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**Rotterdam Convention on the Prior Informed
Consent Procedure for Certain Hazardous
Chemicals and Pesticides in International Trade
Conference of the Parties**

First meeting
Geneva, 20–24 September 2004

**Report of the Conference of the Parties to the Rotterdam Convention
on the Prior Informed Consent Procedure for Certain Hazardous
Chemicals and Pesticides in International Trade on the work of its
first meeting**

I. Opening of the meeting

1. The first meeting of the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade was held at the Geneva International Conference Centre, Switzerland, from 20 to 24 September 2004.
2. Mr. Niek van der Graaff of the Food and Agriculture Organization of the United Nations (FAO) and Executive Secretary of the Convention, speaking also on behalf of Mr. James Willis, his counterpart from the United Nations Environment Programme (UNEP), declared the meeting open at 10.15 a.m. on Monday, 20 September 2004.
3. Opening statements were made by Mr. Shafqat Kakakhel, Deputy Executive Director, UNEP, Ms. Louise Fresco, Assistant Director-General, Agriculture Department, FAO, and Mr. Philippe Roch, State Secretary, Director, Swiss Agency for the Environment, Forests and Landscape.
4. Speaking on behalf of Mr. Klaus Töpfer, the Executive Director of UNEP, Mr. Kakakhel conveyed his gratitude to the Government of Switzerland for its continuing support of the Rotterdam Convention at the current meeting, during the negotiating process and throughout the interim period. Noting the central role of the worldwide trade in more than 70,000 chemicals, which constituted almost 10 per cent of the global economy, he said that, while most chemicals could be safely produced and used, they nevertheless posed well attested risks of disease and environmental degradation, rendering the proper management of their risks and benefits a vital challenge. The Rotterdam Convention was a response to that challenge and represented a notable success on the part of the international community achieved through the fruitful relationship between UNEP and FAO. A first step toward building a new global approach to chemicals, it recognized the advantages of chemicals and demonstrated that economic development and concern for the environment were compatible, interdependent and necessary.

5. Noting the great progress made during the interim period in enlarging the scope of the interim procedure from 27 to 41 chemicals, he expressed confidence that that trend would continue as the Convention became fully operational. In closing, he outlined the challenges posed by the agenda for the current meeting, including the adoption of rules of procedure and financial rules and the establishment of prior informed consent (PIC) regions and the Chemical Review Committee, and wished all participants a successful meeting.

6. Welcoming participants to the meeting on behalf of FAO, Ms. Fresco reviewed the progress achieved since the adoption of the Convention in 1998, applauding the commitment of the Chair of the Intergovernmental Negotiating Committee, Ms. Maria Celina de Azevedo Rodrigues (Brazil), and the other officials serving on its Bureau and in the interim Chemical Review Committee and highlighting the close cooperation between FAO and UNEP as a good example of how to make efficient use of limited resources. Stressing the need to find ways to move forward, she urged Parties to bear in mind the main objectives of the Convention, which would deliver its benefits only if all Parties made use of available information, reported final regulatory actions and pesticide poisoning incidents and raised awareness of the benefits associated with its implementation. Parties should also bear in mind that the Stockholm, Basel and Rotterdam conventions were building blocks designed to assist countries in effectively managing chemicals.

7. She further noted that an increasing number of capacity-building and technical assistance activities were being developed to assist countries in managing chemicals. The proposal being put before the meeting for a regional strategy for technical assistance explored ways of working more closely with subregional organizations. Such support would be effective only if there was a move to strengthen cooperation at the national and regional levels. The responsible management of dangerous pesticides and chemicals was a shared responsibility that required the active participation of non-governmental and civil society organizations and the private sector. In conclusion, she urged the Conference not to forget how the Rotterdam Convention had grown out of Agenda 21 and the Rio and other international processes that had gone before it.

8. In his opening statement, Mr. Roch warned that the days when chemicals could be traded with abandon, when developed countries could send unwanted chemicals to developing countries unable to destroy them, and when illegal trade in chemicals thrived, were not over, as some parts of the world still lacked necessary controls. Progress had been made, but much work still lay ahead in solving existing problems and preventing the occurrence of new ones. A sound international regime for the management of chemicals was needed, and the Basel, Stockholm and Rotterdam conventions and the process launched under the strategic approach to international chemicals management (SAICM) were milestones towards attainment of that goal.

9. The first meeting of the Conference of the Parties to the Rotterdam Convention marked another major step towards achieving that regime. It was gratifying, however, that the Parties had not waited until that first meeting to become active: capacity-building workshops had already been held and many projects had been initiated. Commending the Parties, the joint executive secretaries of the Convention and the Chair of the Intergovernmental Negotiating Committee on their preparatory work, he stated his belief that, although a great deal of work still remained to be done, the Convention already had a strong team, and stressed the need to harness synergies with all relevant United Nations agencies and international organizations. In conclusion, he wished all participants a productive week.

II. Organizational matters

A. Attendance

10. Representatives of the following countries and regional economic integration organizations participated in the meeting: Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Côte d'Ivoire, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, El Salvador, Ethiopia, European Community, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guinea, Hungary, Italy, Jamaica, Japan, Jordan, Kyrgyzstan, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mali, Mongolia, Netherlands, New Zealand, Nigeria, Norway, Oman, Paraguay, Republic of Korea, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Slovenia, South Africa, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania and Uruguay.

11. In addition, representatives of the following countries attended the meeting as observers: Algeria, Angola, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Burundi, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Democratic Republic of the Congo, Djibouti, Dominican Republic, Egypt, Eritrea, Georgia, Guinea Bissau, Honduras, India, Indonesia, Iran (Islamic Republic of), Israel, Kazakhstan, Kenya, Kuwait, Lebanon, Liberia, Madagascar, Malawi, Maldives, Mauritius, Mexico, Morocco, Namibia, Nepal, Niger, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Russian Federation, Serbia and Montenegro, Seychelles, Singapore, Slovakia, Sudan, Tonga, Trinidad and Tobago, Turkey, Uganda, United States of America, Uzbekistan, Venezuela and Zimbabwe.
12. The observer for the Palestinian Authority also attended the meeting.
13. The following United Nations bodies and specialized agencies were represented: United Nations Economic Commission for Europe (UNECE), United Nations Institute for Training and Research (UNITAR), United Nations Industrial Development Organization (UNIDO), World Bank, World Health Organization (WHO), World Intellectual Property Organization (WIPO), World Trade Organization (WTO) and the secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.
14. The following intergovernmental organizations were represented: Intergovernmental Forum on Chemical Safety (IFCS) and the League of Arab States.
15. The following non-governmental organizations were represented: CEFIC-European Chemical Industry Council, Crop Life International, Earth Justice, Environmental Health Fund, Foundation for Advancement in Science and Education (FASE), Groupe de Reflexion et d'Action Bien-être Social (GRABS), International Centre for Trade and Sustainable Development (ICTSD), International Council of Chemical Associations (ICCA), International POPs Elimination Network (IPEN), Pesticide Action Network (PAN) and World Wide Fund for Nature International (WWF).

B. Officers

16. The Conference agreed to apply the rules of procedure set out in document UNEP/FAO/RC/COP.1/2 for the purpose of electing the members of the Bureau. The Conference then elected the following Bureau:

President:	Mr. Philippe Roch (Switzerland)
Vice-Presidents:	Ms. Marija Teriosina (Lithuania) Ms. Maria Celina de Azevedo Rodrigues (Brazil) Mr. Yusef Shuraiki (Jordan) Mr. Mesfin Dessalegne (Ethiopia)

Mr. Shuraiki also agreed to serve as Rapporteur.

17. In accordance with rule 22, paragraph 1, of the rules of procedure, the Bureau elected at the first meeting of the Conference would remain in office until the closure of the second meeting.

C. Adoption of the agenda

18. The Conference agreed that, as the Intergovernmental Negotiating Committee had not been able to achieve consensus on the inclusion of chrysotile asbestos under the interim PIC procedure, it would remove consideration of that issue from the agenda for the current meeting. The Conference then adopted the following agenda on the basis of the provisional agenda contained in document UNEP/FAO/RC/COP.1/1, as amended:

1. Opening of the meeting.
2. Organizational matters:
 - (a) Election of officers;
 - (b) Adoption of the agenda;
 - (c) Organization of work.
3. Adoption of the rules of procedure for the Conference of the Parties.
4. Report on the credentials of representatives to the first meeting of the Conference of the Parties.

5. Report on the achievements of the Intergovernmental Negotiating Committee.
6. Matters stipulated by the Convention for action by the Conference of the Parties at its first meeting:
 - (a) Composition of the PIC regions;
 - (b) Consideration of chemicals for inclusion in Annex III:
 - (i) Chemicals included under paragraph 7 of the resolution on interim arrangements:¹
 - a. Binapacryl;
 - b. Toxaphene;
 - c. Ethylene dichloride;
 - d. Ethylene oxide;
 - (ii) Chemicals included under paragraph 8 of the resolution on interim arrangements:¹
 - a. Monocrotophos;
 - b. DNOC and its salts;
 - c. Severely hazardous pesticide formulations of dustable powder containing a combination of benomyl at or above 7 per cent, carbofuran at or above 10 per cent and thiram at or above 15 per cent;
 - d. Actinolite asbestos;
 - e. Anthophyllite asbestos;
 - f. Amosite asbestos;
 - g. Tremolite asbestos;
 - (iii) Chemicals included by the Intergovernmental Negotiating Committee at its eleventh session:
 - a. Tetraethyl lead and tetramethyl lead;
 - b. Parathion;
 - (c) Adoption of financial rules of procedure for the Conference of the Parties and any subsidiary bodies and financial provisions governing the functioning of the secretariat;
 - (d) Establishment of the Chemical Review Committee.
7. Matters stipulated by the Convention for action by the Conference of the Parties:
 - (a) Encouragement of the World Customs Organization to assign specific Harmonized System codes to the chemicals listed in Annex III;
 - (b) Consideration of arrangements by the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations for provision of the secretariat;
 - (c) Non-compliance;
 - (d) Settlement of disputes;
 - (i) Adoption of an annex with arbitration procedures;
 - (ii) Adoption of an annex with procedures relating to the conciliation commission.

¹ Final Act of the Conference of Plenipotentiaries on the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (UNEP/FAO/PIC/CONF/5), annex I, resolution 1.

8. Matters stipulated by the Conference of Plenipotentiaries for action by the Conference of the Parties at its first meeting:
 - (a) Physical location of the secretariat;
 - (b) Discontinuation of the interim PIC procedure.
9. Matters recommended by the Intergovernmental Negotiating Committee for action by the Conference of the Parties at its first meeting:
 - (a) Amendments to Annex III;
 - (b) Operational procedures for the Chemical Review Committee;
 - (c) Technical assistance strategy;
 - (d) Cooperation with the World Trade Organization.
10. Activities of the secretariat and adoption of a budget.
11. Venue and date of the second meeting of the Conference of the Parties.
12. Other matters.
13. Adoption of the report.
14. Closure of the meeting.

D. Organization of work

19. The Conference agreed to establish a Committee of the Whole, to be chaired by Ms. Rodrigues, Vice-President of the Conference, to carry forward the work on outstanding issues during the current session and to prepare draft decisions for consideration and possible adoption by the plenary during its high-level segment, to be held on Thursday and Friday, 23 and 24 September 2004..

20. On the afternoon of Thursday, 23 September, 2004, the Chair of the Committee of the Whole introduced the Committee's report, which had been adopted by the Committee earlier in the day. The Conference commended the Chair of the Committee on her successful work and took note of the report. The report is contained in annex III to the present report.

21. The Conference also agreed to establish an open-ended legal working group to work during the current session on draft decisions on matters confided to the Committee of the Whole and to serve as a legal advisory group to the Conference, as needed.

22. The Conference held a high-level segment on Thursday and Friday, 23 and 24 September 2004. The report of that segment is contained in chapter XII of the present report.

III. Adoption of the rules of procedure for the Conference of the Parties

23. The Conference adopted the rules of procedure set out in document UNEP/FAO/RC/COP.1/2 on a provisional basis for application during the current meeting, with the exception of paragraph 1 of rule 45, dealing with the taking of decisions by majority vote in the absence of consensus, which it agreed to entrust to the legal working group for further consideration during the current session.

24. Decision RC-1/1 on the adoption of the rules of procedure, as submitted by the Committee of the Whole and adopted by the Conference, is contained in annex I to the present report. By that decision, the Conference adopted its rules of procedure, with the exception of rule 45, paragraph 1.

IV. Report on the credentials of representatives to the first meeting of the Conference of the Parties

25. The Conference agreed that the Bureau would serve as the credentials committee for the current meeting.

26. On the morning of Thursday, 23 September 2004, the credentials committee reported to the Conference that it had examined the credentials that had been submitted and had found those of the representatives of 57 countries to be in order. The committee also reported that an additional seven countries had submitted credentials via facsimile or in the form of a photocopy and that one country had submitted information concerning the appointment of representatives participating in the meeting in the

form of letters or notes verbales from ministries, embassies, permanent missions to the United Nations or other government offices or authorities.

27. The committee proposed that the credentials of all 65 Parties be accepted for the purposes of participation in the meeting, and that the credentials of those 57 delegations that it had found to be in order be accepted for the purposes of the decision to be taken by the Conference on the location of the secretariat. The Conference agreed that Parties would have until 9 a.m. on Friday, 24 September 2004, to complete the submission of their representatives' credentials.

28. On the morning of Friday, 24 September, the credentials committee gave its final report. It had examined the credentials for 69 Parties, in the light of which it recommended that those of all 69 Parties be accepted by the Conference of the Parties for purposes of participating in the meeting and voting on decisions, and that those of 62 Parties be accepted for purposes of the decision to be taken by the Conference of the Parties on the location of the secretariat. The Conference of the Parties agreed to accept the recommendation of the credentials committee.

29. The full text of the report of the credentials committee is contained in annex II to the present report.

30. Following the report of the credentials committee, the representatives of Ecuador and Mali expressed regret that their countries had been unable, for reasons beyond their control, to submit original credentials as required by the rules adopted by the Bureau and the credentials committee governing presentation of credentials for the meeting. They asked that the report reflect their view that the rules were unreasonably inflexible insofar as they precluded them from voting on the location of the secretariat, a matter that they considered very important.

V. Report on the achievements of the Intergovernmental Negotiating Committee

31. The Chair of the Intergovernmental Negotiating Committee, Ms. Rodrigues, introduced her report on the achievements of that Committee (UNEP/FAO/RC/COP.1/3). She said that the negotiation of the Convention had been completed in five sessions and a further six sessions had been devoted to preparations for the first meeting of the Conference of the Parties and to operation of the interim PIC procedure. An interim Chemical Review Committee had been set up, which had reviewed and proposed the inclusion of additional chemicals in the interim PIC procedure. She commended the interim Chemical Review Committee and its Chair, Mr. Reiner Arndt (Germany), and noted with satisfaction that 14 new chemicals had been included in the interim PIC procedure and would be considered for inclusion in Annex III to the Convention.

32. The Intergovernmental Negotiating Committee had also developed draft rules of procedure and adopted financial rules for the operation of the Convention. Progress had been made on procedures for managing non-compliance, and draft procedures for dispute settlement and conciliation and arbitration had been agreed upon. The Intergovernmental Negotiating Committee had also supported the implementation of the interim PIC procedure through workshops for awareness-raising and for the training of designated national authorities and had addressed the issue of regional delivery of capacity-building. Finally, at its eleventh and last session, convening as a conference of plenipotentiaries, the Intergovernmental Negotiating Committee had adopted a resolution on procedures to be employed between the entry into force of the Convention and the first meeting of the Conference and had looked at technical assistance needs of countries that would be further examined at the current meeting.

33. The Conference took note of the report of the Intergovernmental Negotiating Committee and expressed its appreciation to Ms. Rodrigues.

VI. Matters stipulated by the Convention for action by the Conference of the Parties at its first meeting

A. Composition of the PIC regions

34. Decision RC-1/2 on the composition of the PIC regions, submitted by the Committee of the Whole and adopted by the Conference, as orally amended by the plenary, is contained in annex I to the present report.

B. Consideration of chemicals for inclusion in Annex III

35. Introducing the item, the representative of the secretariat presented a list of 14 chemicals proposed for inclusion in Annex III to the Convention. The list comprised chemicals that had previously been included in the interim PIC procedure under paragraph 7 of the resolution on interim arrangements (binapacryl, toxaphene, ethylene dichloride and ethylene oxide); under paragraph 8 of that resolution (monocrotophos; DNOC and its salts; dustable powder formulations containing a combination of benomyl at or above 7 per cent, carbofuran at or above 10 per cent, and thiram at or above 15 per cent; actinolite asbestos, anthophyllite asbestos, amosite asbestos, and tremolite asbestos); and those included in the interim PIC procedure by the Intergovernmental Negotiating Committee at its eleventh session (tetraethyl lead, tetramethyl lead and parathion). He drew participants' attention to the relevant documents, which gave the background, the Chemical Abstracts Service (CAS) number and the category (industrial chemical, pesticide or severely hazardous pesticide formulation) for each chemical.

36. The Conference provisionally agreed to the inclusion of the 14 chemicals in Annex III, subject to the completion of a draft decision by the open-ended legal working group and subsequent adoption of that decision by the plenary.

37. Decision RC-1/3 on amendments to Annex III, submitted by the legal working group and adopted by the Conference, is contained in annex I to the present report.

C. Adoption of financial rules for the Conference of the Parties and any subsidiary bodies and financial provisions governing the functioning of the secretariat

38. Following the decision by the Committee of the Whole that the chair of the contact group on the budget should report directly to the Conference of the Parties on the proposal by the African group that the secretariat conduct a feasibility study on options for establishing a financial mechanism to assist developing countries to implement the Convention, and that the chair of the budget group report directly to the Conference thereon, Mr. Alistair McGlone (United Kingdom of Great Britain and Northern Ireland), chair of the contact group on the budget, informed the Conference that compelling concerns had been expressed by some Parties about the effect of the application of the criteria set out in rule 12 (a) of the draft financial rules. The group had suggested that the Conference request the President to write to the chair of the competent United Nations body dealing with the scale of assessments to convey those concerns. He also reported that States had requested that funds generated through the accessions of new Parties to the Convention should be made available immediately, in an effort to reduce the level of contributions of some Parties and to ensure that there was immediate access to those funds. In conclusion, he said that the budget needed to be adjusted to take into account the very generous contribution to the operation of the Convention by the host countries, which would enable substantial reductions in Parties' contributions.

39. Decision RC-1/4 on the financial rules for the Conference of the Parties and any subsidiary bodies and financial provisions governing the functioning of the secretariat, submitted by the legal working group and adopted by the Conference, as orally amended by the plenary, is contained in annex I to the present report.

40. Decision RC-1/5 on the establishment of a financial mechanism for the implementation of the Rotterdam Convention, submitted by the contact group on the budget and adopted by the Conference, as orally amended by the plenary, is contained in annex I to the present report.

D. Establishment of the Chemical Review Committee

41. Decisions RC-1/6 on establishment of the Chemical Review Committee and RC-1/7 on rules and procedures for preventing and dealing with conflicts of interest relating to the activities of the Chemical Review Committee, submitted by the Committee of the Whole and adopted by the Conference, are contained in annex I to the present report.

VII. Matters stipulated by the Convention for action by the Conference of the Parties

A. Encouragement of the World Customs Organization to assign specific Harmonized System codes to the chemicals listed in Annex III

42. Decision RC-1/8 on encouragement the World Customs Organization (WCO) to assign specific Harmonized System codes to the chemicals listed in Annex III, submitted by the Committee of the

Whole and adopted by the Conference, as orally amended by the plenary, is contained in annex I to the present report.

B. Consideration of arrangements by the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations for provision of the secretariat

43. Decision RC-1/9 on consideration of arrangements by UNEP and FAO for provision of the secretariat, submitted by the Committee of the Whole and adopted by the Conference, is contained in annex I to the present report.

C. Non-compliance

44. Decision RC-1/10 on non-compliance, submitted by the Committee of the Whole and adopted by the Conference, is contained in annex I to the present report.

D. Settlement of disputes

45. Decision RC-1/11 on settlement of disputes, submitted by the Committee of the Whole and adopted by the Conference, is contained in annex I to the present report.

VIII. Matters stipulated by the Conference of Plenipotentiaries for action by the Conference of the Parties at its first meeting

A. Physical location of the secretariat

46. Mr. Roch recused himself from serving as President during the consideration of the item, and Ms. Teriosina, Vice-President of the Conference, chaired the meeting in his stead. Introducing the item, the representative of the secretariat drew attention to a joint proposal for deciding on the physical location of the Convention secretariat submitted by the Governments of Germany, Italy and Switzerland (UNEP/FAO/RC/COP.1/32). Pursuant to that proposal, the decision on where to locate the secretariat would be taken by a confidential vote of Parties whose representatives were duly accredited to the meeting prior to the vote, which would take place on Friday, 24 September 2004. Following the presentation, the Conference adopted the joint proposal.

47. At the high-level segment, the Vice-President outlined the documentation relevant to the item (UNEP/FAO/RC/COP.1/23 and 32, UNEP/FAO/RC/COP.1/INF/5 and Adds.1 and 2, and UNEP/FAO/RC/COP.1/INF/6 and Adds.1–3). The Conference agreed that the vote would take place on Friday, 24 September 2004, between 10.15 a.m. and 12.15 p.m.

48. Representatives of the Governments of Germany, Italy and Switzerland made presentations to the Conference on the item.

49. On the morning of the vote, the Vice-President reviewed the voting procedures; the voting then proceeded in parallel with that morning's plenary session, in a separate room and in accordance with the procedures described in document UNEP/FAO/RC/COP.1/32.

50. Decision RC-1/12 on the physical location of the secretariat, as adopted by the Conference, is contained in annex I to the present report.

B. Discontinuation of the interim PIC procedure

51. Decisions RC-1/13 A and 13 B on transitional arrangements, submitted by the Committee of the Whole and adopted by the Conference, are contained in annex I to the present report.

IX. Matters recommended by the Intergovernmental Negotiating Committee for action by the Conference of the Parties at its first meeting

A. Amendments to Annex III

52. Decision RC-1/3 on amendments to Annex III to the Convention, adopted by the Conference under agenda item 6 (b) (Consideration of chemicals for inclusion in Annex III) following consideration by the legal group, also includes amendments to Annex III to resolve inconsistencies within Annex III

of the Rotterdam Convention and inconsistencies between Annex III and decision guidance documents. The decision is contained in annex I to the present report.

B. Operational procedures for the Chemical Review Committee

53. The Conference agreed to refer the secretariat's note on working procedures and guidance for the Chemical Review Committee (UNEP/FAO/RC/COP.1/27 and Add.1), noted by the Committee of the Whole, to the Chemical Review Committee for its consideration. The issue is addressed in decision RC-1/6, on establishment of the Chemical Review Committee, adopted under agenda item 6 (d), which is contained in annex I to the present report.

C. Technical assistance strategy

54. Decision RC-1/14 on the regional delivery of technical assistance, submitted by the Committee of the Whole and adopted by the Conference, as orally amended by the plenary, is contained in annex I to the present report.

D. Cooperation with the World Trade Organization

55. Decision RC-1/15 on cooperation with the World Trade Organization (WTO), submitted by the Committee of the Whole and adopted by the Conference, is contained in annex I to the present report.

X. Activities of the secretariat and adoption of a budget

56. Decision RC-1/16 on the representation of developing countries in the secretariat, submitted by the Committee of the Whole and adopted by the Conference, is contained in annex I to the present report.

57. The Conference requested the secretariat to update the scale of contributions set out in table 2 of the draft decision on the budget, contained in document UNEP/FAO/RC/COP.1/30, to include those countries that would become Parties by 1 January 2005.

58. The representative of one developing country regretted that the scale had not been further adjusted and that the developing countries had been forced to make significant compromises in order to enable consensus on the issue. She pointed out that the Conference of the Parties was a sovereign body, which could establish its own scale of assessment, and that use of the current scale would deter other developing countries from joining the Convention, while those that already had would be forced to sacrifice implementation projects in order to meet assessed contributions. That, she said, ran counter to the stated aim of the Convention to assist developing countries in protecting human health and the environment. A number of other developing countries expressed support for her statement.

59. The representative of Argentina also expressed support for that statement and made reference to the difficult economic situation of his country. He pointed out that Argentina, although a developing country, contributed more to the Convention's budget than some developed countries. He also said that his Government reserved the right to seek a revision to the indicative scale of assessments adopted by the Conference of the Parties at its current meeting and a reduction of the percentage assigned in the scale to Argentina.

60. The representative of a regional economic integration organization recognized the efforts made by developing countries, in particular those of Latin America and the Caribbean, to find a compromise on the scale of assessments.

61. Decision RC-1/17 on financing and the budget for the biennium 2005–2006, submitted by the contact group on the budget and adopted by the Conference, is contained in annex I to the present report.

XI. Venue and date of the second meeting of the Conference of the Parties

62. The Conference of the Parties agreed to hold its next meeting in Rome in late September or early October 2005, the exact dates of the meeting to be determined in due course.

XII. High-level segment

63. On the morning of Thursday, 23 September 2004, the Conference convened in the form of a high-level segment attended by ministers and heads of delegations. The segment was opened by the President, who expressed satisfaction with the progress already made by the Conference.

64. The host Government, Switzerland, presented a performance of traditional Swiss music and flag throwing, following which opening statements were made by Mr. Moritz Leuenberger, Federal Councillor and head of the Federal Department of Environment, Transport, Energy and Communications of Switzerland, Mr. Klaus Töpfer and Ms. Louise Fresco.

65. Underlining the importance of the current session in achieving the targets for chemicals agreed at the World Summit on Sustainable Development, Mr. Leuenberger said that his country, as one of the world's major producers of chemicals, had been working closely with UNEP and FAO to ensure that the chemicals industry developed in a responsible and sustainable way. The high level of participation at the meeting indicated that many Governments shared Switzerland's readiness to accept the responsibilities inherent in the chemicals trade, both in terms of addressing past errors and meeting new expectations. That shared readiness was further highlighted by the fact that several different Governments had offered to host the Conference secretariat. Expressing his Government's pride in having been able to host the first meeting of the Conference, he thanked the participants for their creativity and energy.

66. Mr. Töpfer welcomed participants to the high-level segment and expressed appreciation to the Government of Switzerland for hosting the meeting and for its generous financial support. Underlining the importance of giving a clear signal to the international community that the decisions agreed upon at the World Summit on Sustainable Development were being implemented, he congratulated the participants for their efforts to ensure the Convention's entry into force. He noted that the Convention, as a first line of defence against the dangers of hazardous chemicals and pesticides, was far from being an abstract instrument, as it provided for a number of concrete activities that would deliver real benefits to people on the ground. He drew attention to the complementary nature of multilateral environmental agreements and emphasized that it was essential to focus on redressing past mistakes as well as on managing chemicals in the future.

67. Stressing the importance of partnership in the development of an integrated and systematic approach to chemicals management, he noted that it would be possible to reap the benefits delivered by the chemicals industry only if there was broad awareness of the industry's potential negative consequences.

68. In conclusion, he saluted the dedication of Mr. James Willis, who would soon be leaving his position as joint Executive Secretary of the Rotterdam Convention and Director of UNEP Chemicals, and wished him every success in the future.

69. Ms. Fresco welcomed participants to the high-level segment and emphasized the need for safe and sustainable agriculture, pointing out that the challenge of the twenty-first century was to intensify agricultural production while reducing the application of chemical inputs. She observed that the Convention and related agreements were highly relevant, given that pesticide use was set to rise, that hazardous chemicals continued to pose serious threats to the environment, human health and economic performance and that many banned or restricted pesticides were still being marketed in developing countries and countries with economies in transition. She expressed concern that appropriate pesticides regulations were lacking or difficult to enforce in many countries, but noted with satisfaction that the past two decades had brought new perspectives on how to tackle those issues.

70. Conveying her appreciation of the results that had been achieved by the Conference so far, she indicated that the high-level segment provided an opportunity to tackle a wider range of issues that directly concerned ministers, such as the need to integrate pesticides and chemicals management into development, environmental and agricultural policies and the need to seek alternatives. The question of international cooperation also needed to be discussed. She urged all Governments, particularly donors, to be consistent in placing chemicals and pesticide management issues high on their political agendas. Emphasizing the need for multilateralism in implementing chemicals management strategies, she drew attention to the unique facilitating role to be played by the United Nations and its specialized agencies.

71. In conclusion, she said that a key principle underlying the Convention was the recognition that countries were not equal in their capacities to manage chemicals safely within their borders, which implied a shared responsibility. She urged ministers to be responsive to the concerns she had raised and

to bear in mind the objectives of safety and sustainability in their agricultural and environmental policies.

72. Following those opening addresses, statements were made by ministers of the environment, health or foreign affairs or their representatives from the following countries, listed in the order of presentation: Guinea, Benin, Netherlands (speaking also on behalf of the European Union), Malaysia, Côte d'Ivoire, Oman, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Samoa, Senegal, Nigeria, South Africa, Ukraine, Czech Republic, Italy, Ecuador, Togo, Japan, Libyan Arab Jamahiriya, Bulgaria, Romania, Jordan, Rwanda, Kenya, Thailand, France, Sweden, Brazil, Republic of Korea, Burkina Faso, Uruguay, Denmark, Argentina, Syrian Arab Republic, United States of America, Indonesia, Algeria, Venezuela, Belarus, Morocco, Egypt and Ghana. Statements were also made by representatives of the United Nations Industrial Development Organization (UNIDO), the World Health Organization (WHO) and the secretariat of the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal.

73. In his statement, the representative of the Netherlands drew attention to the forthcoming second session of the Preparatory Committee for the Development of a Strategic Approach to International Chemicals Management and said that the European Union stood ready to make a considerable contribution to the SAICM process. In her statement, the representative of Kenya expressed her Government's desire to host the third meeting of the Conference of the Parties at the United Nations Office at Nairobi. The representative of Sweden informed the Conference of her Government's commitment to increase its official development assistance to 1 per cent of its gross domestic income by 2006, indicating that additional resources of 1 billion Swedish kronor would be directly channelled to environmental purposes.

74. The full text of the statements will be compiled by the secretariat and posted on the secretariat web site: www.pic.int.

XIII. Other matters

A. Chrysotile asbestos

75. One representative requested that the report of the meeting reflect the fact that his delegation had noted that the secretariat had received notifications of final regulatory action with respect to chrysotile asbestos from two countries from different PIC regions, and that it therefore expected that the Chemical Review Committee would consider those notifications at its first meeting.

B. Severely hazardous pesticide formulations of dustable powder containing a combination of benomyl at or above 7 per cent, carbofuran at or above 10 per cent and thiram at or above 15 per cent

76. One representative recalled that, at the tenth session of the Intergovernmental Negotiating Committee, a number of representatives had sought clarification on the existence of international trade in the severely hazardous pesticide formulations of dustable powder containing a combination of benomyl at or above 7 per cent, carbofuran at or above 10 per cent and thiram at or above 15 per cent, reports of which had been received by the interim Chemical Review Committee. The secretariat had responded that there was trade in the formulations among west African countries but stated the view that such trade was not specifically identified as a limiting prerequisite in article 6 or Annex IV of the Convention.

77. She expressed the view that there should be no doubt about whether the existence of international trade in a substance was in fact a limiting prerequisite, and therefore requested that the question of whether the requirement of international trade was applicable to the Convention as a whole be placed on the agenda for the second meeting of the Conference of the Parties and that the secretariat prepare such documentation as would enable the Conference to consider the issue fully. Two other representatives supported that request.

C. Tribute to the host Government

78. Decision RC-1/18 expressing gratitude to the Government of Switzerland for its hospitality in hosting the first meeting of the Conference of the Parties was adopted by the Conference and is contained in annex I to the present report.

XIV. Adoption of the report

79. The Conference entrusted the Rapporteur, working in conjunction with the secretariat, with the task of preparing and finalizing the report of the meeting.

XV. Closure of the meeting

80. Following a statement by Mr. Willis, in which he expressed his profound appreciation to all those – colleagues in the Secretariat and members of the various bureaux and the delegations – who had assisted him in his work over the years and had contributed to the successful negotiation and adoption of the Convention, the President declared the meeting closed at 7 p.m. on Friday, 24 September 2004.

Annex I

Decisions adopted by the Conference of the Parties at its first meeting

RC-1/1: Rules of procedure

The Conference of the Parties,

Decides to adopt the rules of procedure for the Conference of the Parties contained in the annex to the present decision, with the exception of the second sentence of paragraph 1 of rule 45.

Annex

Rules of procedure for the Conference of the Parties

I. Introduction

Scope

Rule 1

The present rules of procedure shall apply to any meeting of the Conference of the Parties to the Convention convened in accordance with article 18 of the Convention.

Definitions

Rule 2

For the purposes of the present rules:

(a) “Convention” means the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, adopted at Rotterdam, on 10 September 1998;

(b) “Parties” means Parties to the Convention;

(c) “Conference of the Parties” means the Conference of the Parties established by article 18 of the Convention;

(d) “Meeting” means any ordinary or extraordinary meeting of the Conference of the Parties convened in accordance with article 18 of the Convention;

(e) “Regional economic integration organization” means an organization defined in article 2 (h) of the Convention;

(f) “President” means the President of the Conference of the Parties elected in accordance with rule 22, paragraph 1;

(g) “Secretariat” means the Secretariat established by article 19, paragraph 1, of the Convention;

(h) “Subsidiary body” means the body established pursuant to article 18, paragraph 6, of the Convention, as well as any body established pursuant to article 18, paragraph 5 (a), of the Convention;

(i) “Parties present and voting” means Parties present at the meeting in which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.

II. Meetings

Place of meetings

Rule 3

The meetings of the Conference of the Parties shall take place at the seats of the Secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the Secretariat in consultation with the Parties.

Dates of meetings

Rule 4

1. Unless otherwise decided by the Conference of the Parties, the second and third ordinary meetings of the Conference of the Parties shall be held yearly and, thereafter, ordinary meetings shall be held every two years.
2. At each ordinary meeting, the Conference of the Parties shall decide on the date and duration of the next ordinary meeting. The Conference of the Parties should endeavour not to hold such meetings at a time that would make the attendance of a significant number of delegations difficult.
3. Extraordinary meetings of the Conference of the Parties shall be held at such times as may be decided either by the Conference of the Parties at an ordinary meeting or at the written request of any Party, provided that, within ninety days of the request being communicated to the Parties by the Secretariat, it is supported by at least one third of the Parties.
4. In the case of an extraordinary meeting held at the written request of a Party, it shall be held not more than ninety days after the date on which the request is supported by at least one third of the Parties in accordance with paragraph 3.

Notification of meetings

Rule 5

The Secretariat shall notify all Parties of the dates and venue of ordinary and extraordinary meetings at least sixty days before the meeting in question is due to commence.

III. Observers

Participation of the United Nations, specialized agencies and non-Parties

Rule 6

1. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented at meetings as observers.
2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any meeting, unless at least one third of the Parties present at the meeting object.

Participation of other bodies or agencies

Rule 7

1. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the Secretariat of its wish to be represented at a meeting as an observer may be so admitted unless at least one third of the Parties present at the meeting object.

2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent, unless at least one third of the Parties present at the meeting object.

Notification by the Secretariat

Rule 8

The Secretariat shall notify those entitled to be observers and those which have informed the Secretariat of their wish to be represented, pursuant to rules 6 and 7, of the dates and venue of the next meeting.

IV. Agenda

Preparation of the provisional agenda

Rule 9

In agreement with the President, the Secretariat shall prepare the provisional agenda for each meeting.

Items on the provisional agenda for ordinary meetings

Rule 10

The provisional agenda for each ordinary meeting shall include, as appropriate:

- (a) Items arising from the articles of the Convention, including those specified in its article 18;
- (b) Items the inclusion of which has been decided at a previous meeting;
- (c) Items referred to in rule 16;
- (d) The proposed budget as well as all questions pertaining to the accounts and financial arrangements;
- (e) Any item proposed by a Party and received by the Secretariat before the provisional agenda is circulated.

Distribution of the provisional agenda

Rule 11

For each ordinary meeting, the provisional agenda, together with supporting documents, shall be distributed in the official languages by the Secretariat to the Parties at least six weeks before the opening of the meeting.

Supplementary items

Rule 12

The Secretariat shall, in agreement with the President, include any item that is proposed by a Party and has been received by the Secretariat after the provisional agenda for an ordinary meeting has been produced, but before the opening of the meeting, in a supplementary provisional agenda.

*Addition, deletion, deferment or amendment of items***Rule 13**

When adopting the agenda for an ordinary meeting, the Conference of the Parties may decide to add, delete, defer or amend items. Only items that are considered by the Conference of the Parties to be urgent and important may be added to the agenda.

*Agenda for extraordinary meetings***Rule 14**

The agenda for an extraordinary meeting shall consist only of those items proposed for consideration by the Conference of the Parties at an ordinary meeting or in the request for the holding of the extraordinary meeting. It shall be distributed to the Parties at the same time as the notification of the extraordinary meeting.

*Report on administrative and budgetary implications***Rule 15**

The Secretariat shall report to the Conference of the Parties on the administrative and budgetary implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the Conference of the Parties decides otherwise, no such substantive agenda item shall be considered until at least forty-eight hours after the Conference of the Parties has received a report of the Secretariat on its administrative and budgetary implications.

*Incomplete consideration of items***Rule 16**

Any item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the provisional agenda of the next ordinary meeting, unless otherwise decided by the Conference of the Parties.

V. Representation and credentials*Composition of delegations***Rule 17**

Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

*Alternates and advisers***Rule 18**

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

*Submission of credentials***Rule 19**

The credentials of representatives as well as the names of alternate representatives and advisers shall be submitted to the Secretariat if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

*Examination of credentials***Rule 20**

The Bureau of any meeting shall examine the credentials and submit its report to the Conference of the Parties.

*Provisional participation***Rule 21**

Representatives shall be entitled to participate provisionally in the meeting, pending a decision by the Conference of the Parties to accept their credentials.

VI. Officers*Election of officers***Rule 22**

1. At the first ordinary meeting of the Conference of the Parties, a President and four Vice-Presidents, one of whom shall act as Rapporteur, shall be elected from among the representatives of the Parties present at the meeting. These officers shall serve as the Bureau of the Conference of the Parties. Each of the United Nations regional groups shall be represented by one Bureau member. The Bureau shall remain in office until the closure of the second ordinary meeting of the Conference of the Parties, including for any intervening extraordinary meeting.
2. At the second and subsequent ordinary meetings of the Conference of the Parties, the election of officers from among the Parties to serve as the Bureau for the following meeting of the Conference of the Parties shall take place before the end of the meeting. These officers shall commence their term of office at the closure of the meeting and shall serve until the closure of the following ordinary meeting of the Conference of the Parties, including for any intervening extraordinary meeting.
3. The offices of the President and Rapporteur shall normally be subject to rotation among the United Nations regional groups. No elected officer may serve on the Bureau for more than two consecutive terms.
4. The President shall participate in meetings of the Conference of the Parties in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative who shall be entitled to represent the Party in the meetings and to exercise the right to vote.
5. The Chairs of the Chemical Review Committee and any other subsidiary bodies shall be members ex-officio of the Bureau.

*General powers of the President***Rule 23**

1. In addition to exercising the powers conferred upon the President elsewhere by the present rules, the President shall declare the opening and closing of the meeting, preside at the meetings, ensure the observance of the present rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to the present rules, shall have complete control of the proceedings and over the maintenance of order thereat.
2. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.

3. The President, in the exercise of the functions of that office, remains under the authority of the Conference of the Parties.

Acting President

Rule 24

1. The President, if temporarily absent from a meeting or any part thereof, shall designate a Vice-President to act as President. The President so designated shall not at the same time exercise the rights of a representative of a Party.

2. A Vice-President acting as President shall have the powers and duties of the President.

Replacement of an officer

Rule 25

If an officer of the Bureau resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, a representative of the same Party shall be named by the Party concerned to replace the said officer for the remainder of that officer's term.

VII. Subsidiary bodies

Application of the rules to subsidiary bodies

Rule 26

Save as provided in rules 28–33, the present rules shall apply *mutatis mutandis* to the proceedings of any subsidiary bodies, subject to any modifications decided by the Conference of the Parties.

Establishment of subsidiary bodies

Rule 27

1. The Conference of the Parties may establish, in accordance with article 18, paragraph 5 (a), such subsidiary bodies, as it considers necessary for the implementation of the Convention, in addition to the subsidiary body established under article 18, paragraph 6.

2. Meetings of subsidiary bodies shall be held in public unless the Conference of the Parties or the subsidiary body concerned decides otherwise.

Quorum for non open-ended subsidiary bodies

Rule 28

In the case of a subsidiary body that is not open-ended, a simple majority of the Parties designated by the Conference of the Parties to participate therein shall constitute a quorum.

Dates of meetings

Rule 29

The Conference of the Parties shall decide on the dates of the meetings of the subsidiary bodies, taking note of any proposals to hold such meetings in conjunction with the meetings of the Conference of the Parties.

*Election of officers for subsidiary bodies***Rule 30**

The Chair of the Chemical Review Committee shall be elected by the Conference of the Parties. Unless the Conference of the Parties decides otherwise, the Chair of any other subsidiary body shall be elected by the Conference of the Parties. Each subsidiary body shall elect its own officers other than the Chair. The officers of such subsidiary bodies shall be elected with due regard to the principle of equitable geographical representation and shall not serve for more than two consecutive terms.

*Matters for consideration***Rule 31**

Subject to article 18, paragraph 6 (b), of the Convention, the Conference of the Parties shall determine the matters to be considered by each subsidiary body and the President may, upon the request of the Chair of the subsidiary body concerned, adjust the allocation of work.

VIII. Secretariat*Duties of the heads of the Secretariat***Rule 32**

1. The heads of the Secretariat shall jointly exercise the functions of that office in all meetings of the Conference of the Parties and of its subsidiary bodies. Either head of the Secretariat may designate a representative to serve in its place.

2. The heads of the Secretariat shall jointly arrange for the provision of staff and services required by the Conference of the Parties and its subsidiary bodies, within available resources. The heads of the Secretariat shall jointly manage and direct such staff and services and provide appropriate support and advice to the Bureau of the Conference of the Parties and its subsidiary bodies.

*Functions of the Secretariat***Rule 33**

In addition to the functions specified in the Convention, in particular in article 19, the Secretariat shall, in accordance with the present rules:

- (a) Arrange for interpretation at the meeting;
- (b) Collect, translate, reproduce and distribute the documents of the meeting;
- (c) Publish and distribute the official documents of the meeting;
- (d) Make and arrange for keeping of sound recordings of the meeting; and
- (e) Arrange for the custody and preservation of the documents of the meeting.

IX. Conduct of business*Sessions***Rule 34**

Sessions of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides otherwise.

Quorum

Rule 35

1. The President shall not declare a session of the meeting of the Conference of the Parties open or permit the debate to proceed unless at least one third of the Parties to the Convention are present. The presence of two thirds of the Parties to the Convention shall be required for any decision to be taken.
2. For the purposes of determining a quorum for a decision to be taken on a matter within the competence of a regional economic integration organization, that organization shall be counted to the extent of the number of votes it is entitled to cast in accordance with paragraph 2 of article 23 of the Convention.

*Procedures for speaking***Rule 36**

1. No one may address a meeting without having previously obtained the permission of the President. Subject to rules 38, 39, 40 and 42, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall maintain a list of speakers. The President may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.
2. The Conference of the Parties may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call the speaker to order without delay.

*Precedence***Rule 37**

The Chair or Rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.

*Points of order***Rule 38**

During the discussion of any matter, a representative may at any time raise a point of order, on which the President shall immediately rule in accordance with the present rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

*Decisions on competence***Rule 39**

Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote taken on the proposal or amendment in question.

*Proposals and amendments to proposals***Rule 40**

Proposals and amendments to proposals shall normally be introduced in writing, in one of the official languages, by the Parties and handed to the Secretariat, which shall circulate copies to delegations. As a general rule, no proposal or amendment to proposal shall be discussed or put to the

vote at any session unless copies of it have been circulated to delegations not later than the day preceding that session. The President may, however, permit the discussion and consideration of proposals, of amendments to proposals or of procedural motions even though such proposals, amendments to proposals or motions have not been circulated or have been circulated only the same day.

Order of procedural motions

Rule 41

1. Subject to rule 40, the following motions shall have precedence in the order indicated below over all other proposals or motions:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the question under discussion;
- (d) To close the debate on the question under discussion.

2. Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Withdrawal of proposals or motions

Rule 42

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any other Party.

Reconsideration of proposals

Rule 43

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Conference of the Parties, by a two-thirds majority of the Parties present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover, to one speaker in favour of and two against the proposal, after which it shall be put immediately to the vote.

X. Voting

Right to vote

Rule 44

1. Each Party shall have one vote, except as provided for in paragraph 2.

2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

*Majority required***Rule 45**

1. The Parties shall make every effort to reach agreement on all matters of substance by consensus. [If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting, unless otherwise provided by the Convention, by the financial rules referred to in article 18, paragraph 4 of the Convention or by the present rules of procedure.]

2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting.

3. If the question arises whether a matter is one of procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.

4. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

*Order of voting on proposals***Rule 46**

If two or more proposals relate to the same question, the Conference of the Parties, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Conference of the Parties may, after each vote on a proposal, decide whether to vote on the next proposal.

*Division of proposals and amendments***Rule 47**

1. Any representative may request that any part of a proposal or of an amendment to a proposal be voted on separately. The President shall allow the request unless a Party objects. If an objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the request, after which it shall be put immediately to the vote. The President may limit the time allowed to each speaker.

2. If the request referred to in paragraph 1 is allowed or adopted, those parts of a proposal or of an amendment to a proposal that are approved shall then be put to vote as a whole. If all operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

*Amendment to a proposal***Rule 48**

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

*Order of voting on amendments to a proposal***Rule 49**

If two or more amendments to a proposal are moved, the Conference of the Parties shall first vote on the amendment furthest removed in substance from the original proposal, then on the next amendment furthest removed therefrom, and so on, until all amendments have been put to the vote. The President shall determine the order of voting on the amendments under this rule.

*Method of voting for general matters***Rule 50**

1. Voting, except for elections, shall normally be by show of hands. A roll call vote shall be taken if so requested by any Party. The roll call shall be taken in the English alphabetical order of the names of the Parties, beginning with the Party whose name is drawn by lot by the President. If at any time, however, a Party requests a secret ballot, that shall be the method of voting on the issue in question.

2. When the Conference of the Parties votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll call.

3. The vote of each Party participating in a roll call or recorded vote shall be included in the relevant documents of the meeting.

*Conduct during voting***Rule 51**

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to a proposal to explain his/her vote on his/her own proposal or amendment, except if it has been amended.

XI. Elections*Method of voting for elections***Rule 52**

All elections shall be held by secret ballot, unless otherwise decided by the Conference of the Parties.

*Absence of majority***Rule 53**

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1.

Election to two or more elective places

Rule 54

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected.

2. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.

3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

XII. Languages and sound records

Official languages

Rule 55

The official languages of the Conference of the Parties shall be Arabic, Chinese, English, French, Russian and Spanish.

Interpretation

Rule 56

1. Statements made in an official language shall be interpreted into the other official languages.

2. A representative of a Party may speak in a language other than an official language if the Party provides for interpretation into one such official language.

Languages of official documents

Rule 57

Official documents of the meetings shall be drawn up in one of the official languages and translated into the other official languages.

Sound recordings of meetings

Rule 58

Sound recordings of the meetings of the Conference of the Parties, and whenever possible of the subsidiary bodies, shall be kept by the Secretariat, consistent with the practice of the United Nations.

XIII. Amendments to the rules of procedure*Amending the rules of procedure***Rule 59**

The present rules of procedure may be amended by consensus by the Conference of the Parties.

XIV. Overriding authority of the Convention*Precedence of the Convention***Rule 60**

In the event of any conflict between any provision of the present rules and any provision of the Convention, the Convention shall prevail.

XV. Miscellaneous*Italicized headings***Rule 61**

The italicized headings of the present rules are for reference purposes only. They shall be disregarded in the interpretation of the rules.

RC-1/2: Composition of the PIC regions*The Conference of the Parties,*

Noting that paragraph 5 of article 5 of the Convention provides that the composition of the PIC regions shall be defined in a decision to be adopted by consensus at the first meeting of the Conference of the Parties,

Noting decision INC-6/1, in which the Intergovernmental Negotiating Committee adopted interim PIC regions for the purpose of the implementation of the interim arrangements for the *application* of the PIC procedure, pending the formal adoption, by consensus, of a listing of countries by PIC regions by the Conference of the Parties at its first meeting,

Noting the options for consideration proposed by the Intergovernmental Negotiating Committee at its ninth session regarding the composition of the PIC regions,

Taking into consideration the geographical distribution of Parties to the Convention at the present time,

Considering that the seven interim PIC regions set forth in INC-6/1 have met the needs of the interim PIC procedure,

Considering that an approach based on the regions used during the interim PIC procedure will both build on the progress achieved under the interim PIC procedure and facilitate the transition to the PIC procedure under the Convention,

Decides to adopt the regions and listing of countries contained in the annex to the present decision, as the PIC regions only for the purposes of paragraph 5 of article 5 of the Convention.

Annex**PIC regions²****Africa**

Algeria
 Angola
 Benin *
 Botswana
 Burkina Faso *
 Burundi
 Cameroon *
 Cape Verde
 Central African Republic
 Chad *
 Comoros
 Congo
 Côte d'Ivoire *
 Democratic Republic of the Congo
 Djibouti
 Egypt
 Equatorial Guinea *
 Eritrea
 Ethiopia*
 Gabon *
 Gambia *
 Ghana *
 Guinea *
 Guinea-Bissau
 Kenya
 Lesotho
 Liberia

Libyan Arab Jamahiriya*
 Madagascar
 Malawi
 Mali *
 Mauritania
 Mauritius
 Morocco
 Mozambique
 Namibia
 Nigeria *
 Niger
 Rwanda *
 Sao Tome and Principe
 Senegal *
 Seychelles
 Sierra Leone
 Somalia
 South Africa *
 Sudan
 Swaziland
 Togo *
 Tunisia
 Uganda
 United Republic of Tanzania *
 Zambia
 Zimbabwe

Asia

Bangladesh
 Bhutan
 Brunei Darussalam
 Cambodia
 China
 Democratic People's Republic of
 Korea*
 India
 Indonesia
 Iran (Islamic Republic of)
 Japan *
 Kazakhstan
 Lao People's Democratic Republic
 Malaysia *

Maldives
 Mongolia *
 Myanmar
 Nepal
 Pakistan
 Philippines
 Republic of Korea *
 Singapore
 Sri Lanka
 Thailand *
 Timor-Leste
 Viet Nam

² Countries for which the Rotterdam Convention entered into force as of 21 September 2004 are indicated with an asterisk.

Europe

Albania	Liechtenstein *
Andorra	Lithuania *
Armenia *	Luxembourg *
Austria *	Malta
Azerbaijan	Monaco
Belarus	Netherlands *
Belgium *	Norway *
Bosnia and Herzegovina	Poland
Bulgaria *	Portugal
Croatia	Republic of Moldova
Cyprus	Romania *
Czech Republic *	Russian Federation
Denmark *	San Marino
Estonia	Serbia and Montenegro
Finland *	Slovakia
France *	Slovenia *
Georgia	Spain *
Germany *	Sweden *
Greece *	Switzerland *
Holy See	The former Yugoslav Republic of Macedonia
Hungary *	Turkey
Iceland	Ukraine *
Ireland	United Kingdom of Great Britain and Northern Ireland *
Israel	
Italy *	
Latvia *	

Latin America and the Caribbean

Antigua and Barbuda	Guyana
Argentina *	Haiti
Bahamas	Honduras
Barbados	Jamaica *
Belize	Mexico
Bolivia *	Nicaragua
Brazil *	Panama *
Chile	Paraguay *
Colombia	Peru
Costa Rica	Saint Kitts and Nevis
Cuba	Saint Lucia
Dominica	Saint Vincent and the Grenadines
Dominican Republic	Suriname *
Ecuador *	Trinidad and Tobago
El Salvador *	Uruguay *
Grenada	Venezuela
Guatemala	

Near East

Afghanistan	Qatar
Bahrain	Saudi Arabia *
Iraq	Syrian Arab Republic *
Jordan *	Tajikistan
Kuwait	Turkmenistan
Kyrgyzstan *	United Arab Emirates *
Lebanon	Uzbekistan
Oman *	Yemen

North America

Canada *
United States of America

Southwest Pacific

Australia *	Niue
Cook Islands	Palau
Fiji	Papua New Guinea
Kiribati	Samoa *
Marshall Islands *	Solomon Islands
Micronesia (Federated States of)	Tonga
Nauru	Tuvalu
New Zealand *	Vanuatu

RC-1/3: Amendments to Annex III

The Conference of the Parties,

Noting with appreciation the work of the Intergovernmental Negotiating Committee and the interim Chemical Review Committee,

1. *Decides* to adopt, in accordance with the procedure laid down in article 8 and paragraph 5 of article 22 of the Rotterdam Convention, the amendments to Annex III set out in the annex to the present decision;

2. *Decides* that all the amendments shall enter into force on 1 February 2005, except for the amendments made by paragraph 1 (a) and (b) of the annex to the present decision, which shall enter into force on 1 January 2006.

Annex

Amendments to Annex III to the Rotterdam Convention

1. The following existing entries shall be deleted:

(a)	Monocrotophos (Soluble liquid formulations of the substance that exceed 600 g active ingredient/l)	6923-22-4	Severely hazardous pesticide formulation
(b)	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))	56-38-2	Severely hazardous pesticide formulation
(c)	Crocidolite	12001-28-4	Industrial

2. In the first column, the entry for “2,4,5-T” shall be replaced by “2,4,5-T and its salts and esters”.

3. The following entry shall be listed in the three columns after the entry for “Aldrin”:

Binapacryl	485-31-4	Pesticide
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4. The following entry shall be listed in the three columns after the entry for “Dieldrin”:

Dinitro- <i>ortho</i> -cresol (DNOC) and its salts (such as ammonium salt, potassium salt and sodium salt)	534-52-1 2980-64-5 5787-96-2 2312-76-7	Pesticide
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5. In the first column, the entry for “Dinoseb and dinoseb salts” shall be replaced by “Dinoseb and its salts and esters”.

6. The following entries shall be listed in the three columns after the entry for “1,2-dibromoethane”:

Ethylene dichloride	107-06-2	Pesticide
Ethylene oxide	75-21-8	Pesticide

7. The following entries shall be listed in the three columns after the entry for “Mercury compounds”:

Monocrotophos	6923-22-4	Pesticide
Parathion	56-38-2	Pesticide

8. In the first column, the entry for “Pentachlorophenol” shall be replaced by “Pentachlorophenol and its salts and esters”.

9. The following entries shall be listed in the three columns after the entry for “Pentachlorophenol”:

Toxaphene	8001-35-2	Pesticide
Dustable powder formulations containing a combination of:		Severely hazardous
– Benomyl at or above 7 per cent,	17804-35-2	pesticide
– Carbofuran at or above 10 per cent, and	1563-66-2	formulation
– Thiram at or above 15 per cent	137-26-8	

10. In the first column, the entry for “Methyl-parathion (emulsifiable concentrates (EC) with 19.5%, 40%, 50%, 60% active ingredient and dusts containing 1.5%, 2% and 3% active ingredient)” shall be replaced by “Methyl-parathion (emulsifiable concentrates (EC) at or above 19.5% active ingredient and dusts at or above 1.5% active ingredient)”.

11. The following entry shall be listed in the three columns after the entry for “Methyl-parathion”:

Asbestos:		
– Actinolite	77536-66-4	Industrial
– Anthophyllite	77536-67-5	Industrial
– Amosite	12172-73-5	Industrial
– Crocidolite	12001-28-4	Industrial
– Tremolite	77536-68-6	Industrial

12. The following entries shall be listed in the three columns after the entry for “Polychlorinated terphenyls”:

Tetraethyl lead	78-00-2	Industrial
Tetramethyl lead	75-74-1	Industrial

13. In the second column of the entry for “2,4,5-T”, “93-76-5” shall be replaced by “93-76-5*”; in the second column of the entry for “Dinoseb and dinoseb salts”, “88-85-7” shall be replaced by “88-85-7*”; in the second column of the entry for “Pentachlorophenol”, “87-86-5” shall be replaced by “87-86-5*”; and the following footnote shall be inserted at the end of Annex III:

* Only the CAS numbers of parent compounds are listed. For a list of other relevant CAS numbers, reference may be made to the relevant decision guidance document.

RC-1/4: Financial rules for the Conference of the Parties, its subsidiary bodies and the Convention secretariat

The Conference of the Parties,

Recalling paragraph 4 of article 18 of the Rotterdam Convention,

Adopts the financial rules set out in the annex to the present decision for its operation and that of any subsidiary bodies.

Annex

Financial rules

A. Scope

1. The present rules shall govern the financial administration of the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, its subsidiary bodies and the Convention secretariat. In respect of matters not specifically provided for by the present rules, the Financial Regulations and Rules of the United Nations shall apply.

B. Financial period

2. The financial period shall be a biennium consisting of two consecutive calendar years.

C. Budget

3. The head(s) of the Convention secretariat shall prepare the budget proposal for the following biennium in US dollars and showing projected income and expenditures for each year of the biennium concerned as well as show the actual income and expenditures for each year of the previous biennia. This information shall be dispatched to all Parties to the Convention at least 90 days before the opening of the meeting of the Conference of the Parties at which the budget is to be adopted.

4. The Conference of the Parties shall consider the budget proposal and adopt an operational budget by consensus authorizing expenditures, other than those referred to in paragraphs 9 and 10, prior to the commencement of the financial period that it covers.

5. Adoption of the operational budget by the Conference of the Parties shall constitute authority to the head(s) of the Convention secretariat to incur obligations and make payments for the purposes for which the appropriations were approved and up to the amounts so approved, provided always that, unless specifically authorized by the Conference of the Parties, commitments are covered by related income.

6. The head(s) of the Convention secretariat may make transfers within each of the main appropriation lines of the approved operational budget. The head(s) of the Convention secretariat may also make transfers between such appropriation lines up to limits that the Conference of the Parties may set as appropriate.

D. Funds

7. A general trust fund for the Convention shall be established. It shall be managed by the head(s) of the Convention secretariat. The fund is to provide financial support to the work of the Convention secretariat. Contributions made pursuant to paragraph 12 (a) shall be credited to this fund. Contributions made to offset operational budget expenditures that are made, pursuant to paragraph 12 (b) by the Government hosting the Convention secretariat or pursuant to paragraph 12 (c) by the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations, shall also be credited to this fund. All budget expenditures that are made pursuant to paragraph 5 above shall be charged to the General Trust Fund.

8. Within the General Trust Fund there shall be maintained a working capital reserve at a level to be determined from time to time by the Conference of the Parties by consensus. The purpose of the working capital reserve shall be to ensure continuity of operations in the event of a temporary shortfall of cash. Drawdowns from the working capital reserve shall be restored from contributions as soon as possible.

9. A special trust fund shall be established. It shall be managed by the head(s) of the Convention secretariat. This fund shall receive contributions pursuant to paragraphs 12 (b) and (c) that have been earmarked to support, in particular:

(a) Facilitation and promotion of technical assistance, training and capacity-building in accordance with article 16;

(b) Appropriate participation of representatives of developing country Parties, in particular Least Developed country Parties amongst them, and of Parties with economies in transition in the meetings of the Conference of the Parties and its subsidiary bodies;

(c) Other appropriate purposes consistent with the objectives of the Convention.

10. Other trust funds earmarked in accordance with paragraph 15 for purposes other than those referred to in paragraph 9 may be set up provided that their purposes are consistent with the objectives of the Convention and that the Conference of the Parties has approved their establishment.

11. In the event that the Conference of the Parties decides to terminate a Trust Fund established pursuant to the present rules, it shall so advise the Trustee of the Fund ("the Trustee") at least six months before the date of termination so decided. The Conference of the Parties shall decide, in consultation with the Trustee, on the distribution of any uncommitted balances after all liquidation expenses have been met.

E. Contributions

12. The resources of the Conference of the Parties shall comprise:

(a) Contributions made each year by parties on the basis of an indicative scale adopted by consensus by the Conference of the Parties, and based on such a scale of assessments of the United Nations as may be adopted from time to time by the General Assembly, adjusted so as to ensure that no party contributes less than 0.01 per cent of the total, that no one contribution exceeds 22 per cent of the total and that no contribution from a least developed country party exceeds 0.01 per cent of the total;

(b) Contributions made by parties in addition to those made pursuant to paragraph (a), including those made by the Government(s) hosting the Convention secretariat;

(c) Contributions from States not parties to the Convention, as well as governmental, intergovernmental and non-governmental organizations, and other sources;

(d) The uncommitted balance of appropriations from previous financial periods;

(e) Miscellaneous income.

13. The Conference of the Parties shall, in adopting the indicative scale of contributions referred to in paragraph 12 (a), make adjustments to take account of contributions of parties which are not members of the United Nations, as well as those regional economic integration organizations that are parties.

14. In respect of contributions made pursuant to paragraph 12 (a):

(a) Contributions for each calendar year are expected on 1 January of that year;

(b) Each party shall, as far in advance as possible of the date expected for the contribution, inform the head(s) of the Convention secretariat of the contribution it intends to make and of the projected timing of that contribution.

15. Contributions made pursuant to paragraph 12 (b) and (c) shall be used in accordance with such terms and conditions, consistent with the objectives of the Convention and the Financial Regulations and Rules of the United Nations, as may be agreed between the head(s) of the Convention secretariat and the contributor.

16. Contributions made pursuant to paragraph 12 (a) from States and regional economic integration organizations that become parties to the Convention after the beginning of a financial period shall be made pro rata temporis for the balance of that financial period. Consequential adjustments shall be made at the end of each financial period for other parties, unless the Conference of the Parties decides otherwise.

17. All contributions shall be paid in United States dollars or the equivalent in a convertible currency into a bank account to be designated the Trustee, in consultation with the head(s) of the Convention secretariat.

18. The head(s) of the Convention secretariat shall acknowledge promptly the receipt of all pledges and contributions and shall inform the Parties, twice a year, of the status of pledges and payments of contributions.

19. Contributions not immediately required shall be invested at the discretion of the Trustee, in consultation with the head(s) of the Convention secretariat. The resulting income shall be credited to the relevant fund or funds referred to in paragraphs 7, 9 and 10.

F. Accounts and audit

20. The accounts and financial management of all funds governed by the present rules shall be subject to the internal and external audit process of the United Nations.

21. An interim statement of accounts for the first year of the financial period shall be provided to the Conference of the Parties during the second year of the period, and a final audited statement of accounts for the full financial period shall be provided to the Conference of the Parties as soon as possible after the accounts for the financial period are closed.

G. Administrative support costs

22. The Conference of the Parties shall reimburse the Trustee for the services provided to the Conference of the Parties, its subsidiary bodies and the Convention secretariat from the funds referred to in paragraphs 7, 9 and 10 under such terms as may from time to time be agreed upon between the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations, and approved by the Conference of the Parties in accordance with article 19, paragraph 3, of the Convention or, in the absence of such agreement, in accordance with the general policy of the United Nations.

H. Amendments

23. Any amendment to the present rules shall be adopted by the Conference of the Parties by consensus.

RC-1/5: Establishment of a financial mechanism for the implementation of the Rotterdam Convention

The Conference of the Parties,

Aware of the extent of the negative impact of chemical products on health and the environment in developing countries, particularly in Africa,

Recognizing the need to strengthen and develop the capacities of the various institutions responsible for the control and management of chemicals,

Recalling the weakness of the financial, institutional, technical and legal capacities of developing countries with regard to the management of chemicals,

Recalling the social and economic imperatives of sustainable development and the needs relating to poverty mitigation that require the mobilization of additional resources,

Recalling the principle of the common but differentiated responsibility for the management of chemicals,

fund, *Appreciating* the concerted efforts by the Parties to the Rotterdam Convention to set up a special

Noting, however, the limitations that relate to the voluntary nature of contributions to the fund,

Decides:

(a) To request the secretariat to conduct a study into the possible options for lasting and sustainable financial mechanisms which will enable developing countries to implement adequately the provisions of the Convention;

(b) That the study should, among other things:

- (i) Review and evaluate existing financial mechanisms for other multilateral environmental agreements as a possible financial mechanism as well as new and additional financial resources for the implementation of the Rotterdam Convention. Such mechanisms should include, but not be limited to, the Multilateral Fund of the Montreal Protocol, the Global Mechanism for Combating Desertification, the Global Environment Facility, the Carbon Fund, and others;
- (ii) Analyse the advantages and disadvantages associated with each of the options, so as to facilitate decision-making by the Conference of Parties on financial provisions for the implementation of the Convention;
- (iii) Describe feasible options for consideration at the second meeting of the Conference of Parties, making sure that the options are operational, effective, clear and sustainable in the long term;
- (iv) Build the evaluation mentioned above, as far as is feasible, upon existing financial mechanisms studies already developed or being developed, such as those under the Basel Convention and the Stockholm Convention, making full use of coordination, exchange of information and partnership mechanisms with other organizations, financial institutions and convention secretariats;

(c) To factor into the 2005–2006 budget the financial resources required to conduct the study;

(d) To present the results of the aforementioned study to the Conference of the Parties at its second meeting.

RC-1/6: Establishment of the Chemical Review Committee

The Conference of the Parties,

Recalling that paragraph 6 of article 18 of the Convention provides that the Conference of the Parties shall, at its first meeting, establish a subsidiary body to be called the Chemical Review Committee, for the purposes of performing the functions assigned to that Committee by the Convention,

Recalling further that, in paragraph 6 (b) of article 18, the Convention provides that the Conference of the Parties shall decide on the terms of reference, organization and operation of the Chemical Review Committee,

Noting its decision INC-6/2, by which it established the interim Chemical Review Committee and set forth its basic terms of reference, organization and operation,

Considering that the approach set forth in decision INC-6/2 served as an excellent basis for the operation of the interim Chemical Review Committee,

Desiring to build upon this approach in establishing the Chemical Review Committee in the present decision, taking into consideration experience and lessons learned during the operation of the interim Chemical Review Committee,

Establishment of the Chemical Review Committee

1. *Decides* to establish a subsidiary body, to be called the Chemical Review Committee, composed of 31 members nominated by Governments and appointed by the Conference of the Parties on the basis of equitable geographical distribution, including ensuring a balance between developed and developing Parties³, drawn from regions identified in annex I to the present decision, as follows:

African States:	8
Asian and Pacific States:	8
Central and Eastern European States:	3
Latin American and Caribbean States:	5
Western European and other States:	7

Membership

2. *Confirms* that the members of the Chemical Review Committee shall be experts in chemicals management;

3. *Decides* that the Governments listed in annex II to the present decision shall each formally designate one expert and, through the Secretariat, provide their names and relevant qualifications to the Parties by 1 December 2004, and that such experts shall serve as members of the Chemical Review Committee on an interim basis, pending formal confirmation of their appointment by the Conference of the Parties at its second meeting;

4. *Decides* that, for the purposes of these initial appointments and in order to promote an orderly rotation of membership, one half of the members of each region shall be nominated for an initial term of two years, and the remaining members of each region shall be nominated for an initial term of four years, commencing from the date of the second meeting of the Conference of the Parties;⁴

5. *Decides*, subject to the provisions of paragraphs 3 and 4 above, that each member shall serve for a term of four years from the date of appointment, and for no more than two consecutive terms;

6. *Decides* that a new list of Governments to replace the list in annex II to the present decision shall be adopted, consistent with the provisions indicated in paragraph 1, at subsequent meetings of the Conference of the Parties so that vacancies created by outgoing members may be filled.

Organization and operation

7. *Decides* that each member of the Chemical Review Committee shall sign a declaration of interest as set out in decision RC-1/7 prior to participating in the work of the Chemical Review Committee;

8. *Decides* that any vacancy in the Chemical Review Committee arising during the intersessional period shall be filled on an interim basis in accordance with such procedure as the region concerned may determine, that the name and relevant qualifications of the new member shall be circulated to the Parties through the secretariat, and that the Conference of the Parties shall consider confirmation of such appointment at its next meeting;

9. *Decides* that the Chemical Review Committee shall meet for the first time in February 2005 and normally every year thereafter, subject to the availability of funds and work requirements of the Chemical Review Committee;

³ The reference to “developing countries” is intended also to include countries with economies in transition.

⁴ For those regions for which the number of members is an odd number, the phrase “one half of the members of such region” shall be interpreted to mean the nearest whole number less than one half of the number of members in that region. Accordingly, if a region has five members, one half of that number will be taken to mean two.

10. *Decides* that the operational arrangements relating to language used for the interim Chemical Review Committee, having worked well, shall continue for the Chemical Review Committee, and that any draft decision guidance documents to be considered by the Chemical Review Committee or forwarded to the Conference of the Parties shall be available in all six languages of the Conference of the Parties;

11. *Confirms* that, in accordance with paragraph 6 (c) of article 18 of the Convention, the Chemical Review Committee shall make every effort to make its recommendations by consensus; if all efforts at consensus have been exhausted, and no consensus reached, such recommendation shall as a last resort be adopted by a two-thirds majority vote of the members present and voting;

12. *Confirms* that the meetings of the Chemical Review Committee shall be open to observers in accordance with the rules of procedure of the Conference of the Parties;

Terms of reference

13. *Decides* that the Chemical Review Committee, in accordance with the provisions of the Convention, in particular articles 5, 6, 7 and 9, shall have the following functions and responsibilities:

(a) To make recommendations on the inclusion of banned and severely restricted chemicals: review the information provided in notifications of final regulatory actions and, in accordance with the criteria set out in Annex II to the Convention, recommend to the Conference of the Parties whether the chemical in question should be listed in Annex III;

(b) To make recommendations on the inclusion of severely hazardous pesticide formulations: review the information provided in proposals for the inclusion of a severely hazardous pesticide formulation in Annex III and, in accordance with the criteria set out in part 3 of Annex IV to the Convention, recommend to the Conference of the Parties whether the chemical in question should be listed in Annex III;

(c) To prepare draft decision guidance documents: for each chemical that it has decided to recommend for listing in Annex III, prepare a draft decision guidance document. The decision guidance document should, at a minimum, be based on the information specified in Annex I to the Convention or, as the case may be, Annex IV, and include information on uses of the chemical in a category other than the category for which the final regulatory action applies;

(d) To make recommendations on the procedure for the removal of chemicals from Annex III: review information that was not available at the time of the decision to list the chemical in Annex III which indicates that its listing may no longer be justified in accordance with the relevant criteria in Annex II to the Convention or, as the case may be, Annex IV, and recommend to the Conference of the Parties whether the chemical in question should be removed from Annex III. For each chemical that the Chemical Review Committee recommends for removal from Annex III, it shall prepare a revised draft decision guidance document.

Annex I

Distribution of countries

Regional groups for the purpose of membership in the Chemical Review Committee

African States			
Algeria Angola Benin * Botswana Burkina Faso * Burundi Cameroon * Cape Verde Central African Republic Chad * Comoros Congo Côte d'Ivoire * Democratic Republic of the Congo	Djibouti Egypt Equatorial Guinea * Eritrea Ethiopia * Gabon * Gambia * Ghana * Guinea * Guinea-Bissau Kenya Lesotho Liberia Libyan Arab Jamahiriya * Madagascar	Malawi Mali * Mauritania Mauritius Morocco Mozambique Namibia Niger Nigeria * Rwanda * Sao Tome and Principe Senegal * Seychelles Sierra Leone Somalia	South Africa * Sudan Swaziland Togo * Tunisia Uganda United Republic of Tanzania * Zambia Zimbabwe
Asian and Pacific States			
Afghanistan Bahrain Bangladesh Bhutan Brunei Darussalam Cambodia China Cyprus Democratic People's Republic of Korea * Fiji India Indonesia Iran (Islamic Republic of)	Iraq Japan * Jordan * Kazakhstan Kuwait Kyrgyzstan * Lao People's Democratic Republic Lebanon Malaysia * Maldives Marshall Islands * Micronesia (Federated States of)	Mongolia * Myanmar Nauru Nepal Oman * Pakistan Papua New Guinea Philippines Qatar Republic of Korea * Samoa * Saudi Arabia * Singapore Solomon Islands	Sri Lanka Syrian Arab Republic * Tajikistan Thailand * Tonga Turkmenistan United Arab Emirates * Uzbekistan Vanuatu Viet Nam Yemen
Central and Eastern European States			
Albania Armenia * Azerbaijan Belarus Bosnia and Herzegovina Bulgaria *	Croatia Czech Republic * Estonia Georgia Hungary * Latvia *	Lithuania * Poland Republic of Moldova Romania * Russian Federation Serbia and Montenegro	Slovakia Slovenia * The former Yugoslav Republic of Macedonia Ukraine *
Latin American and Caribbean States			
Antigua and Barbuda Argentina * Bahamas Barbados Belize Bolivia * Brazil * Chile Colombia	Costa Rica Cuba Dominica Dominican Republic Ecuador * El Salvador * Grenada Guatemala Guyana	Haiti Honduras Jamaica * Mexico Nicaragua Panama * Paraguay * Peru Saint Kitts and Nevis	Saint Lucia Saint Vincent and the Grenadines Suriname * Trinidad and Tobago Uruguay * Venezuela
Western European and other States			
Andorra Australia * Austria *	Greece * Iceland Ireland	Monaco Netherlands * New Zealand *	Switzerland * Turkey United Kingdom *

Belgium * Canada * Denmark * Finland * France * Germany *	Israel Italy * Liechtenstein * Luxembourg * Malta	Norway * Portugal San Marino Spain * Sweden *	United States of America
Not members of any regional group			
Kiribati	Palau	Tuvalu	Timor-Leste

* Parties to the Rotterdam Convention as of 21 September 2004.

Annex II

List of Governments identified by the Conference of the Parties at its first meeting to nominate a member to the Chemical Review Committee

African States

2 years:	Gabon Ghana Nigeria South Africa	4 years:	Libyan Arab Jamahiriya Rwanda Senegal United Republic of Tanzania
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Asian and Pacific States

2 years:	Kyrgyzstan Malaysia Thailand Samoa	4 years:	Jordan Oman Republic of Korea Syrian Arab Republic
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Central and Eastern European States

2 years:	Hungary	4 years:	Slovenia Ukraine
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Latin American and Caribbean States

2 years:	Brazil Ecuador	4 years:	Argentina Jamaica Uruguay
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Western European and other States

2 years:	France Italy Switzerland	4 years:	Australia Canada Finland Netherlands
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RC-1/7: Rules and procedures for preventing and dealing with conflicts of interest relating to the activities of the Chemical Review Committee

The Conference of the Parties

1. *Decides* that it is essential to safeguard confidence in the integrity of the process of work of the Chemical Review Committee while encouraging experienced and competent persons to accept membership in the Committee by:

- (a) Establishing an appropriate code of conduct;
- (b) Establishing clear rules with respect to conflict of interest during and after service as a member;
- (c) Minimizing the possibility of conflicts arising between the private interests and public duties of members;
- (d) Establishing appropriate procedures for preventing and dealing with conflicts of interest relating to the activities of the Chemical Review Committee;

2. *Decides*, without prejudice to the obligations incumbent upon the individual members of the Chemical Review Committee as set out in paragraphs 3 and 4 below, that Governments have primary responsibility in ensuring compliance with the present decision and that, to this effect, when considering designating experts in chemicals management for appointment by the Conference of the Parties, Governments shall exercise due diligence in order to prevent potential or actual situations of conflict of interest;

3. *Decides* that, in carrying out their duties, the members of the Chemical Review Committee shall:

- (a) Perform their official duties and arrange their private affairs in such a manner that public confidence and trust in the integrity, objectivity and impartiality of the Chemical Review Committee are preserved and enhanced;
- (b) Act in a manner that will bear the closest public scrutiny, an obligation that is not fully discharged by simply acting within the law of any country;
- (c) Act in good faith for the best interest of the process;
- (d) Exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances;
- (e) Not give any preferential treatment to anyone or any interest in any official manner related to the Chemical Review Committee;
- (f) Not solicit or accept gifts, hospitality, or other benefits from persons, groups or organizations having or likely to have dealings with the Chemical Review Committee;
- (g) Not accept transfers of economic benefit, other than customary hospitality, or other benefits of nominal value, unless the transfer is pursuant to an enforceable contract or property right of the member;
- (h) Not depart from their role as members to assist other entities or persons in their dealings with the Chemical Review Committee where such actions would result in preferential treatment to any person or group;
- (i) Not knowingly take advantage of, or benefit from, information that is obtained in the course of their duties and responsibilities as members of the Chemical Review Committee and that is not generally available to the public;
- (j) Not act, after expiry of their term of office as members of the Chemical Review Committee, in such a manner as to take improper advantage of their previous office;

4. *Decides* that, to avoid the possibility or appearance that members of the Chemical Review Committee might receive preferential treatment, members shall not seek preferential treatment for themselves or third parties or act as paid intermediaries for third parties in dealings with the Chemical Review Committee;

5. *Decides* that members of the Chemical Review Committee shall disclose activities, including business or financial interest, which might call into question their ability to discharge their duties and responsibilities objectively. The members of the Chemical Review Committee must annually disclose their activities. In addition, they must disclose any financing from a company engaged in commercial or industrial activities for their participation in the Committee. To this effect, the Conference of the Parties adopts the declaration of interests as set out in the annex to the present decision for consideration in connection with the designation, appointment and review of the status of experts to the Chemical Review Committee;

6. *Decides* that, in assessing potential or actual situations of conflict of interest, the criteria set out in paragraph 1 of the declaration of interests should be applied by all concerned in a consistent manner, on a case-by-case basis, with regard to all relevant circumstances involved in each particular case;

7. *Decides* to adopt the following procedure for the implementation of the declaration of interests⁵:

Review process prior to appointment

(a) When considering designating an expert to the Chemical Review Committee, the Government concerned shall inform the expert that he or she shall be requested by the secretariat to fill in a declaration of interests;

(b) Prior to the designation of an expert by a Government, or concurrently with the process for that designation, the secretariat shall request the expert, through the Government, to fill in a declaration of interests. The declaration of interests shall be submitted by the designating Government to the secretariat;

(c) Should the secretariat require further clarification as to the suitability of an expert, the secretariat shall discuss the matter with the designating Government and the prospective expert, through the Government, as appropriate. Depending on the outcome of these discussions, the secretariat may refer the matter to the Bureau of the Conference of the Parties. The Bureau shall review the matter and make a recommendation to the concerned Government;

(d) Should a Government be in disagreement with a recommendation by the Bureau of the Conference of the Parties, that Government may request that the matter be considered by the Conference of the Parties;

Review process after appointment

(e) All appointed experts shall be required to inform the secretariat, through the Government that designated them, of any change in the information provided in a declaration of interests previously submitted;

(f) In the course of the mandate of an expert, should the secretariat be of the opinion that a situation of conflict of interest could arise or has arisen, the secretariat shall discuss the matter with that expert and, where deemed appropriate, with the designating Government. The Bureau of the Conference of the Parties may recommend to the Conference of the Parties the temporary suspension of the participation of the expert in some or in all the activities of the Chemical Review Committee. A decision on the matter shall be taken by the Conference of the Parties at its next session;

General provisions

(g) Subject to the provisions of the present decision, the secretariat shall take all necessary measures to safeguard the restricted character of the information provided in the declaration of interests. To the extent necessary for the implementation of the present decision, this information may be provided to the Conference of the Parties and its Bureau and subsidiary bodies, as deemed appropriate;

⁵ As contained in the annex to the present decision.

(h) Where the objectivity of a particular meeting has been called into question, the Conference of the Parties shall define the conditions for the disclosure of all relevant information in addition to that which is provided for in paragraph 7 (g) above;

(i) The Conference of the Parties shall consider any issue that is not covered by the present decision;

(j) The Conference of the Parties shall keep under review the implementation of the present decision and, not later than five years after its adoption, carry out a comprehensive assessment of its implementation with a view to making such amendments thereto as may be required;

8. *Decides* that any designation of experts to serve in the Chemical Review Committee shall be subject to the relevant provisions of paragraph 7 of the present decision.

Annex

Declaration of interests

Measures need to be taken to ensure that the best possible assessment of scientific evidence is achieved in an independent atmosphere free of either direct or indirect pressures. Thus, to ensure the technical integrity and impartiality of the work of the Chemical Review Committee, it is necessary to avoid situations in which financial or other interests might affect the outcome of that work.

Each expert is therefore asked to declare any interests that could constitute a real, potential or apparent conflict of interest with respect to his or her involvement in the meeting or work, between on the one hand, commercial entities and the participant personally, and, on the other hand, commercial entities and the administrative unit with which the participant has an employment relationship. In this context “commercial entity” refers to any company, association (e.g., trade association), organization or any other entity whatsoever, with commercial interests.

1. What is a conflict of interest?

“Conflict of interest” means that the expert or his or her partner, or the administrative unit with which the expert has an employment relationship, has a financial or other interest that could unduly influence the expert’s position with respect to the subject matter being considered. An apparent conflict of interest exists when an interest would not necessarily influence the expert but could result in the expert’s objectivity being questioned by others. A potential conflict of interest exists with an interest which any reasonable person could be uncertain whether or not should be reported.

Different types of financial or other interests, whether personal or with the administrative unit with which the expert has an employment relationship, can be envisaged and the following list, which is not exhaustive, is provided for your guidance. For example, the following types of situations should be declared:

(a) A current proprietary interest in a substance, technology or process (e.g., ownership of a patent), to be considered in – or otherwise related to the subject matter of – the meeting or work;

(b) A current financial interest, e.g., shares or bonds, in a commercial entity with an interest in the subject matter of the meeting or work (except shareholdings through general mutual funds or similar arrangements where the expert has no control over the selection of shares);

(c) An employment, consultancy, directorship, or other position held during the past four years, whether or not paid, in any commercial entity which has an interest in the subject matter of the meeting or work, or an ongoing negotiation concerning prospective employment or other association with such commercial entity;

(d) Performance of any paid work or research during the past four years commissioned by a commercial entity with interests in the subject matter of the meetings or work;

(e) Payment or other support covering a period within the past four years, or an expectation of support for the future, from a commercial entity with an interest in the subject matter of the meetings or work, even if it does not convey any benefit to the expert personally but which benefits his or her position or administrative unit, e.g., a grant or fellowship or other payment, e.g., for such purposes as the financing of a post or consultancy.

With respect to the above, a commercial interest in a competing substance, technology or process, or an interest in or association with, work for or support by a commercial entity having a direct competitive interest must similarly be disclosed.

2. How to complete this declaration

Please complete this declaration and submit it to the designated national authority for transmission to the secretariat. Any financial or other interests that could constitute a real, potential or apparent conflict of interest should be declared: first, with respect to yourself or partner; and, second, with respect to any administrative unit with which you have an employment relationship. Only the name of the commercial entity and the nature of the interest is required to be disclosed and no amounts need to be specified (although they may be, if you consider this information to be relevant to assessing the interest). With respect to points (a) and (b) in the list above, the interest should only be declared if it is current. With respect to points (c), (d) and (e), any interest during the past four years should be declared. If the interest is no longer current, please state the year when it ceased. With respect to point (e), the interest ceases when a financed post or fellowship is no longer occupied, or when support for an activity ceases.

3. Assessment and outcome

The information submitted by you will be used to assess whether the declared interests constitute an appreciable real, potential or apparent conflict of interest in accordance with the provisions of decision RC-1/7.

Information disclosed on this declaration shall reside within the secretariat and shall be made available to the Conference of the Parties, its Bureau and subsidiary bodies, as deemed appropriate.

4. Declaration

Have you or your partner any financial or other interest in the subject matter of the meeting or work in which you will be involved, which may be considered as constituting a real, potential or apparent conflict of interest?

Yes: No: If yes, please give details in the box below.

Do you have, or have you had during the past four years, an employment or other professional relationship with any entity directly involved in the production, manufacture, distribution or sale of chemicals or pesticides or directly representing the interests of any such entity?

Yes: No: If yes, please give details in the box below.

1. Type of interest, e.g. patent, shares, employment, association, payment (including details on any compound, work, etc.)	2. Name of commercial entity	3. Belongs to you, partner or unit?	4. Current interest? (or year ceased)

Is there anything else that could affect your objectivity or independence in the meeting or work, or the perception by others of your objectivity and independence?

I hereby declare that the disclosed information is correct and that no other situation of real, potential or apparent conflict of interest is known to me. I undertake to inform you of any change in these circumstances, including if an issue arises during the meeting or work itself.

Signature Date

Name Government

I hereby declare that I shall regulate my conduct in accordance with the provisions of paragraphs 3 and 4 of decision RC-1/7.

Signature

Name

RC-1/8: Encouragement of the World Customs Organization to assign specific Harmonized System codes to the chemicals listed in Annex III

The Conference of the Parties,

Recalling that, in article 13, paragraph 1, the Convention provides that the Conference of the Parties shall encourage the World Customs Organization to assign specific Harmonized System customs codes to the individual chemicals or groups of chemicals listed in Annex III, as appropriate, and that each Party shall require that, whenever a code has been assigned to such a chemical, the shipping document for that chemical bears the code when exported,

Noting that more chemicals will be added to Annex III in accordance with the procedures established by the Convention,

Noting with great appreciation the work already done by the World Customs Organization and the Intergovernmental Negotiating Committee,

1. *Welcomes* the cooperation between the secretariat of the Rotterdam Convention and the World Customs Organization;
2. *Encourages* the World Customs Organization to assign specific Harmonized System customs codes to the individual chemicals or groups of chemicals listed in Annex III, as appropriate;
3. *Reminds* each Party of its obligation under article 13, paragraph 1, of the Convention to require that, whenever a code has been assigned to such a chemical, the shipping document for that chemical bears the code when exported;
4. *Requests* the secretariat to continue to work with the secretariat of the World Customs Organization.

RC-1/9: Arrangements by the Executive Director of the United Nations Environment Programme and the Director-General of the Food and Agriculture Organization of the United Nations for the performance of the secretariat functions for the Convention

The Conference of the Parties,

Noting with appreciation the excellent cooperation between the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations and the effective and efficient Secretariat arrangements for the joint programme for the operation of the prior informed consent procedure, the intergovernmental negotiation process and during the interim period between the adoption of the Convention and its entry into force,

Aware that its decision regarding the physical location of the secretariat will have a decisive impact on the arrangements for the provision of the secretariat that, as provided by paragraph 3 of article 19 of the Convention, are to be agreed on between the Executive Director of the United Nations Environment Programme and the Director-General of Food and Agriculture Organization of the United Nations and approved by the Conference of the Parties,

1. *Invites* the Executive Director of the United Nations Environment Programme and the Director-General of the Food and Agriculture Organization of the United Nations 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 Conference of the Parties for consideration and approval, if possible, at its second meeting;

2. *Also invites* the Executive Director of the United Nations Environment Programme and the Director-General of the Food and Agriculture Organization of the United Nations to continue to perform the secretariat functions for the Convention based on the existing arrangements until the Conference of the Parties has approved the new arrangements.

3. *Invites* the Executive Director of the United Nations Environment Programme and the Director General of the Food and Agriculture Organization of the United Nations to appoint an Executive Secretary in consultation with the Conference of the Parties through the Bureau.

RC-1/10: Non-compliance

The Conference of the Parties,

Recalling article 17 of the Rotterdam Convention;

Mindful that the procedures and mechanisms under article 17 will help address issues of non-compliance, including by facilitating assistance and providing advice to Parties facing compliance issues;

Noting with appreciation the preparatory work already undertaken by the Intergovernmental Negotiating Committee on the elaboration of the procedures and mechanisms called for by article 17, and especially that reflected in the note by the secretariat on procedures and institutional mechanisms for determining non-compliance with the provisions of the Convention and for the treatment of Parties found to be in non-compliance, prepared for the first meeting of the Conference;⁶

Decides to convene an open-ended ad hoc working group on article 17 immediately prior to its second meeting, with a view to preparing for and carrying forward deliberations on the issue.

RC-1/11: Settlement of disputes

The Conference of the Parties,

Decides to adopt Annex VI to the Rotterdam Convention setting out the arbitration procedure for purposes of paragraph 2 (a) of article 20 of the Convention and the conciliation procedure for purposes of paragraph 6 of article 20 of the Convention, as contained in the annex to the present decision.

Annex

Settlement of disputes

A. Rules on arbitration

The arbitration procedure for purposes of paragraph 2 (a) of article 20 of the Rotterdam Convention on the Prior Informed *Consent* Procedure for Certain Hazardous Chemicals and Pesticides in International Trade shall be as follows:

⁶

UNEP/FAO/RC/COP.1/20.

Article 1

1. A Party may initiate recourse to arbitration in accordance with article 20 of the Convention by written notification addressed to the other Party to the dispute. The notification shall be accompanied by a statement of the claim, together with any supporting documents, and shall state the subject matter for arbitration including, in particular, the articles of the Convention the interpretation or application of which are at issue.

2. The claimant Party shall notify the secretariat that the Parties are referring a dispute to arbitration pursuant to article 20. The written notification of the claimant Party shall be accompanied by the statement of claim and the supporting documents referred to in paragraph 1 above. The secretariat shall forward the information thus received to all Parties.

Article 2

1. In disputes between two Parties, an Arbitral Tribunal shall be established. It shall consist of three members.

2. Each of the Parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the President of the Tribunal. The President of the Tribunal shall not be a national of one of the Parties to the dispute, nor have his or her usual place of residence in the territory of one of these Parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

3. In disputes between more than two Parties, Parties in the same interest shall appoint one arbitrator jointly by agreement.

4. Any vacancy shall be filled in the manner prescribed for the initial appointment.

5. If the Parties do not agree on the subject matter of the dispute before the President of the Arbitral Tribunal is designated, the Arbitral Tribunal shall determine the subject matter.

Article 3

1. If one of the Parties to the dispute does not appoint an arbitrator within two months of the date on which the respondent Party receives the notification of the arbitration, the other Party may inform the Secretary-General of the United Nations who shall make the designation within a further two-month period.

2. If the President of the Arbitral Tribunal has not been designated within two months of the date of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of a Party, designate the President within a further two-month period.

Article 4

The Arbitral Tribunal shall render its decisions in accordance with the provisions of the Convention and international law.

Article 5

Unless the parties to the dispute agree otherwise, the Arbitral Tribunal shall determine its own rules of procedure.

Article 6

The Arbitral Tribunal may, at the request of one of the Parties, recommend essential interim measures of protection.

Article 7

The Parties to the dispute shall facilitate the work of the Arbitral Tribunal and, in particular, using all means at their disposal, shall:

- (a) Provide it with all relevant documents, information and facilities; and

- (b) Enable it, when necessary, to call witnesses or experts and receive their evidence.

Article 8

The Parties and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the Arbitral Tribunal.

Article 9

Unless the Arbitral Tribunal determines otherwise because of the particular circumstances of the case, the costs of the Tribunal shall be borne by the Parties to the dispute in equal shares. The Tribunal shall keep a record of all its costs and shall furnish a final statement thereof to the Parties.

Article 10

A Party that has an interest of a legal nature in the subject matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the Arbitral Tribunal.

Article 11

The Arbitral Tribunal may hear and determine counterclaims arising directly out of the subject matter of the dispute.

Article 12

Decisions of the Arbitral Tribunal on both procedure and substance shall be taken by a majority vote of its members.

Article 13

1. If one of the Parties to the dispute does not appear before the Arbitral Tribunal or fails to defend its case, the other Party may request the Tribunal to continue the proceedings and to render its decision. Absence of a Party or failure of a Party to defend its case shall not constitute a bar to the proceedings.
2. Before rendering its final decision, the Arbitral Tribunal must satisfy itself that the claim is well founded in fact and law.

Article 14

The Arbitral Tribunal shall render its final decision within five months of the date on which it is fully constituted, unless it finds it necessary to extend the time limit for a period which should not exceed five more months.

Article 15

The final decision of the Arbitral Tribunal shall be confined to the subject matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the Tribunal may attach a separate or dissenting opinion to the final decision.

Article 16

The award shall be binding on the parties to the dispute. The interpretation of the Convention given by the award shall also be binding upon a Party intervening under article 10 above insofar as it relates to matters in respect of which that Party intervened. The award shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure.

Article 17

Any controversy which may arise between those bound by the final decision in accordance with article 16 above, as regards the interpretation or manner of implementation of that decision, may be submitted by any of them for decision to the Arbitral Tribunal which rendered it.

B. Rules on conciliation

The conciliation procedure for purposes of paragraph 6 of article 20 of the Convention shall be as follows.

Article 1

1. A request by a party to a dispute to establish a conciliation commission in consequence of paragraph 6 of article 20 shall be addressed in writing to the Secretariat. The Secretariat shall forthwith inform all Parties accordingly.

2. The conciliation commission shall, unless the parties otherwise agree, be composed of five members, two appointed by each Party concerned and a President chosen jointly by those members.

Article 2

In disputes between more than two parties, parties in the same interest shall appoint their members of the commission jointly by agreement.

Article 3

If any appointments by the parties are not made within two months of the date of receipt by the Secretariat of the written request referred to in article 1, the Secretary-General of the United Nations shall, upon request by a party, make those appointments within a further two-month period.

Article 4

If the President of the conciliation commission has not been chosen within two months of the fourth member of the commission being appointed, the Secretary-General of the United Nations shall, upon request by a party, designate the President within a further two-month period.

Article 5

1. The conciliation commission shall, unless the parties to the dispute otherwise agree, determine its own rules of procedure.
2. The parties and members of the commission are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the commission.

Article 6

The conciliation commission shall take its decisions by a majority vote of its members.

Article 7

The conciliation commission shall render a report with recommendations for resolution of the dispute within twelve months of being established, which the parties shall consider in good faith.

Article 8

Any disagreement as to whether the conciliation commission has competence to consider a matter referred to it shall be decided by the commission.

Article 9

The costs of the Commission shall be borne by the parties to the dispute in shares agreed by them. The Commission shall keep the record of all its costs and shall furnish a final statement thereof to the parties.

RC-1/12: Physical location of the secretariat

The Conference of the Parties,

Noting the agreement for the cities of Geneva and Rome to be the location of the secretariat of the Rotterdam Convention;

Noting paragraph 3 of article 19 of the Convention;

1. *Expresses* its sincere gratitude to the Governments of Germany, Italy and Switzerland for their generous offers to host the secretariat of the Convention;
2. *Also expresses* its appreciation to the Governments of Italy and Switzerland for their commitment to fulfilling the terms of their offer to host the secretariat;
3. *Decides* to accept the offer of the Governments of Italy and Switzerland to host jointly the secretariat;
4. *Invites* the Executive Director of the United Nations Environment Programme and the Director General of the Food and Agriculture Organization of the United Nations to consult the authorities of the host Governments regarding the practical arrangements for hosting the secretariat in Geneva and Rome;
5. *Notes* that the United Nations headquarters agreements already in force with Italy and Switzerland will continue to apply to the secretariat and accepts the additional elements included in the offer of the Governments of Italy and Switzerland for inclusion in the framework of those practical arrangements;
6. *Requests* the secretariat to report on the implementation of this decision to the Conference of the Parties at its second meeting.

RC-1/13: Transitional arrangements**A****Nature of the transition period**

The Conference of the Parties,

Recalling that in its resolution on interim arrangements,⁷ 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,⁸ in the report of the Intergovernmental Negotiating

⁷ UNEP/FAO/PIC/CONF/5, annex I, resolution 1.

⁸ UNEP/FAO/PIC/INC.7/12 and UNEP/FAO/PIC/INC.9/18.

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,⁹ 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 procedure¹⁰, 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 States¹¹

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.

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.

⁹ UNEP/FAO/PIC/INC.9/21.

¹⁰ UNEP/FAO/PIC/INC.9/18

¹¹ Participating States are those States and regional economic integration organizations that are not Parties to the Convention 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.

RC-1/14: Regional delivery of technical assistance

The Conference of the Parties,

Recalling the targets for chemicals agreed at the World Summit on Sustainable Development,

Noting that hazardous chemicals and pesticides covered by the Rotterdam Convention can contribute to poverty through their adverse effects on human health and environmental resources,

Recalling the work of the Intergovernmental Negotiating Committee, in particular its decision INC-10/7 on the regional delivery of technical assistance to Parties,

Also recalling the provisions of the Convention on technical assistance, especially its article 16,

Stressing the importance of technical assistance in enabling Parties, especially developing countries, and in particular the least developed among them, and countries with economies in transition, to implement the Convention,

Emphasizing the need to promote coordination and cooperation among international organizations, Parties and others in the provision of technical assistance,

Recalling the role of the secretariat of the Convention as laid down in its article 19,

Emphasizing also the need to achieve effective and coordinated delivery of technical assistance,

Noting with appreciation the work of the secretariat in producing a comprehensive proposal for the regional delivery of technical assistance to Parties.¹²

Decides:

- (a) To invite countries, donors and other stakeholders to promote chemicals and waste management regional cooperation programmes within existing regional cooperation frameworks;
- (b) To invite developed countries, other donors and international organizations to ensure the better integration of chemicals management in their development cooperation policies and programmes and to take account of the needs and interest of developing countries and countries with economies in transition in their chemicals and pesticides strategies;
- (c) To request the secretariat to take the following initial steps to operationalize the regional delivery of technical assistance to the Parties of the Convention:
 - (i) To facilitate coordination of regional activities using existing bodies such as the regional offices of the Food and Agriculture Organization of the United Nations and the United Nations Environment Programme;
 - (ii) To implement the activities contained in the annex to the present decision subject to available resources;

¹² See document UNEP/FAO/RC/COP.1/28.

- (iii) To invite other regional entities, in particular the Basel Convention regional centres and regional coordinating centres, international organizations and multilateral environmental agreements to participate in the regional delivery system to make full use of synergies among those entities, organizations and multilateral environmental agreements;
 - (iv) To prepare a detailed costed programme of activities based on the elements in the annex to the present decision, identified gaps in the light of experience and further developments in the international context for consideration by the Conference of the Parties at its second meeting;
 - (v) To report to the Conference of the Parties at its second meeting on the experience gained in implementing these actions;
- (d) To welcome World Bank and Global Environment Facility support for chemicals management and encourage synergies between those activities and actions necessary to enable developing countries to implement adequately the provisions of the Convention;
- (e) To request the secretariat to provide to the High-level Open-ended Intergovernmental Working Group on an Intergovernmental Strategic Plan for Technology Support and Capacity-building and to the Preparatory Committee for the Development of a Strategic Approach to International Chemicals Management information on options to enable developing countries to implement adequately the provisions of the Convention;
- (f) To review at its second meeting the operation of the regional delivery system and the progress in its implementation, based also on input from Parties and other actors.

Annex

Initial technical assistance actions

A. Elements unique to the Rotterdam Convention

1. The following initial topics for technical assistance actions are identified for priority attention:
 - (a) Upon request, assistance will be provided to support national efforts to ratify the Convention by countries seeking to do so. To assist in the initiation of these actions, interested countries should contact the secretariat to request action within their region. It is anticipated that these actions will be further defined at the level of actual delivery.
 - (b) Articles 6, 7, 10 and 14 of the Convention contain important functions of the Secretariat in respect of which facilitation of assistance may be required, in particular:
 - (i) Preparation and submission of notifications of final regulatory action to ban or severely restrict a chemical;
 - (ii) Preparation and submission of proposals for severely hazardous pesticide formulations (based on adverse human health effects or adverse environmental effects);
 - (iii) Procedure for making decisions on future imports of chemicals in Annex III to the Convention and for reporting those decisions to the Secretariat;
 - (iv) Export notification, indicating to exporters how to develop and implement a programme of export notification and export notification and, to importers, how to use the information provided through export notifications;
 - (v) Exchange of information with Parties on transit movements of chemicals through their territory.

B. Cross-cutting elements

2. In addition to actions identified under section A above, the secretariat should systematically explore synergies with and contribute, where possible and feasible, to other international processes, programmes, activities dealing with chemicals management such as the strategic approach to international chemicals management (SAICM), other multilateral environmental agreements related to chemicals management and the intergovernmental strategic plan on technology support and capacity-building, in particular for the following cross-cutting elements:

- (a) National legislation with regard to chemicals management in general and on the implementation of the international conventions in particular;
- (b) Development of plans for the implementation of chemicals-related multilateral environmental agreements (e.g., the Stockholm Convention);
- (c) Customs procedures to combat illegal traffic in chemicals;
- (d) Collection of information on pesticide poisoning incidents (human health and the environment);
- (e) Regulatory decision-making on chemicals; and
- (f) Notification, at the national level, of all stakeholders associated with implementation of the Convention.

3. For those aspects of the Convention that are relevant to a broader programme of chemicals management – the cross-cutting issues – consideration will be given to contributing to the updating of already existing materials relevant to the Convention that might be integrated with the existing technical assistance activities of other organizations. The following opportunities and recommended actions are highlighted:

- (a) The guide under development by the Rotterdam Convention secretariat on the appropriate legal or administrative infrastructure for the implementation of the Convention should be compatible with similar guidance in preparation by the Secretariats of the Basel and Stockholm conventions;
- (b) National profiles on chemicals management have been developed or are under development in a broad range of countries. Such profiles are a good starting point in assessing the needs of countries and for the development of national plans for the implementation of the Rotterdam Convention. Supplementary guidance should be developed that would assist countries to use their national profile as a basis from which to define gaps in their chemicals management infrastructure for the implementation of the Rotterdam Convention;
- (c) Guidance should be developed for national customs authorities on matters relevant to the Rotterdam Convention to supplement that developed by other multilateral environmental agreements or programmes and with a view to developing fully integrated guidance on relevant chemicals conventions in the future;
- (d) Under the Stockholm Convention substantial progress has been made in developing national implementation plans. In view of the close relationship with the Rotterdam Convention, it would be useful to examine the extent to which the Rotterdam Convention has been incorporated in those plans and to consider what guidance might be needed to help ensure that relevant aspects of the Rotterdam Convention are considered by countries in developing or implementing their national implementation plans;
- (e) Opportunities should be explored for the integration of the severely hazardous pesticide formulation reporting requirements of the Rotterdam Convention with the WHO pesticide data management system and community-based approach to pesticide poisonings piloted in selected countries.

RC-1/15: Cooperation with the World Trade Organization

The Conference of the Parties,

Noting that the United Nations Environment Programme and the World Trade Organization have developed an informal institutional dialogue over several years, a process that started under the General Agreement on Tariffs and Trade and continued until 1994, before the existence of the World Trade Organization,

Noting the note by the secretariat concerning cooperation with the World Trade Organization,¹³

Noting also that informal dialogue has been taking place more recently between multilateral environmental agreements, including between the interim secretariat of the Rotterdam Convention and the World Trade Organization, to enhance synergies in particular in relation to trade and environment,

Mindful of the need to strengthen cooperation between the Convention and the World Trade Organization within their respective mandates,

1. *Welcomes* the enhanced cooperation between the secretariat of the Convention and the World Trade Organization;
2. *Requests* the secretariat:
 - (a) To seek observer status in the Committee on Trade and Environment in Special Session of the World Trade Organization and inform Parties when the request has been submitted and when it has been granted;
 - (b) To report to the Conference of the Parties on any meetings of the World Trade Organization that it attends, any substantive contacts that it has with the secretariat of the World Trade Organization and any general or factual information provided to or any other information requested by the secretariat of the World Trade Organization or any other body of the World Trade Organization;
 - (c) To ensure that at all times it does not provide an interpretation of the provisions of the Convention;
 - (d) To monitor developments in the Committee on Trade and Environment in Special Session and report on such developments to the Conference of the Parties;
 - (e) To reflect on ways of enhancing information flows on matters of common interest with the World Trade Organization;
3. *Encourages* Governments to apprise their representatives on the Committee on Trade and Environment in Special Session of the present decision.

RC-1/16: Representation of developing countries in the secretariat of the Rotterdam Convention

The Conference of Parties,

Guided by the purposes and principles of the Charter of the United Nations, in particular the principle of sovereign equality of its Member States;

Reaffirming the principle of equitable participation of all States Parties in its work, including the secretariat and various committees and bodies;

Bearing in mind the principle of gender balance;

Recognizing that developing countries, and African countries in particular, represent the most affected and vulnerable regions in terms of chemicals and waste management;

¹³ UNEP/FAO/RC/COP.1/INF/8.

Noting that developing countries, and African countries in particular, also have high technical expertise within their regions on chemicals and waste management;

Noting also the undesirability of an imbalance in the distribution of posts in the Secretariat of the United Nations Environment Programme between the developing and the developed countries, and the continued under-representation of developing countries at professional grade levels in the secretariat of the Rotterdam Convention,

1. *Recommends* that the administrative arrangements of the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations be applied to the Secretariat of the Rotterdam Convention, to make sure that developing countries are adequately represented at senior grades in the secretariat of the Rotterdam Convention;

2. *Invites* the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations to report periodically to the Conference of the Parties on the implementation of the present decision.

RC-1/17: Financing and budget for the biennium 2005–2006

The Conference of the Parties,

Recalling paragraph 4 of article 18 of the Convention,

1. *Invites* the Executive Director of the United Nations Environment Programme to establish on an interim basis for the period 2005-2006:

- (a) A general trust fund for the operational budget;
- (b) A voluntary special trust fund;

2. *Approves* the operational budget of 3,667,041 United States dollars for 2005 and an indicative operational budget of 3,542,159 United States dollars for 2006 for the purposes set out in table 1 of the present decision;

3. *Decides* that the indicative figure for 2006 will be reconsidered at the second meeting of the Conference of the Parties on the basis of recommendations made by the head(s) of the Convention secretariat;

4. *Welcomes* the annual contribution of 1.2 million euros pledged by the host Governments of the Convention secretariat to offset planned expenditures;

5. *Adopts* the indicative scale of assessments for the apportionment of expenses for 2005 and provisionally for 2006 as contained in table 2 of the present decision, and authorizes the head(s) of the Convention secretariat, in keeping with the financial rules, to adjust the scale to include all Parties for which the Convention enters into force before 1 January 2005 for 2005, and before 1 January 2006 for 2006;

6. *Invites* the United Nations Environment Programme and the contributors to the trust fund established for the interim phase of the Convention to transfer the unused balance of that fund to one of the trust funds referred to in paragraph 1 above, and requests the head(s) of the Convention secretariat to account for the funds thus transferred;

7. *Invites* the governing bodies of the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations to continue their financial support for the operation of the Convention and its secretariat in 2005 and 2006;

8. *Approves* the staffing table of the Convention secretariat for the operational budget for 2005 and indicative staffing table for 2006 as contained in table 3 of the present decision;

9. *Invites* the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants at its first meeting to consider, if feasible and appropriate, co-financing in 2006 the position of a joint head of the secretariats of both the Stockholm and Rotterdam conventions at the level of D-1;

10. *Authorizes* the head(s) of the Convention secretariat to make transfers of up to 20 per cent of one main appropriation line of the approved budget to other main appropriation lines;

11. *Authorizes* the head(s) of the Convention secretariat to make commitments up to the level of the approved operational budget, drawing on available cash resources;

12. *Decides* to set the minimum working capital reserve for 2005–2006 at a level of 8.3 per cent of the estimated expenditure of the operational budget, including programme support costs;

13. *Decides further* that designated contributions from the surplus of the General Trust Fund for the interim phase of the Convention should, and any contributions from non-Parties in accordance with paragraph 14, shall, be added to the working capital reserve for 2005–2006 for the purpose of increasing its level to 15 per cent of the estimated expenditure of the operational budget, including programme support costs, for the year 2006;

14. *Decides* that a non-party to the Convention may contribute to the General Trust Fund in 2005–2006 for the purpose of augmenting the working capital reserve;

15. *Takes note* of the funding estimates for activities under the Convention to be financed from the voluntary special trust fund included in table 4 of the present decision; and urges Parties and invites non-parties as well as other sources to contribute to this fund;

16. *Decides* that, on an exceptional basis and subject to available resources, funding for participation from the voluntary special trust fund may be made available to developing countries, in particular least developed countries, and to countries with economies in transition which provide a clear commitment towards becoming parties to the Convention. Evidence of such political commitment may, among other things, take the form of a written assurance to the head(s) of the Convention secretariat that the country intends to become a party to the Convention;

17. *Invites* Parties to note that contributions to the operational budget for a calendar year are expected on 1 January of that year, and urges Parties in a position to do so to pay their contributions promptly and in full, and in this regard requests that Parties be notified of the amount of their contributions for a given year by 15 October of the previous year;

18. *Invites* Parties to notify the head(s) of the Convention secretariat of all contributions that they make to the operational budget at the time such payments are made;

19. *Requests* the head(s) of the Convention secretariat to publish a list of assessed contributions received on the web site of the Convention and to keep this list up to date;

20. *Requests* the head(s) of the Convention secretariat to report on the secretariat's activities, income and budget for 2005 and 2006, to prepare a budget for the biennium 2007–2008 and to make recommendations on the future trusteeship of the Convention trust funds to the Conference of the Parties at its third meeting;

21. *Notes* the need to facilitate priority-setting by providing Parties with timely information on the financial consequences of different options, taking into account paragraph 18, and, to this end, requests the head(s) of the Convention secretariat to include in the proposed operational budget for the biennium 2007–2008 three alternatives based on:

- (a) His or her assessment of the required rate of growth of the operational budget;
- (b) Maintaining the operational budget at the 2005–2006 level in nominal terms;
- (c) Increasing the operational budget at the 2005–2006 level by 10 per cent in nominal terms;

22. *Requests* the head(s) of the Convention secretariat to provide the Parties with an indication of the staffing and financial implications of recommendations that have been forwarded to the Conference of the Parties at its future meetings;

23. *Requests* the head(s) of the Convention secretariat, in the light of the decision on the location of the secretariat and the experience of other international agreements and institutions, and within available resources, to undertake a study of the advantages and disadvantages of using the euro, the Swiss franc or the United States dollar as the currency of the accounts and budget of the Convention for consideration by the Conference of the Parties at its third meeting.

Table 1

Operational budget for 2005 and indicative operational budget for 2006 (in US dollars)

	2005	2006
Ensure effective functioning of the COP		
<i>COP2 and COP3</i>		
Conference Services	435,536	435,536
Subtotal	435,536	435,536
<i>CRC1 and CRC2</i>		
Conference Services	110,372	110,372
Experts travel	85,630	85,630
Subtotal	196,002	196,002
<i>Compliance Committee</i>		
Ad hoc working group meeting	20,000	0
Conference Services	0	0
Experts travel	0	0
Subtotal	20,000	0
Study on financial mechanism	100,000	0
Office automation and databases		
Software/Hardware	75,000	75,000
Consultants/sub-contracts	20,000	20,000
Subtotal	95,000	95,000
Core secretariat costs		
Professional Personnel	1,462,800	1,710,400
Consultants	25,000	25,000
Administrative support	475,125	475,125
Official travel	100,000	100,000
Equipment and premises	40,000	40,000
Miscellaneous	47,000	47,000
Subtotal	2,149,925	2,397,525
Total activities	2,996,463	3,124,063
Administrative overheads (13%)	389,540	406,128
Subtotal activities and administrative overheads	3,386,003	3,530,191
Working capital reserve (8.3 %)	281,038	11,968
Total operational budget	3,667,041	3,542,159
Host country contribution	1,444,043 ^a	1,444,043 ^a
Total to be covered by assessed contributions	2,222,998	2,098,116

Table 2

Indicative scale of assessments for the apportionment of contributions

	United Nations scale of assessment 2004-2006	Scale for the Trust Fund with 22% ceiling and 0.01% base	Contributions per country	Provisional contributions per country
<i>Member State</i>	<i>Percentage</i>	<i>Percentage</i>	2005	2006
Argentina	0.956	1.490	33,116	31,256
Armenia	0.002	0.010	222	210
Australia	1.592	2.481	55,148	52,050
Austria	0.859	1.339	29,756	28,084
Belgium	1.069	1.666	37,031	34,950
Benin	0.002	0.010	222	210
Bolivia	0.009	0.014	312	294
Brazil	1.523	2.373	52,757	49,794
Bulgaria	0.017	0.026	589	556
Burkina Faso	0.002	0.010	222	210
** Burundi	0.001	0.010	222	210
Cameroon	0.008	0.012	277	262
Canada	2.813	4.383	97,444	91,969
Chad	0.001	0.010	222	210
* Cook Islands	0.001	0.010	222	210
Côte d'Ivoire	0.010	0.016	346	327
Czech Republic	0.183	0.285	6,339	5,983
Democratic People's Republic of Korea	0.010	0.016	346	327
Denmark	0.718	1.119	24,872	23,475
Ecuador	0.019	0.030	658	621
El Salvador	0.022	0.034	762	719
Equatorial Guinea	0.002	0.010	222	210
Ethiopia	0.004	0.010	222	210
Finland	0.533	0.831	18,463	17,426
France	6.030	9.396	208,882	197,147
Gabon	0.009	0.014	312	294
Gambia	0.001	0.010	222	210
Germany	8.662	13.498	300,055	283,199
Ghana	0.004	0.010	222	210
Greece	0.530	0.826	18,359	17,328
Guinea	0.003	0.010	222	210
Hungary	0.126	0.196	4,365	4,119
** Iran (Islamic Republic of)	0.157	0.245	5,439	5,133
Italy	4.885	7.612	169,218	159,712
Jamaica	0.008	0.012	277	262
Japan	19.468	22.000	489,060	461,585
Jordan	0.011	0.017	381	360
Kyrgyzstan	0.001	0.010	222	210
Latvia	0.015	0.023	520	490
** Liberia	0.001	0.010	222	210
Libyan Arab Jamahiriya	0.132	0.206	4,573	4,316
Liechtenstein	0.005	0.010	222	210
Lithuania	0.024	0.037	831	785

		United Nations scale of assessment 2004-2006	Scale for the Trust Fund with 22% ceiling and 0.01% base	Contributions per country	Provisional contributions per country
	Luxembourg	0.077	0.120	2,667	2,517
**	Madagascar	0.003	0.010	222	210
	Malaysia	0.203	0.316	7,032	6,637
	Mali	0.002	0.010	222	210
	Marshall Islands	0.001	0.010	222	210
	Mongolia	0.001	0.010	222	210
	Netherlands	1.690	2.633	58,542	55,254
	New Zealand	0.221	0.344	7,656	7,225
	Nigeria	0.042	0.065	1,455	1,373
	Norway	0.679	1.058	23,521	22,200
	Oman	0.070	0.109	2,425	2,289
	Panama	0.019	0.030	658	621
	Paraguay	0.012	0.019	416	392
	Republic of Korea	1.796	2.799	62,214	58,719
	Romania	0.060	0.093	2,078	1,962
	Rwanda	0.001	0.010	222	210
	Samoa	0.001	0.010	222	210
	Saudi Arabia	0.713	1.111	24,699	23,311
	Senegal	0.005	0.010	222	210
	Slovenia	0.082	0.128	2,841	2,681
	South Africa	0.292	0.455	10,115	9,547
	Spain	2.520	3.927	87,294	82,390
	Suriname	0.001	0.010	222	210
	Sweden	0.998	1.555	34,571	32,629
	Switzerland	1.197	1.865	41,465	39,135
	Syrian Arab Republic	0.038	0.059	1,316	1,242
	Thailand	0.209	0.326	7,240	6,833
	Togo	0.001	0.010	222	210
	Ukraine	0.039	0.061	1,351	1,275
	United Arab Emirates	0.235	0.366	8,141	7,683
	United Kingdom of Great Britain and Northern Ireland	6.127	9.548	212,242	200,319
	United Republic of Tanzania	0.006	0.010	222	210
	Uruguay	0.048	0.075	1,663	1,569
	European Community	2.500	2.500	55,575	52,453
		70.317	100.000	2,222,998	2,098,116

Source: United Nations General Assembly Fifty Eighth session, Agenda item 124, Document A/RES/58/1 B

* Not a UN member state and has no established UN scale of assessment. Rate similar to other small island states is applied
Member States to become Parties by 1 January

** 2005

Total operational budget 2005	3,667,041	
Host Country contribution	<u>1,444,043</u>	Contribution of 1.2 million Euros
Total to be covered by assessed contributions	2,222,998	

Total indicative budget 2006	3,542,159	
Host country contribution	<u>1,444,043</u>	Contribution of 1.2 million euros
Total to be covered by assessed contributions	2,098,116	

United Nations scale of assessment 2004-2006	Scale for the Trust Fund with 22% ceiling and 0.01% base	Contributions per country	Provisional contributions per country
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Host country contribution according to United Nations exchange rate (0.831) for September 2004

Table 3
Staffing table of the Convention secretariat

Staff category and level		2005 budget	2006 budget
A.	Professional category		
	¹ D-1	0.5	0.5
	P-5	2.0	2.0
	² P-4	4.0	4.0
	P-3	3.0	5.0
	P-2	2.0	2.0
	Subtotal	11.5	13.5
B.	General Service category	5.3	5.3
	Total (A + B)	16.8	18.8

¹ It is expected that UNEP/FAO will provide the funding for the remainder of the D1's time

² Includes one Finance Officer funded from programme support costs

Table 4
Funding estimate for activities under the voluntary special trust fund
(in US dollars)

	2005	2006	
Participants' travel			
	Participants' travel COP	352,039	369,641
Subtotal activities	352,039	369,641	
Administrative overheads (13%)	45,765	48,053	
Total	397,804	417,694	

Facilitation of implementation and ratification			
	Technical assistance	255,000	400,000
	Printed material	43,000	45,150
	Web site	10,000	10,500
Subtotal activities	308,000	455,650	
Administrative overheads (13%)	40,040	59,235	
Total	348,040	514,885	

Overall total of activities under the voluntary special trust fund	745,844	932,579
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RC-1/18: Tribute to the Government of Switzerland

The Conference of the Parties,

Having met in Geneva from 20 to 24 September 2004 at the gracious invitation of the Government of Switzerland,

Convinced that the efforts made by the Government of Switzerland and by the authorities of the city of Geneva in providing facilities, premises and other resources contributed significantly to the smooth conduct of the proceedings,

Deeply appreciative of the courtesy and hospitality extended by the Government of Switzerland and the city of Geneva to the members of the delegations, the observers and the secretariat of the Convention attending the Conference,

Expresses its sincere gratitude to the Government of Switzerland, to the authorities of the city of Geneva and, through them, to the people of Switzerland, for the cordial welcome which they accorded to the Conference and to those associated with its work and for their contribution to the success of the Convention.

Annex II

Report of the credentials committee

A. Introduction

1. In accordance with rule 19 of the rules of procedure of the Conference of the Parties, “The credentials of representatives as well as the names of alternate representatives and advisers shall be submitted to the Secretariat if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.”
2. According to rule 20 of the rules of procedure “the Bureau of any meeting shall examine the credentials and submit its report to the Conference of the Parties.”
3. The present report is submitted to the Conference of the Parties in accordance with the foregoing provisions.

B. Credentials of Parties to the first meeting of the Conference of the Parties

4. The Bureau met on 21, 22 and 24 September 2004 in order to examine credentials submitted by Parties to the Convention.
5. The Bureau had before it memoranda dated 21, 22 and 24 September 2004 from the Executive Secretaries of the Convention on the status of credentials of representatives participating in the meeting. The information contained in the memoranda is reflected below.
6. As indicated in the memoranda of the Executive Secretaries, formal credentials issued by the Head of State or Government or by the Minister of Foreign Affairs, as provided for in rule 19 of the rules of procedure, have been received for the representatives of the following sixty-three (63) Parties participating in the Conference: Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Brazil, Bulgaria, Burkina Faso, Canada, Chad, Côte d’Ivoire, Czech Republic, Democratic People’s Republic of Korea, Denmark, El Salvador, Ethiopia, European Community, Finland, France, Gambia, Germany, Ghana, Greece, Guinea, Hungary, Italy, Jamaica, Japan, Jordan, Kyrgyzstan, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mongolia, Netherlands, New Zealand, Nigeria, Norway, Oman, Republic of Korea, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Slovenia, South Africa, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and Uruguay.
7. On 22 September 2004 credentials issued by the Head of State or Government or by the Minister of Foreign Affairs, as provided for in rule 19 of the rules of procedure, have been received by facsimile or in photocopy for the representatives of the following two (2) participating in the meeting: Ecuador and Paraguay.
8. As further indicated in the memoranda of the Executive Secretaries, information concerning the appointment of representatives participating in the meeting has been communicated to the secretariat in the form of letters or notes verbales from ministries, embassies, permanent missions to the United Nations or other government offices or authorities for the representative of the following four (4) Parties participating in the meeting: Cameroon, Gabon, Mali and the United Arab Emirates.
9. The Chair of the credentials committee proposed that the Bureau should accept the credentials of all representatives mentioned in the memoranda of the executive secretaries for participation in the meeting, on the understanding that formal credentials for the representatives referred to in paragraphs 7 and 8 above would be communicated to the secretariat as soon as possible.
10. According to paragraph (b) of the decision of the Conference of the Parties taken on 20 September 2004 on the process for selecting a physical location for the secretariat of the Rotterdam

Convention, “only Parties to the Rotterdam Convention whose representatives have been duly accredited to the Meeting before the vote is scheduled to commence may participate in the vote”. According to paragraph (c) of the same decision, “a Party is duly accredited to the meeting when the credentials of its representatives have been accepted by the Conference of the Parties”. A statement made by the European Community indicated that its member States would exercise their right to vote in the case of the selection of a physical location for the secretariat. Consequently, the chair of the credentials committee proposed that credentials of the following sixty-two (62) delegations should be accepted by the Bureau for purposes of the decision on the process for selecting a physical location for the secretariat mentioned above: Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Brazil, Bulgaria, Burkina Faso, Canada, Chad, Côte d’Ivoire, Czech Republic, Democratic People’s Republic of Korea, Denmark, El Salvador, Ethiopia, Finland, France, Gambia, Germany, Ghana, Greece, Guinea, Hungary, Italy, Jamaica, Japan, Jordan, Kyrgyzstan, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mongolia, Netherlands, New Zealand, Nigeria, Norway, Oman, Republic of Korea, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Slovenia, South Africa, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Ukraine, the United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania and Uruguay.

11. The Bureau accepted the proposal and agreed to submit the present report to the Conference of the Parties for the purposes of acceptance of the credentials of representatives.

Annex III

Report of the Committee of the Whole

A. Introduction

1. The Conference of the Parties established a Committee of the Whole, chaired by Ms. Maria Celina de Azevedo Rodrigues (Brazil), Vice-President of the Conference.

B. Adoption of the rules of procedure for the Conference of the Parties (agenda item 3)

2. Mr. Alistair McGlone (United Kingdom), chair of the legal working group, reported to the Committee that there had been considerable difficulty in reaching consensus on paragraph 1 of rule 45 but that the group had agreed on text that mirrored similar rules for other multilateral environmental agreements.

3. The Committee approved the draft decision contained in document UNEP/FAO/RC/COP.1/2, as amended, and submitted it to the Conference of the Parties for its consideration and possible adoption.

C. Composition of the PIC regions (agenda item 6 (a))

4. Introducing the item, the representative of the secretariat drew the attention of the Committee to document UNEP/FAO/RC/COP.1/4, which set forth two options for the composition of the PIC regions.

5. It was reiterated that the selection of PIC regions was intended solely for the purposes of paragraph 5 of article 5.

6. The Committee decided to establish a contact group to be chaired by Mr. Lorenzo Gonzalez Videla (Argentina) to explore different options for the determination of PIC regions.

7. The contact group prepared a draft decision on the composition of the PIC regions. The Committee approved the draft decision, as amended, and submitted it to the Conference of the Parties for its consideration and possible adoption.

D. Consideration of chemicals for inclusion in Annex III (agenda item 6 (b))

8. Introducing the item, the representative of the secretariat drew attention to the secretariat's notes on the issue (UNEP/FAO/RC/COP.1/5–14). The Committee considered a draft decision prepared by the legal working group providing for the inclusion of 14 chemicals in Annex III of the Convention. The Committee approved the draft decision and submitted it to the Conference of the Parties for its consideration and possible adoption.

E. Adoption of financial rules for the Conference of the Parties and any subsidiary bodies and financial provisions governing the functioning of the secretariat (agenda item 6 (c))

9. Introducing the item, the representative of the secretariat drew attention to the secretariat's note on the issue (UNEP/FAO/RC/COP.1/16).

10. It was agreed that the legal group would consider the strictly legal aspects of the proposal regarding financial rules and procedures.

11. The Committee considered a proposal by the African group that the secretariat conduct a feasibility study on options for establishing a financial mechanism to assist developing countries to implement the Convention. The proposal received broad support from representatives of developing countries. It was suggested that interlinkages between the African group proposal and the proposal made by a regional economic integration organization on regional delivery of technical assistance be studied. It was recommended that the budget group examine the financial implications of such a

proposal. The Committee agreed that the chair of the budget group should report directly to the Conference of the Parties.

F. Establishment of the Chemical Review Committee (agenda item 6 (d))

12. Introducing the item, the representative of the secretariat drew attention to the secretariat's notes on establishment of the Chemical Review Committee (UNEP/FAO/RC/COP.1/17) and on rules and procedures for preventing and dealing with conflicts of interest relating to the activities of the Chemical Review Committee (UNEP/FAO/RC/COP.1/31).

13. The Committee decided to establish a contact group, to be chaired by Mr. Lorenzo Gonzalez Videla (Argentina), to explore different options regarding the composition and membership of the Chemical Review Committee and to consider the draft decision. Among other things, the Chair urged the contact group to take into account the budgetary implications of its recommendations. The contact group did not reach consensus on the composition the Chemical Review Committee.

14. The issue was further considered by a small group of friends of the Chair, also chaired by Mr. Gonzalez Videla. The group was requested to work specifically on the issues of the size and regional representation of the Chemical Review Committee.

15. The Committee approved the draft decision contained in document UNEP/FAO/RC/COP.1/17, as amended, and submitted it to the Conference of the Parties for its consideration and possible adoption.

G. Matters stipulated by the Convention for action by the Conference of the Parties: encouragement of the World Customs Organization to assign specific Harmonized System customs codes to the chemicals listed in Annex III (agenda item 7 (a))

16. Introducing the item, the representative of the secretariat drew attention to the secretariat's note on the item (UNEP/FAO/RC/COP.1/18). In the ensuing debate, several developing countries requested assistance in improving their knowledge of the Harmonized System and building their capacity to work with it. The Committee agreed that that issue would be discussed further under agenda item 9 (c), on the technical assistance strategy. Other representatives suggested that synergies be developed with the secretariats of other conventions also making use of the Harmonized System, such as the Montreal Protocol on Substances that Deplete the Ozone Layer.

17. The Committee approved the draft decision contained in document UNEP/FAO/RC/COP.1/18 and submitted it to the Conference of the Parties for its consideration and possible adoption.

H. Consideration of arrangements by the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations for provision of the secretariat (agenda item 7 (b))

18. Introducing the item, the representative of the secretariat drew attention to the secretariat's note on the issue (UNEP/FAO/RC/COP.1/19) and described the history of joint cooperation between FAO and UNEP, stressing that the two organizations needed to reach agreement on how they would continue to work together to perform the functions of the secretariat of the Convention in a cost-effective manner. It was difficult, however, to reach such agreement for the first meeting of the Conference of the Parties, as the physical location of the secretariat had yet to be decided. The draft decision proposed for the consideration of the Committee took that difficulty into consideration.

19. The Committee agreed that a reference to the appointment of an executive secretary to the Convention should be included in the decision. Several representatives requested the secretariat to provide examples of past practices for the appointment of executive secretaries for other multilateral environmental agreements, in order to clarify any legal questions. It was further noted that both the legal aspects and the financial implications of any proposed arrangements should be examined.

20. The Committee approved the decision, as amended and ad referendum, and submitted it to the Conference of Parties for its consideration and possible adoption.

I. Non-compliance (agenda item 7 (c))

21. Introducing the item, the representative of the secretariat drew attention to the secretariat's note on the issue, contained in document UNEP/FAO/RC/COP.1/20, and described the process used to develop procedures and institutional mechanisms for determining non-compliance.

22. The Committee noted that the text put forward was an excellent basis for negotiation and recalled that such measures were to be developed as soon as practicable. It was further noted that, to ensure effective compliance with the Convention, capacity-building measures would be necessary to ensure that countries with limited capacity would be able to comply with the Convention.

23. The Committee considered a proposal by the European Community and its member States Parties, Canada, Egypt, Japan, Norway, South Africa, and Switzerland suggesting the convening of an open-ended ad hoc working group to consider the issue of non-compliance. The Committee approved the decision on the item, as amended and ad referendum, and submitted it to the Conference of Parties for its consideration and possible adoption.

J. Settlement of disputes (agenda item 7 (d))

24. Introducing the item, the representative of the secretariat drew the attention of the Committee to the notes by the secretariat on settlement of disputes (UNEP/FAO/RC/COP.1/21) and procedures relating to the conciliation commission (UNEP/FAO/RC/COP.1/22).

25. The Committee approved the draft decisions contained in those documents and submitted them to the Conference of the Parties for its consideration and possible adoption.

K. Discontinuation of the interim PIC procedure and transitional arrangements (agenda item 8 (b))

26. Introducing the item, the representative of the secretariat drew attention to the secretariat's note on the issue (UNEP/FAO/RC/COP.1/24). He recalled that, at its eighth and ninth sessions, the Intergovernmental Negotiating Committee had established a working group to consider issues associated with the discontinuation of the interim PIC procedure. A broad range of issues had been identified, including five points identified in the annex to the aforementioned note, which is reproduced in the appendix to the present report.

27. The representative of the secretariat then presented its note on transitional arrangements (UNEP/FAO/RC/COP.1/25). He reminded participants that the Conference of Plenipotentiaries had decided that the interim PIC procedure would cease to operate on a date to be specified by the Conference of the Parties at its first meeting. The working group established by the Intergovernmental Negotiating Committee at its eighth and ninth sessions had also considered that issue, and its recommendations on the issue were contained in two draft decisions set out in document UNEP/FAO/RC/COP.1/25.

28. The Committee approved both draft decisions and submitted them to the Conference of the Parties for its consideration and possible adoption.

L. Inconsistencies within Annex III of the Rotterdam Convention and inconsistencies between Annex III and decision guidance documents (agenda item 9 (a))

29. Introducing the item, the representative of the secretariat drew attention to the secretariat's note on the issue (UNEP/FAO/RC/COP.1/26) and explained that, in the light of concerns about the inconsistencies expressed at the ninth session of the Intergovernmental Negotiating Committee, the interim Chemical Review Committee had submitted a report to the Intergovernmental Negotiating Committee at its tenth session, proposing changes to the entries in Annex III to the Convention for 2,4,5-T; pentachlorophenol; dinoseb and dinoseb salts; and methyl parathion. That proposal was before the Conference of the Parties for its consideration at the current meeting. The Committee requested the insertion of a footnote clarifying that the chemical abstract numbers provided were only those of the parent compounds.

30. The Committee approved the draft decision, as amended, and submitted it to the Conference of the Parties for its consideration and possible adoption.

M. Operational procedures for the Chemical Review Committee (agenda item 9 (b))

31. Introducing the item, the representative of the secretariat drew attention to the secretariat's note on the working procedures and guidance for the Chemical Review Committee (UNEP/FAO/RC/COP.1/27 and Add.1). The Committee noted the working procedures and guidance and requested the Conference of the Parties to refer them to the Chemical Review Committee for its consideration.

N. Technical assistance strategy (agenda item 9 (c))

32. Introducing the item, the representative of the secretariat drew attention to the secretariat's note on a proposal for the regional delivery of technical assistance to Parties (UNEP/FAO/RC/COP.1/28).

33. There was broad agreement that a programme for both regional and national delivery of technical assistance was vital to the success of the Convention. One representative suggested that the Conference of the Parties should promote the elaboration of plans similar to the national implementation plans under the Stockholm Convention.

34. Many representatives argued that the establishment of a sound financial mechanism for the Convention was essential to the success of any technical assistance programme, and one suggested that other sources of financing should be pursued, including the Global Environment Facility (GEF). The Chair pointed out that establishing a financial mechanism for the Convention would require its amendment, which, under the rules of procedure, could not be achieved at the current meeting.

35. The representative of Italy indicated that, if a decision were taken to locate the Convention secretariat in Rome and Geneva, his Government would introduce a number of projects to assist developing countries in their efforts to implement the Convention, including a seminar in February 2005 in Florence, Italy.

36. The representative of a regional economic integration organization introduced a draft decision on regional delivery of technical assistance, based on the draft decision contained in document UNEP/FAO/RC/COP.1/28. Various suggestions were made as to how the document could be further improved, including by reflecting the important role to be played by national implementation plans.

37. The Committee approved the draft decision, as amended, and submitted it to the Conference of the Parties for its consideration and possible adoption.

38. Introducing the tabular summary of costs for core and supplementary activities contained in annex IV of the note by the secretariat (UNEP/FAO/RC/COP.1/28), the representative of the secretariat explained that the costs were indicative only and that the supplementary activities had to be covered from extrabudgetary sources. FAO was financing some supplementary activities relating to technical assistance over the 2004–2005 biennium.

39. The Committee noted the information provided in annex IV.

O. Cooperation with the World Trade Organization (agenda item 9 (d))

40. Introducing the item, the representative of the secretariat drew attention to the background to the draft decision contained in the note by the secretariat (UNEP/FAO/RC/COP.1/29).

41. The representative of Canada introduced a new version of the draft decision, prepared in the light of consultation with various groups at the current meeting and taking into account many of the concerns raised about the original version. The Committee approved the draft decision, as amended, and submitted it to the Conference of the Parties for its consideration and possible adoption.

P. Activities of the secretariat and adoption of a budget (agenda item 10)

42. Introducing the item, the representative of the secretariat drew attention to the secretariat's note on the activities of the secretariat and adoption of a budget (UNEP/FAO/RC/COP.1/30 and Add.1). He said that, as currently drafted, the budget was based on the location of the secretariat in Geneva and Rome and that the budget might have to be revised in the event that the Conference decided to locate the secretariat in Bonn. He suggested that, in adopting a budget, the Conference of the Parties should do so in a manner allowing adjustment to any change in the location of the secretariat.

43. On the subject of contributions, listed in annex I to document UNEP/FAO/RC/COP.1/30, he noted that Sweden had made an additional 2004 contribution of \$20,020.

44. In response to a question about an apparent increase in 2003 expenditures over the amount that had been approved in the budget for that period, as well as an apparent increase in staff costs for 2004, he explained that those were due almost entirely to changes in the exchange rate between the dollar on the one hand and the Swiss franc and the euro on the other.

45. In response to a question about why the budget for 2005 exceeded that for 2004 and also exceeded the amount projected by the Intergovernmental Negotiating Committee by \$110,000, he explained that the most of the excess was due to costs associated with the technical assistance strategy and a slight increase in staff costs; he reiterated, however, that some of the lines in the budget might need to be adjusted in accordance with the decisions taken by the Conference of the Parties at the current meeting.

46. He expressed agreement with the suggestion made by one representative that in the future the secretariat should provide more information in its reports on matters concerning implementation of the Convention than was provided in document UNEP/FAO/RC/COP.1/30, an approach consistent with the way it had customarily reported to the Intergovernmental Negotiating Committee.

47. The Committee agreed with the suggestion that the budget format should comply with the financial rules to be adopted by the Conference of the Parties, which would require the inclusion of a complete decision text and an assessment table. The Committee also endorsed a proposal for an indicative 2006 budget that could be adjusted, on an exceptional basis, during the second meeting of the Conference of the Parties.

48. The representative of the secretariat confirmed the observation by one representative that the Convention contained no multilateral financial mechanism. He noted that the secretariat and several countries had made many efforts pursuant to article 16 of the Convention, on technical assistance, to assist developing country Parties through workshops and bilateral projects, and that making the article more effective was the thrust of item 9 (c) of the agenda for the current meeting, regarding the technical assistance strategy. He suggested that the Parties should focus efforts on trying to promote assistance under article 16, and that they should regularly assess and refine such efforts.

49. In response to an observation by several representatives that Africans appeared to be underrepresented on the secretariat staff, he pointed out that, of 43 UNEP Chemicals staff members, seven were from Africa. While less than ideal, it was the best that could be achieved to date, although the secretariat had tried hard to achieve both geographical and gender balance.

50. The African countries prepared a draft decision on the representation of developing countries, and in particular Africa, in the secretariat of the Rotterdam Convention. The Committee approved the draft decision, as amended, and submitted it to the Conference of the Parties for its consideration and possible adoption.

51. Following that discussion, the Committee decided to establish a budget group, under the chairmanship of Mr. McGlone, and a legal drafting group, under the chairmanship of Mr. Denis Langlois (Canada), to continue work on drafting the proposed decisions of the Conference of the Parties.

52. The Committee agreed that the chair of the budget group should report directly to the Conference of the Parties.

P. Adoption of the report

53. The Committee adopted its report on the basis of the draft contained in document UNEP/FAO/RC/COP.1/CW/L.1, as orally amended.

Appendix

The Conference of the Parties may wish to note its understanding of the following points in the report of its first meeting.

A. Inclusion of chemicals in Annex III to the Convention that were included in the interim PIC procedure before the date of the first meeting of the Conference of the Parties but are not yet listed in Annex III

1. That in deciding which of the chemicals identified during the interim PIC procedure are to be added to Annex III to the Convention, no distinction is made among those chemicals in terms of whether or not the States and regional economic integration organizations providing the original notifications are Parties to the Convention at the time of the first meeting of the Conference of the Parties. This is also independent of the decision that the Conference may take concerning distribution and membership of PIC regions.

B. Obligations in relation to imports of chemicals listed in Annex III

1. Chemicals that are listed in Annex III

2. That import responses for chemicals listed in Annex III of the Convention contained in PIC Circular XIX (June 2004) do not need to be resubmitted by Parties upon entry into force of the Convention for them.

2. Chemicals subject to the interim PIC procedure but not yet listed in Annex III

3. That import responses for chemicals subject to the interim PIC procedure but not yet listed in Annex III of the Convention contained in PIC Circular XIX (June 2004) do not need to be resubmitted by Parties upon entry into force of the Convention for them should the Conference of the Parties decide to include these chemicals in Annex III to the Convention.

C. Obligations in relation to exports of chemicals listed in Annex III

1. Chemicals that are listed in Annex III

4. For those Parties for which the Convention had entered into force as of 30 April 2004, PIC Circular XIX, in line with the requirements of article 10, paragraph 10, of the Convention, represented the first time that the secretariat informed all Parties of cases of failure to transmit an import response by Parties under the Convention PIC procedure.

5. For any other states or regional economic integration organizations for whom the Convention will enter into force after 30 April 2004, PIC Circular XX (December 2004) will represent the first time that the secretariat informs all Parties of cases of failure to transmit an import response for chemicals under the Convention PIC procedure.

2. Chemicals subject to the interim PIC procedure but not yet listed in Annex III

6. Parties would be given up to nine months from the date of the first meeting of the Conference of the Parties, or a date to be decided by the Conference of the Parties in its consideration of individual chemicals, to provide a response in line with article 10, paragraph 2. After that period, exporting Party obligations under article 11 would only take effect six months after the exporting Party received information from the secretariat under article 10, paragraph 10, that the importing Party had failed to transmit a response, and would then apply for one year.

D. Notifications of final regulatory action and proposals for severely hazardous pesticide formulations

7. That PIC Circular XIX (June 2004) will provide a reference point regarding the status of notifications of final regulatory actions and proposals for severely hazardous pesticide formulations submitted under the interim PIC procedure, and that the notifications and proposals contained in PIC Circular XIX do not need to be resubmitted by Parties upon entry into force of the Convention for them.

E. Notifications of final regulatory action and proposals for severely hazardous pesticide formulations submitted by non-Parties that participate in the interim PIC procedure

8. That where notifications and proposals from States and regional economic integration organizations which are not Parties to the Convention at the time of the first meeting of the Conference of the Parties have contributed to the preparation of decision guidance documents and to decisions to include chemicals in the interim PIC procedure, they will be recognized as an adequate basis for including the chemicals concerned in Annex III.

Annex IV

Documents before the Conference of the Parties at its first meeting

Symbol	Title	Agenda item	Date of issue	Languages
1	Provisional agenda	2 (b)	25 March 2004	All
1/Add.1	Annotated provisional agenda	2 (b)	24 June 2004	All
2	Adoption of the rules of procedure for the Conference of the Parties	3	17 February 2004	All
3	Achievements of the Intergovernmental Negotiating Committee	5	21 June 2004	All
4	Composition of the PIC regions	6 (a)	22 June 2004	All
4*	Composition of the PIC regions (re-issued for technical reasons)	6 (a)	13 September 2004	All
5	Inclusion of the chemical binapacryl in Annex III of the Rotterdam Convention	6 (b) (i) a	6 February 2004	All
6	Inclusion of the chemical toxaphene in Annex III of the Rotterdam Convention	6 (b) (i) b	13 February 2004	All
7	Inclusion of the chemical ethylene dichloride in annex III of the Rotterdam Convention	6 (b) (i) c	13 February 2004	All
8	Inclusion of the chemical ethylene oxide in Annex III of the Rotterdam Convention	6 (b) (i) d	13 February 2004	All
9	Inclusion of the chemical monocrotophos in Annex III of the Rotterdam Convention	6 (b) (ii) a	13 February 2004	All
10	Inclusion of the chemical DNOC and its salts in annex III of the Rotterdam Convention	6 (b) (ii) b	13 February 2004	All
11	Inclusion of hazardous pesticide formulations of dustable powder containing a combination of benomyl at or above 7 per cent, carbofuran at or above 10 per cent and thiram at or above 15 per cent in Annex III of the Rotterdam Convention	6 (b) (ii) c	13 February 2004	All
12	Inclusion of the chemicals actinolite, anthophyllite, amosite and tremolite asbestos in Annex III of the Rotterdam Convention	6 (b) (ii) d–g	13 February 2004	All
13	Inclusion of the chemicals tetraethyl lead and tetramethyl lead in Annex III of the Rotterdam Convention	6 (b) (iii) a	17 February 2004	All
14	Inclusion of the chemical parathion in Annex III of the Rotterdam Convention	6 (b) (iii) b	13 February 2004	All
15	Inclusion of the chemical chrysotile asbestos in Annex III of the Rotterdam Convention	6 (b) (iii) c	13 February 2004	All
16	Adoption of financial rules for the Conference of the Parties and any subsidiary bodies and financial provisions governing the functioning of the secretariat	6 (c)	17 February 2004	All

Symbol	Title	Agenda item	Date of issue	Languages
17	Establishment of a Chemical Review Committee	6 (d)	1 July 2004	All
18	Encouragement of the World Customs Organization to assign specific Harmonized System Custom Codes to the chemicals listed in Annex III	7 (a)	21 June 2004	All
19	Arrangements by the Executive Director of the United Nations Environment Programme and the Director-General of the Food and Agriculture Organization of the United Nations for performance of the secretariat functions for the Convention	7 (b)	22 June 2004	All
20	Non-compliance: procedures and institutional mechanisms for determining non-compliance with the provisions of the Convention and for the treatment of Parties found to be in non-compliance	7 (c)	30 June 2004	All
20/Add.1	Non-compliance: reporting on the implementation of the Convention	7 (c)	12 July 2004	All
21	Settlement of disputes: adoption of an annex with arbitration procedures	7 (d) (i)	3 March 2004	All
22	Settlement of disputes: adoption of an annex with procedures relating to the conciliation commission	7 (d) (ii)	20 February 2004	All
23	Physical location of the secretariat	8 (a)	21 June 2004	All
24	Discontinuation of the interim prior informed consent procedure	8 (b)	6 July 2004	All
25	Matters stipulated by the conference of plenipotentiaries for action by the Conference of the Parties at its first meeting: transitional arrangements	8 (b)	6 July 2004	All
26	Inconsistencies within Annex III of the Rotterdam Convention and inconsistencies between Annex III and decision guidance documents	9 (a)	9 March 2004	All
27	Working procedures and guidance for the consideration of the Chemical Review Committee	9 (b)	29 June 2004	All
27/Add.1	Working procedures and guidance for the consideration of the Chemical Review Committee	9 (b)	18 September 2004	All
28	Matters recommended by the Intergovernmental Negotiating Committee for action by the Conference of the Parties at its first meeting: proposal for the regional delivery of technical assistance to Parties	9 (c)	16 July 2004	All
29	Cooperation with the World Trade Organization	9 (d)	21 June 2004	All
30	Activities of the secretariat and adoption of a budget	10	19 July 2004	All
30/Add 1	Activities of the secretariat and adoption of a budget	10	6 September 2004	All

Symbol	Title	Agenda item	Date of issue	Languages
31	Rules and procedures for preventing and dealing with conflicts of interest relating to the activities of the Chemical Review Committee	6 (d)	21 June 2004	All
32	Physical location of the secretariat	8 (a)	20 July 2004	All
INF/1	Status of ratification of the Rotterdam Convention as of 1 September 2004	12	16 September 2004	English only
INF/2	Status of designated national authorities	12	15 September 2004	English only
INF/5	Physical location of the secretariat	8 (a)	24 June 2004	English only
INF/5 Add 1	Physical location of the secretariat	8 (a)	22 July 2004	All
INF/5 Add 2	Physical location of the secretariat	8 (a)	26 July 2004	All
INF/6	Physical location of the secretariat	8 (a)	24 June 2004	English only
INF/6 Add 1	Physical location of the secretariat	8 (a)	24 June 2004	English only
INF/6 Add 2	Physical location of the secretariat	8 (a)	29 June 2004	All
INF 6 Add 3	Physical location of the secretariat	8 (a)	10 September 2004	All
INF/8	Cooperation with the World Trade Organization	9 (d)	30 August 2004	English only
INF/9	Cooperation with the World Customs Organization	7 (a)	13 September 2004	English only
INF/10	Documents before the Conference of the Parties at its first meeting		20 September 2004	English only