



## PIC COP-2 HIGHLIGHTS TUESDAY, 27 SEPTEMBER 2005

The second Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (COP-2) opened in Rome in the afternoon of Tuesday, 27 September. Following opening statements by representatives of the FAO, UNEP and the Italian Government, delegates addressed organizational matters, confirmed the experts and Chair of the Chemicals Review Committee (CRC), and addressed CRC-related issues.

### OPENING PLENARY

Philippe Roch, COP-2 President (Switzerland), welcomed delegates to the meeting. David Harcharik, FAO Deputy Director-General, highlighted the contribution of pesticides to increased food production and to poverty reduction, while noting that they have incurred environmental costs. He said the expected increase in agricultural production will be met by a rise in pesticide use, which requires appropriate chemicals regulation. Noting the high rate of ratifications of the Rotterdam Convention, he called for further advancement in the implementation of the Prior Informed Consent (PIC) procedure, drawing upon partnerships, shared responsibilities, and coherent and consistent approaches within the broader environment and development context. He emphasized the role that the Rotterdam Convention can play in empowering poor countries, and in ensuring the availability of agricultural resources to meet the needs of future generations.

Shafqat Kakakhel, UNEP's Deputy Executive Director, highlighted the links between sound chemicals management and the achievement of the Millennium Development Goals, noting that the 2005 World Summit held in New York reaffirmed an unambiguous commitment by all governments to achieve these goals. He also welcomed the conclusion of the third session of the Preparatory Committee for the Development of a Strategic Approach to International Chemicals Management (SAICM) which has paved the way for the adoption of this Strategic Approach in Dubai next year. He highlighted that the PIC procedure started as voluntary and evolved into a binding convention, thus enabling global cooperation to complement national efforts on chemicals management. He also encouraged

countries to ratify the Rotterdam Convention, noting that the voluntary PIC procedure will end in February 2006.

Domenico Zinzi, Italy's Vice-Minister of Health, underscored his country's commitment to implementing the Convention, and mentioned that a side event will be held on this issue. He stressed the importance of adopting an integrated approach to chemicals management. He said this approach is reflected in the Convention, which entrusts secretariat functions to both UNEP and FAO. He called for reinforced synergies between health and environment policies, and for close cooperation between the Secretariats of the Rotterdam, Basel, and Stockholm Conventions, given the links in the international management of chemicals, hazardous wastes and persistent organic pollutants.

### ORGANIZATIONAL MATTERS

President Roch presented, and delegates adopted, the agenda for the meeting and the organization of work (UNEP/FAO/RC/COP.2/1). He also encouraged the African States to nominate a representative for the CRC, and highlighted the Scenario Note prepared by the Secretariat (UNEP/FAO/RC/COP.2/2).

**RULES OF PROCEDURE:** The President opened the floor for comments on the bracketed rule on decision making, as a last resort, by a two-thirds majority vote of the parties present and voting (Rule 45 Paragraph 1 of Decision RC-1/1). JAPAN, ARGENTINA, AUSTRALIA, INDIA and CHINA supported consensus-based decision making, while TANZANIA, the UK for the EU, and CHILE, expressed support for the use of a two-thirds majority in the absence of consensus. The President suggested, and delegates agreed, to leave the brackets in the decision for consideration at future COPs.

### IMPLEMENTATION OF THE CONVENTION

**CONFIRMATION OF CRC EXPERTS:** The Secretariat recalled that COP-1 decided that the members of the CRC would be designated on an interim basis pending their confirmation by COP-2. She said all parties, except for Gabon, had designated an expert (UNEP/FAO/RC/COP.2/7). She added that the CRC had proposed Bettina Hitzfeld (Switzerland) as the chair for its next meeting. The COP confirmed the appointment of CRC experts and the chair. ETHIOPIA announced the African States would designate an expert on Wednesday.



**CRC REPORT:** The Secretariat presented the CRC report (UNEP/FAO/RC/COP.2/8), noting that the meeting had provided an opportunity to, *inter alia*: review the role and mandate of the CRC; review over 60 notifications; and identify issues for consideration by the COP.

INDIA opposed the recommended inclusion in Annex III (Chemicals subject to the PIC procedure) of chrysotile asbestos, stressing the effects of this inclusion on the efforts of developing countries to provide low-cost housing. The EU indicated that the large number of notifications deemed by the CRC not to fulfill the criteria of Annex II (Criteria for listing banned or severely restricted chemicals in Annex III) should not discourage parties from submitting notifications. UKRAINE stressed that decisions of the CRC should always be taken by consensus.

CRC Chair Hitzfeld then introduced a document (UNEP/FAO/RC/COP.2/9) highlighting specific issues arising from the work of the CRC at its first meeting, including: the difference between risk evaluation requirements under different international bodies; possible confusion between trade and brand names; guidance regarding the term “severely restricted”; additional information; and the scope of Decision Guidance Documents (DGDs).

Regarding the flow chart on process for drafting DGDs, KYRGYZSTAN suggested clarifying that chemicals for CRC review should be “proposed by at least two regions.” The President asked whether delegates were willing to substitute text consistent with the Convention for this provision. The EU agreed, and also suggested text reflecting that proposals are “verified” by the Secretariat. INDIA sought clarification on the role of observers in the drafting of DGDs. BRAZIL, supported by CHILE, recognized the need for transparency, but expressed concern that comments from members and observers should not be given the same weight. Chair Hitzfeld said the paragraph sought to achieve transparency and openness within CRC proceedings, stressing that the drafting of DGDs was conducted by CRC members only.

President Roch warned that a balance in regional representation was not ensured in the case of observers, creating a potential imbalance in the CRC, and suggested the CRC establish internal rules of procedure for consideration at

COP-3. The EU stressed the CRC did have rules of procedure, which are those of the COP. He further noted that the initial drafting of DGDs was limited to CRC members, and then distributed to a wider audience. Expressing support for the flow chart and the CRC working procedures, AUSTRALIA said the rules for drafting DGDs had worked well during the interim procedure, and could be updated in light of the CRC’s experience. SENEGAL proposed changing “observers” to “resource persons” to clarify the distinction between CRC members and observers. SOUTH AFRICA proposed adding “taking due consideration of the comments of its observers” as a way to distinguish between the role of observers and those of CRC members. Noting the proposed wording was too strong, BRAZIL suggested instead that the CRC take note of the comments of the observers of the CRC. She further said the CRC should incorporate comments “as appropriate.” The COP adopted the flow chart, as amended by the EU, and with the two amendments proposed by Brazil.

### IN THE CORRIDORS

Many delegates arrived in Rome straight from last week’s long and difficult meeting in Vienna concerning the development of SAICM. The outcome of this meeting was a key topic of conversation in the corridors, as delegates highlighted both the successes and remaining disagreements in the Strategic Approach. In contrast to the Vienna meeting, some delegates predicted COP-2 would successfully resolve all key issues on the agenda.

Some expressed concerns on the pace of negotiations on non-compliance, as proceedings of the Open-ended *Ad Hoc* Working Group revealed some countries’ opinions that the establishment of a non-compliance mechanism is “premature,” as time should be allowed for the Convention’s implementation and identification of potential problems that would merit the attention of a non-compliance committee. For others, however, over ten years of implementation of the voluntary PIC procedure have provided more than enough basis for developing such a mechanism. Further, as one delegate noted, the issue of non-compliance constitutes a circular “chicken or egg” argument, and one could forever debate whether implementation, or non-compliance, should come first.

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