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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**

Eleventh session
Geneva, 18 September 2004

Report 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 on the work of its eleventh session

I. Opening of the session

1. The eleventh 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, meeting as a conference of plenipotentiaries, was held at the Geneva International Conference Centre, Switzerland, on 18 September 2004.
2. The session was opened by the Chair, Ms. Maria Celina de Azevedo Rodrigues (Brazil), at 10 a.m. on Saturday, 18 September 2004.
3. Opening statements were made by Mr. Shafqat Kakakhel, Deputy Executive Director, United Nations Environment Programme (UNEP), and Ms. Louise Fresco, Assistant Director-General, Agriculture Department, Food and Agriculture Organization of the United Nations (FAO).
4. Mr. Kakakhel welcomed participants on behalf of Mr. Klaus Töpfer, Executive Director of UNEP, and conveyed appreciation to the Government of Germany, for providing funding for the session, and to the Government of Switzerland, for providing the facilities. He also noted with satisfaction the continuing strong cooperation between UNEP and FAO in providing the secretariat of the Convention.
5. Drawing attention to the hazardous nature of the chemicals under consideration at the current session, he recalled the finding of the interim Chemical Review Committee that all the Convention's requirements had been met in respect of those chemicals and its consequent recommendation that they should be included in the interim prior informed consent (PIC) procedure. As the current session was to be the Committee's last he concluded by conveying warm thanks to the Chair, Ms. Rodrigues, and to the

Chair of the interim Chemical Review Committee, Mr. Reiner Arndt, for their dedication and excellent work.

6. Welcoming participants to the session on behalf of FAO, Ms. Fresco reviewed the progress achieved since the adoption of the Convention in 1998, which would enable the legally binding PIC procedure under the Convention to get off to a flying start. She stressed the importance, if that momentum was to be maintained, of capacity-building for some importing countries that lacked the infrastructure and resources necessary for the safe management of chemicals within their borders.

7. In addition, she drew attention to the need for coherence between the Rotterdam Convention, the Stockholm Convention on Persistent Organic Pollutants and other international instruments, at the levels of both international legislation and public policy, to help boost the ability of countries to benefit from the protection afforded by such instruments. To that end, strong coherence was also needed with the Millennium Development Goals and other umbrella agreements on sustainable development. She commended the joint secretariat on its exemplary work in harnessing the respective expertise and synergies between FAO and UNEP and, in conclusion, paid tribute to Ms. Rodrigues's skilful guidance of the Committee over its previous ten sessions.

II. Organizational matters

A. Attendance

8. Representatives of the following countries and regional economic integration organizations participated in the session: Argentina, Armenia, Australia, Austria, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Chile, China, Colombia, Congo, Costa Rica, Czech Republic, Democratic People's Republic of Korea, Denmark, Egypt, El Salvador, Eritrea, European Community, Finland, France, Gambia, Germany, Ghana, Guinea, Guinea Bissau, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Jamaica, Japan, Jordan, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Lithuania, Madagascar, Malawi, Malaysia, Maldives, Mauritius, Namibia, Netherlands, Niger, Nigeria, Norway, Papua New Guinea, Philippines, Portugal, Russian Federation, Saudi Arabia, Serbia and Montenegro, Seychelles, Slovakia, Slovenia, Sudan, Suriname, Sweden, Switzerland, Thailand, Uganda, Ukraine, United Kingdom and the United States of America.

9. In addition, representatives of the following countries attended the session as observers: Angola, Bangladesh, Belgium, Botswana, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ethiopia, Gabon, Kazakhstan, Kenya, Liberia, Mexico, Morocco, Nepal, New Zealand, Pakistan, Peru, Qatar, Republic of Korea, Romania, Senegal, South Africa, Spain, Syrian Arab Republic, Uruguay, Uzbekistan, Venezuela and Zimbabwe.

10. The observer for the Palestinian Authority also attended the session.

11. The following United Nations bodies and specialized agencies were represented: United Nations Institute for Training and Research (UNITAR), United Nations Environment Programme (UNEP) and the World Health Organization (WHO).

12. The following intergovernmental organizations were represented: Intergovernmental Forum on Chemical Safety (IFCS) and the League of Arab States.

13. The following non-governmental organizations were represented: CropLife International, Foundation for Advancement in Science and Education (FASE), International Ban Asbestos Secretariat (IBAS), International Council of Chemical Associations (ICCA), International POPS Elimination Network (IPEN), New Synergies Development, Pesticide Action Network (PAN), World Wide Fund for Nature (WWF).

B. Officers

14. The following officers served in their respective capacities on the Bureau of the Committee at its eleventh session:

Chair: Ms. Maria Celina de Azevedo Rodrigues (Brazil)

Vice-Chairs: Mr. Zerouali Abdelhay (Morocco)
Mr. Yuri Kundiev (Ukraine);
Mr. Bernard Madé (Canada);
Mr. Ruisheng Yue (China);

Mr. Kundiev (Vice-Chair) also agreed to serve as Rapporteur.

C. Adoption of the agenda

15. The Committee adopted the following agenda on the basis of the provisional agenda, circulated in document UNEP/FAO/PIC/INC.11/1:

1. Opening of the session.
2. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Organization of work.
3. Report on credentials of the representatives.
4. Resolution on the process for inclusion of chemicals in the interim prior informed consent procedure.
5. Implementation of the interim prior informed consent procedure:
 - (a) Presentation of the report of the Interim Chemical Review Committee on the work of its fifth session;
 - (b) Inclusion of chemicals in the interim prior informed consent procedure:
 - (i) Parathion;
 - (ii) Tetraethyl and tetramethyl lead;
 - (iii) Chrysotile asbestos.
6. Presentation of the study on technical assistance needs.
7. Other matters.
8. Adoption of the report.
9. Closure of the session.

D. Organization of work

16. The Committee decided to conduct its work in plenary. The meeting agreed to apply, *mutatis mutandis*, the rules of procedure of the Intergovernmental Negotiating Committee.

III. Report on credentials of the representatives

17. The Committee decided that the Bureau would act as the credentials committee. The credentials committee reported to the Committee that it had examined the credentials that had been submitted and had found those of the plenipotentiary representatives of 77 countries to be in order. The full text of the report of the credentials committee is contained in document UNEP/FAO/PIC/INC.11/INF/3.

IV. Resolution on the process for inclusion of chemicals in the interim prior informed consent procedure

18. The representative of the secretariat introduced the draft resolution, which had been circulated in annex II to document UNEP/FAO/PIC/INC.11/2.

19. The draft resolution was adopted, with a minor amendment. The text of decision INC-11/1 is set out in annex I to the present report.

V. Implementation of the interim prior informed consent procedure

A. Presentation of the report of the Interim Chemical Review Committee on the work of its fifth session

20. In considering the item, the Committee had before it the documentation prepared on the subject (see annex II to the present report). The Chair of the interim Chemical Review Committee, Mr. Reiner Arndt (Germany), introduced the report of that Committee on the work of its fifth session (UNEP/FAO/PIC/INC.11/3). The interim Chemical Review Committee had reviewed revised papers on preparing internal proposals and decision guidance documents for banned or severely restricted chemicals and for severely hazardous pesticide formulations and had agreed to refer those papers to the Conference of the Parties for consideration at its first meeting and as guidance to the future Chemical Review Committee in developing its own procedures.

21. Mr. Arndt drew attention to the systematic problems encountered by countries in submitting notifications to meet the criterion set out in paragraph (b) (iii) of Annex II to the Convention, namely, that a national regulatory action must be based on a risk evaluation involving prevailing conditions within that country. In response to those problems, the interim Chemical Review Committee had prepared an explanatory note for the Conference of the Parties at its first meeting, which outlined its experience in that regard and which might offer guidance to the Conference of the Parties in considering the operational procedures of the future Chemical Review Committee (annex II to UNEP/FAO/PIC/INC.11/3).

22. Having reviewed the notifications of final regulatory action to ban or severely restrict dimefox, endrin, endosulfan, mevinphos and vinclozolin, the interim Chemical Review Committee had decided that the two notifications for dimefox, endrin, mevinphos and vinclozolin, and one of the two notifications for endosulfan did not meet the criteria set out in Annex II to the Convention and had decided not to recommend their inclusion in the Convention.

23. The interim Chemical Review Committee had finalized, for the consideration and approval of the current meeting, the decision guidance documents on chrysotile asbestos; parathion; and tetraethyl lead and tetramethyl lead. It had also examined additional information provided to it on alternatives to chrysotile asbestos as proposed by Governments for assessment by the World Health Organization (WHO), through its International Programme on Chemical Safety (IPCS) and International Agency for Research on Cancer (IARC).

24. He voiced his support for the system of rotation of experts followed by the interim Chemical Review Committee and expressed his thanks to all members of that Committee.

25. The Committee took note of the report of the interim Chemical Review Committee and expressed its great appreciation to Mr. Arndt for his contribution, both as Chair of the interim Chemical Review Committee and as chair of the technical working group that had preceded it.

B. Inclusion of chemicals in the interim prior informed consent procedure

1. Parathion

26. In considering the item, the Committee had before it the documentation prepared on the subject (see annex II to the present report). Introducing the item, the representative of the secretariat outlined the process followed to review the draft decision guidance document on parathion and noted that the interim Chemical Review Committee had recommended that the Committee should decide to include parathion in the voluntary PIC procedure and approve the related decision guidance document.

27. Decision INC-11/2 on the inclusion of parathion is contained in annex I to the present report.

2. Tetraethyl and tetramethyl lead

28. In considering the item, the Committee had before it the documentation prepared on the subject (see annex II to the present report). Introducing the item, the representative of the secretariat outlined the

process followed to review the draft decision guidance document on tetraethyl lead and tetramethyl lead and noted that the interim Chemical Review Committee had decided to prepare a single decision guidance document for the two substances as the effects of both were related to lead. The interim Chemical Review Committee recommended that the Committee should decide to include tetraethyl lead and tetramethyl lead in the voluntary PIC procedure and approve the related decision guidance document.

29. Decision INC-11/3 on the inclusion of tetraethyl lead and tetramethyl lead is contained in annex I to the present report.

3. Chrysotile asbestos.

30. In considering the item, the Committee had before it the documentation prepared on the subject (see annex II to the present report). Introducing the item, the representative of the secretariat outlined the process followed to review and prepare the draft decision guidance document on chrysotile asbestos and noted that the interim Chemical Review Committee had recommended that the Committee should decide to include chrysotile asbestos in the voluntary PIC procedure and approve the related decision guidance document.

31. The Committee did not reach consensus on the inclusion of chrysotile asbestos in the voluntary PIC procedure.

VI. Presentation of the study on technical assistance needs

32. In considering the item, the Committee had before it the documentation prepared on the subject (see annex II to the present report). The representative of the secretariat introduced the item and outlined the process followed in preparing the study on technical assistance needs, its executive summary and the comprehensive summary of the information contained in the 71 country responses. She reassured the Committee that the responses received after the deadline had been retained and would be incorporated in the tabulation of regional responses.

33. The Committee took note of the study.

VII. Other matters

34. No other matters were raised by the Committee at its eleventh session.

VIII. Adoption of the report

35. A report of the day's proceedings was delivered orally by the representative of the secretariat. The Committee agreed to entrust finalization of the report to the Rapporteur.

IX. Closure of the session

36. The Committee expressed its profound appreciation to the Chair of the Intergovernmental Negotiating Committee and the Chair of the interim Chemical Review Committee for their dedication and skill in steering the process to its successful conclusion. The Chair declared the session closed at 4.15 p.m. on Saturday, 18 September 2004.

Annex I

Decisions adopted by the Intergovernmental Negotiating Committee at its eleventh session

Decision 11/1: Adding of chemicals to the interim PIC procedure between the date of entry into force of the Rotterdam Convention and the date of the opening of the first meeting of the Conference of the Parties to the Convention

The Intergovernmental Negotiating Committee, at its eleventh session, convened in the form of a conference of plenipotentiaries,

Noting that, in its article 8, the Rotterdam Convention authorizes the Conference of the Parties at its first meeting to decide on the addition to Annex III to the Convention of chemicals that have been included in the voluntary prior informed consent procedure before that meeting, provided it is satisfied that all the requirements for listing in that annex have been fulfilled,

Noting also that the Conference of Plenipotentiaries on the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, in paragraph 8 of its resolution on interim arrangements¹, decided that the Intergovernmental Negotiating Committee would decide, between the date on which the Convention was opened for signature and the date of its entry into force, on the inclusion of any additional chemicals under the interim PIC procedure in accordance with the provisions of articles 5, 6, 7 and 22 of the Convention,²

1. *Decides* to supplement paragraph 8 of the resolution on interim arrangements by extending the period for inclusion of any additional chemicals under the interim prior informed consent procedure from the date of entry into force of the Convention until the date of the opening of the first meeting of the Conference of the Parties;

2. *Decides* that, at the current session, the Intergovernmental Negotiating Committee, convened in the form of a conference of plenipotentiaries, shall decide on the inclusion of any additional chemicals to the interim prior informed consent procedure in accordance with the provisions of articles 5, 6, 7 and 22 of the Convention.

Decision 11/2: Inclusion of parathion

The Intergovernmental Negotiating Committee,

Noting with appreciation the work of the Interim Chemical Review Committee,

Having considered the recommendations of the Interim Chemical Review Committee on parathion,

¹ *Final Act of the Conference of Plenipotentiaries on the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, Rotterdam, Netherlands, 10–11 September 1998 (UNEP/FAO/PIC/CONF/5), annex I, resolution 1.*

² The Rotterdam Convention was opened for signature on 11 September 1998 and entered into force on 24 February 2004.

1. *Decides* to make the following chemical subject to the interim prior informed consent procedure:

Chemical	Relevant CAS number	Category
Parathion	56-38-2	Pesticide

2. *Approves* the decision guidance document on parathion.³

Decision 11/3: Inclusion of tetraethyl lead and tetramethyl lead

The Intergovernmental Negotiating Committee,

Noting with appreciation the work of the Interim Chemical Review Committee,

Having considered the recommendations of the Interim Chemical Review Committee on the chemicals tetraethyl lead and tetramethyl lead,

1. *Decides* to make the following chemicals subject to the interim prior informed consent procedure:

Chemical	Relevant CAS numbers	Category
Tetraethyl lead	78-00-2	Industrial
Tetramethyl lead	75-74-1	Industrial

2. *Approves* the decision guidance document on the chemicals tetraethyl lead and tetramethyl lead.⁴

³ Contained in document UNEP/FAO/PIC/INC.11/4.

⁴ Contained in document UNEP/FAO/PIC/INC.11/4.

Annex II

Documents before the Intergovernmental Negotiating Committee at its eleventh session

Symbol	Title	Agenda item	Date of issue	Languages
1	Provisional agenda	2 (a)	30 January 2004	All
1/Add.1	Annotated provisional agenda	2 (a)	17 June 2004	All
2	Draft resolution on the process for inclusion of chemicals in the interim prior informed consent procedure	4	21 May 2004	All
3	Presentation of the report of the Interim Chemical Review Committee on the work of its fifth session	4	18 May 2004	All
4	Inclusion of the chemical parathion in the interim prior informed consent procedure and adoption of the draft decision guidance document on parathion	5 (b) (i)	12 March 2004	All
5	Inclusion of the chemicals tetraethyl and tetramethyl lead and adoption of the draft guidance document	5 (b) (ii)	12 March 2004	All
6	Inclusion of the chemical chrysotile asbestos and adoption of the draft decision guidance document	5 (b) (iii)	12 March 2004	All
INF/1	Study on technical assistance needs	6	9 September 2004	All
INF/1/Add.1	Study on technical assistance needs	6	14 September 2004	English only
INF/2	Documents before the Intergovernmental Negotiating Committee at its eleventh session		18 September 2004	English only
INF/3	Report of the Bureau acting as the credentials committee for the eleventh session of the Intergovernmental Negotiating Committee, convened in the form of a conference of plenipotentiaries	3	18 September 2004	English only