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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 (b) of the provisional agenda*

Organization of work

**SCENARIO NOTE FOR 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**

Note by the secretariat

The secretariat has the honour to transmit to the Intergovernmental Negotiating Committee, in annex to the present note, information for the tenth session of the Committee prepared by the Chair of the Committee, Ms. Maria Celina de Azevedo Rodrigues of Brazil.

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

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Annex

Scenario note for the tenth session of the Intergovernmental Negotiating Committee

1. I have prepared this scenario note for the tenth session of the Intergovernmental Negotiating Committee to communicate my plans and general expectations to all delegates and, I hope, to assist delegates in preparing for the meeting. The documents for the tenth session of the Intergovernmental Negotiating Committee were distributed in early September and posted on the Rotterdam Convention web site (www.pic.int), to give delegates sufficient time to review them and to conduct consultations and make other preparations for the meeting.

A. General objectives of the tenth session of the Intergovernmental Negotiating Committee

2. The overall goal is to resolve all the major outstanding issues associated with the implementation of the interim prior informed consent (PIC) procedure. For those issues that are not resolved, the policy choices should be clearly reflected in the report of the meeting. Noting that 44 parties ratified the Convention over the period September 1998-July 2003, and assuming that Governments will continue to ratify at this rate, I think that it is reasonable to expect that the Convention will enter into force in early 2004. If this happens, the first meeting of the Conference of the Parties would take place by early 2005 (i.e., within one year of the Convention's entry into force) and it is unlikely that there will be another full meeting of the Intergovernmental Negotiating Committee before that date. At the conclusion of the present session, therefore, there should be a clear understanding of the relevant issues that will serve as the basis for recommendations to the first meeting of the Conference of the Parties. Some of the principal issues to be considered with respect to the operation of the interim PIC procedure are as follows:

(a) Under agenda item 3, the Committee will review the current financial situation. At its ninth session the Committee decided to revisit the budget for 2004 and to establish an open-ended budget working group;

(b) The report on the status of implementation of the interim PIC procedure considered under item 4 (a) of the provisional agenda raises important issues concerning the low rate at which countries are submitting import responses and notifications even after training has been given in the implementation of the interim PIC procedure. In its consideration of this issue, the Committee might note the compilation and analysis of the results and conclusions of the workshops convened in support of the implementation of the Convention and the paper on technical assistance needs that will be considered under agenda item 6 (a). Countries which have participated in the workshops should be prepared to identify some of the constraints that they are facing in preparing import responses and in working towards ratification of the Convention, and to consider how these constraints may be overcome;

(c) Under item 4 (d) of the provisional agenda, the Intergovernmental Negotiating Committee will take decisions on the inclusion of the pesticide DNOC, 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, and the industrial chemicals amosite, actinolite, anthophyllite, tremolite and chrysotile asbestos in the interim PIC procedure, and on the adoption of the relevant decision guidance documents;

(d) The outcome of the fourth session of the Interim Chemical Review Committee includes a number of documents of which the Committee is to take note, responses to the specific requests of the Intergovernmental Negotiating Committee at its ninth session and, perhaps most important, a need to consider next steps with respect to decision INC-8/3 on maleic hydrazide. These issues will be considered in detail under agenda item 4 (e).

3. There are a number of issues that will need to be addressed in preparing a set of recommendations for the first meeting of the Conference of the Parties. These issues include.

(a) The documents developed under agenda item 5 build on the discussions of the Intergovernmental Negotiating Committee at its ninth session. Some of the tasks before the tenth session of the Committee include:

- (i) Resolving the outstanding issues concerning non-compliance through a review of the Chair's draft of procedures and institutional mechanisms for handling cases of non-compliance and preparation of a draft decision for the first meeting of the Conference of the Parties on reporting. A questionnaire reflecting the deliberations of the working group established at the ninth session is also to be completed. In order to facilitate discussion of these issues by the Committee, I propose to convene an open-ended compliance working group with the objective of reaching agreement on a way forward;
- (ii) Resolving the two remaining issues on the draft financial rules and provisions, specifically, the location and administration of trust funds and the apportionment of expenses. The proposal by Canada presented at the ninth session for amendment of the draft financial rules and provisions will also be available for review;
- (iii) Revisiting paragraph 1 of rule 45 of the draft rules of procedure;

(b) As part of the review of the support for implementation under item 6 (a) of the provisional agenda and its consideration of possible approaches to a "fast start" under article 16 once the Convention enters into force, countries, having considered the compilation and analysis of the results and conclusions of the workshops and the paper on technical assistance needs, should be prepared to identify actions that they have taken to include requests for assistance on chemicals management in their national plans for technical or development assistance and to coordinate actions on the various chemicals-related conventions at the national level.

B. Possible outcomes of the tenth session of the Intergovernmental Negotiating Committee

4. The following is a list of the expectations that I have for possible outcomes of the meeting:

(a) A commitment to continue to fund the operation of the interim PIC procedure and adoption of the budget for 2004;

(b) Decisions on the inclusion of the additional chemicals DNOC, amosite, actinolite, anthophyllite, tremolite and chrysotile asbestos, and 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 PIC procedure and approval of the relevant decision guidance documents;

(c) A clear decision on a way forward in the light of the status of implementation of decision INC-8/3 on maleic hydrazide;

(d) Conclusion of the discussion on the financial rules and provisions, non-compliance and the rules of procedure as the basis for recommendations to the Conference of the Parties at its first meeting;

(e) A clear understanding of all the issues that are to be the basis for recommendations to first meeting of the Conference of the Parties;

(f) An outline of a technical assistance strategy that builds on the work completed during the interim PIC procedure and sets out possible actions to be undertaken by countries and also those that may be undertaken by the secretariat.
