



**SECOND MEETING OF THE CONFERENCE
OF THE PARTIES TO THE ROTTERDAM
CONVENTION ON THE PRIOR INFORMED
CONSENT PROCEDURE FOR CERTAIN
HAZARDOUS CHEMICALS AND PESTICIDES
IN INTERNATIONAL TRADE:
27-30 SEPTEMBER 2005**

The second meeting of the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC COP-2), begins today and continues through 30 September 2005, in Rome, Italy.

The Rotterdam Convention was adopted in September 1998, entered into force in February 2004, and has now been ratified by 100 parties. Its prior informed consent (PIC) procedure aims to promote shared responsibility between exporting and importing countries in protecting human health and the environment from the harmful effects of certain hazardous chemicals that are traded internationally. It facilitates information exchange about their characteristics, provides for a national decision-making process on their import and export, and disseminates these decisions to parties. The PIC procedure applies to 41 banned or severely restricted chemicals and severely hazardous pesticide formulations listed in the Rotterdam Convention's Annex III, among which are 24 pesticides, 11 industrial chemicals, and six severely hazardous pesticide formulations.

At COP-2, delegates will discuss the adoption of the programme of work and the budget for 2006, non-compliance, financial mechanisms to enable developing countries to implement adequately the provisions of the Convention, and technical assistance. Other issues to be discussed include: operational procedures of the Chemical Review Committee; the finalization of the arrangements between the UN Environment Programme (UNEP) and the Food and Agriculture Organization (FAO) for the provision of the secretariat to the Rotterdam Convention; and cooperation and synergies between the Basel, Rotterdam and Stockholm Conventions' secretariats.

A BRIEF HISTORY OF THE ROTTERDAM CONVENTION

Growth in internationally-traded chemicals during the 1960s and 1970s prompted efforts by the international community to safeguard people and the environment from the harmful effects

of such chemicals. These efforts resulted in the adoption of the International Code of Conduct for the Distribution and Use of Pesticides by FAO and the London Guidelines for the Exchange of Information on Chemicals in International Trade by UNEP. Both the Code of Conduct and the London Guidelines included procedures aimed at making information about hazardous chemicals readily available, thereby permitting countries to assess the risks associated with their use. In 1989, both instruments were amended to include a voluntary PIC procedure, managed jointly by FAO and UNEP, to help countries make informed decisions on the import of banned or severely restricted chemicals.

At the UN Conference on Environment and Development held in Rio de Janeiro in 1992, delegates adopted Agenda 21, which contains an international strategy for action on chemical safety (Chapter 19) and calls on States to achieve full participation in and implementation of the PIC procedure by 2000, and the possible adoption of a legally-binding PIC Convention.

In November 1994, the 107th meeting of the FAO Council agreed that the FAO Secretariat should proceed with the preparation of a draft PIC Convention as part of the joint FAO/UNEP programme. In May 1995, the 18th session of the UNEP Governing Council adopted Decision 18/12, authorizing the Executive Director to convene, with FAO, an intergovernmental negotiating committee (INC) with a mandate to prepare an international legally-binding instrument for the application of the PIC procedure.

NEGOTIATION OF THE CONVENTION: The INC held five sessions between March 1996 and March 1998 during which a draft of the PIC Convention was produced, revised, and ultimately agreed upon, as well as a draft resolution on interim arrangements.

CONFERENCE OF PLENIPOTENTIARIES: The Conference of Plenipotentiaries of the PIC Convention was held from 10-11 September 1998, in Rotterdam, the Netherlands. Ministers and senior officials from nearly 100 countries adopted the Rotterdam Convention, the Final Act of the Conference, and a Resolution on Interim Arrangements.

In line with the new procedures contained in the Convention, the Conference adopted numerous interim arrangements for the continued implementation of the voluntary PIC procedure and invited UNEP and FAO to convene further INCs during the period prior to the Convention's entry into force and to oversee the operation of the interim PIC procedure.



INC-6 to 11: INC-6, held in Rome from 12-16 July 1999, agreed to draft decisions on the definition and provisional adoption of the PIC regions, the establishment of an Interim Chemical Review Committee (ICRC), and the adoption of draft decision guidance documents (DGDs) for chemicals already identified for inclusion in the PIC procedure.

INC-7 was held in Geneva from 30 October to 3 November 2000, and addressed the implementation of the PIC procedure, preparations for the COP, including financial arrangements, and agreed to add ethylene dichloride and ethylene oxide to the PIC procedure.

INC-8 was held in Rome from 8-12 October 2001, and resolved a number of questions associated with the discontinuation of the PIC procedure and on conflict of interest of ICRC members.

INC-9 was held in Bonn, Germany, from 30 September to 4 October 2002. It agreed on the inclusion of monocrotophos in the PIC procedure, and made progress on financial rules and dispute settlement procedures.

INC-10 was held in Geneva from 17-21 November 2003, and agreed to add four forms of asbestos, DNOC, and dustable powder formulations of benomyl, carbofuran and thiram (formerly referred to as Granox T and Spinox TBC) to the interim PIC procedure, but deferred to the next meeting a decision on including a fifth form of asbestos, chrysotile.

INC-11 was held in Geneva on 18-19 September 2004, and agreed to add tetraethyl lead, tetramethyl lead, and parathion to the PIC procedure, but did not reach consensus on the addition of chrysotile asbestos.

ICRC-1 to 5: The first session of the ICRC took place in Geneva from 21-25 February 2000, and agreed to recommend ethylene dichloride and ethylene oxide for inclusion in the PIC procedure. ICRC-2 was held in Rome from 19-23 March 2001, and addressed the inclusion of monocrotophos in the PIC procedure. ICRC-3 was held in Geneva from 17-21 February 2002, and recommended the addition of monocrotophos, Granox TBC and Spinox T, DNOC, and five forms of asbestos to the PIC procedure.

ICRC-4 was held in Rome from 3-7 March 2003, and addressed new candidate chemicals for inclusion in the PIC procedure, as well as notifications of final regulatory actions to ban or severely restrict parathion, tetraethyl lead, tetramethyl lead, and tributyl tin compounds.

ICRC-5 was held in Geneva from 2-6 February 2004, and discussed notifications of final regulatory action to ban or severely restrict dimefox, endrin, endosulfan, mevinphos, and vinclozolin; but decided not to recommend any of the five chemicals for inclusion in the interim PIC procedure, since the notifications did not meet all the criteria listed in Annex II. The ICRC recommended the inclusion of tetraethyl lead, tetramethyl lead, and parathion for inclusion in the PIC procedure.

COP-1: The first COP to the Rotterdam Convention, held in Geneva on 20-24 September 2004, adopted all the decisions required to make the legally-binding PIC procedure operational. Delegates addressed procedural issues and other decisions associated with the entry into force of the Convention, such as the: composition of the PIC regions; inclusion of chemicals in Annex III recommended during the interim period; adoption of financial rules and provisions for the COP, the subsidiary bodies, and the Secretariat; establishment of the Chemical Review Committee (CRC); cooperation with the World Trade Organization; settlement of disputes; and the location of the Secretariat.

INTERSESSIONAL HIGHLIGHTS

SAICM PREPCOM-2: The second session of the Preparatory Committee for the Development of the Strategic Approach to International Chemicals Management (SAICM PrepCom-2) was held in Nairobi, Kenya, from 4-8 October 2004. PrepCom-2 discussed elements of an overarching policy strategy for international chemicals management, made progress in creating a matrix of possible concrete measures of a global plan of action to promote chemical safety, and provided comments on an initial list of elements to be included in a high-level political declaration.

BASEL COP-7: COP-7 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was held in Geneva from 25-29 October 2004, and considered *inter alia*: the Basel Convention Regional Centers, the Basel Convention Partnership Programme, the Ban Amendment, and the Basel Protocol on Liability and Compensation.

CRC-1: The first meeting of the CRC, held in Geneva from 11-18 February 2005, considered notifications on 14 candidate chemicals for inclusion in Annex III of the Rotterdam Convention. The CRC decided to recommend to COP the inclusion of chrysotile asbestos in Annex III and agreed on a schedule to prepare the corresponding DGDs. In addition, it considered a number of working procedures and policy guidance, and raised issues for consideration by COP such as the difference between risk evaluation requirements conducted under different international bodies, possible confusion between trade names and brand names, the meaning of the term "severely restricted," and the consideration of additional information.

POPs COP-1: The first COP to the Stockholm Convention on Persistent Organic Pollutants (POPs), held from 2-6 May 2005, in Punta del Este, Uruguay, adopted a range of decisions required to set the POPs Convention's implementation in motion. These decisions relate to: the evaluation of the continued need for DDT use for disease vector control; guidance for the financial mechanism; a schedule for reporting; arrangements for monitoring data on POPs; rules of procedure and financial rules; and the POPs Review Committee.

SAICM PREPCOM-3: SAICM PrepCom-3, held from 19-24 September 2005, in Vienna, addressed the SAICM high-level declaration, overarching policy strategy, and global plan of action. The work of the PrepCom will culminate in an International Conference on Chemicals Management to be held in Dubai from 4-6 February 2006, which is expected to adopt the strategic approach. Elements upon which delegates did not reach agreement include: principles and approaches, description of the SAICM as "voluntary," financial considerations, international illegal traffic, governance, and the timing and frequency of International Conference on Chemicals Management meetings.

WORKING GROUP ON NON-COMPLIANCE: A meeting of the open-ended *ad hoc* working group on non-compliance was held back-to-back with PIC COP-2 in Rome on 26-27 September 2005. Delegates raised the following issues: an open and transparent mechanism; a focus on compliance rather than non-compliance; developing country constraints; trigger mechanisms; facilitative vs. punitive measures; and the presence of observers in non-compliance procedures. The results of this meeting will be considered at COP-2.