



**United Nations  
Environment Programme**



UNEP



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

Distr.  
GENERAL

UNEP/FAO/PIC/INC.10/13  
23 July 2003

ORIGINAL: ENGLISH

---

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 4 (e) (iii) of the provisional agenda\*

**Implementation of the interim prior informed consent procedure:  
Issues arising out of the fourth session of the Interim Chemical Review Committee**

**ACHIEVEMENTS BY THE INTERIM CHEMICAL REVIEW COMMITTEE**

**Note by the secretariat**

Introduction

1. At the fourth session of the Interim Chemical Review Committee (ICRC) its Chair indicated that, working with the secretariat, he would prepare a summary paper on what had been achieved by the Interim Chemical Review Committee at its first four sessions, and the lessons learned, for submission to the Intergovernmental Negotiating Committee at its tenth session.
2. The summary paper prepared by Mr. Reiner Arndt, Chair of ICRC, is reproduced in annex to the present note.

---

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

Annex

**ACHIEVEMENTS BY THE INTERIM CHEMICAL REVIEW COMMITTEE**

**Prepared by Mr. Reiner Arndt, Chair of ICRC**

Background

1. The Interim Chemical Review Committee of the Rotterdam Convention was established by the International Negotiating Committee in its decision INC-6/8 at its sixth session, in 1999. It consists of 29 Government-designated experts from the seven interim PIC Regions: six from Africa, five from Asia, six from Europe, five from Latin America and the Caribbean, three from the Near East, two from North America and two from the South-West Pacific. The experts served from the first session, in 2000, to the third, in 2002.
2. At its eighth session, the Intergovernmental Negotiating Committee decided (decision INC-8/1) to adopt rules and procedures for preventing and for dealing with conflicts of interest for members of the Interim Chemical Review Committee in relation to ICRC activities, and that a declaration of interest form should be completed by current members of ICRC for submission at the third session. Only members of ICRC who had completed and submitted their conflict of interest forms could participate in and vote at ICRC sessions after the third.
3. It was noted that at some ICRC sessions there was not always a balance between industrial non-governmental organizations and non-industrial non-governmental organizations.
4. At the ninth session of the Intergovernmental Negotiating Committee, in 2002, the mandates of the experts for most regions was extended; the Asian region, however, decided to nominate five new experts. With the new experts and the extension of the mandates of others, the fund of experience in the Committee was maintained while there was some turnover in membership. This concept could be a model for the Chemical Review Committee that will be established once the Rotterdam Convention enters into force.
5. In 2003, ICRC held its fourth session. The following paper outlines the results of the work of ICRC over its four sessions to date.

**I. REVIEW OF CHEMICALS**

6. Pursuant to paragraph 7 of decision INC-6/2, and articles 5, 6 and 7 of the Convention, the functions and responsibilities of ICRC are: making recommendations on the inclusion of banned and severely restricted chemicals in the interim prior informed consent (PIC) procedure; making recommendations on the inclusion of severely hazardous pesticide formulations; and preparing, as appropriate, the relevant draft decision guidance documents.
7. From information compiled by of the secretariat it became clear that only a few countries, less than 20, participating in the interim PIC procedure were submitting valid notifications of final regulatory actions in accordance with article 5 of the Convention. A concept for prioritizing work on old notifications was developed as a result (see section B of chapter III below).
8. The condition of two valid notifications from two PIC regions was fulfilled for only five chemicals and there was one valid notification under article 6 of the Convention for a severely hazardous pesticide formulation. The six new draft decision guidance documents were mainly prepared by experts from a few countries. If after the entry into force of the Convention the number of valid notifications increases substantially and more than two to four decision guidance documents must be prepared each year, other mechanisms for preparing such documents will have to be explored.

9. For two valid notifications from two regions, in deciding whether the criteria of Annex II of the Convention had been fulfilled ICRC rejected two chemicals as the final regulatory action had not been based on a chemical-specific evaluation of risks. To address this problem, the compatibility of current regulatory practice in countries with notification requirements under the Convention was analysed and solutions were proposed that were taken on board by the Intergovernmental Negotiating Committee at its ninth session (see section E of chapter III below).

#### A. Outstanding chemicals

10. At its sixth session, the Intergovernmental Negotiating Committee requested ICRC to review draft decision guidance documents for the chemicals ethylene dichloride, ethylene oxide, bromacil and maleic hydrazide and to revise those documents, as appropriate, in order to conclude outstanding matters under the original PIC procedure.

##### 1. Ethylene dichloride and ethylene oxide

11. At its first session, ICRC reviewed and revised draft decision guidance documents for ethylene dichloride and ethylene oxide and recommended that the Intergovernmental Negotiating Committee should adopt the draft decision guidance documents for those chemicals. At its seventh session, the Intergovernmental Negotiating Committee adopted the decision guidance documents, with the effect that the two chemicals became subject to the interim PIC procedure (decision INC-7/2).

##### 2. Maleic hydrazide

12. In its decision INC-6/3, the Intergovernmental Negotiating Committee at its sixth session requested ICRC to review the chemical maleic hydrazide, where the control actions were based on the impurity hydrazine.

13. At its first session, ICRC reviewed the draft decision guidance document and the background documentation on the chemical and decided to seek further guidance from the Intergovernmental Negotiating Committee on the overall policy regarding contaminants before making a recommendation.

14. At its seventh session, the Intergovernmental Negotiating Committee adopted a general policy on contaminants (decision INC-7/4). It also adopted an approach to maleic hydrazide (decision INC-7/5) that ICRC should, on a pilot basis and without prejudice to any further policy on contaminants, apply the two approaches specified in the decision in its consideration of maleic hydrazide and report on the outcome to the Intergovernmental Negotiating Committee at its eighth session.

15. At its second session, ICRC applied the two approaches to the potassium salt of maleic hydrazide, which was identified as the only form of maleic hydrazide in international trade. ICRC concluded that, in the context of the first approach, there was no international trade in maleic hydrazide potassium salt with a level of the impurity hydrazine greater than 1 ppm. Using the second approach, it found that there was no decrease in the quantity of the chemical used or in the number of uses. ICRC recommended that maleic hydrazide should not become subject to the PIC procedure and that a decision guidance document should not be developed, and that this decision should be subject both to written confirmation to the secretariat from the identified manufacturers by 1 January 2002 that the level of free hydrazine was not more than 1 ppm, and to their commitment to seek to comply with the FAO specifications for the potassium salt of maleic hydrazide by 1 January 2004 (UNEP/FAO/PIC/ICRC.2/11, annex IV).

16. At its eighth session, the Intergovernmental Negotiating Committee, in its decision INC-8/3, approved the recommendation of ICRC that maleic hydrazide should not become subject to the prior informed consent procedure and that a decision guidance document should not be developed. Also, ICRC was requested to review the confirmations from manufacturers on compliance with the limit set for free hydrazine, follow progress in the area of compliance with the FAO specifications and report to the Intergovernmental Negotiating Committee at its ninth session.

17. At its ninth session, the Intergovernmental Negotiating Committee invited ICRC to examine the continued validity of decision INC-8/3 on maleic hydrazide and to report to it at its tenth session on the status of implementation of that decision (UNEP/FAO/PIC/INC.10/11).

18. At its fourth session, ICRC reported that the terms of decision INC-8/3 with regard to the potassium salt of maleic hydrazide had been fulfilled. However, a producer was identified in Japan which manufactured the choline salt of maleic hydrazide for export to the Republic of Korea. In order to decide whether a decision guidance document for the choline salt is needed, further information is required from Japan and the Republic of Korea (see UNEP/FAO/PIC/ICRC.4/18, paras. 94-97).

### 3. Unsuccessful candidates

19. At its first session, ICRC reviewed the draft-decision guidance document for bromacil and the notifications that had served as a basis for preparing the document. ICRC took the view that the requirements set forth in article 5 and Annex II of the Convention had not been met and decided not to recommend inclusion of bromacil in the interim PIC procedure. At its seventh session, the Intergovernmental Negotiating Committee endorsed the ICRC recommendation on bromacil (UNEP/FAO/PIC/INC.7/15, para. 36).

#### B. New chemicals

##### 1. Monocrotophos

20. At its second session, ICRC reviewed the two notifications and supporting documentation on monocrotophos submitted by Australia and Hungary and decided to recommend to the Intergovernmental Negotiating Committee that monocrotophos should be made subject to the interim PIC procedure. It decided also to establish an intersessional drafting group with the mandate to produce a draft decision guidance document (see UNEP/FAO/PIC/ICRC.2/11, para. 45 and annex I, recommendation B).

21. At its third session, ICRC finalized the decision guidance document and forwarded it to the Intergovernmental Negotiating Committee at its ninth session for a decision (recommendation ICRC-3/1).

22. At its ninth session, the Intergovernmental Negotiating Committee decided to make monocrotophos subject to the interim PIC procedure and to adopt the decision guidance document (decision INC-9/1).

##### 2. DNOC

23. At its third session, ICRC reviewed notifications on DNOC, together with the supporting documentation and supplementary information, submitted by the European Community and Peru and came to the conclusion that the notifications met the criteria set forth in Annex II of the Convention. Consequently, the Committee decided to recommend to the Intergovernmental Negotiating Committee that DNOC and the salts common to both notifications should be made subject to the interim PIC procedure (see UNEP/FAO/PIC/ICRC.3/19, annex II).

24. At its ninth session, the Intergovernmental Negotiating Committee agreed that, in the case of a chemical such as DNOC, it would be listed as “DNOC and its salts, such as ammonium salt, potassium salt and sodium salt” along with the relevant CAS numbers if included in the interim PIC procedure (UNEP/FAO/PIC/INC.9/21, para. 77).

25. At its fourth session, ICRC finalized the draft decision guidance documents for submission to the Intergovernmental Negotiating Committee at its tenth session (recommendation ICRC-4/2).

### 3. Asbestos

26. At its third session, ICRC reviewed the notifications and supporting documentation on asbestos from Australia, Chile and the European Community. ICRC concluded that the notifications by Australia, Chile and the European Community in respect of amphibole forms of asbestos met the criteria set forth in Annex II of the Convention, as did the notifications from Chile and the European Community in respect of chrysotile, and decided to recommend to the Intergovernmental Negotiating Committee that it should make the crocidolite, amosite, actinolite, anthophyllite, tremolite and chrysotile forms of asbestos subject to the prior informed consent procedure (see UNEP/FAO/PIC/ICRC.3/19, annex III).

27. The Committee agreed that a single draft decision guidance document should be prepared covering all forms of asbestos, including the crocidolite form already listed under Annex III of the Convention, and that it would replace the existing decision guidance document for crocidolite. It was agreed that the various forms should be listed in such a way that countries could take separate import decisions for each individual form (ibid.).

28. At its fourth session, ICRC finalized the draft decision guidance document to be forwarded to the Intergovernmental Negotiating Committee at its tenth session for a decision (recommendation ICRC-4/1).

#### 4. Severely hazardous pesticide formulations: Dustable powder formulations containing benomyl at or above 7%, carbofuran at or above 10% and thiram at or above 15%

29. At its third session, ICRC reviewed the proposals on severely hazardous pesticide formulations SPINOX T and GRANOX TBC submitted by Senegal and the complementary information prepared by the Secretariat. In the light of the discussion and the supporting documentation, the Committee agreed that the severely hazardous pesticide formulations SPINOX T and GRANOX TBC in the formulation given in the proposals received from Senegal should be recommended for inclusion in the prior informed consent procedure (see UNEP/FAO/PIC/ICRC.3/19, annex IV).

30. At its ninth session, INC provided guidance on the listing of severely hazardous pesticide formulations in general and SPINOX and GRANOX in particular (UNEP/FAO/PIC/INC.9/21, paras. 78-79). In line with that guidance, at its fourth session ICRC agreed that the title of the draft decision guidance document should be amended to read "Dustainable powder formulations containing benomyl at or above 7%, carbofuran at or above 10% and thiram at or above 15%" and finalized the document for submission to the Intergovernmental Negotiating Committee at its tenth session (recommendation ICRC-4/3).

### 5. Parathion

31. At its fourth session, ICRC reviewed the notifications on parathion submitted by Australia and the European Community and agreed that the information before it in the notifications met the criteria set forth in Annex II of the Convention for inclusion in the list of chemicals subject to the prior informed consent procedure. A draft decision guidance document would consequently be prepared (see UNEP/FAO/PIC/ICRC.4/18, para. 61 and annex III).

### 6. Tetraethyl lead and tetramethyl lead

32. At its fourth session, ICRC reviewed the notifications on tetraethyl lead and tetramethyl lead submitted by Canada and the European Community and agreed that the information before it in the notifications met the criteria set forth in Annex II of the Convention for inclusion in the list of chemicals subject to the prior informed consent procedure. A draft decision guidance document would consequently be prepared (see UNEP/FAO/PIC/ICRC.4/18, para. 68 and annex IV).

7. Unsuccessful candidate - Dinoterb

33. At its third session, ICRC reviewed the notifications and supporting documentation on Dinoterb received from the European Community and Thailand and came to the conclusion that the notification from the European community fulfilled the criteria set forth in Annex II of the Convention but that the notification from Thailand did not meet those criteria. Also, there was no current information on ongoing international trade in the chemical. Consequently, the Committee agreed not to recommend the inclusion of dinoterb in the prior informed consent procedure (UNEP/FAO/PIC/ICRC.3/18, para. 66).

8. Unsuccessful candidate – tributyltin compounds

34. At its fourth session, ICRC reviewed the notifications for tributyltin compounds received from the European Community and Japan. It noted that the notification from the European Community was complete and met the Annex II criteria for inclusion in the prior informed consent procedure but that the notification from Japan did not include a risk evaluation relating to prevailing conditions in Japan and therefore did not meet those criteria. ICRC concluded that, pending the receipt of on further notification on tributyltin from a PIC region other than Europe, tributyltin could not be proposed for inclusion in list of chemicals under the prior informed consent procedure (UNEP/FAO/PIC/ICRC.4/18, para. 74).

II. DEVELOPMENT AND IMPLEMENTATION OF OPERATIONAL PROCEDURES

35. In addition to reviewing chemicals, ICRC was expected to make recommendations to the Intergovernmental Negotiating Committee on the operational procedures that would govern its work.

36. The operational procedures are living instruments, particularly the working papers discussed in sections E and F below and the guidance for Governments discussed in section G, and will be updated and modified in light of experience.

37. Special attention was given to the identification of severely hazardous pesticide formulations (see sections H and I below) and the application of the criteria set forth in Annex IV of the Convention concerning common and recognized patterns of use of severely hazardous pesticide formulations (see section K below).

A. Process for drafting decision guidance documents

38. In response to a request from the Intergovernmental Negotiating Committee, at its first session ICRC developed a flow chart of the process for drafting decision guidance documents for banned and severely restricted chemicals and also for severely hazardous pesticide formulations. The flow chart of the process and the explanatory notes were adopted by the Intergovernmental Negotiating Committee at its seventh session in decision INC-7/6 (appendix).

B. Format for decision guidance documents for banned and severely restricted chemicals

39. At its first session, ICRC established a task group to develop standard formats for decision guidance documents, reflecting the needs of countries in respect of import decisions, based on the information provided in notifications of final regulatory action. A draft template was developed by the task group intersessionally and presented at the second session as a basis for further discussion. In the light of that discussion, at its second session ICRC agreed on the format set forth in document UNEP/FAO/PIC/ICRC.2/7 as amended.

C. Format for decision guidance documents for severely hazardous pesticide formulations

40. The work of the task group on the incident report form was a key contribution to deliberations on the content and format of decision guidance documents for severely hazardous pesticide formulations. At its second session, ICRC established a task group to work on the preparation of an outline for severely hazardous pesticide formulation decision guidance documents.

41. The results of the task group's work were reported to ICRC at its third session in document UNEP/FAO/PIC/ICRC.3/6.

D. Proposed text for a new introduction to decision guidance documents

42. At the fourth session of ICRC, the point was made that the disclaimer at the beginning of decision guidance documents could be enhanced to improve the definition of scope and purpose. A breakout group was assigned to examine the issue, and improved and developed the introduction to decision guidance documents into a standard text which includes background information on the Rotterdam Convention, the role and functions of the Interim Chemical Review Committee and the purpose of decision guidance documents. The improved text also clarified that the decision guidance document is not the sole source of information but that additional information may be found on the Rotterdam Convention web site. ICRC adopted the proposed text, which is reproduced as annex I of the report of the session (UNEP/FAO/PIC/ICRC.4/18).

E. Working paper on preparing internal proposals and decision guidance documents for banned and severely restricted chemicals

43. In parallel to the preparation of the internal proposal and the draft decision guidance documents for monocrotophos, the drafting group developed a draft working paper (see UNEP/FAO/PIC/ICRC.3/11) based on lessons learnt. The working paper was proposed as a possible basis for guidance on the development of decision guidance documents for future drafting groups. It provided a better understanding of the rationale for the information contained in the various sections of the initial proposal and of where there are opportunities for adding or citing further information. It is also intended to ensure a degree of consistency between decision guidance documents.

44. At its third session, ICRC adopted the working paper on the understanding that the guidance it provided would be updated in the light of experience with other draft decision guidance documents. In the discussion, the point was stressed that CAS numbers for the generic and all other forms of a chemical must be given. ICRC recommended that the paper should be used by drafting groups established for DNOC and asbestos.

45. The working paper was revised based on the experience of the drafting groups on DNOC and asbestos and made available to ICRC at its fourth session in document UNEP/FAO/PIC/ICRC.4/6. The document was once again recommended for used by the intersessional drafting groups established for parathion and tetraethyl and tetramethyl lead.

46. It was emphasized that the working paper was a work in progress and could be further modified based on additional experience acquired by current and future drafting groups.

F. Working paper on preparing internal proposals and decision guidance documents for severely hazardous pesticide formulations

47. At the second session of ICRC, the task group on the format of decision guidance documents for severely hazardous pesticide formulations also developed a draft working paper. The working paper was presented at the third session, when ICRC recommended that it should be used by the intersessional drafting group working on the SPINOX T and GRANOX TBC formulations.

48. Based on the experience of the intersessional drafting group, a revised version of the working paper was presented to ICRC at its fourth session in document UNEP/FAO/PIC/ICRC.4/7. It was agreed that further development of the paper was needed and that this would be undertaken intersessionally.

#### G. Format and guidance on submissions of notifications of final regulatory actions

49. At its second session, ICRC agreed that the secretariat, in carrying out its responsibility to verify the completeness of notifications of final regulatory action, should take into account the elements of Annex I of the Convention identified by ICRC as essential to its work (see UNEP/FAO/PIC/ICRC.2/11, para. 28 (a)).

50. It decided also that a compilation of model notifications of final regulatory action verified to be complete by the secretariat should be circulated to designated national authorities (ibid., para. 28 (c)).

51. With regard to the preliminary analysis of problems experienced by Governments in their preparation of notifications of final regulatory action, ICRC asked the secretariat to take into consideration the guidance provided in the ICRC internal guidance document based on an annotated Annex I, developed by ICRC that might facilitate submission of complete notifications by countries (ibid., para. 29). The secretariat took that request into consideration in updating the guidance for Governments.

#### H. Health incident report form

52. To assist countries in implementing article 6 of the Convention, ICRC, working with the secretariat and a range of experts in the field, developed an incident report form and instructions to facilitate the collection and submission of information on hazardous pesticide formulations. The form was developed for use at the field level and consists of a series of closed questions - a checklist - that captures the basic information needed, with options for including additional information where available.

53. The development of the form and instructions was approved by the Intergovernmental Negotiating Committee at its seventh session (decision INC-7/3).

54. At its third session, ICRC finalized the documents on the understanding that they would be amended based on experience. The form was released in June 2002 to all designated national authorities and also to a broad range of intergovernmental and non-governmental organizations and bilateral and multilateral aid agencies.

55. At its ninth session, the Intergovernmental Negotiating Committee was invited to note the adoption of the health incident report form and guidance by ICRC (UNEP/FAO/PIC/INC.9/7, paras. 10-13).

56. ICRC noted that the incident report form had already been used to submit a first proposal on severely hazardous pesticide formulations and recommended its future use by States, regional economic integration organizations, bilateral and multilateral aid agencies, intergovernmental organizations and non-governmental organizations.

#### I. Environmental incident report form

57. At its second session, ICRC established a task group to work intersessionally on the development of a draft environmental incident report form and guidance on severely hazardous pesticide formulations, in line with article 6 and with part 1 of Annex IV of the Convention, based on the existing model for health-related incidents.

58. The task group submitted a report (UNEP/FAO/PIC/ICRC3/7, annex) to ICRC at its third session containing a report form and guidance together with a list of issues identified. ICRC authorized the task group to hold further intersessional consultations, produce an updated draft and circulate it for further comment, and to release a draft revised in the light of those comments for pilot testing.

59. The revised draft of the form together with comments received during the field testing was made available to ICRC at its fourth session (UNEP/FAO/PIC/ICRC.4/4, annex, appendices 2 and 3). The Committee agreed to set up an intersessional task group to finalize the document for release (UNEP/FAO/PIC/ICRC.4/18, paras 31-32).

60. The Intergovernmental Negotiating Committee will be informed of the final outcome of the work of the task group at its tenth session (see UNEP/FAO/PIC/INC.10/16, section A).

#### J. Determination of ongoing trade in chemicals

61. At its second session, ICRC agreed that, when forwarding notifications for review, the secretariat should initiate collection of information on international trade in the chemical concerned (UNEP/FAO/PIC/ICRC.2/11, para. 28 (e)).

62. At its third session, ICRC reviewed a proposal on the process for determining evidence of trade and agreed to use that process (UNEP/FAO/PIC/ICRC.3/17, para. 48).

63. At its ninth session, the Intergovernmental Negotiating Committee was invited to note the process adopted by ICRC (UNEP/FAO/PIC/INC.9/7, para. 23).

#### K. Common and recognized patterns of use of severely hazardous pesticide formulations

64. At its third session, ICRC had before it the first proposal for inclusion of a severely hazardous pesticide formulation. One of the criteria to be determined was whether the pesticides had been handled in a manner that was consistent with common and recognized patterns of use in the country submitting the proposal. The difficulty of collecting information on incidents in developing countries and countries with economies in transition was acknowledged (UNEP/FAO/PIC/ICRC.3/19, para. 49).

65. ICRC reviewed and agreed to use the process proposed in document UNEP/FAO/PIC/ICRC.3/13 as a basis on which to characterise common recognized patterns of use, and to collect the information identified on a case-by-case basis (ibid., para. 51).

66. At its ninth session, the Intergovernmental Negotiating Committee was invited to note the process adopted by ICRC (UNEP/FAO/PIC/INC.9/7, para. 25).

#### L. Using regional workshops to strengthen links between the needs of designated national authorities and the work of ICRC

67. At its second session, on the basis of a note from the Chair (UNEP/FAO/PIC/ICRC.2/INF.3) on using regional workshops to strengthen links between the needs of designated national authorities and the work of ICRC and the Intergovernmental Negotiating Committee, ICRC agreed that such workshops were of considerable value as a means of providing technical assistance to designated national authorities and reached the following conclusions (see UNEP/FAO/PIC/ICRC.2/11, para. 4.6), inter alia:

(a) The participation of ICRC members in regional workshops would provide an opportunity for them to meet designated national authorities and become more familiar with their needs and problems in implementing the prior informed consent procedure;

(b) The reports of subregional workshops, including the presentations prepared by country participants, should be reviewed by the ICRC experts from the regions hosting the workshops for comments and proposals related to the practical experience of designated national authorities in using the documentation available for the operation of the prior informed consent procedure. Those comments and proposals should then be consolidated and presented to ICRC at its next session in order that they might be considered in the work of the Committee;

(c) ICRC members participating in workshops should present their experience to the Committee.

68. The above principles were applied during subsequent sessions of ICRC and led to fruitful feedback between the needs of the designated national authorities and ICRC.

### III. POLICY-RELATED MATTERS

#### A. Focused summaries

69. At its second session, ICRC recommended that, before the Secretariat forwarded verified notifications for review, the designated national authority should, if possible, submit a focused summary of the information used in support of the regulatory action, and cited in the notification of final regulatory action, for use by ICRC (UNEP/FAO/PIC/ICRC.2/11, para. 28).

70. At its third session, ICRC accepted the recommendations made by the breakout group on the basis of document UNEP/FAO/PIC/ICRC.3/10, which developed further guidance on the format, content, level of detail, length and the proposed key headings of the document. One member of the Committee volunteered to produce a sample focused summary on the basis of the documentation for monocrotophos (UNEP/FAO/PIC/ICRC.3/19, paras. 40-42 and annex I).

71. A draft working paper and a worked example of a focused summary was available to ICRC at its fourth session in document UNEP/FAO/PIC/ICRC.4/5. ICRC agreed that focused summaries were complementary to the process of regulatory action and would facilitate its work.

72. ICRC approved the working paper on the preparation and use of focused summaries, as amended, for transmission to the Intergovernmental Negotiating Committee at its tenth session. ICRC requested the Intergovernmental Negotiating Committee to take note of the working paper and to invite designated national authorities to prepare focused summaries, on a voluntary basis, using the information at their disposal (UNEP/FAO/PIC/ICRC.4/18, para. 47).

73. It was stressed that the preparation of a focused summary should in no way hinder the obligatory requirements for information submission under the Convention, nor delay the process of considering the notification (*ibid.*, para. 46).

#### B. Prioritization of work on old notifications

74. At its third session, ICRC recalled that the Intergovernmental Negotiating Committee encouraged the submission of second, new notifications where one old but valid notification already existed. It also recalled that under paragraph 2 of article 5 of the Convention, old notifications need not be resubmitted; however, updating of notifications which did not meet the new criteria, and updating of the legislation they reflected, might nevertheless be desirable. The Committee requested that the tabular summary of notifications received and verified as meeting the information requirements set forth in Annex I of the Convention should be published in the PIC circular and posted on the PIC web site (UNEP/FAO/PIC/ICRC.3/19, para. 39).

75. The tabular summary is posted on the web site and has been incorporated into the PIC circular, from the June 2003 edition on, as a new appendix (appendix V).

C. Use of Chemical Abstracts Service (CAS) numbers and precise chemical description to identify chemicals subject to the prior informed consent procedure

76. At its second session, ICRC concluded that, in submitting notifications of final regulatory action, countries must describe a chemical accurately by name and CAS number (UNEP/FAO/PIC/ICRC.2/11, para. 44). At its eighth session, the Intergovernmental Negotiating Committee requested Governments, to describe all chemicals accurately by chemical name and CAS number when submitting notifications (UNEP/FAO/PIC/INC.8/19, para. 55).

77. An information note on CAS numbers compiled by the Chair (UNEP/FAO/PIC/ICRC.3/INF.4) was available to ICRC at its third session. The note included general background information and an overview of several chemical registry numbering systems, together with a general overview of the CAS system taken from the CAS Internet web site.

D. Inconsistency in the listing of chemicals already in Annex III

78. At the ninth session of the Intergovernmental Negotiating Committee, the Chair of ICRC pointed to the inconsistent use of CAS numbers and chemical descriptions in Annex III of the Convention and to the ICRC request for the Intergovernmental Negotiating Committee's guidance on ensuring consistency between the scope of reported national regulatory action and the listing of chemicals in the prior informed consent procedure (UNEP/FAO/PIC/INC.9/21, para. 76).

79. Although countries had been encouraged to provide identifications of chemicals by both name and CAS number and were likely to do so for future notifications, the precise identification of chemicals already listed in Annex III needed to be verified. Thus, the secretariat was requested by the Intergovernmental Negotiating Committee at its sixth session to prepare a "housekeeping" paper identifying inconsistencies in the listing of chemicals within Annex III of the Convention and between Annex III and decision guidance documents for consideration and review by ICRC at its fourth session (*ibid.*, para. 84). At that session, ICRC approved the report of the breakout group on listing of chemicals, as amended (UNEP/FAO/PIC/INC.10/12) to be submitted to the Intergovernmental Negotiating Committee at its tenth session as a basis for the preparation of a recommendation to the first Conference of the Parties and as further guidance for the operation of ICRC.

E. Compatibility of current regulatory practice with the notification requirement

80. At its ninth session, the Intergovernmental Negotiating Committee was requested to provide guidance on two distinct issues under the issue of compatibility: whether preventive regulatory actions on pesticides met the definition of a ban under article 2 and the relationship of such regulatory action to the criteria in Annex II, and the concerns that countries should provide supporting risk evaluations based on conditions prevailing in their country.

81. Noting that article 2 did not rule out preventive action, even if a chemical was not proposed for use in the notifying country, the Intergovernmental Negotiating Committee agreed that the definition of a banned chemical in that article included preventive regulatory actions taken to protect human health or the environment from chemicals that might not have been proposed for use in the notifying country (UNEP/FAO/PIC/INC.9/21, para. 69).

82. When risk evaluation information was taken from another country, supporting documentation would be expected to demonstrate that conditions in that country were comparable to those in the notifying country (*ibid.*, para. 72). Also at its ninth session, the Intergovernmental Negotiating Committee requested ICRC to develop guidelines on the scope of such "bridging" information to be contained in the supporting documentation provided by the notifying country, for review by the Intergovernmental Negotiating Committee at its tenth session (*ibid.*, para. 74).

83. On the basis of a note prepared by the secretariat (UNEP/FAO/PIC/ICRC.4/8), a breakout group prepared a working paper on adapting risk evaluations. ICRC approved the working paper, as orally amended (UNEP/FAO/PIC/INC.10/14), for transmission to the Intergovernmental Negotiating Committee at its tenth session, with the understanding that the paper would be updated in the light of actual experience of its use. ICRC requested the Intergovernmental Negotiating Committee to take note of the working paper and to invite countries to make practical use of it (see UNEP/FAO/PIC/ICRC.4/18, para. 52).

#### F. Contaminants

84. In its review of maleic hydrazide, ICRC was requested to consider the overall policy issues related to adding chemicals to the prior informed consent procedure on the basis of control actions related to contaminants within the substance rather than the substance itself.

85. At its first session, ICRC recommended that the Intergovernmental Negotiating Committee should adopt a policy on contaminants which would include final regulatory actions to ban a pesticide that had been taken by at least two countries in two PIC regions on the basis of a contamination contained in that substance, where the notifications also met the requirements of Annexes I and II of the Convention (UNEP/FAO/PIC/ICRC.1/6, annex I, section E). The Intergovernmental Negotiating Committee adopted the recommendation at its seventh session as decision INC-7/4.

86. At its first session, ICRC identified and analysed a number of possible scenarios involving contaminants and their possible effect on the candidature of chemicals for listing under the interim PIC procedure. On the basis of the discussion, ICRC deliberated two divergent approaches, which were referred to the Intergovernmental Negotiating Committee at its seventh session for further guidance. The Intergovernmental Negotiating Committee endorsed the recommendation of the open-ended technical contact group, which it established to address the issue, as set forth in its decision INC-7/5.

-----