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CONFERENCE

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Report on Status of Implementation of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

A. Introduction

1. The Rotterdam Convention entered into force on 24 February 2004. The first meeting of the Conference of the Parties (COP) was convened in September 2004 in Geneva, Switzerland while the second was convened from 27 to 30 September 2005 in Rome, Italy. The Hundred and Twenty-seventh Session of the Council was provided with an information paper (CL/127/INF/4) on the entry into force of the Rotterdam Convention, the outcome of the first meeting of the COP and the related activities of the Secretariat. The purpose of this document is to inform Conference of progress in the implementation of the Convention and decisions regarding the arrangements for the Secretariat.
2. The purpose of the Convention is to promote a shared responsibility and cooperative action among Parties in the international trade of certain hazardous chemicals and pesticides. It facilitates information exchange about their characteristics while the Prior Informed Consent (PIC) procedure provides developing countries with an additional tool for managing them more effectively. The PIC procedure permits countries to prevent shipments of certain hazardous chemicals from entering their territory unless they have explicitly agreed to their import.

B. Background

3. In 1989, the United Nations Environment Programme (UNEP) Governing Council and the FAO Conference included the Prior Informed Consent (PIC) procedure for pesticides and other chemicals that are banned or severely restricted in the "Amended London Guidelines on the Exchange of Information on Chemicals in International Trade" and the "International Code of Conduct on the Distribution and Use of Pesticides", respectively. Since then, UNEP and FAO have jointly executed the voluntary PIC procedure.
4. In 1992, the United Nations Conference on Environment and Development (UNCED) in Agenda 21, Chapter 19, made recommendations for the conclusion of a legally-binding instrument on PIC. In para. 19.39d¹ UNCED recommended that governments and relevant international organizations, with the cooperation of industry, "should implement the PIC procedure as soon as possible and, in the light of experience gained, invite relevant international organizations such as UNEP, GATT, FAO, WHO and others in their respective area of competence to consider working expeditiously towards the conclusion of legally-binding instruments."
5. In line with the guidance provided by the Hundred-and-seventh Session of the FAO Council in November 1994² and the Eighteenth Session of the Governing Council of UNEP in May 1995, UNEP and FAO convened five meetings of the INC/PIC between March 1996 and April 1998. Governments, inter-governmental organizations and non-governmental organizations attended the negotiating sessions. The negotiations were chiefly funded through voluntary contributions by a number of negotiating parties.
6. In considering the status of the negotiations, the Twenty-ninth Session of the Conference of FAO in 1997³ and the fifth special session of the Governing Council of UNEP in 1998:

authorized the participation of the UNEP and FAO Secretariat in an Interim Secretariat and in a Secretariat to the Convention, if so desired during the negotiations and adopted by the Diplomatic Conference (that would adopt the Convention), provided that such arrangements were satisfactory to the Executive Director and the Director-General and that costs additional to the implementation of the present voluntary procedure be met from extra-budgetary resources;

agreed to accept changes in the voluntary PIC procedure, if so decided by the Diplomatic Conference, provided that costs additional to the implementation of the present voluntary procedure be met from extra-budgetary resources.

7. The negotiations were concluded at the fifth session of the INC/PIC in March 1998 and a final Convention text was drafted. This text was subsequently adopted as the "Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade" by a Conference of Plenipotentiaries on 10 September 1998 in Rotterdam, The Netherlands.
8. In considering the outcome of the negotiations, the Thirtieth Session of the FAO Conference in 1999 expressed its satisfaction at the successful conclusion of the negotiations and the adoption of the Convention in Rotterdam. It favourably viewed the

¹ "Report of the United Nations Conference on Environment and Development," (UNCED) Rio di Janeiro, Brazil 1992.

² CL 107/REP, 1994, paras 44-50.

³ C 1997/REP (29th), paras 64-69.

cooperation of FAO and UNEP both in the negotiations of the Convention and the joint provision of the Interim Secretariat. The Conference supported the primary role of FAO and UNEP in the Interim Secretariat and the Convention Secretariat.⁴

9. Between September 1998 and September 2004 there were six further sessions of the Intergovernmental Negotiating Committee. The eleventh and final session of the Intergovernmental Negotiating Committee in September 2004 prepared for the first meeting of the Conference of the Parties and identified further chemicals for inclusion in the interim Prior Informed Consent procedure.

C. Current Status

10. The second meeting of the Conference of the Parties to the Rotterdam Convention was convened from 27 to 30 September 2005 in Rome, Italy. As of September 2005, 100 Parties had ratified the Rotterdam Convention, an increase of more than 25% over the previous year. The number is expected to continue to increase, given that 165 countries participated in the voluntary interim PIC procedure.
11. The first meeting of the Chemical Review Committee (CRC) was convened in February 2005. At the meeting, experts considered 60 notifications for 14 chemicals that were candidates for inclusion in Annex III of the Convention. Building on the experience gained during the interim PIC procedure, they also reviewed and adopted a set of working procedures and policies to guide their work. The second meeting of the COP confirmed the 31 members of the CRC and elected a chair. The second meeting of the CRC is scheduled for February 2006 in Geneva, Switzerland.
12. In February 2005, the decision guidance documents for the 14 chemicals added to Annex III of the Convention by the first meeting of the COP were distributed to countries. In line with Article 10 of the Convention, countries were requested to submit their decisions regarding future import of these chemicals to the Secretariat within nine months. These decisions will be published in the PIC Circular in December 2005.
13. In response to the decision of the first meeting of the COP, a programme for the regional delivery of technical assistance was developed and implemented. The programme has focused on working with individual countries and small groups of countries with a view to facilitating the development of national plans for the ratification and/or implementation of the Convention. A key element to the success of this programme has been the FAO regional and sub-regional offices. In particular, input from the Regional Plant Protection Officers has helped to identify regional differences in approaches to technical assistance and opportunities to build on existing institutions and activities such as the Asia and Pacific Plant Protection Commission (APPPC) and the Sahelian Pesticides Committee (CSP) established under the Permanent Inter-State Committee on Drought Control in the Sahel (CILSS).
14. Article 19 of the Convention states that the secretariat function for the Rotterdam Convention shall be performed by the Executive Director of UNEP and the Director-General of FAO, subject to such arrangements as shall be agreed by them and approved by the COP. The first meeting of the COP took two decisions relevant to the secretariat function. In the first, it accepted the offer of the Governments of Italy and Switzerland to host jointly the Secretariat of the Rotterdam Convention in the cities of Geneva and Rome. In the second, it invited the Executive Director and the Director-General to make arrangements for the performance of the secretariat functions, possibly based on the same elements as in the earlier arrangements, and to present it to the COP for consideration and approval, if possible, at its second meeting. It also invited the Executive Director and the

⁴ C 1999/REP (30th), paras 72-76.

Director-General to continue to perform the secretariat functions for the Convention based on the existing arrangements until the COP has approved the new arrangements.

15. The Executive Director and the Director-General have developed a Memorandum of Understanding (MoU) concerning the arrangements to perform jointly the Secretariat Functions for the Rotterdam Convention, based on the arrangements in place since 1992. This has included the opening of two trust funds within FAO, a General Trust Fund to cover the costs of the Secretariat and a Voluntary Special Trust Fund for the costs of participants travel to meetings of the COP and for technical assistance.
16. The arrangements for the performance of secretariat functions and the MoU between FAO and UNEP were presented to the second meeting of the COP for consideration and approval. The COP approved the arrangements proposed by the Executive Director of UNEP and the Director-General of FAO for the performance of the secretariat functions to be concluded on the basis of the Memorandum of Understanding. It also decided to review these arrangements at its future meetings, if necessary.
17. It is envisaged that FAO and UNEP would sign the MoU, as approved by the second meeting of the COP.
18. The COP also approved a budget for 2006 and an indicative scale of assessment for the apportionment of expenses. The support of FAO to the implementation of the Convention was recognized. The Governing Bodies of UNEP and FAO were invited to continue their financial support for the operation of the Convention and its secretariat in 2006.
19. The third meeting of the Conference of the Parties is scheduled to take place in September 2006 in Geneva, Switzerland.