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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

Ninth session

Bonn, 30 September-4 October 2002

Item 5 (c) of the provisional agenda *

PREPARATION OF THE CONFERENCE OF THE PARTIES: NON-COMPLIANCE

Reporting on the Implementation of the Convention

Note by the secretariat

1. This note is presented in response to the request by the Committee at its eighth session for the secretariat to continue to develop a possible reporting procedure concerning the implementation of the obligations set forth in the Convention. This was carried out on the basis of the discussions on this matter at the eighth session and the subsequent comments provided by Governments.
2. An outline of the possible reporting procedure is presented in annex to this note and is structured to provide a process whereby the Conference of the Parties can carry out its functions under article 18 to keep under continuous review and evaluation the implementation of the Convention, with support from the Secretariat established pursuant to article 19. While it retains many elements of the draft outline contained in annex II to document UNEP/FAO/PIC/INC.8/15, it focuses on the compilation and processing of the information which is to be made available by Parties in implementation of their obligations under the relevant provisions of the Convention, without creating new reporting obligations.
3. By providing information relating to the implementation of Parties' obligations, the reports which would be produced as a result of this procedure could provide a useful tool for identifying gaps and possible problems in the implementation of the Convention, enabling Parties to take appropriate measures to address them. More generally, such reports are expected to contribute to the consideration of all compliance issues by the Conference of the Parties; once experience has been acquired in the implementation of the Convention, the reporting procedure, and the non-compliance mechanism to be developed under article 17, may require elaboration under the guidance of the Conference of the Parties.

* UNEP/FAO/PIC/INC.9/1.

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Annex

Outline of the possible reporting procedure

1. For the purposes of the continuous review and evaluation by the Conference of the Parties of the implementation of the Convention provided for in paragraph 5 of article 18, under subparagraph 2 (a) of article 19 the secretariat must prepare and submit to the Conference of the Parties a report providing an analytical summary of the information made available by the Parties under the Convention, including information concerning the following:
 - (a) The implementation of the procedures set forth in articles 5 to 9;
 - (b) The implementation of the obligations, in relation to the import and export of chemicals listed in Annex III, required of Parties under articles 10 and 11;
 - (c) The implementation of Parties' obligations under articles 12 and 13 concerning export notification and information to accompany exported chemicals;
 - (d) The scientific, technical, economic and legal information concerning the chemicals within the scope of the Convention, the publicly available information on domestic regulatory actions relevant to the objectives of the Convention and the information on domestic regulatory actions that substantively restrict one or more uses of the chemicals exchanged or provided by Parties pursuant to paragraph 1 of article 14;
 - (e) The measures taken by Parties pursuant to article 15 to establish and strengthen their national infrastructures and institutions for the effective implementation of the Convention and on cooperation between the Parties in the implementation of the Convention at the subregional, regional and global levels;
 - (f) The measures taken by the Parties pursuant to article 16 to cooperate in promoting technical assistance for the development of the infrastructure and the capacity necessary to manage chemicals so as to enable implementation of the Convention, taking into account in particular the needs of developing countries and countries with economies in transition.
2. The Secretariat must submit its report to meetings of the Conference of the Parties, or to its relevant subsidiary bodies as decided by the Conference of the Parties, in accordance with the rules of procedure of the Conference of the Parties.
3. Parties should, to the extent practical and where appropriate, provide the Secretariat with the above information for periods to be agreed by the Conference of the Parties. In submitting such information, Parties may indicate the progress made or problems encountered or foreseen in implementing their obligations. Such information should be provided to the Secretariat at least six months in advance of the meeting of the Conference of the Parties or of the subsidiary body that is to receive the report containing the information.
4. The Conference of the Parties may adopt guidance concerning the content and structure of the report.
