



United Nations  
Environment Programme

Food and Agriculture Organization  
of the United Nations

Distr.  
GENERAL

UNEP/FAO/PIC/INC.9/3  
6 June 2002

ORIGINAL: ENGLISH

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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

Ninth session

Bonn, 30 September-4 October 2002

Item 2 (b) of the provisional agenda\*

ORGANIZATION OF WORK

Scenario note for the ninth 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

Note by the secretariat

The secretariat has the honour to transmit to the Intergovernmental Negotiating Committee, in the annex to the present note, information for the ninth session of the Committee prepared by the Chair of the Committee, Ms. Maria Celina de Azevedo Rodrigues of Brazil.

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\* UNEP/FAO/PIC/INC.9/1.

AnnexScenario note for the ninth session of the Intergovernmental Negotiating Committee

1. I have prepared this scenario note for the ninth session of the Intergovernmental Negotiating Committee to communicate my plans and general expectations to all delegates and, hopefully, to assist delegates in preparing for the meeting. The documents for the ninth session of the Intergovernmental Negotiating Committee were distributed in late July and posted on the Rotterdam Convention Web site ([www.pic.int](http://www.pic.int)) in order to allow delegates sufficient time to review them and to conduct consultations and make other preparations for the meeting.

General objectives of the ninth session of the Intergovernmental Negotiating Committee

2. The overall goal is to consider all of the major issues associated with the implementation of the interim prior informed consent PIC procedure and preparation for the entry into force of the Convention by the end of the ninth session. For those issues that are not resolved, the policy choices should be clearly reflected in the report of the meeting so that Governments may make the necessary preparations for the tenth session of the Committee. At its tenth session, the Committee will focus on resolving these outstanding issues and prepare recommendations for the first meeting of the Conference of the Parties. Some of the principal issues to be considered are as follows:

(a) Under agenda item 3, the Committee will review the current financial situation and the proposed budget for 2004. The document before the Committee reflects the request of the Intergovernmental Negotiating Committee at its eighth session for a more detailed and consolidated report on the budget and expenditures, in particular clearly linking expenditures to budget lines;

(b) In considering the report on the status of implementation of the interim PIC procedure under agenda item 4 (a), the Committee should also discuss the level of support for implementation (this latter issue will also be considered under agenda item 6 (a)). The status report raises an important question concerning the low rate at which countries are submitting import responses. Countries should be prepared to identify some of the constraints they are facing in preparing import responses and in working towards ratification of the Convention, and to consider how these constraints might be overcome;

(c) There are a number of technical issues arising out of the third session of the Interim Chemical Review Committee aimed at facilitating its work and ensuring the development of consistent and comprehensive recommendations to the Intergovernmental Negotiating Committee. These have been identified as a result of practical experience and include how to determine whether a final regulatory action has been taken as a consequence of a risk evaluation, relevant to the conditions within the reporting Party and its compliance with the criteria of annex II. How to ensure consistency between the scope of notifications of final regulatory actions and explicit listing of the chemical in annex III is another issue arising out of the report of the Interim Committee. These issues will be considered in detail under agenda item 4 (c).

(d) Under agenda item 4 (d), the Intergovernmental Negotiating Committee will take a decision on the inclusion of the pesticide monocrotophos in the interim PIC procedure and the adoption of the relevant decision guidance document.

(e) As the terms of office for the current membership of the Interim Chemical Review Committee expired on 15 July 2002, we will need to decide on the future membership of the Committee. In order not to lose any of the momentum that has been created and facilitate preparations for the fourth session of the Committee, it will be important, as far as possible, to (re)confirm the membership of the Committee during the ninth session. If you are interested in proposing new or different members, I would encourage you to come to the meeting prepared to discuss this issue within your regional groups, if necessary, accompanied by a letter of nomination, a curriculum vitae and a completed conflict of interest form for each nominee. We will consider this issue under agenda item 4 (f), together with a report on the status of compliance with decision INC-8/1 on preventing and dealing with conflict of interest.

(f) The documents developed in preparation for the meeting of the Conference of the Parties under agenda item 5 are for the most part based on the approaches adopted in other multilateral environmental agreements and build on the discussions of the Intergovernmental Negotiating Committee at its eighth session. A key objective of the ninth session will be resolving the outstanding issues on the draft financial rules and provisions in addition to the arbitration and conciliation procedure for the settlement of disputes. I also aim to have a substantive discussion of the issues associated with non-compliance, particularly of the draft model procedures and institutional mechanisms and possible reporting procedures initially considered at our eighth session and further developed by the secretariat based on comments received from interested parties. In order to facilitate discussion of these issues by the Committee, I propose to convene an open ended, compliance working group. The objective is to reach agreement on a way forward as the basis for recommendations to the first meeting of the Conference of the Parties.

(g) Under agenda item 5(e), on the discontinuation of the interim PIC procedure, I would like to conclude discussion on the remaining issues and the options identified at our eighth session, in plenary if possible, as the basis for recommendations to the first meeting of the Conference of the Parties.

(h) It will also be important for the Committee to develop a better understanding of the status of ratification of the Convention in order to determine what actions, if any, might be initiated to facilitate ratification or accession to the Convention by countries that have not yet done so. This will be considered under agenda item 7.

#### Possible outcomes of the ninth session of the Intergovernmental Negotiating Committee

3. The following is a list of the expectations that I have for possible outcomes of the meeting:

(a) Commitment to continue to fund the operation of the interim PIC procedure and adoption of the budget for 2004;

(b) A clear understanding of the constraints faced by countries in preparing import responses and in working to ratify or accede to the Convention;

(c) Decision on the future membership and term of office of the Interim Chemical Review Committee;

(d) Conclusion of the discussion on the settlement of disputes, draft financial rules and provisions, as well as non-compliance, and the identification of further issues that will need to be brought to the attention of the first meeting of the Conference of the Parties;

(e) Conclusion of the discussion on outstanding issues associated with the discontinuation of the interim PIC procedure as the basis for recommendations to the first meeting of the Conference of the Parties;

(f) Definition of any remaining issues to be addressed by the Intergovernmental Negotiating Committee at its tenth session in preparing recommendations for the first meeting of the Conference of the Parties.

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