2000	Total submitted
Notifications submitted	68	66	134
Notifications verified to meet the requirements of annex I of the Convention	6	42	48
Notifications verified not to meet the requirements of annex I of the Convention	62	24	86
Notification of chemicals already subject to the PIC procedure	41	24	65
Notifications on new chemicals not subject to the interim PIC procedure	27	42	69

7. An important issue raised at the first session of the Interim Chemical Review Committee, and further considered at the seventh session of the Intergovernmental Negotiating Committee, was the fact that a considerable amount of time was dedicated by DNAs and the secretariat respectively in the submission and verification of notifications for chemicals already subject to the interim PIC procedure. In response to this concern, the Intergovernmental Negotiating Committee, at its seventh session, 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 that were not subject to the interim PIC procedure. Lower priority should be given to submitting notifications relating to chemicals that were subject to the interim PIC procedure. The Intergovernmental Negotiating Committee also agreed that the secretariat, when verifying whether submitted notifications contained all the information required under annex I of the Convention, should give priority to notifications relating to chemicals not yet subject to the interim PIC procedure (paragraph 44 of UNEP/FAO/PIC/INC.7/15)

8. The Committee will have before it a note containing a report on the work of task group 1 established at the first session of the Interim Chemical Review Committee on the format and guidance for submission of notification of final regulatory actions to ban or severely restrict a chemical (UNEP/FAO/PIC/ICRC2/5). The results of the work of the Committee on this issue may provide a mechanism to further encourage the recent positive trend in the submission of complete notifications. The importance attached to this work and its potential impact on the implementation of the interim PIC procedure is evidenced by the request of the Intergovernmental Negotiating Committee, at its seventh session, for the secretariat to prepare an analysis of the problems frequently encountered by Parties in their preparation of notifications. It was agreed that a preliminary version of the analysis would be made available to the Committee at its second session, and the final analysis and any recommendations from the Committee should be submitted to the Intergovernmental Negotiating Committee at its eighth session.

E. Proposal for inclusion of severely hazardous pesticide formulations

9. In line with article 6 of the Convention, the secretariat verifies that proposals for severely hazardous pesticide formulations contain the information required in part 1 of annex IV of the Convention. The secretariat is to circulate summaries of those proposals verified to contain all the information required. These summaries are included in appendix II of the PIC Circular.

10. As of 31 October 2000, no State had submitted a proposal for a severely hazardous pesticide formulation.

11. The Committee will have before it a note containing a report on the work of task group 2 established at the first session of the Interim Chemical Review Committee on developing an incident report form and guidance on submission of proposals for severely hazardous pesticide formulations (FAO/UNEP/PIC/ICRC.2/6). The results of the work of the Committee on this issue should assist DNAs in developing and submitting such proposals in the future. The importance attached to this work and its potential impact on the implementation of the interim PIC procedure is evidenced by the decision of the Intergovernmental Negotiating Committee, at its seventh session, to encourage the Interim Chemical Review Committee to continue its development of the incident report form and associated guidance and its recommendation regarding the use of the form once it is developed.

F. Transmittal of a response concerning future import of a chemical

12. In line with article 10 of the Convention, each Party shall transmit to the secretariat, as soon as possible, and in any event no later than nine months after the date of dispatch of the decision guidance document, a response concerning the future import of the chemical concerned. The response shall consist of either a final decision or an interim response. The interim response may include an interim decision regarding import. If a Party modifies this response, the DNA shall submit the revised response to the secretariat.

13. The secretariat shall, at the expiration of the nine months time period given, address to a Party that has not provided such a response, a written request to do so, through its DNA. This is done through the PIC Circular. Where the phrase "Cases of failure to transmit a response" is listed in appendix IV for a Party, the DNA should consider this to represent the written request for that Party to provide a response for that chemical in line with article 10, paragraph 3.

G. Information on responses received concerning future import of a chemical

14. In line with article 10, the secretariat shall, every six months, inform all Parties of the responses received regarding future import, including a description of the legislative or administration measures on which the decisions have been based, where available, and information on cases of failure to transmit a response. This is done through appendix IV of the PIC Circular.

15. Any Party is considered to have failed to transmit an import response if the secretariat has not received a response from the DNA within nine months of the date of dispatch of the decision guidance document to the Party. For each chemical appendix IV of the PIC Circular identifies each Party and gives the date on which the secretariat first informed the Parties, through publication of the PIC Circular, that the Party had failed to transmit a response. In addition, any response listed in the Circular not addressing importation is considered as an interim response that does not contain an interim decision.

16. As of 31 October 2000, a total of 2324 responses regarding future import of a chemical had been received from Parties on the 29 chemicals for which a decision guidance document had been circulated. This corresponds to a response rate of 50 %. The Intergovernmental Negotiating Committee and the secretariat are following progress made in the implementation of the interim PIC procedure and will consider means, as appropriate, to encourage Parties to provide responses regarding future import, in line with article 10 of the Convention.

H. Information on transit movements

18. As of 30 October 2000, no Party had reported to the secretariat its need for information on transit movements through its territory of chemicals included in the interim PIC procedure.
