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**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**

Tenth session

Geneva, 17-21 November 2003

Item 2 (a) of the provisional agenda*

**Organizational matters:
Adoption of the agenda**

ANNOTATED PROVISIONAL AGENDA

Item 1: Opening of the session

1. The tenth session 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, which will be held at the International Conference Centre, rue de Varembé 15, Geneva, will be opened at 10 a.m. on Monday, 17 November 2003.

2. Opening and welcoming statements will be delivered by:

(a) Mr. Philippe Roch, State Secretary, Director, Swiss Agency for the Environment, Forests, and Landscape;

(b) Mr. Shafqat Kakakhel, Deputy Executive Director of the United Nations Environment Programme (UNEP);

(c) Ms. Louise Fresco, Assistant Director-General of the Food and Agriculture Organization of the United Nations (FAO).

* UNEP/FAO/PIC/INC.10/1.

Item 2: Organizational matters

(a) Adoption of the agenda

3. The Committee may wish to adopt its agenda on the basis of the provisional agenda as contained in document UNEP/FAO/PIC/INC.10/1.

(b) Organization of work

4. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.10/2) transmitting a scenario note by the Chair of the Committee, Ms. Maria Celina de Azevedo Rodrigues, in which she communicates her plans and general expectations for the session to all delegates.

5. The Committee may wish to decide that it should meet from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m., subject to adjustment as necessary.

Item 3: Activities of the secretariat and review of the situation as regards extrabudgetary funds

6. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.10/3) on activities of the secretariat and a review of the situation as regards extrabudgetary funds.

7. The Committee may wish to take note of the information presented in the secretariat's note and:

(a) Approve the staffing level and budget for 2004-2005;

(b) Urge Governments and others to provide the necessary funding to implement the budget for 2003, and for 2004-2005, in full;

(c) Note that, although the first meeting of the Conference of the Parties is tentatively planned and budgeted for 2004, its scheduling is determined by the pace of ratification, and agree that the secretariat should have the flexibility to reschedule the meeting if necessary.

Item 4: Implementation of the interim prior informed consent procedure

(a) Status of implementation

8. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.10/4) on the status of implementation of the interim prior informed consent (PIC) procedure.

9. The Committee may wish to note the progress made in the implementation of the interim PIC procedure, in particular the level of importing country responses as listed in chapter VI of the note by the secretariat.

10. Countries that have participated in the workshops should be prepared to identify some of the constraints which they are facing in preparing import responses and in working towards ratification of the Convention, and to consider how those constraints might be overcome.

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

11. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.10/5) on the confirmation of new experts from the North American and the Asian regions designated to the Interim Chemical Review Committee.

12. The Committee may wish to consider the information presented in the note by the secretariat and, as appropriate, confirm the designation of the new experts to the Interim Chemical Review Committee.

(c) Presentation of the report of the Interim Chemical Review Committee on the work of its fourth session

13. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.10/6) transmitting the report of the Interim Chemical Review Committee on the work of its fourth session.

14. The Committee may wish to take note of the report. Specific issues arising out of the fourth session are covered under agenda item 4 (e).

(d) Inclusion of chemicals in the interim prior informed consent procedure

(i) Asbestos

15. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.10/7) on the inclusion of the amosite, actinolite, anthophyllite, tremolite and chrysotile forms of the chemical asbestos (category: industrial) in the interim prior informed consent procedure.

16. The Committee may wish to decide to make the amosite, actinolite, anthophyllite, tremolite and chrysotile forms of asbestos subject to the interim prior informed consent procedure as defined in paragraph 2 of the resolution on interim arrangements, and to approve the draft decision guidance document.

(ii) DNOC

17. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.10/8) on the inclusion of the chemical DNOC (category: pesticide) in the interim prior informed consent procedure.

18. The Committee may wish to decide to make the chemical DNOC and its salts (such as the ammonium salt, potassium salt and sodium salt) subject to the interim prior informed consent procedure, as defined in paragraph 2 of the resolution on interim arrangements, and to approve the draft decision guidance document.

(iii) Dustable powder formulations of benomyl, carbofuran and thiram

19. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.10/9) on the inclusion of the severely hazardous pesticide formulation: dustable powder formulations containing benomyl at or above 7 per cent, carbofuran at or above 10 per cent and thiram at or above 15 per cent, in the interim prior informed consent procedure.

20. The Committee may wish to decide to make the severely hazardous pesticide formulation: dustable powder formulations containing benomyl at or above 7 per cent, carbofuran at or above 10 per cent and thiram at or above 15 per cent subject to the interim prior informed consent procedure, as defined in paragraph 2 of the resolution on interim arrangements, and to approve the draft decision guidance document.

(iv) Issues related to inclusion of other chemicals

21. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.10/10) on inclusion of chemicals after the entry into force of the Convention.

22. The Committee may wish to consider the information provided and provide its guidance to the secretariat in respect of the suggested short session of the Committee immediately prior to the opening of the first meeting of the Conference of the Parties.

(e) Issues arising out of the fourth session of the Interim Chemical Review Committee

(i) Maleic Hydrazide - Status of implementation of decision INC-8/3

23. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.10/11) containing a report on the status of implementation of decision INC-8/3.

24. The Committee may wish to review the current status of the implementation of decision INC-8/3 concerning the potassium salt of maleic hydrazide and consider what further follow-up may be necessary regarding the choline salt of maleic hydrazide.

(ii) Possible inconsistencies in Annex III of the Convention

25. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.10/12) on possible inconsistencies within Annex III of the convention and between Annex III and decision guidance documents.

26. The Intergovernmental Negotiating Committee may wish to consider the proposed changes to the entries for 2,4,5-T, pentachlorophenol, dinoseb and dinoseb salts, and methyl parathion, and to consider making a recommendation to the Conference of the Parties regarding those changes.

(iii) Achievements by the Interim Chemical Review Committee

27. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.10/13) forwarding a note on achievements by the Interim Chemical Review Committee, prepared by Mr. Reiner Arndt, its Chair.

28. The Committee may wish to note the information presented.

(iv) Other issues

29. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.10/14) on the “bridging” information to be contained in the supporting documentation provided by a notifying country using a risk evaluation from another country in support of final regulatory action. The Committee may wish to take note of the working paper reproduced in annex to that note.

30. The Committee has before it also a note by the secretariat (UNEP/FAO/PIC/INC.10/15) on the preparation and use of focused summaries. The Committee may wish to take note of the working paper annexed to that note and to consider inviting designated national authorities to prepare focused summaries, on a voluntary basis, using the information at their disposal.

31. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.10/16) that provides relevant background information and a summary of the Interim Chemical Review Committee’s deliberations on selected issues that are not specifically covered elsewhere in the agenda. The Committee may wish to note the information presented.

Item 5: Preparations for the Conference of the Parties

(a) Draft rules of procedure

32. At its ninth session, the Committee agreed that paragraph 1 of rule 45 of the draft rules of procedure would need to be revisited at a future meeting of the Committee. Accordingly, the secretariat is providing, in annex to its note UNEP/FAO/PIC/INC.10/17, the draft text of rule 45 of the draft rules of procedure, as adopted by the Committee at its eighth session.

(b) Draft financial rules and provisions

33. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.10/18) submitting the draft financial rules for its further consideration.

34. The Committee will have before it also an information note by the Secretariat (UNEP/FAO/PIC/INC.10/INF/5) submitting a proposal by the representative of Canada that was circulated at the Committee's ninth session as a conference room paper.

(c) Settlement of disputes

35. At its ninth session, the Committee finalized the draft rules on arbitration and conciliation except for one issue identified in the footnote to article 16 of the draft rules of arbitration (see paragraph 106 of document UNEP/FAO/PIC/INC.9/21). The Committee agreed that it would consider that provision further at its tenth session.

36. The Committee may wish to consider the outstanding issue and, upon reaching agreement, decide whether it wishes to transmit the draft rules on arbitration and conciliation to the Conference of the Parties.

(c) Non-compliance

37. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.10/19) on non-compliance and a note by the secretariat (UNEP/FAO/PIC/INC.10/20) transmitting a draft prepared by the Chair of the working group on compliance.

Item 6: Issues arising out of the Conference of Plenipotentiaries(a) Support for implementation

38. The Committee has before it a note by the secretariat (UNEP/FAO/PIC/INC.10/21) with a compilation and analysis of the results and conclusions of workshops on the Convention.

39. The Committee may wish to consider the information provided.

40. Countries that have participated in the workshops should be prepared to identify some of the constraints they are facing in preparing import responses and in working towards ratification of the Convention, and to consider how those constraints might be overcome.

41. The Committee has also before it a note by the secretariat (UNEP/FAO/PIC/INC.10/22) on the establishment of an electronic clearing house.

42. The Committee may wish to note the establishment of the clearing house on chemicals subject to the interim PIC procedure through the Rotterdam Convention web site (www.pic.int). The secretariat would welcome feedback on the usefulness of the information to Parties and any issues arising from the operation of the clearing house.

43. The Committee has also before it a note by the secretariat (UNEP/FAO/PIC/INC.10/23) on technical assistance needs and opportunities for synergies as the basis for a possible strategic approach to technical assistance.

44. The Committee may wish to consider the proposed actions.

Item 7: Assignment of Harmonized System custom codes

45. The Committee will have before it an information note by the secretariat (UNEP/FAO/PIC/INC.10/INF/1) on the status of its work with the World Customs Organization.

Item 8: Status of signature and ratification of the Convention

46. The Committee will have before it an information note by the secretariat (UNEP/FAO/PIC/INC.10/INF/2) on the status of signature and ratification of the Convention.

47. The Chair of the Committee intends to invite Governments of States that are not yet Parties to the Convention to make short presentations on the status of their preparations and on when they expect to deposit their instruments of ratification of accession to the Convention. The Committee may wish to take note of the information presented and consider what steps may be necessary to facilitate the process of accession/ratification with a view to bringing the Convention into force as soon as possible.

Item 9: Other matters

48. The Committee will have before it an information note from the secretariat (UNEP/FAO/PIC/INC.10/INF/3) providing an overview of recommendations to the Conference of the Parties.

49. The Committee may wish to consider also other matters raised by delegations in the course of the session.

Item 10: Adoption of the report

50. At the final meeting of the session, the Committee will be invited to consider and adopt the draft report on its work as prepared by the Rapporteur.

Item 11: Closure of the session

51. It is expected that the session will be closed by the Chair by 6 p.m. on Friday, 21 November 2003.
