

THIRD 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: 9-13 OCTOBER 2006

The third 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-3), begins today and continues through 13 October 2006, in Geneva, Switzerland.

The Rotterdam Convention was adopted in September 1998, entered into force in February 2004, and has now been ratified by 110 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 39 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 four severely hazardous pesticide formulations.

At COP-3, delegates will discuss: the programme of work and the budget for 2007-2008; implementation of the Convention; the inclusion of chrysotile asbestos in the Convention's Annex III; financial mechanisms; cooperation and synergies among the Basel, Rotterdam and Stockholm Conventions' secretariats; and cooperation with the World Trade Organization (WTO) and the World Customs Organization. Other issues to be discussed include procedures and institutional mechanisms for determining non-compliance and dealing with Parties found to be in non-compliance, information-exchange mechanisms and rules of procedure.

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 the Food and Agriculture Organization (FAO) and the London Guidelines for the Exchange of Information on Chemicals in International Trade by the United Nations Environment Programme (UNEP). Both the Code of Conduct and the London Guidelines include 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. 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 approximately 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 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 interim PIC procedure, preparations for the COP, including financial arrangements. It also agreed to add ethylene dichloride and ethylene oxide to the interim 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 interim 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, dinitro-ortho-cresol (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 from 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 WTO; settlement of disputes; and the location of the Secretariat.

COP-2: The second COP to the Rotterdam Convention met from 27-30 September 2005, in Rome, Italy, and an *Ad Hoc* Open-Ended Working Group (OEWG) also met from 26-27 September 2006. Delegates discussed and adopted decisions on: the programme of work and the budget for 2006; operational procedures of the CRC; the finalization of the arrangements between UNEP and FAO for the provision of the Secretariat to the Rotterdam Convention; pilot projects on the delivery of regional technical assistance; and cooperation and synergies between the Basel, Rotterdam and Stockholm Convention secretariats. Delegates agreed to forward a bracketed text on a compliance mechanism to COP-3 and to task the Secretariat with a study on financial mechanisms.

INTERSESSIONAL HIGHLIGHTS

SAICM: The Strategic Approach to International Chemicals Management (SAICM) was developed over the course of three meetings of a Preparatory Committee: PrepCom-1 (9-13 November 2003, Bangkok, Thailand); PrepCom-2 (4-8 October 2004, Nairobi, Kenya); and PrepCom-3 (19-24 September 2005, Vienna, Austria). SAICM was adopted at the International Conference on Chemicals Management (4-6 February 2006, Dubai, United Arab Emirates) and includes a High-level Declaration, an Overarching Policy Strategy, and a Global Plan of Action.

PIC CRC-2: The second meeting of the PIC CRC was held in Geneva, Switzerland, from 13-17 February 2006, and recommend the inclusion of chrysotile asbestos in Annex III of the Convention and the adoption of the associated DGD. Delegates also agreed that two substances, endosulfan and tributyl tin, had met the criteria for inclusion in the Convention, and commenced drafting DGDs for these substances.

BASEL CONVENTION OEWG: The fifth meeting of the OEWG of the Basel Convention was held in Geneva, from 3-7 April 2006, and mostly focused on financing and synergies among the chemicals-related Conventions, technical guidelines on POPs, and ship dismantling.

STOCKHOLM CONVENTION COP-2: The second COP to the Stockholm Convention on Persistent Organic Pollutants was held in Geneva, from 1-5 May 2006, and adopted 18 decisions on, *inter alia*, DDT, exemptions, financial resources and mechanisms, implementation plans, technical assistance, synergies and effectiveness evaluation.

IFCS V: The fifth session of the Intergovernmental Forum on Chemical Safety (IFCS-V) was held in Budapest, Hungary, from 25-29 September 2006, and agreed on establishing a working group to draft a decision on the Future of IFCS to be presented at IFCS-VI, adopted the Budapest Statement on Mercury, Lead and Cadmium, and identified a series of potential next steps to assist developing countries and countries with economies in transition with tools and approaches for applying precaution in the domestic decision-making processes.