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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

Ninth session

Bonn, 30 September-4 October 2002

Item 4 (f) of the provisional agenda*

IMPLEMENTATION OF THE PRIOR INFORMED CONSENT PROCEDURE

THE INTERIM CHEMICAL REVIEW COMMITTEE –
EXTENSION OF MANDATE OR APPOINTMENT OF NEW MEMBERS

Note by the secretariat

BACKGROUND

1. In its resolution on interim arrangements, the Conference of Plenipotentiaries invited the Intergovernmental Negotiating Committee to establish an interim subsidiary body (the “Interim Chemical Review Committee”) to discharge the functions of the Chemical Review Committee, which, under Article 18, paragraph 6 of the Convention, is to be established by the Conference of Parties at its first meeting.
2. At its sixth session, by its decision INC-6/2, the Intergovernmental Negotiating Committee established an interim subsidiary body, the Interim Chemical Review Committee, composed of 29 Government-designated experts in chemical management 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. Decision INC-6/2 is reproduced in annex I to this note.

* UNEP/FAO/PIC/INC.9/1.

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3. At the same session of the Intergovernmental Negotiating Committee, the interim PIC regional groups identified 29 countries, to designate experts to serve on the Interim Chemical Review Committee, out of the countries participating in the interim PIC procedure, as follows: (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.

4. In its decision INC-6/2, the Intergovernmental Negotiating Committee decided that the Governments of the 29 countries identified should each formally designate an expert and, through the secretariat, provide their names and relevant qualifications to the Parties represented to the Intergovernmental Negotiating Committee. The experts would serve as members of the Interim Chemical Review Committee on an interim basis pending formal confirmation of their appointments by the Intergovernmental Negotiating Committee at its seventh session.

5. During the intersessional period, all 29 countries provided formal designations of experts to the secretariat. The secretariat in turn provided the names and qualifications of the experts, to all Parties represented to the Intergovernmental Negotiating Committee, in document UNEP/FAO/PIC/ICRC.1/INF/3, which was distributed as a meeting document for the first session of the Interim Chemical Review Committee, held in Geneva from 21 to 25 February 2000.

6. At its seventh session, by its decision INC-7/1 (reproduced in annex II), the Intergovernmental Negotiating Committee confirmed the experts designated to serve on the Interim Chemical Review Committee and reaffirmed the provisions of decision INC-6/2 as regards the duration and terms of service of the experts. As part of this decision, Switzerland replaced Turkey in designating an expert.

7. At the conclusion of the seventh session of the Intergovernmental Negotiating Committee, one expert, who had been designated by a Government from the Southwest Pacific region and whose designation had been confirmed by decision INC-7/1, informed the secretariat of his resignation from the Interim Chemical Review Committee. The secretariat subsequently received information on the designation of a new expert from that region indicating that consultations had been held with other Parties from the region. The Intergovernmental Negotiating Committee, after reviewing the information concerning the qualifications of the expert, formally confirmed the appointment in its decision INC-8/2, reproduced in annex III to this note.

8. Prior to the third session of the Interim Chemical Review Committee, an expert designated by a Government from the North American region and whose designation had been confirmed by decision INC-7/1 informed the secretariat of her resignation from the Interim Chemical Review Committee. The secretariat subsequently received information on the designation of a new expert from that region indicating that consultations had been conducted with other Parties from the region. This information is presented in document UNEP/FAO/PIC/INC.9/11.

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9. In paragraph 2 of its decision INC-6/2, the Intergovernmental Negotiating Committee decided, inter alia, 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”.

10. Decision INC-6/2 was adopted on 16 July 1999, and the terms of office of the experts consequently expire on 15 July 2002.

OPTIONS

I. Extension of the terms of office of the members of the present Interim Chemical Review Committee

11. The Intergovernmental Negotiating Committee may wish to extend the terms of office of the experts presently serving on the Interim Chemical Review Committee. An extension of the terms of office of all members of the present Interim Chemical Review Committee would enable it to continue its work uninterrupted. Should an expert not be in a position to continue serving on the Interim Chemical Review Committee, he or she would be replaced in accordance with the procedure established by decision INC-6/2. Should the Committee decide to extend the terms of office of the present experts, it may also wish to decide on the duration of the extension.

II. Reconstitution of the membership of the Interim Chemical Review Committee

12. The Intergovernmental Negotiating Committee may wish to request the interim PIC regional groups to renominate experts from each regional group, in the proportions set in paragraph 1 of decision INC-6/2. In that event, each regional group may wish to recommend whether some or all of its experts who served for the first term should be reappointed as experts for a second term, or whether all experts from the region would be new. Alternatively, the interim PIC regional groups could be requested by the Intergovernmental Negotiating Committee to decide on an all-new membership.

13. The Intergovernmental Negotiating Committee may wish to decide whether those experts who have already provided their official nominations, qualifications and conflict of interest forms for their first terms and are being renominated need to provide the aforementioned documentation again. The Committee may also wish to decide whether it should officially appoint all experts nominated for a second term, or only those who are being nominated for the first time.

14. Should the Committee decide to reconstitute the Interim Chemical Review Committee, it may also wish to decide on the duration of the new term.

15. In the event that the Committee decides to reconstitute the Interim Chemical Review Committee, it may wish to consider ways to avoid or minimize any disruption in its operation. In this respect, it should be noted that the fourth session of the Interim Chemical Review Committee is scheduled for March 2003. It would facilitate operations if experts could be nominated and officially appointed by the Intergovernmental Negotiating Committee at its ninth session.

16. Countries that wish to nominate an expert at the ninth session of the Committee are encouraged to bring to the session official nominations, relevant qualifications and completed conflict of interest forms. If a country cannot officially nominate an expert at the ninth session of the Committee and/or provide the relevant qualifications and completed conflict of interest form, it should formally designate its expert and provide his or her name, relevant qualifications and completed conflict of interest form to the secretariat before 15 December 2002. In that event, the expert would serve as a member of the Interim Chemical Review Committee on an interim basis pending formal confirmation of his or her appointment by the Intergovernmental Negotiating Committee at its tenth session.

Annex IDecision INC-6/2: Interim Chemical Review CommitteeThe 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:
 - (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.

Annex II

Decision INC-7/1: Confirmation of experts designated for the Interim Chemical Review Committee

The Intergovernmental Negotiating Committee

1. Decides to formally appoint the 29 experts designated by Governments identified below to act as members of the Interim Chemical Review Committee:

Africa

Cameroon	Mr. Dudley Achu Sama
Ethiopia	Mr. Ammanuel N. Malifu
Gambia	Mrs. Fatoumata Jallow Ndoye
Mauritius	Mr. Ravinandan Sibartie
Morocco	Mr. Mohamed Ammati
South Africa	Mr. Jan Ferdinand Goede

Asia

China	Ms. Yong-Zhen Yang
India	Mr. R.R. Khan
Indonesia	Mr. Kasumbogo Untung
Japan	Mr. Masayuki Ikeda
Nepal	Mr. Bhakta Raj Palikhe

Europe

Finland	Mr. Marc Debois
Germany	Mr. Reiner Arndt
Hungary	Mr. Tamás Kömives
Netherlands	Mr. Karel A. Gijbertsen
Russian Federation	Mr. Boris Kurlyandski
Switzerland	Mr. Pietro Fontana

Latin America and the Caribbean

Barbados	Ms. Beverly Wood
Brazil	Ms. Sandra de Souza Hacon
Chile	Mr. Julio C. Monreal
Ecuador	Ms. Mercedes Bolaños Granda
El Salvador	Ms. Flor de María Perla de Alfaro

Near East

Egypt	Mr. Mohammed El Zarka
Qatar	Mr. Hassan A. Al-Obaidly
Sudan	Mr. Azhari Omer Abdelbagi

North America

Canada	Ms. Janet K. Taylor*
United States of America	Ms. Cathleen Barnes

Southwest Pacific

Australia	Mr. Ian Coleman**
Samoa	Mr. William J. Cable

2. Reaffirms the provisions of decision INC-6/2 as regards the duration and terms of service of the experts.

* Replaced by Mr. Rob Ward, to be officially appointed by the Committee at its current session.

** Replaced by Mr. André Clive Mayne, who was officially appointed by the Committee at its eighth session. See decision INC-8/2 (annex III).

Annex III

Decision INC-8/2: Confirmation of an expert designated for the Interim Chemical Review Committee

The Intergovernmental Negotiating Committee

Recalling its decision INC-6/2, in which it resolved that the 29 Governments it had identified, should formally designate experts for the Interim Chemical Review Committee, and its decision INC-7/1, in which it decided to formally appoint 29 experts designated by Governments to act as members of the Interim Chemical Review Committee,

Noting the resignation of Mr. Ian Coleman (Australia) from the Interim Chemical Review Committee,

1. Decides to formally appoint the following expert to act as a member of the Interim Chemical Review committee from the South-West Pacific region:

Australia Mr. André Clive Mayne;

2. Reaffirms the provisions of decision INC-6/2 as regards the duration and terms of service of the experts, and specifically that all experts shall serve for a period of three years from the date of decision INC-6/2, or until the first session of the Conference of the Parties, whichever shall occur first.
