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INTERIM CHEMICAL REVIEW COMMITTEE

Second session

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Item 6 (a) of the provisional agenda*

OPERATIONAL PROCEDURES FOR THE INTERIM CHEMICAL REVIEW COMMITTEE -
REPORT OF THE WORK OF TASK GROUP 1 ON FORMAT AND GUIDANCE ON
SUBMISSION OF NOTIFICATIONS OF FINAL REGULATORY ACTION

Note by the secretariat

1. The Interim Chemical Review Committee, at its first session, reviewed its operational procedures. The Committee identified four priority tasks and decided to set up a task group for each of them to work inter-sessionally. Task group 1 was charged with the following: to revise the form for notification of final regulatory action to ban or severely restrict a chemical pursuant to article 5 of the Convention so as to make it fully consistent with annex I and revise the guidance for completing the form, linking the information provided to the criteria set out in annex II.
2. Annexed to this note is the report of task group 1 submitted to the secretariat. The report provides brief background information on the objective and composition of the task group and information on how its work was organized. Finally, in sections E and F, respectively, the report identifies issues for consideration by the Interim Chemical Review Committee and provides specific recommendations on how the Committee might proceed.
3. In addition to this note, the Interim Chemical Review Committee has before it two other documents relevant to this agenda item (UNEP/FAO/PIC/ICRC.2/9 and UNEP/FAO/PIC/ICRC.2/INF/1). The first document contains the preliminary analysis of the problems frequently encountered by parties when preparing notifications of final regulatory action to ban or severely restrict a chemical which was requested by the Intergovernmental Negotiating Committee at its seventh session. The second document contains a compilation of examples of notified bans and severe restrictions which was requested by the Interim Chemical Review Committee at its first session. Task group 1 recommends that these two documents be considered in association with the report on its work.

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

Annex

**REPORT ON THE WORK OF TASK GROUP 1:
FORMAT AND GUIDANCE ON SUBMISSION OF NOTIFICATIONS
OF FINAL REGULATORY ACTION**

A. OBJECTIVES OF THE TASK GROUP

1. The objectives of task group 1, established at the first session of the Interim Chemical Review Committee, are :
 - (a) to revise the form for "Notification of final regulatory action", to make it fully consistent with the information requirements of annex I of the Convention; and
 - (b) to revise the guidance on providing information, linking the information to be provided with the criteria given in annex II of the Convention.

B. COMPOSITION OF THE TASK GROUP

2. The members of task group 1, assigned at the first session of the Interim Chemical Review Committee, were:

The Secretariat (lead)
Reiner Arndt
Cathleen Barnes
Marc Debois
Karel Gijssbertsen
Masayuki Ikeda

C. BACKGROUND

3. The Rotterdam Convention, in line with article 5, paragraph 1, requires each Party to notify the Secretariat in writing of every final regulatory action taken to ban or severely restrict a chemical. Article 5, paragraph 3, requires the Secretariat to verify, as soon as possible and in any event no later than six months after receipt, whether the received notification contains the information required by annex I.
4. Article 5, paragraph 5 and 6, requires that the Secretariat, when it has received at least one notification from two interim PIC regions regarding a particular chemical that it has verified meet the requirements of Annex I, forward these notifications to the Interim Chemical Review Committee. The Interim Chemical Review Committee shall review the information provided in these notifications and, in accordance with the criteria set out in Annex II, make recommendations to the Intergovernmental Negotiating Committee as to whether the chemical in question should be made subject to the interim PIC procedure.
5. The submitted notifications of final regulatory action are thus the main documents upon which the Interim Chemical Review Committee will base its work. It is therefore of importance to the Committee that the information submitted in the notifications is of sufficient quality and of relevance to their review of the criteria found in Annex II of the Convention.
6. The current version of the form for notification of final regulatory action to ban or severely restrict a chemical (notification form) and associated instructions, based on the new procedure contained in the Convention, were developed by the Secretariat following the adoption of the Convention. They were circulated to all Designated National Authorities (DNAs) in June 1999.

7. The Interim Chemical Review Committee assigned high priority to the revision of the notification form and associated guidance, in order to make them fully consistent with the information requirements of Annex I of the Convention and link the information provided with the criteria given in annex II of the Convention.

D. ORGANIZATION OF THE WORK

8. A draft workplan for task group 1 was sent to its members on 2 June 2000. The agreed workplan, together with the current notification form and instructions and a document summarizing experience gained, were circulated to task group members on 12 July 2000. The deadline for the first round of comments and proposals was 14 August 2000. A reminder was sent out on 18 August 2000. One member circulated comments by e-mail to all members on 31 August 2000. A summary of the comments received is contained in appendix I.

9. Given the limited number of comments received, it was considered premature to attempt to revise the current notification form and instructions. Instead, a document was developed, that identifies relevant issues for discussion by the Interim Chemical Review Committee at its second session in March 2001. This approach was discussed at an informal meeting with all task group members during the seventh session of the Intergovernmental Negotiating Committee (Geneva, November 2000) and endorsed by the bureau of the Interim Chemical Review Committee.

E. ISSUES TO CONSIDER

10. The notification form serves two purposes:

- (a) it assists DNAs, when discharging their responsibilities in line with article 5, paragraphs 1 and 2 of the Convention, to notify each final regulatory action it has adopted to ban or severely restrict a chemical; and
- (b) it provides information upon which the Interim Chemical Review Committee shall base its consideration of the criteria in annex II of the Convention and its recommendation regarding inclusion in the interim PIC procedure.

11. After considering the task assigned to it, the task group proposes that a further review of the objective is needed. The task group should focus on considering whether the current notification form will generate the information requested in annex I and II of the Convention. The information provided in the notifications serves as the basis for the Interim Chemical Review Committee to determine whether or not the chemical may be a viable candidate for the interim PIC procedure and for the development of a decision guidance document (DGD). Only when the Committee has agreed on the content of the form can appropriate proposals for changes to the format and instructions to DNAs on completing the form be developed.

12. The actual revision of the format of the notification form and instructions to DNAs on completing the form would most appropriately be developed by the secretariat, based on their experience with the current notification form. Such a revision should only be made after consultation with DNAs to ensure that the improvements incorporated into the form and instructions take into account both the needs of DNAs and the Interim Chemical Review Committee.

13. The Intergovernmental Negotiating Committee, at its seventh session, requested the secretariat to provide to the Interim Chemical Review Committee a preliminary analysis of the problems frequently encountered by Parties in preparing notifications of final regulatory action to ban or severely restrict a chemical. This will provide useful input to the discussions of the work of task group 1.

F. RECOMMENDATION TO THE INTERIM CHEMICAL REVIEW COMMITTEE

14. As a first step towards proposing revisions to the notification form and instructions, the Interim Chemical Review Committee should review annexes I and II of the Convention, in order to build a common understanding of the information it would consider necessary in drafting a decision guidance document. The second step should be to review examples of submitted notifications and relevant supporting documentation, in order to identify those elements of the form it considers essential in order to meet the information requirements and criteria listed in annexes I and II of the Convention, respectively. Finally, it could develop recommendations for specific sections on the type of information (content, level of detail etc.) that should be provided. These recommendations would be an important contribution toward revising the existing instructions to DNAs on completing the form.

15. The Interim Chemical Review Committee should, at its next session:

- (a) review the information elements required by annex I and identify links with and relevance to the criteria in annex II;
- (b) review the compilation of examples of notified bans and severe restrictions that the Interim Chemical Review Committee, at its first session, requested the Secretariat to develop (UNEP/FAO/PIC/ICRC.2/INF/1), in order to understand the type and quality of information being provided;
- (c) review the preliminary analysis of the problems frequently encountered by Parties in preparing notifications of final regulatory actions to ban or severely restrict a chemical (UNEP/FAO/PIC/ICRC.2/9), as requested by the Intergovernmental Negotiating Committee at its seventh session; and
- (d) identify essential information elements that must be provided in a notification in order for the Interim Chemical Review Committee to be able to effectively apply the criteria listed in annex II and to develop a decision guidance document.

16. Possible outcomes of the discussion could be:

- (a) to consider developing recommendations (to the Secretariat) for specific sections of the notification form on the type of information that should be provided, in order to assist DNAs when submitting notifications;
- (b) to consider whether the Interim Chemical Review Committee would want to make any specific recommendations regarding the final analysis of problems frequently encountered by Parties in preparing notifications of final regulatory actions to be presented to the Intergovernmental Negotiating Committee at its eight session; and
- (c) to consider whether any recommendations should be made to the Intergovernmental Negotiating Committee regarding submission of notifications of final regulatory action by Parties. (e.g. content, appropriate level of detail in the information considered essential to the Interim Chemical Review Committee's work, availability of supporting documentation).

APPENDIX I - SUMMARY OF COMMENTS RECEIVED**First round of comments on material circulated 12 July 2000 -**

Cathleen Barnes circulated comments by e-mail to all members on 31 August 2000. The main points raised by her were:

1. The form should contain a cross reference to the instructions and an indication that the instructions must be followed.
2. Secretariat could indicate sources of information for some of the sections (f.ex. CAS-number, hazard classification).
3. Should a model for a filled out notification form be developed?
4. Not use the terms obligatory or mandatory, as this might be interpreting the Convention. Instead use “at a minimum, parties must fill in all the boxes on the form and if the requested information is not available, that should be indicated.”
5. It should not be necessary to require that trade names are provided.
6. Revise section 1.7 on Use or uses of the chemical asking for known or reasonably known possible uses.
7. Modify section 2.5 to Yes/No answer regarding the category the action was taken for.
8. Add a question to section 2.5 – Was the risk evaluation done to support both categories of use?
