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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

Seventh session

Geneva, 30 October – 3 November 2000

Item 5 (f) of the provisional agenda *

ISSUES ASSOCIATED WITH THE DISCONTINUATION OF THE INTERIM PRIOR INFORMED
CONSENT PROCEDURE

Note by the secretariat

1. The 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 held its sixth session in Rome from 12 to 16 July 1999. At that session, the Committee invited the secretariat to develop an analysis of the issues associated with the discontinuation of the interim prior informed consent (PIC) procedure for discussion by the Committee at its next session. The secretariat has the honour to submit herein that analysis.
2. The following terms have been used to denominate the PIC procedure in its various stages:
 - (a) The "original PIC procedure" means the voluntary PIC procedure contained in the Amended London Guidelines for the Exchange of Information on Chemicals in International Trade and the FAO International Code of Conduct on the Distribution and Use of Pesticides, in effect until the date on which the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade was opened for signature;
 - (b) The "interim PIC procedure" means the original PIC procedure as changed to bring it in line with the procedure established by the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, with effect from the date on which the Convention was opened for signature;

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(c) The "Convention PIC procedure" means the PIC procedure as described in the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, which will become mandatory for the Parties to the Convention once the Convention enters into force.

A. Background

3. The original PIC procedure was established by the Governing Council of the United Nations Environment Programme (UNEP) at its fifteenth session (decision 15/30 of 25 May 1989), and the Conference of the Food and Agriculture Organization of the United Nations (FAO) at its twenty-fifth session (resolution 6/89 of 29 November 1989). The UNEP Governing Council included the PIC procedure for pesticides and other chemicals that are banned or severely restricted in the Amended London Guidelines for the Exchange of Information on Chemicals in International Trade, while the FAO Conference amended Article 9 of the International Code of Conduct on the Distribution and Use of Pesticides and adopted Guidelines on the Operation of Prior Informed Consent. UNEP and FAO jointly executed this original PIC procedure, which was operated until the adoption of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, which was adopted by a Conference of Plenipotentiaries on 10 September 1998.

4. The Conference of Plenipotentiaries that adopted the Convention in September 1998 considered the work to be performed during the interim period between the adoption of the Convention and the first meeting of the Conference of the Parties. The Conference adopted a resolution on interim arrangements, which changed the original PIC procedure to a voluntary, interim PIC procedure closely resembling the procedure set out in the Convention text, and requested the Executive Director of UNEP and the Director-General of FAO to provide secretariat services for the operation of the interim PIC procedure. The text of the relevant resolution is attached as an annex hereto.

B. Authority to cease operation of the interim PIC procedure

5. The Conference of Plenipotentiaries decided (in paragraph 13 of the resolution on interim arrangements) that the interim PIC procedure would cease to operate on a date to be specified by the Conference of the Parties at its first meeting. The interim PIC procedure will thus operate in parallel with the Convention PIC procedure from the date of entry into force of the Convention through the date specified by the first meeting of the Conference of the Parties.

6. Although the original PIC procedure was established by the FAO Conference and the UNEP Governing Council, those bodies agreed — at the twenty-ninth session of the FAO Conference in 1997 and the fifth special session of the UNEP Governing Council in 1998 (SS.V/5 of 22 May 1998) — to accept any changes in this procedure adopted by the Conference of Plenipotentiaries. The outcome of the Conference of Plenipotentiaries was reported in 1999 to the twentieth session of the UNEP Governing Council and the thirtieth session of the FAO Conference. Therefore, those two bodies will not necessarily have to be consulted regarding the date on which the interim PIC procedure will cease to operate.

C. The Amended London Guidelines for the Exchange of Information on Chemicals in International Trade, the International Code of Conduct on the Distribution and Use of Pesticides and the Guidelines on the Operation of Prior Informed Consent

7. The original PIC procedure is contained in the Amended London Guidelines for the Exchange of Information on Chemicals in International Trade, in Article 9 of the International Code of Conduct on the Distribution and Use of Pesticides and in the Guidelines on the Operation of Prior Informed Consent. The original PIC procedure was changed by the Conference of Plenipotentiaries by means of the resolution on

interim arrangements. The Amended London Guidelines and Article 9 of the Code of Conduct contain provisions regarding information exchange that will be superseded by the provisions of articles 12 to 14 of the Convention.

8. The UNEP Governing Council might need to consider further actions in relation to the Amended London Guidelines for the Exchange of Information on Chemicals in International Trade, while the FAO Conference might have to consider the amendment of Article 9 of the International Code of Conduct on the Distribution and Use of Pesticides and any further action in relation to the Guidelines on the Operation of Prior Informed Consent.

D. Parties to the Convention and States and regional economic integration organizations participating in the interim PIC procedure

9. Under the interim PIC procedure, 163 States and regional economic integration organizations had by 1 June 2000 nominated designated national authorities, 49 States and regional economic integration organizations had submitted notifications of final regulatory action to ban or severely restrict a chemical and 120 States and regional economic integration organizations had submitted responses concerning future import of chemicals subject to the interim PIC procedure. The Convention will enter into force when 50 States and/or regional economic integration organizations have ratified, accepted, approved or acceded to it. The number of Parties, in particular in early years, will be less than the number of States and regional economic integration organizations that participated in the interim PIC procedure.

10. The Convention does not contain provisions regarding the treatment of non-Parties. When the interim PIC procedure ceases to operate, non-Parties will lose the protection against unwanted exports currently provided by the interim PIC procedure. In addition, non-Parties that participated in the interim PIC procedure may resume exports they currently refrain from under the interim PIC procedure.

E. The Conference of the Parties, the Chemical Review Committee, the Intergovernmental Negotiating Committee and the Interim Chemical Review Committee

11. According to article 7.2 of the Convention, "[t]he Conference of the Parties shall decide whether the chemical should be made subject to the Prior Informed Consent procedure and, accordingly, list the chemical in Annex III and approve the draft decision guidance document." According to Article 9.3, "[t]he Conference of the Parties shall decide whether the chemical should be removed from Annex III and whether to approve the revised draft decision guidance document."

12. According to Article 18.6, "[t]he 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 this Convention." The functions of the Chemical Review Committee are provided in sub-articles 5.6, 6.5, 7.1, 7.2, 9.2 and 9.3 of the Convention.

13. In Part II, paragraph 3 of its resolution on interim arrangements, the Conference of Plenipotentiaries invited

"the Executive Director of the United Nations Environment Programme and the Director-General of the Food and Agriculture Organization of the United Nations to convene such further sessions of the Intergovernmental Negotiating Committee (hereinafter referred to as the "Committee") during the period between the date on which the Convention is opened for signature and the date of the opening of the first meeting of the Conference of the Parties as are necessary to oversee the operation of the interim PIC procedure and to prepare for and service the Conference of the

Parties until the end of the fiscal year in which the first meeting of the Conference of the Parties takes place".

14. Part II, paragraph 4 of the same resolution invited "the 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 Convention".

15. In Part II, paragraph 8, the Conference of the Plenipotentiaries provided

"that the Committee shall decide, between the date on which the Convention is opened for signature and the date of its entry into force, on the inclusion of any additional chemicals under the interim PIC procedure in accordance with the provisions of Articles 5, 6, 7 and 22 of the Convention".

16. Article 9 of the Convention governs removal of chemicals from the Convention PIC Procedure. It may be noted that the Conference of Plenipotentiaries did not include similar provisions for the removal of chemicals from the interim PIC procedure in the mandate of the Intergovernmental Negotiating Committee.

17. The Intergovernmental Negotiating Committee held its sixth session in July 1999 and it will continue to meet until the first meeting of the Conference of the Parties. At its sixth session, the Intergovernmental Negotiating Committee, in decision INC-6/2, established the Interim Chemical Review Committee and decided that it shall have functions and responsibilities consistent with the provisions for the Chemical Review Committee of the Convention, in particular articles 5, 6 and 7. In line with paragraph 16 above, the Intergovernmental Negotiating Committee did not include provisions for the removal of chemicals from the interim PIC procedure in the terms of reference of the Interim Chemical Review Committee.

18. According to the resolution on interim arrangements, there is no provision for meetings of the Intergovernmental Negotiating Committee and the Interim Chemical Review Committee after the first session of the Conference of the Parties. Their functions in relation to the interim PIC procedure cannot be exercised if these bodies cease to meet after the first session of the Conference of the Parties. The Intergovernmental Negotiating Committee was established by the FAO Council and the UNEP Governing Council. If so required, the FAO Conference or Council and the UNEP Governing Council could decide on further sessions of the Committee after the Conference of the Parties has met.

F. Notifications of final regulatory action and proposals for severely hazardous pesticide formulations

19. According to article 5.2 of the Convention, "[e]ach Party shall, at the date of entry into force of this Convention for it, notify the Secretariat in writing of its final regulatory actions in effect at that time, except that each Party that has submitted notifications of final regulatory actions under the Amended London Guidelines or the International Code of Conduct need not resubmit those notifications." The Convention is silent, however, on resubmitting proposals for severely hazardous pesticide formulations made under the interim PIC procedure, and there is no provision in the Convention for considering these proposals under the Convention PIC procedure.

G. Notifications of final regulatory action and proposals for severely hazardous pesticide formulations submitted by non-Parties that participate in the interim PIC procedure

20. States and regional economic integration organizations that participate in the interim PIC procedure may not be Parties to the Convention at the time of the first Conference of the Parties and at the

time the interim PIC procedure will cease to operate. Those States and regional economic integration organizations may have submitted notifications of final regulatory action and proposals for severely hazardous pesticide formulations under the original PIC procedure and/or interim PIC procedure. A number of such notifications and proposals may have contributed to the preparation of decision guidance documents and to decisions to include chemicals in the interim PIC procedure (see para. 28). Other notifications of final regulatory action and proposals for severely hazardous pesticide formulations may be at various stages in the interim PIC procedure or may have been forwarded to the Interim Chemical Review Committee for review. There are no provisions for the further consideration of these notifications and proposals in the implementation of the Convention PIC procedure.

H. The composition of PIC regions

21. According to article 5.5 of the Convention, "[t]he composition of the Prior Informed Consent regions shall be defined in a decision to be adopted by consensus at the first meeting of the Conference of the Parties."

22. The Conference of Plenipotentiaries, in its resolution on interim arrangements, invited "the Intergovernmental Negotiating Committee to develop, based on the FAO regions, the decision referred to in paragraph 5 of Article 5, and to adopt this decision on an interim basis, pending its formal adoption at the first meeting of the Conference of the Parties".

23. The Intergovernmental Negotiating Committee, at its sixth session, "agreed to base the interim PIC regions on the FAO regions, with the assignment of Parties to the Intergovernmental Negotiating Committee which were not members of FAO to appropriate regions, respecting their natural geographical affinities and with the proviso that such adoption was on an interim basis only and that the final determination of PIC regions would be made by the Conference of the Parties." In decision INC-6/1, the Committee decided "to adopt, on an interim basis, the listing of countries contained in the annex to the present decision, to be known as the 'interim PIC regions', for the purpose of the implementation of the interim arrangements for the application of the PIC procedure, pending the formal adoption, by consensus, of a listing of countries by PIC regions by the Conference of the Parties at its first meeting."

24. The Convention does not contain provisions for the composition of PIC regions. The Conference of the Parties might, therefore, adopt a listing of countries that substantially differs from the interim PIC regions adopted in decision INC-6/1.

I. The composition of the Interim Chemical Review Committee and the Chemical Review Committee

25. In decision INC-6/2, the Committee decided "to establish an interim subsidiary body, to be called the Interim Chemical Review Committee ... on the basis of the interim PIC regions."

26. Article 18.6 (a) of the Convention provides:

"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."

27. The Convention does not foresee the use of PIC regions in the determination of equitable geographical distribution in relation to membership of the Chemical Review Committee. Whether PIC

regions will be used as a basis for the composition of the Chemical Review Committee under the Convention PIC procedure will be decided by the Conference of the Parties.

J. Inclusion of chemicals in Annex III that were included in the interim PIC procedure before the date of the first meeting of the Conference of the Parties, but not yet listed in Annex III

28. Article 8 of the Convention states:

"For any chemical, other than a chemical listed in Annex III, that has been included in the voluntary [interim] Prior Informed Consent procedure before the date of the first meeting of the Conference of the Parties, the Conference of the Parties shall decide at that meeting to list the chemical in Annex III, provided that it is satisfied that all the requirements for listing in that Annex have been fulfilled."

29. The Conference of Plenipotentiaries in its resolution on interim arrangements, Part II, paragraphs 6, 7 and 8 decided:

6. "that all chemicals in respect of which decision guidance documents have been circulated under the original PIC procedure before the date on which the Convention is opened for signature will be subject to the interim PIC procedure";

7. "that all chemicals that have been identified for inclusion in the PIC procedure under the original PIC procedure but for which decision guidance documents have not yet been circulated before the date on which the Convention is opened for signature will become subject to the interim PIC procedure as soon as the relevant decision guidance documents have been adopted by the Committee";

8. "that the Committee shall decide, between the date on which the Convention is opened for signature and the date of its entry into force, on the inclusion of any additional chemicals under the interim PIC procedure in accordance with the provisions of Articles 5, 6, 7 and 22 of the Convention[.]"

30. The chemicals referred to in the resolution on interim arrangements, part II, paragraph 6, are those already included in Annex III of the Convention.

31. The chemicals referred to in the resolution on interim arrangements, part II, paragraph 7, are: binapacryl, bromacil, ethylene dichloride, ethylene oxide, maleic hydrazide and toxaphene. Two of these chemicals, binapacryl and toxaphene, were included in the interim PIC procedure when the relevant decision guidance documents were adopted by the sixth session of the Intergovernmental Negotiating Committee. The decision guidance documents for ethylene dichloride and ethylene oxide were submitted by the Interim Chemical Review Committee for consideration and possible adoption by the seventh session of the Intergovernmental Negotiating Committee. The Interim Chemical Review Committee, at its first session, decided not to address the draft decision guidance document on maleic hydrazide until after the seventh session of the Intergovernmental Negotiating Committee. For the remaining chemical, bromacil, the Interim Chemical Review Committee felt that the requirements set out in article 5 and Annex II of the Convention had not been met, and decided not to include bromacil in the interim PIC procedure recommended to the Intergovernmental Negotiating Committee.

32. The six chemicals referred to in paragraph 31 were identified on the basis of notifications of control actions submitted by States and regional economic integration organizations participating in the original PIC procedure. Those notifications, which were submitted before the Convention was adopted,

do not meet the information requirements of Annex I of the Convention. There is no provision in the Convention for how the first meeting of the Conference of the Parties should treat these notifications when reviewing, in accordance with article 8, whether all the requirements for listing in Annex III are fulfilled and whether to list these chemicals in Annex III.

33. Future inclusion in the interim PIC procedure of chemicals other than those referred to in paragraph 31, in accordance with the resolution on interim arrangements, part II, paragraph 8, will be in line with the Convention PIC procedure.

34. A number of States and regional economic integration organizations that participated in the original and the interim PIC procedures may not be Parties to the Convention at the time of the first Conference of the Parties, but their notifications and proposals may have contributed to the preparation of decision guidance documents and to decisions to include chemicals in the interim PIC procedure. There is no provision in the Convention for the Conference of the Parties to take into account these notifications and proposals when considering, in accordance with article 8, whether all the requirements for listing in Annex III are fulfilled in order to decide whether to list in Annex III those chemicals that were included in the interim PIC procedure before the date of the first meeting of the Conference of the Parties, but were not yet listed in Annex III.

35. According to article 5.5, "[w]hen the Secretariat has received at least one notification" of final regulatory action to ban or severely restrict a chemical "from each of two Prior Informed Consent regions regarding a particular chemical that it has verified meet the requirements of Annex I, it shall forward them to the Chemical Review Committee". Differences between the interim PIC regions and the PIC regions adopted by the Conference of the Parties may affect the number of PIC regions from which notifications have been received. There are no provisions for the Conference of the Parties to take account of changes in PIC regions when considering whether to include in Annex III those chemicals that were included in the interim PIC procedure before the date of the first meeting of the Conference of the Parties, but were not yet listed in Annex III.

36. The Conference of the Parties may decide to include in Annex III none, some or all of the chemicals included in the interim PIC procedure before the date of the first meeting of the Conference of the Parties, but not yet listed in Annex III. This may create a discrepancy between the interim PIC procedure and the Convention PIC procedure.

37. At the time of the first Conference of the Parties, there may be chemicals that are included in the interim PIC procedure, but for which decision guidance documents were not circulated before the date of the first Conference of the Parties. Similarly, there may be chemicals under review by the Interim Chemical Review Committee or regarding which the Interim Chemical Review Committee has made a recommendation to the Intergovernmental Negotiating Committee. The Conference of the Parties may decide on a procedure for further consideration of these chemicals.

K. Obligations in relation to imports of chemicals listed in Annex III

38. According to article 10.2:

"Each Party shall transmit to the Secretariat, as soon as possible, and in any event no later than nine months after the date of dispatch of the decision guidance document referred to in paragraph 3 of Article 7, a response concerning the future import of the chemical concerned. If a Party modifies this response, it shall forthwith submit the revised response to the Secretariat."

39. Article 10.7 states:

"Each Party shall, no later than the date of entry into force of this Convention for it, transmit to the Secretariat responses with respect to each chemical listed in Annex III. A Party that has provided such responses under the Amended London Guidelines or the International Code of Conduct need not resubmit those responses."

It is unclear whether a Party would need to resubmit a response regarding future import for any chemical included in the interim PIC procedure before the date of the first Conference of the Parties, but not yet listed in Annex III, if that chemical was listed in Annex III at a date later than the entry into force of the Convention for that particular Party.

40. According to article 10.10, "[e]very six months the Secretariat shall inform all Parties of the responses it has received." Under the interim PIC procedure, the Secretariat provides the responses with respect to each chemical subject to the interim PIC procedure through the semi-annual PIC Circular. Issuances of the PIC Circular made under the original and the interim PIC procedure, unless the Conference of the Parties decides otherwise, will have no status under the Convention PIC procedure.

41. According to article 10.10 of the Convention, "[t]he Secretariat shall, in addition, inform the Parties of any cases of failure to transmit a response". Failure to transmit a response refers to both articles 10.2 and 10.7. of the Convention. The Convention does not contain provisions for consideration in the Convention PIC procedure of failures to transmit a response that occurred during the implementation of the interim PIC procedure.

L. Responses regarding future import submitted by non-Parties that participate in the interim PIC procedure

42. States and regional economic integration organizations that participate in the interim PIC procedure need not necessarily be Parties to the Convention at the time of the first Conference of the Parties and at the time the interim PIC procedure ceases to operate. These States and regional economic integration organizations may have submitted responses regarding future import of chemicals included in the interim PIC procedure. There are no provisions for the further consideration of these responses in the implementation of the Convention PIC procedure.

M. Obligations in relation to exports of chemicals listed in Annex III

43. Article 11.2 states that, subject to several exceptions,

"[e]ach Party shall ensure that a chemical listed in Annex III is not exported from its territory to any importing Party that, in exceptional circumstances, has failed to transmit a response or has transmitted an interim response that does not contain an interim decision[.]"

There are no provisions in the Convention for failures to transmit a response that occurred under the interim PIC procedure affecting the implementation of this Article. However, according to article 10.7, Parties that have submitted responses under the original and interim PIC procedure need not resubmit those responses. Therefore, interim responses with respect to chemicals listed in Annex III that do not contain an interim decision submitted during the original PIC procedure or the interim PIC procedure remain valid under the Convention PIC procedure, unless Parties submit new responses with respect to those chemicals.

N. Procedures developed by the Intergovernmental Negotiating Committee and the Interim Chemical Review Committee

44. The Intergovernmental Negotiating Committee and the Interim Chemical Review Committee have developed and approved several operational procedures for the implementation of the interim PIC procedure. The Conference of the Parties and the Chemical Review Committee will develop their own operational procedures for the implementation of the Convention PIC procedure; in doing so, they may draw on the operational procedures developed during the interim PIC procedure.

O. Considerations for the Intergovernmental Negotiating Committee

45. The Intergovernmental Negotiating Committee may wish to consider:

(a) Developing a recommendation to the first Conference of the Parties regarding the date on which the interim PIC procedure will cease to operate;

(b) The need for, feasibility and desirability of transitional measures to facilitate the transition from the interim PIC procedure to the Convention PIC procedure;

(c) The need for the development of a procedure for the treatment of States and regional economic integration organizations that participate in the interim PIC procedure that are not Parties to the Convention at the time of its entry into force and at the time when the interim PIC procedure ceases to operate;

(d) The need for the development of a policy on the validity of the notifications of final regulatory action, proposals regarding severely hazardous pesticide formulations and responses regarding future import submitted by States or regional economic integration organizations that participated in the interim PIC procedure but are not Parties when the Convention enters into force; and

(e) The need for the Conference of the Parties, the FAO Conference and the UNEP Governing Council to consider, jointly or individually, other measures to mitigate possible negative effects resulting from the termination of the interim PIC procedure.

ANNEX

EXCERPTS FROM THE RESOLUTIONS ADOPTED BY THE CONFERENCE OF
PLENIPOTENTIARIES ON THE CONVENTION ON THE PRIOR INFORMED
CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND
PESTICIDES IN INTERNATIONAL TRADE

Resolution on interim arrangements

The Conference,

Having adopted the text of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (hereinafter referred to as the "Convention"),

Considering that interim arrangements are required to continue to operate a voluntary procedure for the application of the prior informed consent (PIC) procedure in order to protect human health and the environment from certain hazardous chemicals and pesticides pending the entry into force of the Convention and to prepare for its effective operation once it enters into force,

Taking note of the existing voluntary PIC procedure established by resolution 6/89 of 29 November 1989 of the twenty-fifth session of the Conference of the Food and Agriculture Organization of the United Nations and decision 15/30 of 25 May 1989 of the fifteenth session of the Governing Council of the United Nations Environment Programme,

Recalling the decisions of the twenty-ninth session of the Conference of the Food and Agriculture Organization of the United Nations and the fifth special session of the Governing Council of the United Nations Environment Programme, agreeing to accept changes in the voluntary PIC procedure if so decided by the Conference of Plenipotentiaries on the Convention, provided that costs additional to the implementation of the present voluntary procedure be met through extra-budgetary resources,

I

1. Calls upon States and regional economic integration organizations entitled to do so to consider signing, ratifying, accepting, approving or acceding to the Convention with a view to bringing it into force as soon as possible;

II

2. Decides that the voluntary PIC procedure contained in the Amended London Guidelines for the Exchange of Information on Chemicals in International Trade and in the FAO International Code of Conduct on the Distribution and Use of Pesticides (hereinafter referred to as the "original PIC procedure") is hereby changed to bring it into line with the procedure established by the Convention with effect from the date on which the Convention is opened for signature. The original PIC procedure with these changes is hereinafter referred to as the "interim PIC procedure";

3. Invites the Executive Director of the United Nations Environment Programme and the Director-General of the Food and Agriculture Organization of the United Nations to convene such further sessions of the Intergovernmental Negotiating Committee (hereinafter referred to as the "Committee") during the period between the date on which the Convention is opened for signature and the date of the opening of the first meeting of the Conference of the Parties as are necessary to oversee the operation of

the interim PIC procedure and to prepare for and service the Conference of the Parties until the end of the fiscal year in which the first meeting of the Conference of the Parties takes place;

4. Invites the 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 Convention;

5. Invites the Intergovernmental Negotiating Committee to develop, based on the FAO regions, the decision referred to in paragraph 5 of Article 5, and to adopt this decision on an interim basis, pending its formal adoption at the first meeting of the Conference of the Parties;

6. Decides that all chemicals in respect of which decision guidance documents have been circulated under the original PIC procedure before the date on which the Convention is opened for signature will be subject to the interim PIC procedure;

7. Decides that all chemicals that have been identified for inclusion in the PIC procedure under the original PIC procedure but for which decision guidance documents have not yet been circulated before the date on which the Convention is opened for signature will become subject to the interim PIC procedure as soon as the relevant decision guidance documents have been adopted by the Committee;

8. Decides that the Committee shall decide, between the date on which the Convention is opened for signature and the date of its entry into force, on the inclusion of any additional chemicals under the interim PIC procedure in accordance with the provisions of Articles 5, 6, 7 and 22 of the Convention;

9. Decides that nominations of designated national authorities, notifications of control actions and import responses made under the original PIC procedure shall remain in effect under the interim PIC procedure unless and until the State or regional economic integration organization concerned notifies the interim secretariat in writing that it has decided otherwise;

10. Appeals to States and regional economic integration organizations to participate in and apply in full the interim PIC procedure;

11. Calls on States and regional economic integration organizations to submit notifications of final regulatory action in accordance with the provisions of Article 5 of the Convention, and calls on developing countries and countries with economies in transition that are in a position to do so to submit proposals concerning severely hazardous pesticide formulations in accordance with the provisions of Article 6 of the Convention;

12. Requests the Executive Director of the United Nations Environment Programme and the Director-General of the Food and Agriculture Organization of the United Nations to provide secretariat services for the operation of the interim PIC procedure;

13. Decides that the interim PIC procedure shall cease to operate on a date to be specified by the Conference of the Parties at its first meeting;

III

14. Appeals to States and regional economic integration organizations to make voluntary contributions to the trust fund established by the United Nations Environment Programme in order to support the interim arrangements and the operation of the Conference of the Parties until the end of the fiscal year in which the first meeting of the Conference of the Parties takes place, and to ensure the full

and effective participation of developing countries and countries with economies in transition in the further work of the Committee;

15. Calls on States and regional economic integration organizations with more advanced programmes for regulating chemicals to provide technical assistance, including training, to other States and regional economic integration organizations in developing their infrastructure and capacity to manage chemicals throughout their life-cycle, particularly in view of the urgent need of their participation in effective operation of the Convention once it enters into force.
