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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

Eighth session
Rome, 8-12 October 2001

ORGANIZATION OF WORK

Scenario note for the eighth session of 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

Note by the secretariat

The secretariat has the honour to transmit to the Intergovernmental Negotiating Committee, in the annex to the present note, information for the eighth session of the Committee prepared by the Chair of the Committee, Ms. Maria Celina de Azevedo Rodrigues of Brazil.

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Annex

Scenario note for the eighth session of the Intergovernmental Negotiating Committee

1. I have prepared this scenario note for the eighth session of the Intergovernmental Negotiating Committee to communicate my plans and general expectations to all delegates and, hopefully, to assist delegates in preparing for the meeting. The documents for eighth session of the Intergovernmental Negotiating Committee were distributed in early August and posted on the Rotterdam Convention Web site (www.pic.int) in order to allow delegates sufficient time to review them and to conduct consultations and make other preparations for the meeting.

General objectives of the eighth session of the Intergovernmental Negotiating Committee

2. In view of the expressed desire to have the Rotterdam Convention enter into force by the time of the meeting of the World Summit on Sustainable Development to be held in 2002 in Johannesburg, there is a need to receive information on the status of ratification and possible constraints faced by countries and to ensure that progress is made in preparing for the first meeting of the Conference of the Parties.

3. The overall goal is to consider all of the major issues associated with the implementation of the interim PIC procedure and preparation for the entry into force of the Convention by the end of this meeting. For those issues that are not resolved, the policy choices should be clearly reflected in the report of the meeting so that Governments may make the necessary preparations for the ninth session of the Committee. Ideally, the ninth session of the Committee will focus on resolving these outstanding issues and prepare recommendations for the first meeting of the Conference of the Parties. Some of the principal issues to be considered are as follows:

(a) The Committee will need to review the current financial situation, in particular the existing shortfall in funds, the proposed priorities identified by the secretariat and the proposed budget for 2003 (agenda item 3);

(b) The report on the status of implementation of the interim PIC procedure (agenda item 4 (a)), will also consider the level of support for implementation (agenda item 6 (a)). The status report raises an important question concerning the low rate at which countries are submitting notifications of final regulatory action. This issue, including possible reasons for the low level of submission, is further considered under agenda items 4 (h) and (i). The secretariat has attempted to characterize possible constraints and has identified a series of follow-up actions that it might undertake in addressing at least some of these concerns. Countries should be prepared to identify some of the constraints that they are facing in preparing notifications of final regulatory actions and import responses and to consider how these constraints might be overcome;

(c) There are a number of technical issues arising out of the second session of the Interim Chemical Review Committee (ICRC) aimed at facilitating the work of ICRC and ensuring the development of consistent and comprehensive recommendations to the Intergovernmental Negotiating Committee. These range from the identification of opportunities for cooperation and coordination of notifications of final regulatory action to the use of chemical abstract (CAS) numbers and precise chemical descriptions in identifying chemicals subject to the interim PIC procedure;

(d) A proposal for the development of a conflict of interest procedure for ICRC was raised at the seventh session of the Intergovernmental Negotiating Committee. In view of the importance of this issue to the operation of ICRC, the Committee will need to be prepared to review the proposed draft disclosure form and procedure and agree on a way forward at this meeting;

(e) Under agenda item 4 (j), the issues identified regarding the discontinuation of the interim PIC procedure will need to be carefully reviewed by the Committee. In a number of cases, there are feasible solutions that the Committee may be in a position to agree on at this meeting. It is thus important for countries to come to the eighth session of the Intergovernmental Negotiating Committee with a clear understanding of those issues for which they are prepared to make a decision and those for which further discussion may be needed. In order to facilitate the deliberations of the Committee on this agenda The documents developed in preparation for the meeting of the Conference of the Parties under agenda item 5 are for the most part based on the approaches adopted in other multilateral environmental agreements. The focus of this meeting will be on concluding discussion on the rules of procedure and settlement of disputes in order that they might be the basis of a recommendation to the first meeting of the Conference of the Parties. In order to facilitate discussion of these particular issues by the Committee, I propose to convene a legal working group. In reviewing these documents, it will be important to keep in mind the unique aspects of the Rotterdam Convention as well as the need for consistency between the text of the Convention and the operation of the Chemical Review Committee, including the election and terms of office of the Chair, definition of voting procedures, how to reflect the contributions of the Food and Agriculture Organization of the United Nations and the United Nations Environment Programme to the operation of the Convention, etc. On the topics of financial rules and non-compliance, I propose to have a thorough discussion in plenary in order to ensure that we have clearly defined the relevant policy options;

(f) item, I propose to establish a Working Group;

(g) In response to the request of the seventh session of the Intergovernmental Negotiating Committee, two offers have been received regarding hosting of the secretariat to the Rotterdam Convention (agenda item 6 (c)). The offers of Germany and a joint offer of Italy and Switzerland will be presented to the Committee in order to give the participants an opportunity to identify any elements of the offers for which clarification will be necessary. The objective is to ensure that the individual offers are clearly understood and that they represent an adequate basis upon which the first meeting of the Conference of the Parties might take a decision;

(h) It will also be important for the Committee to develop a better understanding of the status of ratification of the Convention in order to determine what actions, if any, might be initiated to facilitate ratification or accession to the Convention by countries that have yet to do so.

Possible outcomes of the eighth session of the Intergovernmental Negotiating Committee

4. The following is a list of the expectations that I have for possible outcomes of the meeting:

(a) Commitment to continue to fund the operation of the interim PIC procedure and adoption of the budget for 2003;

(b) A clear understanding of the constraints faced by countries in preparing notifications of final regulatory action and import responses and possible solutions;

(c) Agreement on a disclosure form and procedure on conflict of interest for the Interim Chemical Review Committee;

(d) Conclusion of the discussions on the rules of procedure and settlement of disputes and identification of the issues that will need to be brought to the attention of the first meeting of the Conference of the Parties;

(e) Initial discussion in plenary of the financial rules and provisions as well as non-compliance and identification of further issues for consideration;

(f) Thorough discussion of the issues associated with the discontinuation of the interim PIC procedure, identification of the aspects on which we can reach consensus and those for which further discussion may be required; and

(g) Definition of any remaining issues to be addressed by the ninth session of the Intergovernmental Negotiating Committee in preparing recommendations for the first meeting of the Conference of the Parties.
