



**TENTH SESSION OF THE
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:
17-21 NOVEMBER 2003**

The tenth session of the Intergovernmental Negotiating Committee (INC-10) for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, commonly known as the Rotterdam Convention, begins today at the International Conference Centre in Geneva, Switzerland.

The 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. The Rotterdam Convention was adopted in September 1998. To date, the Convention has been signed by 73 States and ratified by 49 States and the European Community. It will enter into force once 50 instruments of ratification by States are deposited. Until the Convention's first Conference of the Parties (COP), the INC will continue to provide guidance regarding implementation of the PIC Procedure.

Delegates to INC-10 will resume consideration of the major issues associated with implementation of the interim PIC Procedure. As part of this work, key items on the INC-10 agenda include: activities of the secretariat and review of the situation as regards extrabudgetary funds; implementation of the interim PIC Procedure, in particular: the inclusion of chemicals such as asbestos, DNOC, and dustable powder formulations of benomyl, carbofuran, and thiram; outcomes of the fourth session of the Interim Chemical Review Committee (ICRC); preparations for COP-1, including the draft rules of procedure, draft financial rules and provisions, settlement of disputes, and non-compliance; Conference of Plenipotentiaries; and the assignment of Harmonized System customs codes.

A BRIEF HISTORY OF THE PRIOR INFORMED CONSENT PROCEDURE

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 results of such trade. The development of the International Code of Conduct for the Distribution and Use of Pesticides by the Food and Agricul-

ture Organization (FAO) and the London Guidelines for the Exchange of Information on Chemicals in International Trade by the United Nations Environment Programme (UNEP) received particular attention. Both the Code of Conduct and the London Guidelines include procedures aimed at making information about hazardous chemicals more 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 chemicals that have been banned or severely restricted.

At the United Nations Conference on Environment and Development held in Rio de Janeiro in 1992, delegates adopted Agenda 21, which contains, in Chapter 19, an international strategy for action on chemical safety, and called on States to achieve, by the year 2000, full participation in and implementation of the PIC procedure, including possible mandatory applications of the voluntary procedures contained in the amended London Guidelines and the Code of Conduct.

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 INC with a mandate to prepare an international legally binding instrument for the application of the PIC procedure.

INC-1: The first session of the INC was held from 11-15 March 1996, in Brussels. INC-1 agreed on the rules of procedure, elected Bureau members, and completed a preliminary review of a draft outline for a future instrument. Delegates also established a working group to identify which chemicals should be included under the instrument.

INC-2: The second session of the INC met from 16-20 September 1996, in Nairobi, and produced a draft convention text.

INC-3: The third session of the INC met from 26-30 May 1997, in Geneva. Delegates considered the revised text of draft articles for the instrument. Debate centered on the scope of the proposed convention.

INC-4: The fourth session of the INC took place from 20-24 October 1997, in Rome, with delegates considering the revised text of draft articles for the instrument.

INC-5: The fifth session of the INC met from 9-14 March 1998, in Brussels. Delegates made progress on a consolidated draft text of articles, and reached agreement on the draft text of the PIC convention and a draft resolution on interim arrangements.

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THE CONFERENCE OF PLENIPOTENTIARIES: The Conference of the Plenipotentiaries on the Convention on the PIC Procedure 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. Sixty-one countries signed the Convention and 78 countries signed the Final Act. 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. It also invited the INC to: establish an interim subsidiary body to carry out the functions that will be permanently entrusted to a Chemical Review Committee (CRC); define and adopt PIC Regions on an interim basis; adopt, on an interim basis, the procedures for banned or severely restricted chemicals; and decide on the inclusion of any additional chemicals under the interim PIC Procedure. Finally, the Conference 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: INC-6 was held from 12-16 July 1999, in Rome. INC-6 resulted in draft decisions on the definition and provisional adoption of the PIC Regions (Africa, Europe, Asia, Latin America and the Caribbean, Near East, Southwest Pacific, and North America), the establishment of an interim CRC, and the adoption of draft decision guidance documents (DGDs) for chemicals already identified for inclusion.

ICRC-1: The first session of the Interim Chemical Review Committee (ICRC) took place from 21-25 February 2000, in Geneva. The Committee agreed to recommend two chemicals – ethylene dichloride and ethylene oxide – for inclusion in the interim PIC Procedure, and forwarded draft DGDs for those chemicals to INC-7 for consideration.

INC-7: The seventh session of the INC was held from 30 October to 3 November 2000, in Geneva. Delegates addressed, *inter alia*: implementation of the interim PIC Procedure; issues arising out of the Conference of Plenipotentiaries; and preparations for the COP, such as discontinuation of the interim PIC Procedure and financial arrangements. Delegates also adopted DGDs for ethylene dichloride and ethylene oxide, as well as a policy on contaminants within chemicals.

ICRC-2: The second session of the ICRC was held from 19-23 March 2001, in Rome. In light of INC-7's adoption of a general policy on contaminants within chemicals, the ICRC considered the DGD on maleic hydrazide. It also addressed: ICRC operational procedures; inclusion of monocrotophos in the interim PIC Procedure; and the use of regional workshops to strengthen the links between designated national authorities and the work of the ICRC and the INC. It also forwarded recommendations to the INC on cooperation and coordination in the submission of notifications of final regulatory actions.

INC-8: The eighth session of the INC was held from 8-12 October 2001, in Rome. INC-8 resolved a number of complex questions associated with the discontinuation of the interim PIC Procedure and on conflict of interests in the ICRC, although some issues, such as treatment of non-Parties after discontinuation of the interim PIC Procedure and composition of the PIC Regions, were deferred for consideration at INC-9.

ICRC-3: The third meeting of the ICRC was held from 17-21 February 2002, in Geneva. The ICRC recommended that monocrotophos, Granox TBC and Spinox T, DNOC, and five forms of asbestos be added to the interim PIC Procedure.

WSSD: The sound management of chemicals and hazardous waste was addressed at the World Summit on Sustainable Development (WSSD), held in Johannesburg from 26 August to 4

September 2002. Delegates agreed to text in the Johannesburg Plan of Implementation supporting entry into force of the Rotterdam Convention by 2003.

INC-9: The ninth session of the INC was held from 30 September to 4 October 2002, in Bonn. Delegates agreed on the inclusion of monocrotophos in the interim PIC Procedure, and to recommendations on the range and description of DNOC, asbestos, and Granox TBC and Spinox T. In preparation for the first COP, INC-9 made progress on the draft financial rules and provisions, procedures for dispute settlement, mechanisms for handling non-compliance, and discontinuation of the interim PIC Procedure.

INTERSESSIONAL HIGHLIGHTS

ICRC-4: The fourth session of the ICRC was held in Rome from 3-7 March 2003. The fourth session completed the DGDs on asbestos, DNOC, and Granox TBC and Spinox T, and addressed new candidate chemicals for inclusion in the interim PIC Procedure, which included a review of the notifications of final regulatory actions to ban or severely restrict parathion, tetraethyl lead, tetramethyl lead, and tributyltin. It also addressed issues referred to it from INC-9, including consistency in the listing of chemicals contained in the interim PIC Procedure, and the guidance to countries on the type of information that should be provided by a notifying country using a risk evaluation from another country in support of their final regulatory action. It reviewed a provisional version of a form for reporting on environmental incidents related to the use of pesticides.

FOURTH SESSION OF THE INTERGOVERNMENTAL FORUM ON CHEMICAL SAFETY: The fourth session of the Intergovernmental Forum on Chemical Safety (Forum IV) took place from 1-7 November 2003, at the United Nations Conference Center in Bangkok, Thailand. Forum IV took stock of the progress achieved on the commitments and recommendations since its last meeting in 2000, focusing on topics relating to: children and chemical safety; occupational safety and health; capacity building; hazard data generation and availability; acutely toxic pesticides; the widening gap among countries in following chemical safety policies; and input to the Strategic Approach to International Chemicals Management. Delegates also considered and agreed on decisions on the globally harmonized system for the classification and labeling of chemicals, and illegal traffic.

SAICM: The first meeting of the Preparatory Committee for the development of a Strategic Approach to International Chemicals Management (SAICM), met from 9-13 November 2003, in Bangkok, Thailand. Delegates provided initial comments on potential issues to be addressed during the development of the SAICM, examined ways to structure discussions, and considered possible outcomes of the SAICM process. At the conclusion of the meeting, the Committee adopted a report, which contains *inter alia*, issues to be addressed during the development of the SAICM; items to be forwarded to PrepCom2 and a proposal for intersessional activities.

THINGS TO LOOK FOR TODAY

OPENING PLENARY: INC-10 will open at 10:00 am with a statement by Philippe Roch, State Secretary, Director, Swiss Agency for the Environment, Forests, and Landscape. UNEP Deputy Executive Director Shafqat Kakakhel and FAO Assistant Director-General Louise Fresco will also present opening remarks. Delegates are then expected to discuss organizational matters, including the organization of work and the meeting's expected outcomes, before addressing the more substantive items on the agenda.