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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

Eighth session

Rome, 8-12 October 2001

Item 2 (a) of the provisional agenda*

ADOPTION OF THE AGENDA

Annotated provisional agenda

Item 1: Opening of the session

1. The eighth 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, to be held at the Food and Agriculture Organization of the United Nations (FAO), Viale delle terme di Caracalla, Rome, will be opened at 10 a.m. on Monday, 8 October 2001.

2. Opening and welcoming statements will be delivered by the following:

(a) Mr. Shafqat Kakakhel, Deputy Executive Director of the United Nations Environment Programme (UNEP); and

(b) Ms. Louise Fresco, Assistant Director-General of the Food and Agriculture Organization of the United Nations (FAO).

* UNEP/FAO/PIC/INC.8/1.

Item 2: Organizational matters

(a) Adoption of the agenda

3. The Committee may wish to adopt its agenda on the basis of the provisional agenda as contained in document UNEP/FAO/PIC/INC.8/1.

(b) Organization of work

4. The Committee may wish to decide that it meets from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. every day from 8 to 12 October 2001, subject to adjustment as necessary.

Item 3: Activities of the secretariat and review of the situation as regards extrabudgetary funds

5. The Committee has before it a note by the secretariat on activities of the secretariat in the interim period and a review of the situation as regards extrabudgetary funds (UNEP/FAO/PIC/INC.8/2).

6. The Committee may wish to take note of the information presented in the secretariat's note and:

(a) Make recommendations on the secretariat's activities, consider and, as appropriate, adopt the draft budget for 2003; and

(b) Decide on the mobilization of funds during the interim period

Item 4: Implementation of the interim prior informed consent procedure

(a) Status of implementation of the interim prior informed consent procedure

7. The Committee has before it a note by the secretariat on the status of implementation of the interim prior informed consent (PIC) procedure (UNEP/FAO/PIC/INC.8/3).

8. The Committee may wish to note the progress made in the implementation of the interim PIC procedure.

(b) Confirmation of experts designated for the Interim Chemical Review Committee

9. The Committee has before it a note by the secretariat on the confirmation of a new expert from the Southwest Pacific region designated for the Interim Chemical Review Committee (UNEP/FAO/PIC/INC.8/4).

10. The Committee may wish to consider the information presented in the note by the secretariat and, as appropriate, confirm the designation of the new expert for the Interim Chemical Review Committee.

(c) Presentation of the report of the Interim Chemical Review Committee on the work of its second session

11. The Committee has before it a note by the secretariat submitting the report of the Interim Chemical Review Committee on the work of its second session (UNEP/FAO/PIC/INC.8/5).

12. The Committee may wish to take note of the report. Specific issues and recommendations from the report are covered by item 4 (d - f) on the agenda.

(d) Adoption of decision guidance documents for already identified chemicals

13. The Committee has before it a note by the secretariat on the adoption of decision guidance documents for already identified chemicals (UNEP/FAO/PIC/INC.8/6).

14. The Committee may wish to consider the information presented in the note by the secretariat and, as appropriate, endorse the recommendation of the Interim Chemical Review Committee regarding maleic hydrazide.

(e) Contaminants

15. The Committee has before it a note by the secretariat on issues arising out of the second session of the Interim Chemical Review Committee (UNEP/FAO/PIC/INC.8/7).

16. The Committee may wish to consider the issue presented in section A of the note and, as appropriate consider the issue of contaminants in industrial chemicals and whether it would want to initiate further work on contaminants at this time.

(f) Issues associated with the operational procedures for the Interim Chemical Review Committee;

17. The Committee has before it a note by the secretariat on issues arising out of the second session of the Interim Chemical Review Committee (UNEP/FAO/PIC/INC.8/7).

18. The Committee may wish to consider the issues associated with the operational procedures for the Interim Chemical Review Committee presented in section B of the note and, as appropriate, adopt recommendations concerning cooperation and coordination in the submission of notification of final regulatory action and the use of CAS numbers and precise chemical descriptions in identifying chemicals subject to the interim PIC procedure.

(g) Inclusion of chemicals in the interim prior informed consent procedure;

19. In paragraph 8 of its resolution on interim arrangements (UNEP/FAO/PIC/CONF/5, annex I, resolution 1), the Conference of Plenipotentiaries on the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade ruled that the Intergovernmental Negotiating Committee shall decide, between the date on which the Convention is 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. At the time of the preparation of the present paper, however, no chemicals required such a decision.

(h) Analysis of problems frequently encountered by Parties in their preparation of notifications;

20. The Committee has before it a note by the secretariat that contains an analysis of the problems frequently encountered by Parties in their preparation of notifications of final regulatory action to ban or severely restrict a chemical (UNEP/FAO/PIC/INC.8/8).

21. The Committee may wish to consider the results of the analysis, in particular the short and long-term solutions identified, and as appropriate, consider adopting the proposed recommendations for action on the part of the secretariat, the Committee and its Parties.

(i) Submission of notifications of chemicals already subject to the prior informed consent procedure

22. The Committee has before it a note by the secretariat that contains an analysis of the issues associated with the submission of final regulatory actions for chemicals already subject to the interim PIC procedure and sets out options that would reconcile the need for information exchange with the need to avoid placing excessive reporting burdens on Parties or appraisal burdens on the secretariat (UNEP/FAO/PIC/INC.8/9).

23. The Committee may wish to consider the results of the analysis and the options proposed and as appropriate, decide whether it would wish to adopt a specific policy to resolve any problems relating to this issue further to the general guidance provided by the Intergovernmental Negotiating Committee at its seventh session (FAO/UNEP/PIC/INC.7/15, para. 56).

(j) Conflict of interest procedures for the Interim Chemical Review Committee

24. The Committee has before it a note by the secretariat that contains a proposed draft disclosure form and procedure along with a summary of the information on which the proposal is based (UNEP/FAO/PIC/INC.8/10).

25. The Committee may wish to consider the proposal and establish a contact group with the aim of identifying actions that need to be taken and whether these shall include the following suggested measures: establishment of a subsidiary body of the Intergovernmental Negotiating Committee to treat cases of conflict of interest in the Interim Chemical Review Committee; development of criteria for the evaluation of information provided by experts through the forms; measures to be taken to ensure confidentiality of the information provided; and steps to be taken to apply approved actions to the members of the Interim Chemical Review Committee previously appointed by the Intergovernmental Negotiating Committee.

Item 5: Preparation for the Conference of the Parties

(a) Draft rules of procedure for the Conference of the Parties

26. The Committee has before it a note by the secretariat bearing draft rules of procedure for the Conference of the Parties (UNEP/FAO/PIC/INC.8/11).

27. The Committee may wish to request the legal working group to reconvene and to accord priority in its deliberations to the examination and possible resolution of the outstanding issues identified in the draft rules of procedure.

(b) Draft financial rules and provisions

28. The Committee has before it a note by the secretariat bearing draft financial rules and procedures for the Conference of the Parties, its subsidiary bodies and its secretariat, and a draft budget for the first biennium (UNEP/FAO/PIC/INC.8/12).

29. The Committee may wish to continue its consideration of this item on the basis of the draft financial rules presented in annex I to the above paper.

(c) Settlement of disputes

30. The Committee has before it a note by the secretariat on settlement of disputes that is the same as was available to the Committee at its seventh session. The document is being resubmitted for consideration by the Committee as the legal working group had insufficient time to discuss this issue at the previous meeting (UNEP/FAO/PIC/INC.8/13).

31. The Committee may wish to establish a working group to begin the task of developing arbitration and conciliation annexes and non-compliance procedures.

(d) Non-compliance

32. The Committee has before it a note by the secretariat on non-compliance (UNEP/FAO/PIC/INC.8/14).

33. The Committee may wish to establish a working group to begin the task of developing arbitration and conciliation annexes and non-compliance procedures.

(e) Assignment of specific Harmonized System customs codes

34. The secretariat will present a report to the Committee on the assignment of specific Harmonized System customs codes.

35. The Committee may wish to note the information presented and to provide guidance to the secretariat regarding the further work on this issue.

(f) Issues associated with the discontinuation of the interim prior informed consent procedure

36. The Committee has before it a note by the secretariat setting out options for the issues associated with the discontinuation of the interim PIC procedure and indicating the most feasible solutions (UNEP/FAO/PIC/INC.8/16).

37. The Committee may wish to consider the options identified and proposed solutions of the issues involved, in particular:

(a) The date on which the interim PIC procedure should be discontinued;

(b) The nature of transitional measures;

(c) The possible need for measures for the treatment of States and regional economic integration organizations that participate in the interim PIC procedure, but which are not Parties to the Convention after the discontinuation of transitional measures;

(d) Measures to decide on the validity of notifications of final regulatory action, proposals regarding severely hazardous pesticide formulations and responses regarding future imports submitted during the original and interim PIC procedure by States or regional economic integration organizations that participated in the interim procedure, but are not Parties when the Convention enters into force;

(e) Where appropriate, draft recommendations to the Conference of the Parties, the FAO Conference and the UNEP Governing Council concerning the need to consider, jointly or individually, other measures to mitigate possible negative effects resulting from the termination of the interim PIC procedure.

Item 6: Issues arising out of the Conference of Plenipotentiaries(a) Support for implementation

38. The Committee has before it a note by the secretariat on its activities and the situation as regards funds (UNEP/FAO/PIC/INC.8/2).

39. The Committee may wish to consider the information in part V of the note on activities for facilitation of implementation and ratification.

(b) Dispute settlement, illicit trafficking and responsibility and liability

40. At its seventh session, the Committee agreed to place this item on the agenda for its eighth session.

41. Should it be available, the Committee may wish to consider the report on the work accomplished by the working group of the Inter-Organization Programme for the Sound Management of Chemicals in response to the recommendations of the Intergovernmental Forum on Chemical Safety at its third meeting (Salvador, Brazil, October 2000) (UNEP/FAO/PIC/INC.8/INF/6).

(c) Location of the secretariat

42. The Committee has before it a note by the secretariat on the location of the secretariat (UNEP/FAO/PIC/INC.8/17), together with the offers received from Italy and Switzerland jointly (UNEP/FAO/PIC/INC.8/INF.4) and Germany (UNEP/FAO/PIC/INC.8/INF.5).

43. The Committee may wish to allow for formal presentations of the offers to be made, and to establish a contact group with participation from all regional groups and the countries that have submitted offers. The contact group may wish to consider and recommend on priorities and criteria for comparison of the offers received and to consider the further process in order to facilitate the decision by the Conference of the Parties regarding the location of the secretariat.

Item 7: Status of signature and ratification of the Convention

44. The Committee will have before it a note by the secretariat on the status of signature and ratification of the Convention (UNEP/FAO/PIC/INC.8/INF/1).

45. The Committee may wish to take note of the information presented and call upon States and regional economic integration organizations entitled to do so, to consider signing and ratifying, accepting or approving the Convention, if they have not yet done so, with a view to bringing it into force as soon as possible.

Item 8: Other matters

46. The Committee may wish to consider other matters raised by delegations in the course of the session.

Item 9: Adoption of the report

47. At the final meeting of the session, the Committee will be invited to consider and adopt the draft report on the work of the eighth session as prepared by the Rapporteur.

48. The final report on the work of the session, as adopted by the Committee, will be subsequently circulated as document UNEP/PIC/PIC/INC.8/19.

Item 10: Closure of the session

49. It is expected that the session will be closed by the Chair by 6 p.m. on Friday, 12 October 2001.
