



**United Nations
Environment Programme**

**Food and Agriculture Organization
of the United Nations**

Distr.: General
21 November 2003

English only

Interim Chemical Review Committee

Fifth session

Geneva, 2–6 February 2004

Item 3 of the provisional agenda*

Review of the outcome of the tenth session of the Intergovernmental Negotiating Committee

**Further consideration of inconsistencies in the listing of chemicals
within Annex III and between Annex III and decision guidance
documents**

Note by the secretariat

1. The Intergovernmental Negotiating Committee at its tenth session reviewed the report prepared by the secretariat based on the recommendations of the Interim Chemical Review Committee at its fourth session on possible inconsistencies within Annex III and between Annex III and decision guidance documents (UNEP/FAO/PIC/INC.10/12).
2. In its decision INC 10/6, on inconsistencies within Annex III of the Convention and between Annex III and decision guidance documents, the Committee agreed to amend the listing in Annex III and the relevant sections of the decision guidance documents for 2,4,5-T, pentachlorophenol, dinoseb and dinoseb salts and methyl parathion, as proposed by the Interim Chemical Review Committee at its fourth session.
3. However, the Interim Chemical Review Committee was requested to provide its rationale for its recommendation not to accept the other proposals in the secretariat paper on the inconsistencies in Annex III (UNEP/FAO/PIC/ICRC.4/9). It was also confirmed that it remained possible for representatives to raise further issues once they had received that advice.
4. Annexed to the present note are the conclusions of the breakout group established at the fourth session of the Interim Chemical Review Committee to consider the paper on the issue.

* UNEP/FAO/PIC/ICRC.5/1.

Annex

Report of the break-out group on listing of chemicals within Annex III and between Annex III and decision guidance documents, as amended and agreed by the fourth session of the Interim Chemical Review Committee¹

The break-out group on listing of chemicals within Annex III and between Annex III and decision guidance documents (housekeeping) met on Wednesday 5 March to consider document UNEP/FAO/PIC/ICRC.4/9 and whether there were inconsistencies within Annex III of the Convention and between Annex III and the decision guidance documents that may be sufficiently important to warrant Intergovernmental Negotiating Committee and Conference of the Parties action.

The break-out group was of the view that for the majority of chemicals listed in Annex III, no housekeeping action was necessary. It was noted that there were a number of minor amendments that could be made to clean up the decision guidance documents, in particular by better correlating CAS numbers with the intended scope of the listing. However, because these minor inconsistencies were not understood to have any substantive impact on the implementation of the PIC procedure, the break-out group did not propose housekeeping changes in these cases.

The break-out group noted that, although it might have been the intent of the original expert group to list the severely hazardous pesticide formulations monocrotophos, methamidophos and phosphamidon with the term “that equal or exceed XXX g active ingredient/l”, they were instead listed as “that exceed XXX g active ingredient/l”. However, the break-out group noted that in these cases the decision guidance document and the listing in Annex III are fully consistent with one another. The break-out group was of the view that, rather than the Interim Chemical Review Committee proposing housekeeping steps for these formulations, it may be more appropriate to keep the Annex III listing of decision guidance document as is, and for Parties to propose other formulations of these pesticides under the procedures of Article 6 in the event they are experiencing problems with them.

On the basis of the presentation by the co-chairs and the ensuing discussion, the Interim Chemical Review Committee agreed to make the following recommendations to the Intergovernmental Negotiating Committee:

General Statement

A number of the following recommendations suggest that the Intergovernmental Negotiating Committee should recommend amendments to the entries for chemicals in Annex III. An alternative approach could be the use of a footnote in Annex III clarifying the scope of the entry in Annex III or other appropriate legally sufficient mechanism. In this event it may be necessary to review the decision guidance document titles for consistency.

2,4,5-T

The Interim Chemical Review Committee, in reviewing the documentation before it, understood that the intent of the decision guidance document, and consequently the listing of 2,4,5-T in Annex III, was to cover 2,4,5-T and all of its salts and esters.

The Interim Chemical Review Committee recommends that:

- (a) The Intergovernmental Negotiating Committee recommend to the Conference of the Parties that the entry in Annex III for 2,4,5-T be amended to read “2,4,5-T and its salts and esters”
- (b) The Intergovernmental Negotiating Committee recommend to the Conference of the Parties that section 1.1 of the decision guidance document for 2,4,5-T be amended to read “2,4,5-T and its salts and esters”
- (c) During the voluntary procedure that the listing for 2,4,5-T be interpreted to include the salts and esters of 2,4,5-T.

¹ Available at the fourth session of the ICRC as UNEP/FAO/PIC/ICRC.4/CRP16.rev1

Pentachlorophenol

The Interim Chemical Review Committee, in reviewing the documentation before it, understood that the intent of the decision guidance document, and consequently the listing of pentachlorophenol in Annex III, was to cover Pentachlorophenol and all of its salts and esters.

The Interim Chemical Review Committee recommends that:

- (a) The Intergovernmental Negotiating Committee recommend to the Conference of the Parties that the entry in Annex III for pentachlorophenol be amended to read “Pentachlorophenol and its salts and esters”
- (b) The Intergovernmental Negotiating Committee recommend to the Conference of the Parties that section 1.1 of the decision guidance document for pentachlorophenol be amended to read “Pentachlorophenol and its salts and esters”
- (c) During the voluntary procedure that the listing for pentachlorophenol be interpreted to include the salts and esters of pentachlorophenol.

Dinoseb and dinoseb salts

The Interim Chemical Review Committee, in reviewing the documentation before it, understood that the intent of the decision guidance document, and consequently the listing of dinoseb and dinoseb salts in Annex III, was to cover dinoseb and all of its salts and esters.

The Interim Chemical Review Committee recommends that:

- (a) The Intergovernmental Negotiating Committee recommend to the Conference of the Parties that the entry in Annex III for dinoseb and dinoseb salts be amended to read “Dinoseb and its salts and esters”
- (b) That the title of the decision guidance document be amended to read “Dinoseb”.
- (c) The Intergovernmental Negotiating Committee recommend to the Conference of the Parties that section 1.1 of the decision guidance document for dinoseb and dinoseb salts be amended to read “Dinoseb and its salts and esters”
- (d) During the voluntary procedure that the listing for dinoseb and dinoseb salts be interpreted to include the salts and esters of dinoseb.

Methyl parathion (emulsifiable concentrates (EC) with 19.5%, 40%, 50%, 60% active ingredient and dusts containing 1.5%, 2% and 3% active ingredient)

The Interim Chemical Review Committee recommends that:

- (a) The Intergovernmental Negotiating Committee recommend to the Conference of the Parties that the entry in Annex III for Methyl parathion (emulsifiable concentrates (EC) with 19.5%, 40%, 50%, 60% active ingredient and dusts containing 1.5%, 2% and 3% active ingredient) be amended to read “Methyl parathion (emulsifiable concentrates (EC) at or above 19.5% active ingredient and dusts at or above 1.5% active ingredient)”
 - (b) The Intergovernmental Negotiating Committee recommend to the Conference of the Parties that the title and section 1.1 of the decision guidance document be amended to read “Methyl parathion (emulsifiable concentrates (EC) at or above 19.5% active ingredient and dusts at or above 1.5% active ingredient)”
 - (c) During the voluntary procedure that the listing for Methyl parathion (emulsifiable concentrates (EC) with 19.5%, 40%, 50%, 60% active ingredient and dusts containing 1.5%, 2% and 3% active ingredient) be interpreted to mean “Methyl parathion (emulsifiable concentrates (EC) at or above 19.5% active ingredient and dusts at or above 1.5% active ingredient)”
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