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INTERIM CHEMICAL REVIEW COMMITTEE
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REVIEW OF THE ROLE AND MANDATE OF THE INTERIM
CHEMICAL REVIEW COMMITTEE

Note by the secretariat

1. In its resolution on interim arrangements, the Conference of Plenipotentiaries invited the Intergovernmental Negotiating Committee to establish an interim subsidiary body to discharge the functions entrusted to the subsidiary body to be established under article 18, paragraph 6, of the Rotterdam Convention.
2. The present document contains a review of the role and mandate of the Interim Chemical Review Committee. Chapter I provides a short description of the functions entrusted by the Convention to the Chemical Review Committee, and chapter II provides a more detailed description of the establishment, composition, organization and operation of the Interim Chemical Review Committee as decided by the Intergovernmental Negotiating Committee.

I. CHEMICAL REVIEW COMMITTEE

3. Article 18, paragraph 6, 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.
4. The functions assigned by the Convention to the Chemical Review Committee are:
 - (a) To make recommendations on the inclusion of banned or severely

* UNEP/FAO/PIC/ICRC.1/1.

restricted chemicals (article 5, paragraph 6):

"The Chemical Review Committee shall review the information provided in [notifications by Parties] and, in accordance with the criteria set out in annex II, recommend to the Conference of the Parties whether the chemical in question should be made subject to the prior informed consent procedure and, accordingly, be listed in annex III";

(b) To make recommendations on the inclusion of severely hazardous pesticide formulations (article 6, paragraph 5):

"The Chemical Review Committee shall review the information provided in [the proposals and additional information collected from Parties] and, in accordance with the criteria set out in part 3 of annex IV, recommend to the Conference of the Parties whether the severely hazardous pesticide formulation in question should be made subject to the prior informed consent procedure and, accordingly, be listed in annex III";

(c) To prepare draft decision guidance documents for chemicals recommended for inclusion in annex III (article 7, paragraph 1):

"For each chemical that the Chemical Review Committee has decided to recommend for listing in annex III, it shall prepare a draft decision guidance document. The decision guidance document should, at a minimum, be based on the information specified in annex I, 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 removal of chemicals from annex III and the revision of decision guidance documents (article 9, paragraph 2):

"The Chemical Review Committee shall review the information it receives under paragraph 1. For each chemical that the Chemical Review Committee decides, in accordance with the relevant criteria in annex II or, as the case may be, annex IV, to recommend for removal from annex III, it shall prepare a revised draft decision guidance document."

5. Article 18, paragraph 6, of the Convention provides the following guidance to the Conference of the Parties with respect to the establishment of the Chemical Review Committee once the Convention enters into force:

"(a) The members of the Chemical Review Committee shall be appointed by the Conference of the Parties. Membership of the Committee shall consist of a limited number of government-designated experts in chemicals management. The members of the Committee shall be appointed on the basis of equitable geographical distribution, including ensuring a balance between developed and developing Parties;

"(b) The Conference of the Parties shall decide on the terms of reference, organization and operation of the Committee;

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"(c) The 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."

II. INTERIM CHEMICAL REVIEW COMMITTEE

A. Establishment, composition and term of office

6. At its sixth session, held in Rome from 12 to 16 July 1999, the Intergovernmental Negotiating Committee decided, in decision INC-6/2, to establish a subsidiary body, to be called the Interim Chemical Review Committee (ICRC). The Interim Chemical Review Committee comprises 29 government-designated experts in chemical management, appointed on the basis of equitable geographical distribution, ensuring a balance between developed and developing countries. Decision INC-6/2 is reproduced in the annex to the present note.

7. At the same session, it was agreed that the interim PIC regional groups would identify countries for the Interim Chemical Review Committee from those countries that were participating in the interim PIC procedure. Their Governments would then formally designate the 29 experts and submit their names and qualifications to the parties to the Intergovernmental Negotiating Committee, through the secretariat, by 15 September 1999. Such experts would then serve as members of the Interim Chemical Review Committee on an interim basis, pending formal confirmation of their appointment by the Intergovernmental Negotiating Committee at its seventh session.

8. The interim PIC regional groups accordingly identified the following Governments which were to designate experts to the Interim Chemical Review Committee:

(a) Africa: Cameroon, Ethiopia, Gambia, Mauritius, Morocco and South Africa;

(b) Asia: China, India, Indonesia, Japan and Nepal;

(c) Europe: Finland, Germany, Hungary, Netherlands, Russian Federation and Turkey;

(d) Latin America and the Caribbean: Barbados, Brazil, Chile, Ecuador and El Salvador;

(e) Near East: Egypt, Qatar and Sudan;

(f) North America: Canada and United States of America; and

(g) Southwest Pacific: Australia and Samoa.

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9. The members of the Interim Chemical Review Committee will serve for a period of three years from the date of decision INC-2/6 or until the first session of the Conference of the Parties, whichever occurs first. If, on the expiration of the three years, the Convention has not yet entered into force, the Intergovernmental Negotiating Committee will take any necessary decisions regarding the extension of the term of office of its members or the appointment of new members.

10. A list of the designated experts is to be found in UNEP/FAO/PIC/ICRC.1/INF/3, together with a compilation of their designations and qualifications as submitted by the designating governments.

11. The Intergovernmental Negotiating Committee decided that any vacancy that arises during an inter-sessional period should be filled in accordance with such procedure as the region concerned may determine. The qualifications of the new member will be circulated to the parties to the Intergovernmental Negotiating Committee through the secretariat. The Intergovernmental Negotiating Committee noted, however, that should the seat occupied by the Russian Federation become vacant, the interim Europe PIC region had determined that Ukraine would fill that vacancy.

B. Mandate of the Interim Chemical Review Committee

12. The Intergovernmental Negotiating Committee decided that the Interim Chemical Review Committee, consistent with the provisions of the Convention, in particular its articles 5, 6 and 7, will have the following functions and responsibilities:

(a) Making recommendations on the inclusion of banned and severely restricted chemicals: reviewing the information provided in notifications of final regulatory actions and, in accordance with the criteria set out in annex II of the Convention, recommending to the Intergovernmental Negotiating Committee whether the chemical in question should be made subject to the interim PIC procedure;

(b) Making recommendations on the inclusion of severely hazardous pesticide formulations: reviewing the information provided in proposals for the inclusion of a severely hazardous pesticide formulation in the interim PIC procedure and, in accordance with the criteria set out in part 3 of annex IV of the Convention, recommending to the Intergovernmental Negotiating Committee whether the chemical in question should be made subject to the interim PIC procedure;

(c) Preparing draft decision guidance documents: specifically, for each chemical that the Interim Chemical Review Committee has decided to recommend to be made subject to the interim PIC procedure, preparing a draft decision guidance document, which should, at a minimum, be based on the information specified in annex I of 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.

13. The provisions of subparagraph (d) of paragraph 4 above, on the removal of chemicals, were not included in the mandate of the Interim Chemical Review Committee by the Intergovernmental Negotiating Committee, as they were

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considered to be outside the Committee's mandate as provided for in the resolution of the Conference of Plenipotentiaries on interim arrangements.

C. Operation of the Interim Chemical Review Committee

14. Rule 47, paragraph 3, of the rules of procedure of the Intergovernmental Negotiating Committee provides that the rules of procedure of subsidiary organs shall be those of the meetings, as appropriate, subject to such modifications as the Parties may decide upon in the light of proposals by the subsidiary organ concerned. The rules of procedure of the Intergovernmental Negotiating Committee may be found in document UNEP/FAO/PIC/ICRC.1/INF/1.

15. The Intergovernmental Negotiating Committee decided that the Interim Chemical Review Committee should normally meet once a year, approximately six months before each session of the Intergovernmental Negotiating Committee, subject to the availability of funds and work requirements of the Interim Chemical Review Committee. The Intergovernmental Negotiating Committee noted, however, that Interim Chemical Review Committee might wish to have two meetings between the sixth and seventh sessions of the Intergovernmental Negotiating Committee for the purposes, first, of organizing its work and commencing its examination of the four decision guidance documents referred to it by the Intergovernmental Negotiating Committee at its sixth session and, second, undertaking its assigned functions.

16. The Intergovernmental Negotiating Committee further decided that the meetings of the Interim Chemical Review committee should be open to observers in accordance with the rules of procedure of the Intergovernmental Negotiating Committee. With regard to the participation of non-governmental organization observers, the Intergovernmental Negotiating Committee recommended that the balance between industry, public interest groups and trade unions, as established during the meetings of the UNEP/FAO Joint Group of Experts under the original PIC procedure, should be maintained. In addition, it was stressed that, when considering observer participation, attention should be paid to maintaining balanced participation in meetings of the Interim Chemical Review Committee. If a balance was not maintained, the Interim Chemical Review Committee would refer the issue of observer participation to the Intergovernmental Negotiating Committee.

17. The Intergovernmental Negotiating Committee also decided that the meetings of the Interim Chemical Review Committee should be held in English only, and that any draft decision guidance documents to be considered by the Interim Chemical Review Committee or forwarded by it to the Intergovernmental Negotiating Committee should be available in all six languages of the Intergovernmental Negotiating Committee.

Annex

Decision INC-6/2: The Interim Chemical Review Committee

The Intergovernmental Negotiating Committee

1. Decides to establish an interim subsidiary body, to be called the Interim Chemical Review Committee, composed of twenty-nine government-designated experts appointed by the Intergovernmental Negotiating Committee on the basis of the interim PIC regions, as follows: six experts from Africa; five experts from Asia; six experts from Europe; five experts from Latin America and the Caribbean; three experts from the Near East; two experts from North America; and two experts from the Southwest Pacific;
2. Decides that the members of the Interim Chemical Review Committee shall be experts in chemicals management and that the experts shall serve for a period of three years from the date of this decision, or until the first session of the Conference of the Parties, whichever shall occur first, and that if, on the expiration of the three years, the Convention has not yet entered into force, the Intergovernmental Negotiating Committee will take any necessary decisions regarding the extension of the term of office of its members or the appointment of new members;
3. Decides that the twenty-nine Governments identified at the sixth session of the Intergovernmental Negotiating Committee shall formally designate those experts and, through the secretariat, provide their names and relevant qualifications to the parties to the Intergovernmental Negotiating Committee by 15 September 1999 and that such experts shall serve as members of the Interim Chemical Review Committee on an interim basis, pending formal confirmation of their appointment by the Intergovernmental Negotiating Committee at its seventh session;
4. Decides that any vacancy arising during an inter-sessional period shall be filled in accordance with such procedure as the region concerned may determine; and that the qualifications of the new member shall be circulated to the parties to the Intergovernmental Negotiating Committee through the secretariat;
5. Decides that the Interim Chemical Review Committee shall normally meet once a year, approximately six months before each session of the Intergovernmental Negotiating Committee, subject to the availability of funds and work requirements of the Interim Chemical Review Committee;
6. Decides that the meetings of the Interim Chemical Review Committee shall be held in English only and that any draft decision guidance documents to be considered by the Interim Chemical Review Committee or forwarded by it to the Intergovernmental Negotiating Committee shall be available in all six languages of the Intergovernmental Negotiating Committee;
7. Decides that the Interim Chemical Review Committee, consistent with the provisions of the Convention, in particular its articles 5, 6 and 7, shall have the following functions and responsibilities:

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(a) Making recommendations on the inclusion of banned and severely restricted chemicals: reviewing the information provided in notifications of final regulatory actions and, in accordance with the criteria set out in annex II of the Convention, recommending to the Intergovernmental Negotiating Committee whether the chemical in question should be made subject to the interim PIC procedure;

(b) Making recommendations on the inclusion of severely hazardous pesticide formulations: reviewing the information provided in proposals for the inclusion of a severely hazardous pesticide formulation in the interim PIC procedure and, in accordance with the criteria set out in part 3 of annex IV of the Convention, recommending to the Intergovernmental Negotiating Committee whether the chemical in question should be made subject to the interim PIC procedure;

(c) Preparing draft decision guidance documents: specifically, for each chemical that the Interim Chemical Review Committee has decided to recommend to be made subject to the interim PIC procedure, preparing a draft decision guidance document, which should, at a minimum, be based on the information specified in annex I of 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;

8. Decides that the sessions of the Interim Chemical Review Committee shall be open to observers in accordance with the rules of procedure of the Intergovernmental Negotiating Committee.
