



PIC INC-10 HIGHLIGHTS: TUESDAY, 18 NOVEMBER 2003

Delegates met in morning and afternoon plenary sessions to continue deliberations on the inclusion of chemicals in the interim PIC Procedure, including: dustable powder formulations of benomyl, carbofuran, and thiram; and the five forms of asbestos. The Plenary also addressed: issues arising out of ICRC-4, including maleic hydrazide, achievements of the ICRC and inconsistencies within Annex III of the Convention; assignment of specific Harmonized System customs codes; status of signature and ratification of the Convention; and the Secretariat's 2004 budget. The open-ended working group on compliance met in the morning and afternoon to continue deliberations on the Chair's draft COP-1 decision on compliance.

PLENARY

IMPLEMENTATION OF THE INTERIM PIC PROCEDURE: Inclusion of Chemicals: Severely hazardous pesticide formulation, dustable powder formulations of benomyl, carbofuran, and thiram: In response to a question from Argentina on trade in the severely hazardous pesticide formulation, dustable powder formulations of benomyl, carbofuran, and thiram, PESTICIDE ACTION NETWORK (PAN) confirmed informal trade in this formulation in West Africa. Delegates agreed to include the formulation in the interim PIC Procedure and approved the DGD, with the clarification that the listing will only apply to formulations containing a combination of the three substances at specified levels.

Asbestos: Jim Willis, Joint Executive Secretary, introduced the ICRC's communication on amosite, actinolite, anthophyllite, tremolite, and chrysotile forms of asbestos (UNEP/FAO/PIC/INC.10/7). SWITZERLAND, EU, CHILE, ARGENTINA, NORWAY, GAMBIA, and CONGO supported including all five forms of asbestos in the interim PIC Procedure. CANADA requested that the decision on chrysotile asbestos be postponed to allow for completion of its national consultations on the issue. The RUSSIAN FEDERATION, supported by UKRAINE, CHINA, ZIMBABWE, INDIA, INDONESIA, SOUTH AFRICA, EGYPT and MOROCCO, said available scientific information on chrysotile is insufficient to warrant its inclusion in the interim PIC Procedure.

BRAZIL, URUGUAY and VENEZUELA suggested approving four forms of asbestos, while postponing a decision on the listing of chrysotile asbestos. The US, with AUSTRALIA and NEW ZEALAND, supported including all five forms, but did not oppose postponing a decision on chrysotile. Noting that the Convention aims to provide an early warning system for importing countries, WWF INTERNATIONAL and PAN supported the

inclusion of all five forms. Chair de Azevedo Rodrigues, supported by Executive Secretary Willis, expressed concerns that the debate on scientific certainty regarding chrysotile asbestos had "gone beyond" the requirements for listing substances in the interim PIC Procedure. Delegates agreed to incorporate the four forms of asbestos - amosite, actinolite, anthophyllite, and tremolite - in the interim PIC Procedure, and to postpone discussion on the inclusion of chrysotile. Delegates also agreed to a suggestion by Canada to list the four forms individually, preceded by the word asbestos. They requested that the Secretariat modify the DGD to separate these four forms from chrysotile, and agreed to accept sections referring to the four listed forms and to defer the remaining chapter on chrysotile to the next session.

Issues Arising out of ICRC-4: Other Issues: Bill Murray, Interim Secretariat, introduced a ICRC document which includes information that should be provided by a country using a risk evaluation from another country in support of a notification of final regulatory action (UNEP/FAO/PIC/INC.10/14). He also introduced a document on the preparation of "focused summaries" of risk information in support of notifications (UNEP/FAO/PIC/INC.10/15), and another on other work of the ICRC (UNEP/FAO/PIC/INC.10/16), which described the development of an environmental incident reporting form and a working paper on preparing DGDs. In the discussion, several delegates took note of all three papers and invited DNAs to provide focused summaries on a voluntary basis in support of notifications of final regulatory actions.

Achievements by the ICRC: ICRC Chair Reiner Arndt introduced a document reporting on ICRC achievements (UNEP/FAO/PIC/INC.10/13). He emphasized three categories of ICRC work: review of chemicals, development of procedures, and policy-related matters. Delegates noted the paper, and several expressed appreciation of the work of the ICRC and its chair.

Maleic hydrazide: With reference to the document on the status of implementation of decision INC-8/3 on Maleic hydrazide (UNEP/FAO/PIC/INC.10/11), Bill Murray noted that CropLife International would provide by mid 2004 the analytical method used for the determination of active ingredients and free hydrazine, required for FAO specification for the potassium salt of maleic hydrazide. Delegates agreed to extend the deadline for compliance with FAO specifications for this chemical to the last day of COP-1. Drawing attention to a document (UNEP/FAO/PIC/INC.10/CRP.7), which provides information on maleic hydrazide, Murray noted that the choline salt of maleic hydrazide had been manufactured in Japan and traded with Korea for domestic use, and said the salt is unstable. JAPAN said that it no longer produces, uses or exports choline salt, and that although base acid stocks remain, these would be disposed of. KOREA said that the choline salt will not be manufactured in or imported to Korea.

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Inconsistencies within Annex III of the Convention: Jim Willis introduced a document (UNEP/FAO/PIC/INC.10/12) that recommends amendments to the Annex III listing and chemical descriptions in the DGDs of four chemicals. SWITZERLAND suggested including Chemical Abstracts Service Registry Numbers in the DGDs. Delegates agreed that the Secretariat should formulate a recommendation to COP-1 that the listing be amended. AUSTRALIA requested clarification of the ICRC's decision not to make amendments regarding other chemicals.

ASSIGNMENT OF HARMONIZED SYSTEM CUSTOMS CODES: Erik Larsson, Interim Secretariat, introduced a document (UNEP/FAO/PIC/INC.10/INF/1) outlining progress on the development of Harmonized System customs codes in cooperation with the World Customs Organization.

STATUS OF SIGNATURE AND RATIFICATION OF THE CONVENTION: Elena Sobakina, Interim Secretariat, introduced a document on the status of signature and ratification of the Convention (UNEP/FAO/PIC/INC.10/INF/2). In the discussion, several countries noted their intent to ratify, including BRAZIL, JAPAN, UGANDA, FRANCE, ZAMBIA, KENYA, AUSTRALIA, HAITI, US, CONGO, RUSSIAN FEDERATION, ECUADOR, BURUNDI, INDONESIA, CHAD, MOROCCO, FINLAND, MADAGASCAR and ZIMBABWE. EGYPT said that their ratification had been held up by the failure to provide key documents in Arabic. NAMIBIA and IRAN noted the importance of regional workshops as a driver for ratification, and ECUADOR announced that it would ratify the Convention within the next few days.

BUDGET: Willis introduced documents on: financial pledges and contributions (UNEP/FAO/PIC/INC.10/CRP.3); expenditures and budget projections for 2003 (UNEP/FAO/PIC/INC.10/CRP.9); and the budget for 2003 and 2004 (UNEP/FAO/PIC/INC.10/CRP.10). UGANDA and ZIMBABWE questioned the low costs forecasted for COP-1, and Willis indicated that figures are provisional and that Switzerland may choose to increase its support to cover non-Parties, as well as Parties. CHINA and MOROCCO urged financial support for developing countries' participation in COP-1, including non-Parties, and KENYA announced its willingness to host COP-2.

WORKING GROUP ON COMPLIANCE

The open-ended working group on compliance met in the morning and afternoon to continue its work on the Chair's draft COP decision. CANADA, supported by JAPAN, KOREA and the US, highlighted the need to distinguish between Party-related issues, on which information should be submitted by Parties, and systemic issues, where the Compliance Committee may request information from other sources. NIGERIA and SOUTH AFRICA noted that developing countries are dependent on external sources of information. The EC said the Secretariat's information filter was sufficient to ensure the quality of information. Regarding the frequency of Committee reports to the COP, the US expressed concern that a duty to report to each COP would prejudice the frequency of Committee meetings. The working group agreed to text on facilitation of technical assistance, capacity building and access to financial resources, and on confidentiality of information. LESOTHO proposed, and the group adopted, text that the COP may direct the Committee "to consult with" other subsidiary bodies. On interaction with other MEAs, the NETHERLANDS proposed revised text on communication and "exchange of experience with similar types of bodies of those other agreements."

The group deferred discussion of the text on Committee officers and quorum until agreement is reached on the composition of the Committee. It was agreed that the frequency of meetings should not be determined in advance. EGYPT proposed that meet-

ings be open to Parties but closed to the public. Several issues remained unresolved pending agreement on the trigger mechanism that would lead to Committee action, including Party participation in meetings and transmission of information by the Secretariat.

AUSTRALIA, the US and CHILE, opposed language that would allow a Party other than the one whose compliance is at issue to trigger action, while the EC and the NETHERLANDS favored such a Party-to-Party trigger. CANADA proposed new wording on rules of procedure that would ensure that Committee decisions enjoy the support of a majority of its members. CHILE suggested separating the decision-making process from the rules of procedure. Delegates considered drafting options indicating that submissions should be made to the Committee through the Secretariat. They debated whether to specify that Party submissions may include suggestions as to the appropriate response to their needs. Most delegates supported the possibility of triggering by the Secretariat, but expressed a desire to limit the scope of the trigger.

The group adopted text on transmission of submissions to the Committee and participation of Parties whose compliance is in question in Committee discussions, and agreed on text regarding submissions that the Committee considers *de minimis* or manifestly ill-founded. On the draft decision on reporting on the implementation of the Convention (UNEP/FAO/PIC/INC.10/19), the working group expressed appreciation to the Secretariat for providing a new draft. The chair requested that delegates decide whether they wished to proceed with the existing draft or re-submit the mandate to the Secretariat, in which case the working group should provide specific instructions to the Secretariat.

IN THE CORRIDORS

As INC-10 moved through its second day at a steady pace, several observers noted the relatively collegial nature of the dialogue. Others saw "storm clouds" gathering on the horizon particularly regarding non-compliance of developing countries and the listing of more controversial chemical substances. Some developing countries are concerned that issues of technical assistance and capacity building, which have been deferred to COP-1, are being sidelined in the "race" towards entry into force. They fear that without such assistance, they will be forced to confront the consequences of being in non-compliance at COP-1.

Some delegates viewed the controversies over chrysotile asbestos as a harbinger of disagreements to come, as countries with economic interests regarding particular chemicals resist their inclusion in the PIC procedure. While these controversies were not unexpected, some worried that countries' exercising veto power over such substances might have a negative influence on the overall effectiveness of the Convention. Remarking on this, several delegates identified an emerging challenge for the COP to find a balance between the Convention's objectives and Parties' varying economic interests.

THINGS TO LOOK FOR TODAY

PLENARY: The Plenary will convene from 10:00 am to 1:00 pm and from 3:00 pm to 6:00 pm to hear a report from the Chair of the compliance working group, and continue its consideration of preparations for COP-1 and issues arising out of the Conference of Plenipotentiaries.

BUDGET GROUP: The open-ended working group on the budget will meet today to begin deliberations on the Secretariat's 2004 budget.

Please check the monitors for meeting times and room allocations.