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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 (a) of the provisional agenda\*

STATUS OF IMPLEMENTATION OF THE INTERIM PIC PROCEDURE

Note by the secretariat

A. Introduction

1. The purpose of this note is to provide Parties <sup>1/</sup> with information on the status of implementation of the interim PIC procedure as of 31 May 2000. The information provided summarizes that circulated to designated national authorities by the secretariat, in line with articles 4, 5, 6, 7, 10, 11 and 14 of the Convention, through the PIC Circular. The PIC Circular is published every six months, in June and December.

B. Designated national authorities

2. In line with article 4, paragraph 4 of the Convention, the secretariat must inform the Parties of new nominations or changes in nominations of designated national authorities (DNAs).

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

<sup>1/</sup> During the interim period before the Convention enters into force, a "Party" is understood to mean any State or regional economic integration organization having nominated a designated national authority or authorities for the purpose of participating in the interim PIC procedure.

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3. As of 31 May 2000, 163 States had nominated a total of 236 DNAs, while 29 States had not yet nominated a DNA.

C. Notification of final regulatory action to ban or severely restrict a chemical

4. In line with article 5, paragraph 3 of the Convention, the secretariat is to circulate summaries of notifications of final regulatory action received, and which the secretariat has verified contain the information required by annex I of the Convention. In line with article 5, paragraph 4 of the Convention, the secretariat is to circulate a synopsis of the notifications of final regulatory action received, including information regarding those notifications that do not contain all the information required by annex I of the Convention. Such a synopsis is provided in the PIC Circular.

5. Table 1 gives an overview of the number of notifications that had been submitted by Parties as of 31 May 2000. The figures given for the number of chemicals and the number of notifications include those chemicals and notifications of chemicals that have already been included in the interim PIC procedure.

Table 1

Notifications of final regulatory action as of 31 May 2000				
	Number of chemicals	Number of States and regional economic integration organizations	Number of notifications	
			that meet the information requirements of Annex I	that do not meet the information requirements of Annex I
Original PIC procedure (before 11.09.98)	453	45	0	1 485
Interim PIC procedure (from 11.09.98)	56	7	6	62

6. In addition, as of 31 May 2000, notifications from three Parties were still being verified by the secretariat.

D. Proposal for inclusion of severely hazardous pesticide formulations

7. In line with article 6, paragraph 2 of the Convention, the secretariat is to circulate summaries of proposals for inclusion of severely hazardous pesticide formulations in the interim PIC procedure which the secretariat has verified contain the information required by part 1 of annex IV of the Convention.

8. As of 31 May 2000, no proposals for severely hazardous pesticide formulations had yet been submitted.

E. Chemicals subject to the Interim PIC procedure and distribution of decision guidance documents

9. The PIC Circular contains a list of all chemicals that are currently subject to the interim PIC procedure and the date of first dispatch to DNAs of the decision guidance document relating to each such chemical.

10. To date, this list contains 19 pesticides, five severely hazardous pesticide formulations and five industrial chemicals. These include the chemicals listed in annex III of the Convention, as well as binapacryl and toxaphene. The Committee, at its sixth session in July 1999, adopted decision guidance documents for the latter two chemicals, with the effect that they are now subject to the interim PIC procedure.

F. Transmittal of a response concerning future import of a chemical

11. Article 10, paragraph 2 of the Convention requires each Party to transmit to the secretariat, as soon as possible, and in any event no later than nine months after the date of dispatch of a decision guidance document, a response concerning the future import of the chemical named in the decision guidance document. Article 10, paragraph 4 of the Convention requires that the response consist of either a final decision or an interim response. The interim response may include an interim decision regarding import. Under article 10, paragraph 2 of the Convention, if a Party modifies this response, the DNA shall forthwith submit the revised response to the secretariat.

12. In line with article 10, paragraph 3 of the Convention, the secretariat shall, at the expiration of the time period given in article 10, paragraph 2, forthwith address to a Party that has not provided such a response, through its DNA, a written request to do so. This is done through the PIC Circular. Where the phrase “cases of failure to transmit a response” is listed in appendix IV for a Party, the DNA should consider this to represent a written request for that Party to provide a response for that chemical in line with article 10, paragraph 3.

G. Information on responses received concerning future imports of chemicals subject to the interim PIC procedure

13. Pursuant to article 10, paragraph 10 of the Convention, the secretariat shall, every six months, inform all Parties of the responses received regarding future imports of chemicals subject to the interim PIC procedure, including a description of the legislative or administrative measures on which the decisions have been based, where available, and information on cases of failure to transmit a response. This is done through the PIC Circular.

14. A Party is considered to have failed to transmit an import response for a chemical if it does not transmit the response within nine months after the date of dispatch of the decision guidance document to the Party, through the DNA. The PIC Circular, for each chemical, identifies each Party and gives the date on which the secretariat first informed the Parties, through publication of the PIC Circular, that the Party had failed to transmit a response. Also, any response listed in the PIC Circular not addressing importation is considered as an interim response that does not contain an interim decision.

15. Parties that had nominated a DNA by 11 September 1998 but had not provided an import response by 30 May 1999 for the 27 chemicals subject, at that time, to the interim PIC procedure were identified in PIC Circular IX (dated 12 June 1999) as having failed to transmit a response for those chemicals.

16. The attention of DNAs is drawn, through the PIC Circular, to article 11, paragraph 2 of the Convention in relation to failure to transmit a response or an interim response that does not contain an interim decision.

17. Table 2 gives an overview, as of 31 May 2000, of the number of import responses so far submitted by Parties and verified by the secretariat, together with a breakdown of the types of responses provided. Numbers listed under "Consent" or "No consent" include both final and interim responses.

Table 2

Responses concerning future import of a chemical as of 31 May 2000				
Chemical	Number of responses/failures to provide responses			
	Consent	No consent	Response did not address importation	Cases of failure to provide a response
2,4,5-T	4	55	0	97
Aldrin	13	98	1	46
Binapacryl	2	11	0	143
Captafol	8	49	1	98
Chlordane	13	92	2	51
Chlordimeform	15	86	5	53
Chlorobenzilate	6	52	0	98
DDT	20	90	1	47
Dieldrin	16	94	1	47
Dinoseb and dinoseb salts	10	96	3	49
1,2-dibromoethane (EDB)	9	90	22	57
Fluoroacetamide	17	83	8	51
HCH (mixed isomers)	11	96	2	49
Heptachlor	13	91	2	52
Hexachlorobenzene	5	54	0	97
Lindane	24	32	0	100
Mercury compounds, including inorganic mercury compounds, alkyl mercury compounds and alkyloxyalkyl and aryl mercury compounds	7	92	5	54
Pentachlorophenol	10	46	0	100
Toxaphene	2	14	0	141
Methamidophos (Soluble liquid formulations of the substance that exceed 600g active ingredient/l)	16	16	0	124
Methyl-parathion (emulsifiable concentrate (EC) with 19.5%, 40%, 50%, 60% active ingredient and dust containing 1.5%, 2% and 3% active ingredient)	15	18	0	123
Monocrotophos (soluble liquid formulations of the substance that	18	18	0	120

Responses concerning future import of a chemical as of 31 May 2000				
Chemical	Number of responses/failures to provide responses			
	Consent	No consent	Response did not address importation	Cases of failure to provide a response
exceed 600g active ingredient/l)				
Parathion (all formulations - aerosols, dustable powder (DP), emulsifiable concentrate (EC), granules (GR) and wettable powders (WP)- of this substance are included, except capsule suspensions (CS))	9	28	0	121
Phosphamidon (soluble liquid formulations of the substance that exceed 1000g active ingredient/l)	12	22	0	122
Crocidolite	11	29	6	111
Polybrominated biphenyls (PBB)	27	8	8	114
Polychlorinated biphenyls (PCB)	12	29	6	110
Polychlorinated terphenyls (PCT)	10	26	7	114
Tris (2,3-dibromopropyl) phosphate	27	9	10	111

#### G. Information on transit movements

18. As of 31 May 2000, no Party had reported to the secretariat its need for information on transit movements through its territory of chemicals included in the interim PIC procedure.

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