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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

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Item 4 (a) of the provisional agenda*

IMPLEMENTATION OF THE INTERIM PRIOR INFORMED CONSENT PROCEDURE

STATUS OF IMPLEMENTATION OF THE INTERIM PRIOR INFORMED CONSENT PROCEDURE

Note by the secretariat

A. Introduction

1. The purpose of this note is to provide Parties¹ with information on the status of implementation of the interim prior informed consent (PIC) procedure as of 30 April 2001. The information provided summarizes that circulated to designated national authorities by the secretariat, in line with articles 4, 5, 6, 7, 10, 11 and 14 of the Convention, through the PIC Circular. The PIC Circular is published every six months, in June and December.

* UNEP/FAO/PIC/INC.8/1.

¹ During the interim period before the Convention enters into force, a "Party" is understood to mean any State or regional economic integration organization having nominated a designated national authority or authorities for the purpose of participating in the interim PIC procedure.

B. Designated national authorities

2. In line with article 4, paragraph 4 of the Convention, the secretariat informs the Parties of new nominations or changes in nominations of designated national authorities.
3. As of 30 April 2001, 165 Parties had nominated a total of 253 designated national authorities, while 27 States had not yet nominated a designated national authority.

C. Notification of final regulatory action to ban or severely restrict a chemical

4. In line with article 5, paragraph 3 of the Convention, the secretariat is to circulate summaries of notifications of final regulatory action received, which the secretariat has verified contain the information required by annex I of the Convention. In line with article 5, paragraph 4 of the Convention, the secretariat is to circulate a synopsis of the notifications of final regulatory action received, including information regarding those notifications that do not contain all the information required by annex I of the Convention. Such a synopsis is provided in the PIC Circular.
5. The table below gives an overview of the number of notifications that have so far been submitted by Parties as of 30 April 2001. The figures given for the number of chemicals and the number of notifications also include those chemicals and notifications that have already been included in the interim PIC procedure.

Table 1

Notifications of final regulatory action as of 30 April 2001

	Number of chemicals	Number of States	Number of notifications	
			Meet information requirements of annex I	Do not meet information requirements of annex I
Original PIC procedure (before 11 September 1998)	453	45	0	1 485
Interim PIC procedure				
From 11 September 1998 to 31 May 2000	56	7	6	62
From 31 May 2000 to 30 April 2001	54	16	65	24
Total, from 11 September 1998 to 30 April 2001	85	56	71	86

6. In addition, as of 30 April 2001, notifications from one State were still under verification by the secretariat.

D. Proposal for the inclusion of severely hazardous pesticide formulations

7. In line with article 6, paragraph 2 of the Convention, the secretariat is to circulate summaries of those proposals for inclusion of severely hazardous pesticide formulations in the interim PIC procedure which the secretariat has verified contain the information required by part 1 of annex IV of the Convention.

8. As of 30 April 2001, no States had yet submitted proposals for severely hazardous pesticide formulations.

E. Chemicals subject to the interim PIC procedure and distribution of decision guidance documents

9. The PIC Circular contains a list of all chemicals that are currently subject to the interim PIC procedure and the date of first dispatch of the corresponding decision guidance document to designated national authorities.

10. To date, 21 pesticides, 5 severely hazardous pesticide formulations and 5 industrial chemicals are subject to the interim PIC procedure. These include the chemicals listed in annex III of the Convention as well as binapacryl, toxaphene, ethylene dichloride and ethylene oxide. The Committee, at its sixth session in July 1999 and its seventh session in November 2000, adopted decision guidance documents for binapacryl and toxaphene and for ethylene oxide and ethylene dichloride respectively, with the effect that these four chemicals are now subject to the interim PIC procedure.

F. Transmittal of a response concerning future import of a chemical

11. In line with article 10, paragraph 2 of the Convention, for each chemical subject to the interim PIC procedure, each Party shall transmit to the secretariat, as soon as possible, and in any event no later than nine months after the date of dispatch of the decision guidance document, a response concerning the future import of the chemical concerned. In line with article 10, paragraph 4 of the Convention, the response shall consist of either a final decision or an interim response. The interim response may include an interim decision regarding import. In line with article 10, paragraph 2 of the Convention, if a Party modifies this response, the designated national authority must forthwith submit the revised response to the secretariat.

12. In line with article 10, paragraph 3 of the Convention, the secretariat shall, at the expiration of the time period given in article 10, paragraph 2, forthwith address to a Party that has not provided such a response a written request to do so, through its designated national authority. This is done through the PIC Circular. Where a Party is listed in appendix IV of the PIC Circular under the heading "Cases of failure to transmit a response", the designated national authority should consider this to represent a written request for that Party to provide a response for that chemical in line with article 10, paragraph 3.

G. Information on responses received concerning future imports of chemicals subject to the interim PIC procedure

13. In line with article 10, paragraph 10 of the Convention, the secretariat, every six months, informs all Parties of the responses received regarding future imports of chemicals subject to the interim PIC procedure, including a description of the legislative or administrative measures on which the decisions have been based, where available, and information on cases of failure to transmit a response. This is done through the PIC Circular.

14. A Party is considered to have failed to transmit an import response for a chemical if it does not transmit such a response within nine months after the date of dispatch of the decision guidance document to the Party, through the designated national authority. The PIC Circular, for each chemical, identifies each Party and gives the date on which the secretariat first informed the Parties, through publication in the PIC Circular, that the Party had failed to transmit a response. Also, any response listed in the Circular not addressing importation is considered as an interim response that does not contain an interim decision.

15. Parties that had nominated a designated national authority by 11 September 1998, but had not provided an import response by 30 May 1999 for the 27 chemicals subject, at that time, to the interim PIC procedure, were identified in PIC Circular IX (dated 12 June 1999) as having failed to transmit a response for those chemicals.

16. The attention of designated national authorities is drawn, through the PIC Circular, to article 11, paragraph 2 of the Convention in relation to failure to transmit a response or an interim response that does not contain an interim decision.

17. Table 2 gives an overview, as of 30 April 2001, of the number of import responses so far submitted by Parties and verified by the secretariat, together with a breakdown of the types of responses provided. Numbers listed under "Consent" or "No consent" include both final and interim responses.

Table 2

Responses concerning future import of a chemical as of 30 April 2001

Chemical	Number of responses/failures to provide responses			
	Consent	No consent	Did not address importation	Case of failure to respond
2,4,5-T	20	60	0	82
Aldrin	11	102	1	51
Binapacryl	2	39	0	121
Captafol	8	70	1	83
Chlordane	10	96	0	56
Chlordimeform	13	88	3	58
Chlorobenzilate	22	56	0	84
DDT	19	92	1	53
Dieldrin	14	98	1	52
Dinoseb and dinoseb salts	10	99	0	52
Ethylene dichloride ^{a/}	1	6	0	-
Ethylene oxide ^{a/}	1	6	0	-
1,2-dibromoethane (EDB)	9	93	1	61
Fluoroacetamide	17	87	5	55
HCH (mixed isomers)	11	99	1	53
Heptachlor	11	96	1	57
Hexachlorobenzene	6	74	0	82

^{a/} The decision guidance documents for ethylene dichloride and ethylene oxide were dispatched to all designated national authorities on 1 February 2001. The nine-month deadline for response, in line with article 10, paragraph 2, expires on 1 November 2001.

Chemical	Number of responses/failures to provide responses			
	Consent	No consent	Did not address importation	Case of failure to respond
Lindane	40	36	0	86
Mercury compounds, including inorganic mercury compounds, alkyl mercury compounds and alkyloxyalkyl and aryl mercury compounds	7	95	2	59
Pentachlorophenol	26	52	0	84
Toxaphene	3	42	0	118
Methamidophos (Soluble liquid formulations of the substance that exceed 600g active ingredient/l)	30	23	0	108
Methyl-parathion (emulsifiable concentrates (EC) with 19.5%, 40%, 50%, 60% active ingredient and dusts containing 1.5%, 2% and 3% active ingredient)	30	25	0	107
Monocrotophos (Soluble liquid formulations of the substance that exceed 600g active ingredient/l)	32	25	0	105
Parathion (all formulations - aerosols, dustable powder (DP), emulsifiable concentrate (EC), granules (GR) and wettable powders (WP) - of this substance are included, except capsule suspensions (CS))	24	37	0	101
Phosphamidon (Soluble liquid formulations of the substance that exceed 1000g active ingredient/l)	28	29	0	106
Crocidolite	14	32	6	112
Polybrominated biphenyls (PBB)	14	27	7	115
Polychlorinated biphenyls (PCB)	15	32	6	111
Polychlorinated terphenyls (PCT)	13	29	7	115
Tris (2,3-dibromopropyl) phosphate	31	11	9	112

G. Information on transit movements

18. As of 30 April 2001, no Party had reported to the secretariat its need for information on transit movements through its territory of chemicals included in the interim PIC procedure.
