



United Nations  
Environment Programme



Food and Agriculture Organization  
of the United Nations

Distr.  
GENERAL

UNEP/FAO/PIC/INC.8/8  
11 June 2001

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

Eighth session

Rome, 8-12 October 2001

Section 4 (h) of the provisional agenda\*

IMPLEMENTATION OF THE PRIOR INFORMED CONSENT PROCEDURE

ANALYSIS OF PROBLEMS FREQUENTLY ENCOUNTERED BY PARTIES IN THEIR  
PREPARATION OF NOTIFICATIONS OF FINAL REGULATORY ACTION  
TO BAN OR SEVERELY RESTRICT A CHEMICAL

Note by the secretariat

1. The purpose of this note is to provide the Intergovernmental Negotiating Committee with an analysis of the problems frequently encountered by Parties<sup>1</sup> in their preparation of notifications of final regulatory action to ban or severely restrict a chemical, as requested by the Committee at its seventh session. The analysis is accompanied by possible short-term and long-term solutions to some of the problems identified and possible action on the part of the secretariat, the Committee and Parties.

A. Background

2. At its seventh session, held in Geneva from 30 October to 3 November 2000, the Intergovernmental Negotiating Committee, noting that there were some aspects of the implementation of the interim prior informed consent (PIC) procedure that gave cause for concern, requested the secretariat to prepare an

---

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

<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 prior informed consent (PIC) procedure.

analysis of the problems frequently encountered by Parties in their preparation of notifications of final regulatory action to ban or severely restrict a chemical. It agreed that a preliminary version of the analysis was to be made available to the Interim Chemical Review Committee for consideration at its second session, and that the final analysis and any recommendations from the Interim Chemical Review Committee should be submitted to the Intergovernmental Negotiating Committee at its eighth session.

B. Requirements of the Rotterdam Convention regarding notification of final regulatory action

3. Article 5 of the Convention requires each Party to notify the secretariat in writing of each final regulatory action taken to ban or severely restrict a chemical. The notification must contain the information listed in annex I of the Convention, where available. In order to facilitate submission of notifications by Parties, a form for "Notification of final regulatory action to ban or severely restrict a chemical" (notification form) was sent to designated national authorities in June 1999, together with instructions on how it should be completed.

4. Once a notification is received, the secretariat is required to verify, within six months of receipt, whether it contains the information required by annex I of the Convention. A synopsis of the notifications received, including summaries of those notifications that are verified to contain all the information required and information regarding those notifications that do not contain the information, is communicated to all Parties, through the PIC Circular, every six months.

C. Status of submissions of notifications of final regulatory action from Parties as of 30 April 2001

5. Table 1 gives an overview of the number of notifications that had been submitted by Parties as of 30 April 2001, including a breakdown of how many were verified to contain or not to contain all the information required by annex I of the Convention. Synopses of these notifications were published in appendix I of issues IX, X, XI, XII and XIII of the PIC Circular. Further information on the status of implementation of the interim PIC procedure may be found in UNEP/FAO/PIC/INC.8/3.

Table 1

Notifications submitted under the interim PIC procedure since 11 September 1998

	Submitted between 11 September 1998 and 31 May 2000	Submitted between 1 June 2000 and 31 October 2000	Submitted between 1 November 2000 and 30 April 2001	Total submitted
Notifications verified to meet the requirements of annex I of the Convention	6	42	23 <sup>a/</sup>	71
Notifications verified not to meet the requirements of annex I of the Convention	62	24	0	86
Total submitted	68	66	23	157

<sup>a/</sup> Covers a number of notifications resubmitted after having first been verified not to meet the requirements of annex I.

6. When addressing the status of implementation of the interim PIC procedure at its seventh session, the Intergovernmental Negotiating Committee had before it data relating to the period 11 September 1998 to 31 May 2000. As can be seen from table 1, since then there has been a clear rise in the proportion of notifications submitted that have been verified by the secretariat to contain all the information required.

7. Despite this encouraging trend, the number of Parties that have submitted notifications in line with article 5 remains low. Table 2 gives a breakdown, by region, of the overall number of Parties that have submitted notifications of final regulatory action, both under the original PIC procedure and under the interim PIC procedure that has been implemented since 11 September 1998.

Table 2

Number of Parties that had submitted notifications of final regulatory action, by interim PIC region, as of 30 April 2001

	Under the original PIC procedure, before 11 September 1998 <u>a/</u>	Under the interim PIC procedure, after 11 September 1998
Africa	6	1
Asia	11	5
Europe	15	18
Latin America and the Caribbean	5	1
Near East	3	1
North America	2	1
South-West Pacific	3	1
Total	45	28

a/ The secretariat verified these notifications in accordance with the requirements of the Convention and published the results in appendix V of PIC Circular X. None of the notifications submitted before 11 September 1998 were found to contain all the information required by annex I of the Convention.

8. A total of 45 of the 153 States that had nominated a designated national authority by 11 September 1998, when the Convention was adopted, had at that time submitted notifications of final regulatory action to ban or severely restrict a chemical. The Conference of Plenipotentiaries, in its resolution on interim arrangements, decided that notifications made under the original PIC procedure should remain in effect under the interim PIC procedure unless and until the State or regional economic integration organization concerned notified the secretariat in writing that it had decided otherwise.

9. Since 11 September 1998, 28 States have submitted notifications. Of these 11 were States that had not submitted notifications before. As of 30 April 2001, the total number of States that had submitted notifications, under either the original or the interim PIC procedure, was 56 out of the 165 States participating in the interim PIC procedure, or less than 35 per cent.

10. Of the 14 States that had ratified the Convention by 30 April 2001, only 5 had submitted notifications of final regulatory action.

11. It should be noted that article 5 of the Convention stipulates that each Party must, at the time of entry into force of the Convention for it, notify the secretariat of all final regulatory actions in effect at that time, except that a Party that has submitted notifications under the original PIC procedure need not resubmit those notifications. Although implementation of the interim PIC procedure remains voluntary during the interim period, it is mandatory for each Party to submit a notification for each regulatory action to ban or severely restrict a chemical in effect at the time it becomes a Party.

D. Identifying the problems encountered by Parties in completing the form and submitting notifications of final regulatory action

1. Overall rate of submission of notifications

12. The reasons for the low overall rate of less than 35 per cent for submission of notifications of final regulatory action from Parties so far are not evident to the secretariat. Some of the reasons might be that:

- (a) No regulatory actions to ban or severely restrict a chemical are being taken by Parties, and thus no notifications need to be submitted;
- (b) The notification form and accompanying guidance are too complex, so designated national authorities are discouraged from completing and submitting notifications;
- (c) There is a lack of understanding among designated national authorities of the follow-up actions required by the Convention;
- (d) There is a possible incompatibility between current regulatory practices and the notification requirements of the interim PIC procedure, making it difficult for designated national authorities to identify the regulatory actions that should be notified under the Convention;
- (e) Submission of notifications is given low priority among the tasks of the designated national authority;
- (f) There is a lack of resources available for designated national authorities in performing the functions required by the Convention;
- (g) Parties are awaiting closure of the national procedure for ratification, acceptance, approval or accession before submitting notifications as required by article 5.

13. The first two points might be addressed by the secretariat. The others can be effectively addressed only by Parties.

2. The secretariat's experience in using the current version of the notification form and instructions

14. The current version of the form for "Notification of final regulatory action to ban or severely restrict a chemical" (notification form) and the associated instructions were sent to all designated national authorities in June 1999. In developing the form, the secretariat drew on the information requirements of annex I of the Convention. The individual fields of the notification form mirror the specific information elements stipulated in annex I. In the instructions an attempt was made to link the information to be provided with the relevant criteria set out in annex II of the Convention. The form and the instructions are available in English, French and Spanish. The form is contained in document UNEP/FAO/PIC/INC.8/INF/3.

15. In order to facilitate the verification process and ensure a consistent approach, the secretariat has developed a detailed checklist. For each notification, a completed checklist is sent to the designated national authority indicating the result of the secretariat's verification, as well as a draft summary of the notification, to be included in the next PIC Circular. Where a notification is found to be incomplete, the checklist identifies the missing information and the secretariat provides specific guidance regarding the notification. The designated national authority has the opportunity to supplement the information provided in the original notification and to comment on the secretariat's draft summary of the notification, before the result of the verification is published in the next PIC Circular. This direct feedback to designated national authorities has resulted in notifications of improved quality for individual countries. In a number of instances where

additional information has been provided, it has been sufficient for the relevant notifications to be verified as “complete”.

16. The current version of the notification form has been in use for near almost three years. In verifying submitted notification forms over his period, some types of information have been found to be missing more frequently than others. On the basis of this experience the secretariat has prepared a summary of the most common problems it has encountered in verifying the submitted notification forms for completeness and how it plans to address these problems. The summary is annexed to the present note.

E. Consideration of the issue of notifications of final regulatory action by the Interim Chemical Review Committee

17. At its second session, the Interim Chemical Review Committee considered the issue of the format of and guidance on submission of notifications of final regulatory action, together with a preliminary analysis, developed by the secretariat, of problems frequently encountered by Parties in preparing notifications of final regulatory action.

18. The Committee undertook a review of annex I of the Convention in order to reach a common understanding of the intent of each element in that annex. It identified the information required by annex I that it considered to be essential to enable it to apply the criteria set out in annex II of the Convention and reach a decision as to whether it should recommend including a chemical in the interim PIC procedure. It also considered how those essential requirements could best be satisfied by a designated national authority submitting a notification of final regulatory action. It agreed that the results of its deliberations would be of use in the development of any modified notification format and instructions to designated national authorities to assist in the completion of notification forms.

19. The Committee emphasized the need for a designated national authority submitting a notification of final regulatory action to provide information as fully as possible and to indicate where information was unavailable, rather than leaving the relevant spaces on the notification form blank. It also recommended that in carrying out its responsibility to verify the completeness of notifications of final regulatory action, the secretariat should take into account the elements of annex I of the Convention identified by the Committee as essential to its work.

20. The Committee also recommended that the secretariat, in developing further guidance to designated national authorities, prepare a compilation of model notifications of final regulatory action verified to be complete by the secretariat and examples of focused summaries of the information used in support of a notified regulatory action and referenced in the notification of final regulatory action.

21. As reported in document UNEP/FAO/PIC/INC.8/7, (para.9), the Committee also established an inter-sessional task group to further develop the process of prioritizing work on notifications submitted prior to the introduction of the interim PIC procedure (i.e., before September 1998). The task group would also draft an issue paper on the compatibility of current regulatory practices with the notification requirements of the interim PIC procedure as a possible basis for practical guidance to countries.

22. Finally, with regard to the preliminary analysis of problems experienced by Governments in their preparation of notifications of final regulatory action, the Committee asked that the secretariat take into consideration the guidance the Committee had provided that might facilitate submission of complete notifications, when preparing the final analysis to be forwarded to the Intergovernmental Negotiating Committee. It also agreed to consider the issue further at its next meeting, should the secretariat identify any remaining problems that should be addressed.

F. Possible measures

23. Some possible measures to address the problems associated with the low rate of submission of notifications of final regulatory action to ban or severely restrict a chemical identified in section D above are

given below. The suggested approach to addressing the problems necessarily reflects the perspective of the secretariat. At present there is only limited direct knowledge of the difficulties encountered from the perspective of the designated national authorities.

24. Some of the suggested measures can be implemented by the secretariat, others will require action by the Intergovernmental Negotiating Committee and follow-up by individual Parties.

1. Revising the notification form, linking similar information elements, in order to facilitate the provision of associated information and avoid duplication in different sections of the form

25. The observations of the secretariat compiled in the annex to the present note are accompanied by suggestions on how to address the problems encountered, based on the secretariat's experience and the guidance provided by the Interim Chemical Review Committee at its second session. The Interim Chemical Review Committee's review of the elements of annex I of the Convention provides useful insight into the types of information the notification form is intended to collect and how they are interconnected. Although possible revisions to the form are emerging now, it might be best, given the low submission rate for notifications, to refrain from circulating a revised form until the problems experienced by designated national authorities are better understood. In the short term, the instructions relating to the existing form should be revised to reflect the guidance provided by the Interim Chemical Review Committee.

26. The actual revision of the format of the notification form would most appropriately be carried out by the secretariat. A revised form should be circulated only after consultation with designated national authorities, to ensure that the improvements incorporated into the form and instructions take into account the needs of both designated national authorities and the Interim Chemical Review Committee.

2. Refocusing the instructions on how to complete the form, making it clear to the designated national authority what information is sought in each section of the form

27. The instructions can more easily be revised and circulated to designated national authorities as experience is gained. The instructions should be a living document that is revised and reissued upon need. As additional assistance to designated national authorities, the secretariat should compile and circulate a compilation of model notifications of final regulatory action verified to be complete by the secretariat.

3. Increasing understanding on the part of designated national authorities of the functions they are required to perform under the Convention, by developing a more comprehensive guidance manual for designated national authorities

28. Implementation of the new Convention procedure is an evolving process. Parties, through the Intergovernmental Negotiating Committee and designated national authorities, the Interim Chemical Review Committee and the secretariat are gaining experience in its implementation. The Interim Chemical Review Committee is fleshing out its operational details and the Intergovernmental Negotiating Committee is overseeing implementation and providing policy guidance. As experience is gained, there will be a need for a more comprehensive guidance manual for designated national authorities, clearly setting out all the actions needed by designated national authorities in performing their functions in accordance with the Convention.

4. Seeking systematic input from designated national authorities regarding their experience with submitting notifications of final regulatory action and the problems they have that are causing the low submission rate, and providing hands-on training to designated national authorities on how to complete a notification form, focusing especially on the type of information to be provided in each section

29. In awareness-raising workshops, the secretariat has focused on an overall introduction to the new Convention procedure. However, training should also include a specific section with hands-on training. The secretariat will also make use of the regional workshops as an opportunity to actively seek information and feedback from designated national authorities regarding their experience with the forms developed under the

interim PIC procedure and any other problems they may be experiencing in preparing notifications of final regulatory action.

5. Clarifying the compatibility of current regulatory practices with the notification requirements of the interim PIC procedure

30. Annex I of the Convention was negotiated with the intention that it should contain the information elements essential to a national regulatory scheme. The concept was that the information elements of annex I represented a summary of a regulatory action to ban or severely restrict a chemical, which should not be too onerous to prepare. An inter-sessional task group established by the Interim Chemical Review Committee at its first session identified some issues that might preclude the preparation and submission of notifications of regulatory action (UNEP/FAO/PIC/ICRC.2/8, annex, section 10). In many countries, current regulatory practices incorporate a risk reduction approach and often go far beyond the relatively simple decision to eliminate all or virtually all uses of a chemical. For instance, gradual use reductions avoid the creation of obsolete pesticide stocks and significant waste management demands.

31. At the second session of the Interim Chemical Review Committee, an observer also provided a brief report on some of the problems faced at the national level in preparing notifications, and in particular how national regulatory practices comport with the notification requirements (UNEP/FAO/PIC/INC.8/5, para. 36). The extent to which these problems are common to other participating countries and adversely affect the ability of countries to prepare notifications of regulatory action is unclear. An inter-sessional task group established by the Committee at its second session is preparing an issue paper for consideration at the third session. The results of this initial review of possible issues might form the basis for further discussion by the Intergovernmental Negotiating Committee.

6. Enabling the designated national authorities to perform the functions required under the Convention by seeking to ensure that they have sufficient resources to perform their tasks effectively

32. As designated national authorities gain experience in performing the administrative functions and responsibilities set out in the Convention, they will have better knowledge of the resources required. Parties represented on the Intergovernmental Negotiating Committee have access to designated national authorities at the national level, and could seek input from those authorities directly regarding their experience in preparing notifications of final regulatory action. This would also encourage coordination and cooperation between the designated national authorities performing the administrative functions under the Convention and representatives of Parties on the Intergovernmental Negotiating Committee.

G. Possible action by the Intergovernmental Negotiating Committee

33. The Intergovernmental Negotiating Committee might review the possible measures described in paragraphs 23 to 32 above and consider adopting recommendations to address some of the problems associated with the low rate of submission of notifications of final regulatory action. It should note that some of the problems might be resolved relatively simply by the secretariat, for example through revision of the notification form and guidance itself, while others may take longer to resolve and would require more long-term measures and action on the part of Parties.

34. Specifically, the Intergovernmental Negotiating Committee might wish to:

(a) Request the secretariat to consider the need for revision of the notification form, taking into consideration the experience gained by the secretariat, the guidance provided by the Interim Chemical Review Committee and feedback from designated national authorities on their experience, and initiate a limited trial of the revised form among designated national authorities before any revised version is officially issued;

- (b) Request the secretariat:
  - (i) In the short term, to further develop the guidance to designated national authorities on submission of notifications, taking into consideration the experience gained by the secretariat, the guidance provided by the Interim Chemical Review Committee and feedback from designated national authorities on their experience;
  - (ii) In the longer term, to develop a more comprehensive guidance manual for designated national authorities, clearly setting out all the actions required of those authorities in performing their functions in accordance with the Convention, including submission of notifications of final regulatory action;
- (c) Request the secretariat to provide hands-on training to designated national authorities, through regional workshops, in completing and submitting notifications;
- (d) Request Parties to consult with their designated national authorities and report back to the Intergovernmental Negotiating Committee at its ninth session on any specific problems they may be having in submitting notifications of final regulatory action;
- (e) Endorse the work initiated by the Interim Chemical Review Committee in preparing an issue paper on the compatibility of current regulatory practices with the notification requirements of the interim PIC procedure and request it to report on progress to the Intergovernmental Negotiating Committee at its ninth session;
- (f) Call on each Party to ensure that notifications are submitted for all regulatory actions currently in effect, in accordance with article 5, and consider whether a target date might be agreed within the interim PIC procedure, for which each Party should strive to submit such notifications;
- (g) Encourage each Party to enable its designated national authority or authorities to perform the functions required by the Convention, by seeking to ensure that they have sufficient resources to perform their tasks effectively, in line with article 4 of the Convention;
- (h) Continue to assess progress in the submission of notifications at its future sessions and consider additional action should the submission rate not increase.

35. The Committee might also note that, although most of the actions enumerated above are limited to encouraging the submission of notifications of final regulatory action in line with article 5 of the Convention, some of them might also be applied to the submission of importing country responses in line with article 10.



## Annex

### Summary of the most common problems the secretariat has encountered in verifying submitted notifications, together with suggestions on how to address the problems

1. Below is a summary of the most common problems the secretariat has encountered when verifying whether submitted notifications contain all the information required by annex I of the Convention. These observations by the secretariat are accompanied by suggestions on how to address the problems encountered, based on the secretariat's experience and the guidance provided by the Interim Chemical Review Committee at its second session.

2. The summary below refers to specific sections of the notification form, as contained in document UNEP/FAO/PIC/INC.8/INF/3. In developing the form, the secretariat drew on the information requirements of annex I of the Convention. The individual sections of the notification form mirror the specific information elements of annex I.

#### A. Reading the instructions

3. The instructions for completing the notification form are contained in a separate document. Experience in the verification process suggests that they are frequently not considered. There may be a number of reasons why this occurs: possibly the instructions are too long, are too complicated or are separated from the notification form and unavailable to the individual completing the form.

4. In order to encourage greater use of the instructions, "basic" instructions could be incorporated into the form itself. This annotated form would provide simple guidance to designated national authorities, identify which information is mandatory and which is non-mandatory, etc. Further detailed instructions and worked examples could be provided in a separate "reference" document. This could also be used as a training tool in workshops.

#### B. Mandatory information

5. The secretariat considers that all sections of the notification form - with the exception of section 2.5.3 (Estimated quantity of the chemical produced, imported, exported and used, where available), section 2.6 (Indication, to the extent possible, of the likely relevance of the final regulatory action to other States and regions), section 2.7.1 (Assessment of socio-economic effects of the final regulatory action), section 2.7.2 (Information on alternatives and their relative risks) and section 2.7.3 (Relevant additional information) - are mandatory and must be filled in. Often, sections are left blank. If a mandatory section is left blank, the secretariat will verify the notification as incomplete.

6. The form could be annotated in a way that clearly identifies those sections that are mandatory. The designated national authority must be encouraged, through the instructions, to ensure that where no information is available at national level for one or more of the mandatory sections, this fact is explicitly stated in the form.

7. The secretariat will, when carrying out its responsibility to verify the completeness of notifications of final regulatory action, take into account the elements of annex I of the Convention identified by the Interim Chemical Review Committee as essential to its work.

#### C. Section 1 - Identity of chemical

8. The secretariat considers that sections 1.1 (Common name), 1.2 (Chemical name), 1.3 (Trade names) and 1.4 (Code numbers such as Chemical Abstracts Service (CAS) number and customs code) are mandatory. Two situations are encountered:

(a) One or more of these sections are left blank, so the chemical cannot be specifically identified; in such cases additional information must be requested from the designated national authority;

(b) Partial information is provided, sufficient to identify the chemical precisely, although some elements such as 1.3 (Trade names) are not given.

Up to the present time, both these situations have resulted in the notification form being verified as incomplete.

9. The Interim Chemical Review Committee has identified the elements of annex I essential to its work and its understanding of how that requirement could best be satisfied by a designated national authority submitting a notification. In its discussion, it recognized trade names as an important component of a decision guidance document, but concluded that comprehensive information on trade names for a chemical could be collected by a drafting group charged with drafting the decision guidance document.

10. The Interim Chemical Review Committee emphasized the importance of designated national authorities ensuring that precise information is given regarding the identity of the chemical or chemicals that are covered by the regulatory action being notified, including specific salts, esters, etc., and the corresponding CAS numbers.

11. The secretariat will take this into account in its verification of submitted notifications.

D. Section 1.6 - Information on hazard classification where the chemical is subject to classification requirements

12. Up to the present time, the secretariat has considered that section 1.6 is mandatory. However, it is often left blank in submitted notification forms, which are then verified as incomplete.

13. The Interim Chemical Review Committee recognized that international hazard classifications are readily available for most chemicals. It concluded that the essential information that would best be provided by the designated national authority was information on national classifications of the chemical in question and information on any classifications, national or international, that the decision to take the regulatory action was based on. Information on international classifications can easily be supplemented by a drafting group charged with drafting the decision guidance document.

14. The secretariat will take this into account in its verification of submitted notifications.

E. Section 1.7 - Use or uses of the chemical

15. Often there is a discrepancy between the information given in this section and the information given under sections 2.5.1 and 2.5.2 on uses that are prohibited by the final regulatory action and uses that remain allowed. Some Parties might never have registered the substance or mixture containing the substance. The designated national authority is therefore reluctant to mention uses that have never taken place in their country. Also, when reporting on "old" regulatory actions, the designated national authority often indicates that there are "no" uses, as they were prohibited several years ago.

16. The designated national authority must be encouraged to provide this information. General information on possible uses of the chemical nationally or more broadly, if known, could be provided. The Interim Chemical Review Committee identified this information as essential for drafting a decision guidance document, and the information can easily be supplemented by a drafting group charged with drafting it.

F. Section 2.3 - Was the final regulatory action based on a risk or hazard evaluation?

17. It is considered mandatory to respond to this section as the risk or hazard evaluation is a key component in the development of the decision guidance document by the Interim Chemical Review Committee. Very often this section is left blank.

18. The Interim Chemical Review Committee has identified this information as essential to its work. The designated national authority could also be asked to indicate what type of evaluation the regulatory action was based on - a hazard or a risk evaluation. It could also be made clear to the designated national authority that it might, at some point in the future, be requested to provide the referenced documentation regarding the risk or hazard evaluation on which the regulatory action was based. The referenced documentation might be in the form of a focused summary of the information used in support of the regulatory action. When citing from literature in the referenced documentation, precise references should be provided.

G. Section 2.4 - Reasons for the final regulatory action: Expected effects of the final regulatory action

19. Most often the information provided here is limited. Yet this section is important for the Interim Chemical Review Committee in order that it might apply the criteria set out in paragraph (c) of annex II of the Convention. It would appear that there is also some overlap with the information requested in section 2.3.

20. The Interim Chemical Review Committee has identified this information as essential to its work. The information provided must be linked to the hazards and risks addressed by the regulatory action. Evaluations addressing additional areas of concern would be welcomed for the purpose of developing the decision guidance document. This needs to be reflected in the instructions to designated national authorities.

H. Section 2.5 - Category or categories where the final regulatory action has been taken

21. Often one of the sections is left blank, which presumably means that the regulatory action does not affect that category – for example, that it applies to pesticide use only or industrial chemical use only. However, the section does not allow for the collection of information on whether there are ongoing uses in other categories that are not affected by the regulatory action.

22. The Interim Chemical Review Committee has identified this information as essential to its work. Information must be provided for each category subject to the regulatory action. The designated national authority must be encouraged, through the instructions, to state explicitly in the form whether or not the regulatory action applies to each category.

I. Section 2.5.3 - Estimated quantity of the chemical produced, imported, exported and used, where available

23. The secretariat does not consider this section to be mandatory, and notification forms in which this section is left blank are verified as complete. Very few of the submitted notifications have contained this information, even though one of the criteria in annex II paragraph (c) (iv) relates to evidence of ongoing international trade in the chemical.

24. On the assumption that there is in fact ongoing international trade in the chemical, further information on quantities would be of interest to the Intergovernmental Negotiating Committee in its deliberations on including a chemical in the interim PIC procedure. Designated national authorities will be encouraged to submit such information, if available. However, this information might also be supplemented by a task group charged with drafting the decision guidance document.

J. Section 2.6 - Indication, to the extent possible, of the likely relevance of the final regulatory action to other States and regions

25. The secretariat does not consider this section to be mandatory, and notification forms in which this section is left blank are verified as complete. However, very few of the submitted notifications have contained this information.

26. This is information that would be of interest to a Party when making an import decision. Designated national authorities will be encouraged to submit such information, if available. However, this information might be supplemented by a task group charged with drafting the decision guidance document.

K. Section 2.7.1 - Assessment of socio-economic effects of the final regulatory action

27. The secretariat does not consider this section to be mandatory, and notification forms in which this section is left blank are verified as complete. Very few of the submitted notifications have contained this information.

28. This is information that would be of interest to the Intergovernmental Negotiating Committee in its deliberations on including the chemical in the interim PIC procedure, and would also be of relevance to Parties when making import decisions. It is in many ways closely linked to a discussion on alternatives. Designated national authorities will be encouraged to submit such information, if available. However, this information might be supplemented by a task group charged with drafting the decision guidance document.

L. Section 2.7.2 - Information on alternatives and their relative risks

29. The secretariat does not consider this section to be mandatory, and notification forms in which this section is left blank are verified as complete. Very few of the submitted notifications have contained this information.

This is information that would be of interest to a Party when making an import decision. Designated national authorities will be encouraged to submit such information, if available. However, this information might be supplemented by a task group charged with drafting the decision guidance document.

-----