

RC-1/13: Transitional arrangements

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Nature of the transition period

The Conference of the Parties,

Recalling that in its resolution on interim arrangements,¹ the Conference of Plenipotentiaries on the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, meeting in Rotterdam, the Netherlands, in September 1998, recognized the need for a transition period from the interim prior informed consent procedure to the Convention prior informed consent procedure,

Recalling also that, in paragraph 13 of the resolution on interim arrangements, the Conference of Plenipotentiaries decided that the interim prior informed consent procedure should cease to operate on a date to be specified by the Conference of the Parties at its first meeting,

Considering the deliberations of the Intergovernmental Negotiating Committee on issues associated with the discontinuation of the interim prior informed consent procedure and the transition period, as reflected in the notes by the secretariat on issues associated with the discontinuation of the interim prior informed consent procedure,² in the report 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 on the work of its ninth session,³ and in other related documents,

Noting in particular the recommendations relating to the discontinuation of the interim prior informed consent procedure and the transition period set forth in paragraphs 36 and 48 of annex I to the note by the secretariat on issues associated with the discontinuation of the interim prior informed consent procedure⁴, and the draft proposals relating to the transition period set forth in paragraph 2 of annex III to the report of the Intergovernmental Negotiating Committee on the work of its ninth session,

Desiring to retain the accomplishments and experience gained in the application of the interim prior informed consent procedure while maintaining incentives for States and regional economic integration organizations to ratify or otherwise accede to the Convention,

Noting the need to clarify and define the nature of the transition period and the role and position of non-Parties in connection with the Convention during this period,

Noting that the length of the transition period has been decided hereinafter,

Decides that the transition period shall be defined and operated in accordance with the following provisions:

Role of participating States⁵

1. The secretariat shall maintain two lists that clearly distinguish between Parties to the Convention and those States or regional economic integration organizations which have not yet ratified or acceded to the Convention but which are participating in the interim prior informed consent procedure during the transition period.

2. All participating States shall be treated equally with no distinction between those that have signed the Convention and those that have not.

3. Participating States may attend meetings of the Conference of the Parties and the Chemical Review Committee as observers.

4. The list of designated national authorities shall include participating States.

¹ UNEP/FAO/PIC/CONF/5, annex I, resolution 1.

² UNEP/FAO/PIC/INC.7/12 and UNEP/FAO/PIC/INC.9/18.

³ UNEP/FAO/PIC/INC.9/21.

⁴ UNEP/FAO/PIC/INC.9/18

⁵ Participating States are those States and regional economic integration organizations that are not Parties to the Convention during the transition period.

5. Participating States shall benefit from the information exchange activities of article 14 of the Convention, as well as receiving the PIC Circular and decision guidance documents; participating States shall receive copies of decision guidance documents for any new chemicals added to Annex III during the transition period and are requested to provide an import response; import responses from participating States and cases of failure on their part to provide an import response shall be included in the PIC Circular.

6. Both exporting Parties and exporting participating States are requested to observe the import decisions of participating States and Parties and to continue to provide export notifications pursuant to article 12 of the Convention.

7. Participating States are encouraged to provide voluntary contributions to the operation of the Convention.

8. Participating States are eligible for technical assistance for capacity-building in accordance with article 16 of the Convention, which is directed towards enabling them to ratify and implement the Convention.

Status of notifications and proposals submitted by participating States

9. Verified notifications and proposals from participating States submitted to the secretariat as of 30 April 2004 and included in PIC Circular XIX, distributed on 12 June 2004, shall remain eligible for consideration by the Chemical Review Committee during the transition period.

10. Two notifications, one from each of two Parties from different PIC regions, shall be sufficient to trigger review by the Chemical Review Committee and, if appropriate, development of a decision guidance document and subsequent recommendation to the Conference of the Parties in accordance with article 5 of the Convention.

11. When the two notifications include one from a Party and another from a participating State or two participating States (included in the above-mentioned PIC Circular), a review by the Chemical Review Committee may be initiated and, if appropriate, a decision guidance document developed. However, any associated recommendation regarding listing in Annex III may not be forwarded to the Conference of the Parties until the participating State(s) become(s) a Party.

12. A proposal for a severely hazardous pesticide formulation from a Party shall trigger review by the Chemical Review Committee and, if appropriate, development of a decision guidance document and subsequent recommendation to the Conference of the Parties in accordance with Article 6 of the Convention.

13. When a proposal for a severely hazardous pesticide formulation is from a participating State, a review by the Chemical Review Committee may be initiated and, if appropriate, a decision guidance document developed. However, any associated recommendation regarding listing in Annex III may not be forwarded to the Conference of the Parties until the participating State becomes a Party.

14. In setting priorities for reviewing chemicals, the Chemical Review Committee should consider the following:

(a) Priority should be given to chemicals supported by notifications from two Parties and any proposal for a severely hazardous pesticide formulation by a Party;

(b) When a chemical is supported by a notification or proposal from a participating State, the likelihood and timeliness of ratification by that participating State.

Post-transition period – discontinuation of the interim procedure

15. At the end of the transition period, import responses and the list of national contact points from non-Parties shall be retained, but not updated or circulated, by the secretariat. The information will only be retained on the Convention web site, and will be accompanied by a clear caveat addressing the date of publication, the absence of updates and the lack of liability accepted for the use of potentially outdated information.

B**Length of the transition period**

The Conference of the Parties,

Recalling that, in paragraph 13 of the resolution on interim arrangements, the Conference of Plenipotentiaries decided that the interim prior informed consent procedure would cease to operate on a date to be specified by the Conference of the Parties at its first meeting,

Recalling that the Convention was opened for signature in September 1998,

Noting that decision RC-1/13 A defines the nature of the transition period and the activities of which it will consist, and it addresses certain other issues associated with the discontinuation of the interim prior informed consent procedure,

Recognizing that there are benefits to continuing the transition period beyond the first meeting of the Conference of the Parties, in particular in order to benefit from the accomplishments and experience gained during the operation of the interim prior informed consent procedure,

Noting also that there are costs associated with the continuation of the transition period, including those that relate to the maintenance and operation of parallel systems for handling information from Parties and non-Parties,

1. *Decides* to establish a transition period starting on 24 February 2004, the date of entry into force of the Convention;
 2. *Also decides* that during this transition period the interim prior informed consent procedure for participating States will operate in a manner consistent with the provisions of decision RC-1/13 A and in parallel with the Convention prior informed consent procedure for Parties;
 3. *Further decides* that the interim prior informed consent procedure will cease to operate on 24 February 2006.
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