

# RC-1/6: Establishment of the Chemical Review Committee

*The Conference of the Parties,*

*Recalling* that paragraph 6 of article 18 of the Convention provides that the Conference of the Parties shall, at its first meeting, establish a subsidiary body to be called the Chemical Review Committee, for the purposes of performing the functions assigned to that Committee by the Convention,

*Recalling further* that, in paragraph 6 (b) of article 18, the Convention provides that the Conference of the Parties shall decide on the terms of reference, organization and operation of the Chemical Review Committee,

*Noting* its decision INC-6/2, by which it established the interim Chemical Review Committee and set forth its basic terms of reference, organization and operation,

*Considering* that the approach set forth in decision INC-6/2 served as an excellent basis for the operation of the interim Chemical Review Committee,

*Desiring* to build upon this approach in establishing the Chemical Review Committee in the present decision, taking into consideration experience and lessons learned during the operation of the interim Chemical Review Committee,

## **Establishment of the Chemical Review Committee**

1. *Decides* to establish a subsidiary body, to be called the Chemical Review Committee, composed of 31 members nominated by Governments and appointed by the Conference of the Parties on the basis of equitable geographical distribution, including ensuring a balance between developed and developing Parties<sup>1</sup>, drawn from regions identified in annex I to the present decision, as follows:

|                                      |   |
|--------------------------------------|---|
| African States:                      | 8 |
| Asian and Pacific States:            | 8 |
| Central and Eastern European States: | 3 |
| Latin American and Caribbean States: | 5 |
| Western European and other States:   | 7 |

## **Membership**

2. *Confirms* that the members of the Chemical Review Committee shall be experts in chemicals management;

3. *Decides* that the Governments listed in annex II to the present decision shall each formally designate one expert and, through the Secretariat, provide their names and relevant qualifications to the Parties by 1 December 2004, and that such experts shall serve as members of the Chemical Review Committee on an interim basis, pending formal confirmation of their appointment by the Conference of the Parties at its second meeting;

4. *Decides* that, for the purposes of these initial appointments and in order to promote an orderly rotation of membership, one half of the members of each region shall be nominated for an initial term of two years, and the remaining members of each region shall be nominated for an initial term of four years, commencing from the date of the second meeting of the Conference of the Parties;<sup>2</sup>

5. *Decides*, subject to the provisions of paragraphs 3 and 4 above, that each member shall serve for a term of four years from the date of appointment, and for no more than two consecutive terms;

6. *Decides* that a new list of Governments to replace the list in annex II to the present decision shall be adopted, consistent with the provisions indicated in paragraph 1, at subsequent meetings of the Conference of the Parties so that vacancies created by outgoing members may be filled.

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<sup>1</sup> The reference to "developing countries" is intended also to include countries with economies in transition.

<sup>2</sup> For those regions for which the number of members is an odd number, the phrase "one half of the members of such region" shall be interpreted to mean the nearest whole number less than one half of the number of members in that region. Accordingly, if a region has five members, one half of that number will be taken to mean two.

### **Organization and operation**

7. *Decides* that each member of the Chemical Review Committee shall sign a declaration of interest as set out in decision RC-1/7 prior to participating in the work of the Chemical Review Committee;

8. *Decides* that any vacancy in the Chemical Review Committee arising during the intersessional period shall be filled on an interim basis in accordance with such procedure as the region concerned may determine, that the name and relevant qualifications of the new member shall be circulated to the Parties through the secretariat, and that the Conference of the Parties shall consider confirmation of such appointment at its next meeting;

9. *Decides* that the Chemical Review Committee shall meet for the first time in February 2005 and normally every year thereafter, subject to the availability of funds and work requirements of the Chemical Review Committee;

10. *Decides* that the operational arrangements relating to language used for the interim Chemical Review Committee, having worked well, shall continue for the Chemical Review Committee, and that any draft decision guidance documents to be considered by the Chemical Review Committee or forwarded to the Conference of the Parties shall be available in all six languages of the Conference of the Parties;

11. *Confirms* that, in accordance with paragraph 6 (c) of article 18 of the Convention, the Chemical Review Committee shall make every effort to make its recommendations by consensus; if all efforts at consensus have been exhausted, and no consensus reached, such recommendation shall as a last resort be adopted by a two-thirds majority vote of the members present and voting;

12. *Confirms* that the meetings of the Chemical Review Committee shall be open to observers in accordance with the rules of procedure of the Conference of the Parties;

### **Terms of reference**

13. *Decides* that the Chemical Review Committee, in accordance with the provisions of the Convention, in particular articles 5, 6, 7 and 9, shall have the following functions and responsibilities:

(a) To make recommendations on the inclusion of banned and severely restricted chemicals: review the information provided in notifications of final regulatory actions and, in accordance with the criteria set out in Annex II to the Convention, recommend to the Conference of the Parties whether the chemical in question should be listed in Annex III;

(b) To make recommendations on the inclusion of severely hazardous pesticide formulations: review the information provided in proposals for the inclusion of a severely hazardous pesticide formulation in Annex III and, in accordance with the criteria set out in part 3 of Annex IV to the Convention, recommend to the Conference of the Parties whether the chemical in question should be listed in Annex III;

(c) To prepare draft decision guidance documents: for each chemical that it has decided to recommend for listing in Annex III, prepare a draft decision guidance document. The decision guidance document should, at a minimum, be based on the information specified in Annex I to the Convention or, as the case may be, Annex IV, and include information on uses of the chemical in a category other than the category for which the final regulatory action applies;

(d) To make recommendations on the procedure for the removal of chemicals from Annex III: review information that was not available at the time of the decision to list the chemical in Annex III which indicates that its listing may no longer be justified in accordance with the relevant criteria in Annex II to the Convention or, as the case may be, Annex IV, and recommend to the Conference of the Parties whether the chemical in question should be removed from Annex III. For each chemical that the Chemical Review Committee recommends for removal from Annex III, it shall prepare a revised draft decision guidance document.

## Annex I

## Distribution of countries

## Regional groups for the purpose of membership in the Chemical Review Committee

| <b>African States</b>  |   |  |  |
|--|---|--|--|
| Algeria<br>Angola<br>Benin *<br>Botswana<br>Burkina Faso *<br>Burundi<br>Cameroon *<br>Cape Verde<br>Central African Republic<br>Chad *<br>Comoros<br>Congo<br>Côte d'Ivoire *<br>Democratic Republic of the Congo | Djibouti<br>Egypt<br>Equatorial Guinea *<br>Eritrea<br>Ethiopia *<br>Gabon *<br>Gambia *<br>Ghana *<br>Guinea *<br>Guinea-Bissau<br>Kenya<br>Lesotho<br>Liberia<br>Libyan Arab Jamahiriya *<br>Madagascar | Malawi<br>Mali *<br>Mauritania<br>Mauritius<br>Morocco<br>Mozambique<br>Namibia<br>Niger<br>Nigeria *<br>Rwanda *<br>Sao Tome and Principe<br>Senegal *<br>Seychelles<br>Sierra Leone<br>Somalia | South Africa *<br>Sudan<br>Swaziland<br>Togo *<br>Tunisia<br>Uganda<br>United Republic of Tanzania *<br>Zambia<br>Zimbabwe                                       |
| <b>Asian and Pacific States</b>  |   |  |  |
| Afghanistan<br>Bahrain<br>Bangladesh<br>Bhutan<br>Brunei Darussalam<br>Cambodia<br>China<br>Cyprus<br>Democratic People's Republic of Korea *<br>Fiji<br>India<br>Indonesia<br>Iran (Islamic Republic of)          | Iraq<br>Japan *<br>Jordan *<br>Kazakhstan<br>Kuwait<br>Kyrgyzstan *<br>Lao People's Democratic Republic<br>Lebanon<br>Malaysia *<br>Maldives<br>Marshall Islands *<br>Micronesia (Federated States of)    | Mongolia *<br>Myanmar<br>Nauru<br>Nepal<br>Oman *<br>Pakistan<br>Papua New Guinea<br>Philippines<br>Qatar<br>Republic of Korea *<br>Samoa *<br>Saudi Arabia *<br>Singapore<br>Solomon Islands    | Sri Lanka<br>Syrian Arab Republic *<br>Tajikistan<br>Thailand *<br>Tonga<br>Turkmenistan<br>United Arab Emirates *<br>Uzbekistan<br>Vanuatu<br>Viet Nam<br>Yemen |
| <b>Central and Eastern European States</b>   |   |  |  |
| Albania<br>Armenia *<br>Azerbaijan<br>Belarus<br>Bosnia and Herzegovina<br>Bulgaria *  | Croatia<br>Czech Republic *<br>Estonia<br>Georgia<br>Hungary *<br>Latvia *  | Lithuania *<br>Poland<br>Republic of Moldova<br>Romania *<br>Russian Federation<br>Serbia and Montenegro   | Slovakia<br>Slovenia *<br>The former Yugoslav Republic of Macedonia<br>Ukraine *   |
| <b>Latin American and Caribbean States</b>   |   |  |  |
| Antigua and Barbuda<br>Argentina *<br>Bahamas<br>Barbados<br>Belize<br>Bolivia *<br>Brazil *<br>Chile<br>Colombia  | Costa Rica<br>Cuba<br>Dominica<br>Dominican Republic<br>Ecuador *<br>El Salvador *<br>Grenada<br>Guatemala<br>Guyana  | Haiti<br>Honduras<br>Jamaica *<br>Mexico<br>Nicaragua<br>Panama *<br>Paraguay *<br>Peru<br>Saint Kitts and Nevis   | Saint Lucia<br>Saint Vincent and the Grenadines<br>Suriname *<br>Trinidad and Tobago<br>Uruguay *<br>Venezuela   |
| <b>Western European and other States</b>   |   |  |  |
| Andorra<br>Australia *<br>Austria *<br>Belgium *   | Greece *<br>Iceland<br>Ireland<br>Israel  | Monaco<br>Netherlands *<br>New Zealand *<br>Norway *   | Switzerland *<br>Turkey<br>United Kingdom *<br>United States of America  |

|  |                 |            |             |
|--|-----------------|------------|-------------|
| Canada *                                 | Italy *         | Portugal   |             |
| Denmark *                                | Liechtenstein * | San Marino |             |
| Finland *                                | Luxembourg *    | Spain *    |             |
| France *                                 | Malta           | Sweden *   |             |
| Germany *                                |                 |            |             |
| <b>Not members of any regional group</b> |                 |            |             |
| Kiribati                                 | Palau           | Tuvalu     | Timor-Leste |

\* Parties to the Rotterdam Convention as of 21 September 2004.

## Annex II

### List of Governments identified by the Conference of the Parties at its first meeting to nominate a member to the Chemical Review Committee

#### African States

|          |   |          |  |
|----------|---|----------|--|
| 2 years: | Gabon<br>Ghana<br>Nigeria<br>South Africa | 4 years: | Libyan Arab Jamahiriya<br>Rwanda<br>Senegal<br>United Republic of Tanzania |
|----------|---|----------|--|

#### Asian and Pacific States

|          |   |          |   |
|----------|---|----------|---|
| 2 years: | Kyrgyzstan<br>Malaysia<br>Thailand<br>Samoa | 4 years: | Jordan<br>Oman<br>Republic of Korea<br>Syrian Arab Republic |
|----------|---|----------|---|

#### Central and Eastern European States

|          |         |          |                     |
|----------|---------|----------|---------------------|
| 2 years: | Hungary | 4 years: | Slovenia<br>Ukraine |
|----------|---------|----------|---------------------|

#### Latin American and Caribbean States

|          |                   |          |                                 |
|----------|-------------------|----------|---------------------------------|
| 2 years: | Brazil<br>Ecuador | 4 years: | Argentina<br>Jamaica<br>Uruguay |
|----------|-------------------|----------|---------------------------------|

#### Western European and other States

|          |                                |          |   |
|----------|--------------------------------|----------|---|
| 2 years: | France<br>Italy<br>Switzerland | 4 years: | Australia<br>Canada<br>Finland<br>Netherlands |
|----------|--------------------------------|----------|---|