



## PIC COP-2 HIGHLIGHTS

### WEDNESDAY, 28 SEPTEMBER 2005

Delegates met in plenary during the morning and afternoon to address: the report of the open ended *ad-hoc* working group on non-compliance; issues arising out of the first meeting of the Chemicals Review Committee (CRC-1) including risk evaluation; implementation of the Convention; the Secretariat's financial report; the programme of work; the 2006 budget; and options for a financial mechanism. Contact groups on non-compliance and budget met in the evening.

#### PLENARY

**REPORT OF THE NON-COMPLIANCE WORKING GROUP:** Denis Langlois, Chair of the Non-compliance working group, presented a report on the progress made during the meeting held on 26-27 September. He stated that although the group had achieved consensus on many issues, several remained outstanding, including: the compliance committee's composition; public participation; the trigger mechanisms; the ability of the committee to make a statement regarding non-compliance; and the re-export of chemicals in the event of non-compliance. Responding to a proposal to continue discussions in a contact group, AUSTRALIA questioned the utility of additional discussions in the absence of progress on language on the trigger mechanisms.

In the afternoon, plenary adopted the report of the meeting, and a contact group chaired by Langlois was created to consider this issue further.

**ISSUES ARISING OUT OF CRC-1:** CRC Chair Bettina Hitzfeld (Switzerland) continued the presentation of issues arising out of CRC-1 (UNEP/FAO/RC/COP.2/9). On the determination of existing trade in chemicals, the COP agreed to request industry bodies, NGOs and parties to provide information. On the preparation and use of focused summaries, the COP agreed to encourage parties to prepare them in accordance with CRC guidance.

**Risk evaluation requirements:** On the difference between risk evaluation requirements conducted under different international bodies, Hitzfeld said the CRC had sought guidance on whether hazard or risk evaluations made under multilateral environmental agreements (MEAs) such as the Stockholm Convention and the Montreal Protocol could be used by notifying parties without the need to carry out additional evaluations reflecting prevailing national conditions. The

EU underlined the importance of examining whether trade-related provisions of other MEAs overlap with the Rotterdam Convention, and the need to enhance synergies and improve cooperation. ARGENTINA said risk evaluations from other MEAs should be accepted if parties indicate their difficulty in carrying out additional national assessments.

JAMAICA, with NORWAY and KOREA, stated that in cases of global risks, national risk evaluations should not be required. AUSTRALIA, CANADA and CHINA stressed the importance of criteria regarding risk evaluation under prevailing national conditions. INDIA underlined that as MEAs' objectives vary, separate risk analysis and evaluation should be required under the Rotterdam Convention.

KENYA stated that the list of chemicals subject to the Rotterdam Convention should be kept manageable and, with NIGERIA, SUDAN and JORDAN, stressed that to conserve resources, risk assessments should not be repeated. UKRAINE emphasized risk evaluations should be quantitative. The GAMBIA said assessments should reflect local conditions, and SENEGAL added that technical assistance should be provided to help countries conduct them. SWITZERLAND suggested that the Secretariat provide case studies on relevant substances.

BRAZIL said a minor modification of Annex II (Criteria for listing banned or severely restricted chemicals) might be necessary to distinguish between global and national risks. The COP invited the Secretariat to prepare a paper on the topic for discussion of the CRC and subsequently at COP-3, including case studies.

**Trade names and brand names:** Chair Hitzfeld noted a point made during CRC-1 by industry on the use of the term "trade names" in the preparation of decision guidance documents (DGDs). Noting that a trade name refers to the name of a company or business, CROPLIFE INTERNATIONAL stressed the need to clarify whether the use of "trade names" was intended to refer to a brand name, or to a company name. President Roch called on industry to continue contributing to the discussion on the issue.

**Guidance on the term "severely restricted":** Chair Hitzfeld said the issue refers to the CRC's difficulty in addressing "severely restricted" chemicals when insufficient information is provided on the effects, real or expected, of regulatory actions with regard to the use of the chemicals. The PESTICIDE ACTION NETWORK suggested governments not only provide information on the availability of a product or its uses, but also on whether the measure led to significant reduction on exposure



to people or the environment. The COP agreed to encourage parties, when submitting notifications on a chemical, to describe the real or expected effects of a regulatory action with regard to its use.

**Additional information:** Chair Hitzfeld drew attention to a paper submitted by Canada on consideration for a study on DGDs' scope (UNEP/FAO/RC/COP.2/CRP.4). The EU, supported by CHILE, suggested the study investigate alternative ways to make information available other than including it in DGDs. With CANADA, the EU further suggested the Secretariat consider the work already carried out by the Interim CRC. CANADA called for continuous review of the approach used in DGDs so that it remains useful to meet the Convention's objectives. The RUSSIAN FEDERATION proposed creating a task force for rules on the evaluation of DGDs. BRAZIL said DGDs' scope was clear in the Convention's text, and it could only support the idea of a study to discuss alternative ways of submitting information. AUSTRALIA suggested the study could look at the need to expand the DGDs' scope. A drafting group was created to work on the issue.

**STATUS OF IMPLEMENTATION:** The Secretariat introduced a report on the implementation of the Convention (UNEP/FAO/RC/COP.2/6), as well as the status of ratifications and the list of designated national authorities (DNAs) (UNEP/FAO/RC/COP.2/INF 1 and 2). She noted 47 new parties since COP-1 and underlined that no new proposals have been received for inclusion of severely hazardous pesticide formulations.

NIGERIA stated that the absence of proposals for inclusion of severely hazardous pesticide formulations is due to developing countries' lack of capacity. The EU expressed concerns over the rate of import responses. TANZANIA informed it will phase out leaded fuel by 2005. GUINEA stressed the difficulties of DNAs in gathering local and national information. SUDAN noted the short time allowed to provide import responses.

**SECRETARIAT ACTIVITIES:** The Secretariat reported on its activities (UNEP/FAO/RC/COP.2/4), including, *inter alia*: the first COP and CRC meetings; facilitation of technical assistance; coordination with the secretariats of other relevant international bodies; liaison with DNAs; and administrative arrangements between FAO and UNEP.

**TECHNICAL ASSISTANCE, WORK PROGRAMME AND 2006 BUDGET:** The Secretariat introduced documents on: the financial report and review of the staffing situation in the Secretariat (UNEP/FAO/RC/COP.2/18); the programme of work and 2006 budget (UNEP/FAO/RC/COP.2/5); Secretariat arrangements (UNEP/FAO/RC/COP.2/INF/4); updated financial information (UNEP/FAO/RC/COP.2/INF/8); and regional delivery of technical assistance (UNEP/FAO/RC/COP.2/12). In response to a question by Japan, he explained that the increased cost for COP-3 related to increased security costs.

JAPAN and the EU requested including compliance committee costs in the 2006 budget. ARGENTINA, supported by BRAZIL and MEXICO, recalled that concern had been raised at COP-1 over the injustice of the application of the revised UN scale of assessment. The Secretariat informed that the letter he had written to UN Headquarters on that matter remained unanswered. A contact group, chaired by Jean-Louis Wallace, was created to address the budget.

**OPTIONS FOR LASTING AND SUSTAINABLE FINANCIAL MECHANISMS:** The Secretariat presented a study of possible options for lasting and sustainable financial mechanisms (UNEP/FAO/RC/COP.2/10), which contains nine options for a financial mechanism. Nigeria, for the AFRICAN

GROUP, called for new and additional financial resources which are sustainable, predictable, and sufficient. SWITZERLAND supported the option of expanding the Global Environment Facility (GEF) persistent organic pollutants (POPs) focal area to serve as a cluster for the financing of projects of chemicals conventions. Brazil, for GRULAC, said a lasting and sustainable financial mechanism is required for the Convention to "truly come into force" and, supported by CHINA, stressed the links between a financial mechanism, implementation, and compliance. IRAN said it preferred, in order of priority, to: establish a financial mechanism for chemicals agreements; establish a Rotterdam Convention financial mechanism; and expand the GEF POPs focal area. The EU noted the GEF and the Montreal Protocol Multilateral Fund covered only incremental costs, so many activities within the Rotterdam Convention might not qualify for GEF funding. She said the EU supported: mainstreaming international aid for the Convention's implementation, an option not included in the study; the status quo option; and urging GEF to include more Rotterdam-related activities under the POPs focal area, which was also supported by JAPAN. NORWAY, CHAD, GUINEA and KENYA said keeping the status quo was not enough, with NORWAY calling for exploring possibilities under the current GEF structure. GUINEA noted its support for using the Montreal Protocol Multilateral Fund and the Stockholm Convention financial mechanism, and expanding the GEF POPs focal area.

#### **CONTACT GROUP ON NON-COMPLIANCE**

A contact group convened in the evening to discuss a "non-paper" on non-compliance. Several countries expressed concern about the possibility for the Secretariat and/or NGOs to trigger the non-compliance mechanism, suggesting that the COP should act as a filter. Others felt that the compliance process should be viewed as facilitative and not as punitive in nature. It was agreed that references to the relationship with other MEAs be limited to those that are "related," but there was disagreement over whether the COP should oversee the solicitation of additional information from these MEAs.

#### **BUDGET CONTACT GROUP**

Delegates met in the evening to ask for clarifications from the Secretariat on its indicative budget for 2006, focusing on the budget increase and FAO's in-kind contribution, namely three Secretariat staff posts. Delegates also addressed the amount of the capital reserve for the 2005-2006 biennial budget and the costs of the proposed compliance committee.

#### **IN THE CORRIDORS**

COP-2 maintained a positive atmosphere during its second day, with many delegates raving about both the Italian reception the previous evening and the magnificent view of Rome from the rooftop cafeteria, and the Chair of one contact group even suggesting the rooftop terrace as a meeting venue. On consensus decision making, some NGOs noted their concern over whether individual countries would be able to block the inclusion of chemicals (such as chrysotile asbestos) in Annex III, arguing that this may significantly hinder the effectiveness of the Convention. Others insisted that consensus should be the basis for progress at the international level, and will best achieve the Convention's objectives however slow it may seem. A few delegates also noted that, as many more countries become parties to the Convention, observer countries seemed marginalized, and do not have such a strong voice in the COP's proceedings.