

Excerpt of UNEP/FAO/RC/COP.4/24 (Report of COP.4)

RC-4/6: Inclusion of endosulfan in Annex III of the Convention

The Conference of the Parties,

Acknowledging the importance of not undermining human health and the environment in different regions of the world,

Noting with appreciation the work of the Chemical Review Committee in its consideration of endosulfan, in particular the technical quality and comprehensiveness of the draft decision guidance document,

Considering that the draft decision guidance document should be used for information exchange purposes,

Having considered the recommendation of the Chemical Review Committee to make endosulfan subject to the prior informed consent procedure and accordingly to list it in Annex III to the Rotterdam Convention,

Taking into account that the Conference of the Parties is not yet able to reach consensus on whether to list endosulfan in Annex III to the Convention,

Aware that the failure to reach consensus so far has created concerns in all Parties,

Taking into account that a small number of Parties consider that criterion d in Annex II of the Convention has not been applied correctly,

Acknowledging that the Chemical Review Committee sought and acted upon guidance from the Conference of the Parties at its third meeting which said that Committee was to continue to consider notifications involving intentional misuse on a case-by-case basis, but that a legal opinion from the UNEP legal office should be obtained to clarify the meaning of “intentional misuse” and be made available to the Committee to inform future discussion,

1. *Requests* that Parties and interested observers provide to the Secretariat within six months of the date of the present decision their considered views on the application of criterion (d) in Annex II of the Convention;

2. *Requests* that the Secretariat provide the views submitted in accordance with the preceding paragraph to the United Nations Environment Programme legal office for it to review its previous advice to the Chemical Review Committee contained in the information document on the subject provided to the Committee for its third meeting regarding clarification of the meaning of “intentional misuse” and the application of criterion (d) in Annex II of the Convention;¹

3. *Requests* that the Secretariat provide the opinion referred to in the previous paragraph when completed to the Chemical Review Committee and to all Parties and interested observers;

4. *Requests* that the Chemical Review Committee take the legal opinion into account when considering the application of criterion (d) of Annex II of the Convention;

5. *Decides* that the agenda for its next ordinary meeting shall include further consideration of a draft decision to amend Annex III to the Rotterdam Convention to include the following chemical:

Chemical	Relevant CAS number(s)	Category
Endosulfan	115-29-7	Pesticides

¹ (UNEP/FAO/RC/CRC.3/INF/7).

6. *Encourages* Parties to make use of all available information on endosulfan, including the draft decision guidance document, to assist others, in particular developing countries and countries with economies in transition, to make informed decisions regarding the import and management of endosulfan and to inform other Parties of those decisions using the information exchange provisions laid down in Article 14.