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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

Seventh session

Geneva, 30 October – 3 November 2000

Item 4 (d) of the provisional agenda*

IMPLEMENTATION OF THE INTERIM PRIOR INFORMED CONSENT PROCEDURE

Adoption of decision guidance documents for already identified chemicals

Note by the secretariat

A. Introduction

1. In paragraph 7 of its resolution on interim arrangements, 1/ the Conference of Plenipotentiaries decided that all chemicals that had been identified for inclusion in the prior informed consent (PIC) procedure under the original PIC procedure but for which decision guidance documents had not yet been circulated before the date on which the Convention was opened for signature would become subject to the interim PIC procedure as soon as the relevant decision guidance documents had been adopted by the Committee.
2. The Intergovernmental Negotiating Committee, at its sixth session, considered the adoption of decision guidance documents for the 6 chemicals in question, namely binapacryl, bromacil, ethylene dichloride, ethylene oxide, maleic hydrazide and toxaphene.

* UNEP/FAO/PIC/INC.7/1.

1/ Contained in annex I of the 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 (UNEP/FAO/PIC/CONF/5), annex I, resolution 1.

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3. The Committee, in decision INC-6/3, adopted decision guidance documents on binapacryl and toxaphene and agreed to their inclusion in the interim PIC procedure, with the effect that these chemicals became subject to the interim PIC procedure as defined in paragraph 2 of the resolution on interim arrangements.
4. The Committee decided to refer the decision guidance documents on ethylene oxide and ethylene dichloride to the Interim Chemical Review Committee, which it requested to examine all uses of the two substances and to review the information provided in order to make a further distinction between the industrial and pesticidal uses of those chemicals in the decision guidance documents. Countries should be requested to provide clarification of control actions taken, with a view to further refining the decision guidance documents.
5. The Committee also decided to refer the decision guidance documents on bromacil and maleic hydrazide to the Interim Chemical Review Committee, with the request that it should consider the policy issues related to adding those chemicals to the PIC list, addressing, with respect to bromacil, the basis for the reported control action and the appropriateness of the inclusion of bromacil in the PIC procedure, and, with respect to maleic hydrazide, the impurity hydrazine and the overall policy issues related to adding chemicals to the PIC procedure on the basis of control actions related to contaminants within the substance, rather than to the substance itself.
6. The Committee further decided that, following review and revision, as appropriate, of each relevant draft decision guidance document, the Interim Chemical Review Committee should forward such draft decision guidance documents to the Intergovernmental Negotiating Committee for its consideration.
7. In order to facilitate the work of the Interim Chemical Review Committee, the Committee also requested that all notifications of control actions, background documents and comments on the decision guidance documents on ethylene dichloride, ethylene oxide, maleic hydrazide and bromacil should be provided to the secretariat by 31 October 1999 and made available to the Interim Chemical Review Committee.
8. On 16 August 1999, the secretariat sent a letter to all designated national authorities and to the official contact points in States that had not yet nominated a designated national authority, informing them of the decisions taken by the Committee and requesting them to provide the secretariat with any relevant information regarding the four chemicals in question by 31 October 1999. The secretariat compiled the information it received and made it available to the Interim Chemical Review Committee before its first session, together with the texts of the four draft decision guidance documents.

B. Consideration by the Interim Chemical Review Committee of the four decision guidance documents forwarded by the Intergovernmental Negotiating Committee

1. Ethylene dichloride

9. The mandate conferred upon the Interim Chemical Review Committee by the Intergovernmental Negotiating Committee with respect to ethylene dichloride, in paragraph 2 of its decision INC-6/3, was to review the information provided by Governments, regional economic integration organizations and interested observers in response to that decision, in order to make a further distinction between the industrial and pesticidal uses of ethylene dichloride in the decision guidance document.

10. The Interim Chemical Review Committee recommended, in annex I, section A of its report on the work of its first session ^{2/} that the Intergovernmental Negotiating Committee adopt the draft decision guidance document for the chemical ethylene dichloride contained in annex II to its report, with the effect that the chemical would become subject to the interim PIC procedure as defined in paragraph 2 of the resolution on interim arrangements.

2. Ethylene oxide

11. The mandate conferred upon the Interim Chemical Review Committee by the Intergovernmental Negotiating Committee with respect to ethylene dichloride, in paragraph 2 of its decision INC-6/3, was to review the information provided by Governments, regional economic integration organizations and interested observers in response to that decision, in order to make a further distinction between the industrial and pesticidal uses of ethylene oxide in the decision guidance document.

12. The Interim Chemical Review Committee recommended, in annex I, section B of its report on the work of its first session ^{2/} that the Intergovernmental Negotiating Committee adopt the draft decision guidance document for the chemical ethylene oxide contained in annex II to its report with the effect that the chemical would become subject to the interim PIC procedure as it is defined in paragraph 2 of the resolution on interim arrangements.

3. Maleic hydrazide

13. The mandate conferred upon the Interim Chemical Review Committee by the Intergovernmental Negotiating Committee with respect to maleic hydrazide, in paragraph 3 of its decision INC-6/3, was to review the chemical, addressing, in particular, the impurity hydrazine and the overall policy issues related to adding chemicals to the PIC procedure on the basis of control actions related to contaminants within the chemical, rather than to the chemical itself and, should it so decide, review and revise, as appropriate, the draft decision guidance document for that chemical for presentation to the Committee at its next session.

14. The Interim Chemical Review Committee adopted a recommendation to the Intergovernmental Negotiating Committee on the overall policy issues related to contaminants, which appears in annex I, section E of its report. ^{2/} The recommendation has also been reproduced for the attention of the Intergovernmental Negotiating Committee in paragraph 14 of document UNEP/FAO/PIC/INC.7/6.

15. The Interim Chemical Review Committee decided not to address the draft decision guidance document on maleic hydrazide until after the seventh session of the Intergovernmental Negotiating Committee.

4. Bromacil

16. The mandate conferred upon the Interim Chemical Review Committee by the Intergovernmental Negotiating Committee with respect to bromacil, in paragraph 4 of its decision INC-6/3, was to review the chemical with regard to the basis for the reported control action and the appropriateness of the

^{2/} UNEP/FAO/PIC/ICRC.1/6. The report has been reissued for the Intergovernmental Negotiating Committee under the symbol UNEP/FAO/PIC/INC.7/4.

inclusion of the chemical in the PIC procedure and, should it so decide, review and revise, as appropriate, the draft decision guidance document for that chemical for presentation to the Committee at its seventh session.

17. After consideration of the draft decision guidance document and, specifically, the four notifications that had served as a basis for its preparation, the Interim Chemical Review Committee felt that the requirements set out in article 5 and annex II of the Convention had not been met, and decided not to recommend to the Intergovernmental Negotiating Committee the inclusion of bromacil in the interim PIC procedure.

C. Suggested action by the Intergovernmental Negotiating Committee

18. The Intergovernmental Negotiating Committee may wish to adopt the decision contained in the annex to this note.

19. In addition, the Committee may wish to consider what, if any, further action might be necessary to implement paragraph 7 of the resolution on interim arrangements.

Annex

DRAFT DECISION ON ADOPTION OF DECISION GUIDANCE DOCUMENTS FOR
ALREADY IDENTIFIED CHEMICALS

The Intergovernmental Negotiating Committee

Decides to adopt the decision guidance documents for the chemical[s] [ethylene dichloride (CAS number 107-06-2; category: pesticide)] [and] [ethylene oxide (CAS number 75-21-8; category: pesticide)], with the effect that [this][these] chemical[s] become[s] subject to the interim PIC procedure as defined in paragraph 2 of the resolution on interim arrangements.
