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INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN
INTERNATIONAL LEGALLY BINDING INSTRUMENT
FOR IMPLEMENTING INTERNATIONAL ACTION ON
CERTAIN PERSISTENT ORGANIC POLLUTANTS

Third session

Geneva, 6-11 September 1999

Item 2 (c) of the provisional agenda*

REPORT OF THE CRITERIA EXPERT GROUP FOR
PERSISTENT ORGANIC POLLUTANTS

Estimated time-frames and costs for a proposed procedure for identifying
additional persistent organic pollutants as
candidates for future international action

Note by the secretariat

INTRODUCTION

1. At its second session, held in Vienna from 14 to 18 June 1999, the Criteria Expert Group for Persistent Organic Pollutants adopted a proposal for a procedure for identifying additional persistent organic pollutants as candidates for future international action. In paragraph 26 of the report of the second session (UNEP/POPS/INC/CEG/2/3), the Criteria Expert Group stated:

"To facilitate an informed discussion in the Intergovernmental Negotiating Committee on the issue of procedures, the Criteria Expert Group requested the secretariat to prepare, for the Committee at its third session, an information document on the likely time-frames and financial implications of the proposed procedure."

I. TIME-FRAMES

2. Attention is drawn to the proposed procedure contained in the draft article F as outlined in annex I of the report of the Criteria Expert Group on the work of its second session (UNEP/POPS/INC/CEG/2/3). The draft was

* UNEP/POPS/INC.3/1.

used as a starting point to identify the different steps in the procedure. As currently formulated, however, draft article F does not contain specific agreed time limits for the different steps and activities.

3. The secretariat has prepared a flow chart which further illustrates the proposed procedure and probable time-frames. The flow chart is attached in the annex to the present note.

4. A proposed POPs review committee is referred to in annex I to document UNEP/POPS/INC/CEG/2/3. Those paragraphs were based on corresponding paragraphs in the article on the Conference of the Parties in the recently adopted Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and slightly, modified for the POPs procedure to fit the current context.

5. According to the proposed procedure in annex I to document UNEP/POPS/INC/CEG/2/3, a proposed substance would be reviewed by the POPs review committee at least four times. Information would be requested and collected from all Parties and observers at three different stages in the procedure. The secretariat would be requested twice during the procedure to collect further information before forwarding it the POPs review committee.

6. A proposal by a Party for a substance to be listed in one or more of the annexes to the Convention might be submitted at any time in the period between meetings of the review committee.

7. When the proposal had been received, the secretariat should have sufficient time to verify whether the proposal fulfilled the requirements in Annex D and to forward it to the POPs review committee. At the second session of the Criteria Expert Group, a period of six months was suggested, but no agreement was reached on that point.

8. With one meeting per year of the POPs review committee, a period of 6-18 months would be required before a proposal from a Party would be reviewed by the Committee for the first time. After that it would pass through the POPs review committee three more times before submission of the final report to the Conference of the Parties.

9. The listing of a substance in one or more of the annexes to the future POPs convention would constitute an amendment to the convention. Under existing those global environmental agreements, the text of any amendment to the agreements must to be circulated to all Parties six months in advance of the meeting at which it is proposed to discuss and, as appropriate, approve that amendment.

10. For purposes of the present note, it has been assumed that the POPs review committee would meet inter-sessionally, i.e., between meetings of the Conference of the Parties. If the review committee decides to recommend a substance to be listed in one or several of the annexes to the convention, this is tantamount to an amendment to the convention. It follows that the Conference of the Parties must be informed of the proposed amendment,

including the actual text, at least six months before the meeting at which a decision is supposed to be taken. This requirement places severe restrictions on the date on which the review committee might meet in relation to the Conference of the Parties, in order to avoid unnecessary delays.

11. With a frequency of meetings for the review committee of one per year and with four passages of a proposal through the Committee before it may be submitted to the Conference of the Parties, it would take, at a minimum, three and half years before a proposal could be forwarded to the Conference of the Parties.

12. With a frequency of meetings of the Conference of the Parties of one per year, it would take a period of 6-18 months from the finalization of the review committee report before a meeting of the Conference of the Parties could decide on a proposed substance.

13. When a decision had been taken by the Conference of the Parties, the amendment would have to be ratified by a qualified majority (to be determined later) of Parties before it could enter into force.

14. The whole procedure, from the nomination of a substance by a Party to the listing of a substance in one or more of the annexes to the Convention by the Conference of the Parties, might take from four to six years to complete by the shortest route possible. Any obstacle to the process, such as the lack of specific, critical data needed adequately to assess a certain substance, would delay it significantly.

II. ESTIMATED DIRECT COSTS FOR THE POPS REVIEW COMMITTEE: MEETING COSTS

15. The annual direct costs for the review committee are contingent on the size of the Committee, its terms of reference, rules of procedure (including languages, financial support to participants from developing countries, etc.) and the frequency and duration of meetings.

16. Secretariat work in support of the meetings of the review committee involves planning and servicing of the meetings, preparing analytical documents to assist the discussions on the various agenda items and, as appropriate, preparing assessment documents.

17. The following tables present cost estimates for two different examples. The first is based on the established Interim Chemical Review Committee agreed to by the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on certain Persistent organic Pollutants at its sixth session. In that model, there would be one meeting per year of five days duration, with a total of 29 government-designated experts, of which 20 would be designated from developing countries or countries with economies in transition and for whose travel and subsistence financial assistance would have to be provided. The meeting would be held in English only, but with meeting documents translated into all six official languages.

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18. Table 1 gives a preliminary estimate of the costs directly related to convening a five-day meeting of the proposed POPs Review Committee, for the PIC procedure based on cost estimates for the Interim Chemicals Review Committee. As the POPs Review Committee has not yet been discussed by the Intergovernmental Negotiating Committee, its composition and terms of reference are still purely conjectural and the estimate may change accordingly.

Table 1

COST ESTIMATE FOR A FIVE-DAY MEETING OF THE PROPOSED POPs REVIEW COMMITTEE
BASED ON COST ESTIMATES FOR THE ESTABLISHMENT OF THE INTERIM
CHEMICALS REVIEW COMMITTEE FOR THE PIC PROCEDURE

	Estimated cost (US dollars)
Conference servicing, including preparation of meeting documents, translation, reproduction and dispatch, and reporting	\$72,000.00
Travel and subsistence support to 20 participants from developing countries and countries with economies in transition	\$70,000.00
TOTAL	\$142,000.00

19. The second example is based on the recent second session of the Criteria Expert Group for POPs. The group met for five days in six languages, and with pre-, in- and post-session translation of meeting documents.

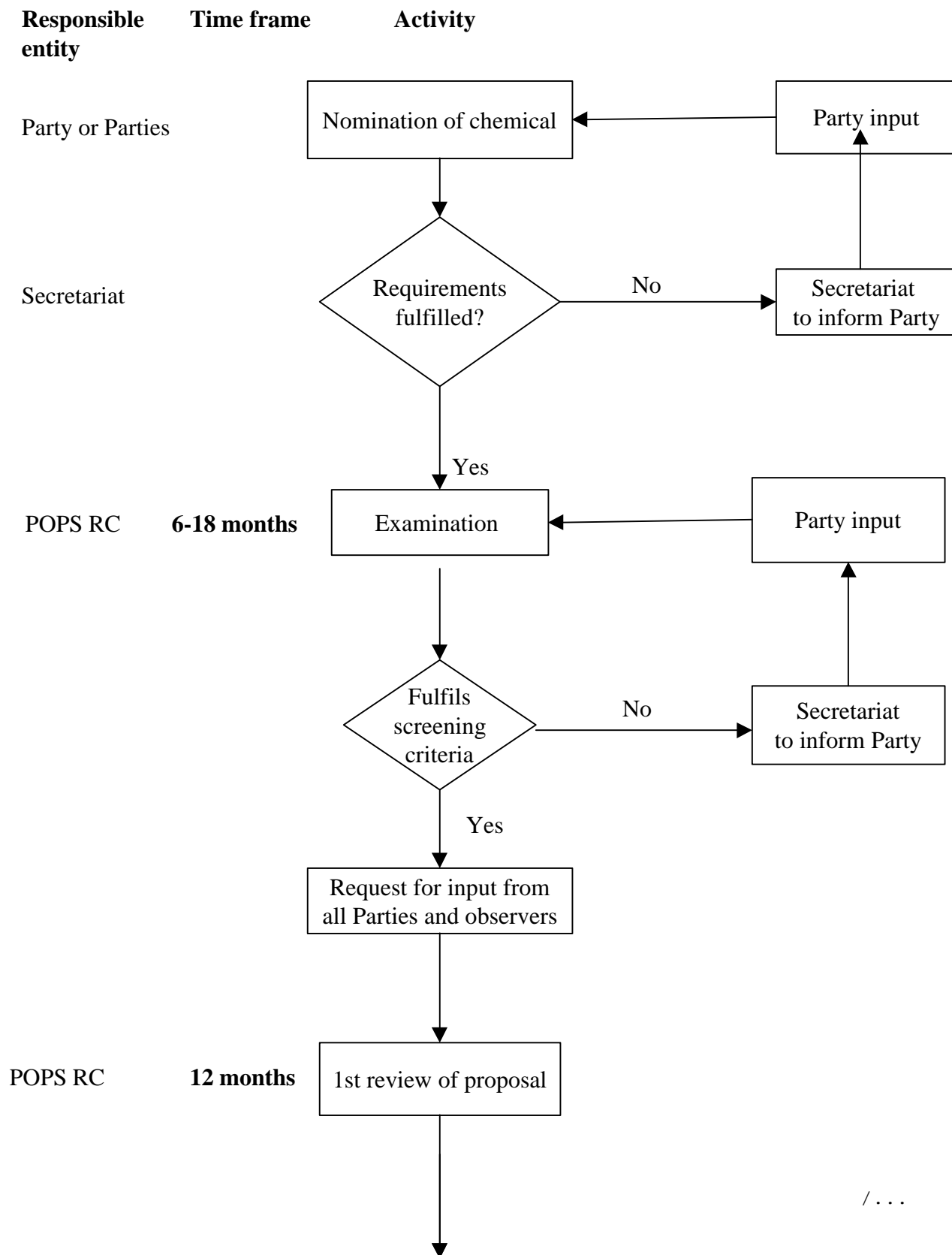
Table 2

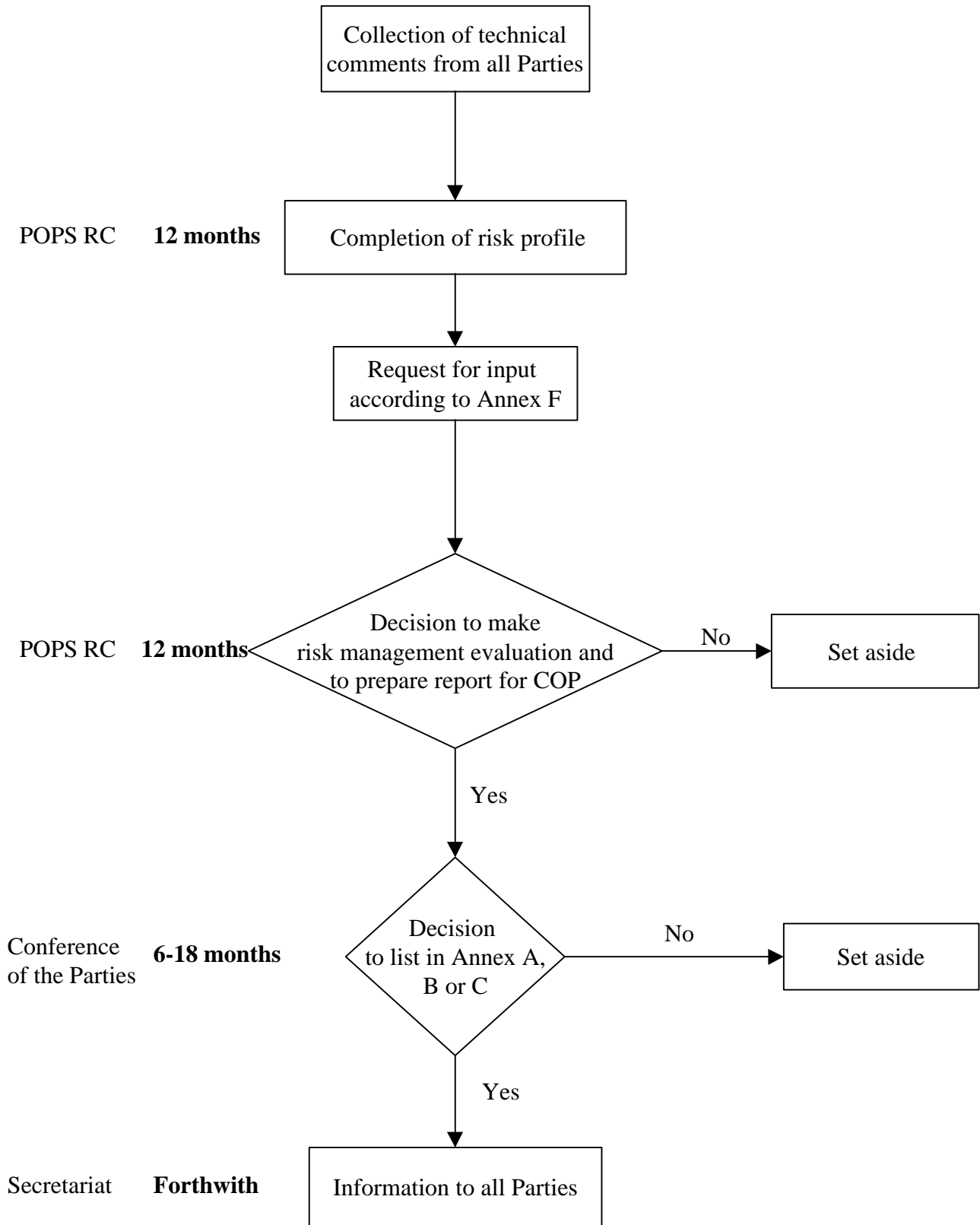
COST ESTIMATE FOR A FIVE-DAY MEETING OF THE PROPOSED POPs REVIEW COMMITTEE
BASED ON COST ESTIMATES FROM THE SECOND SESSION
OF THE CRITERIA EXPERT GROUP

	Estimated Cost (US dollars)
Conference servicing, including the preparation of meeting documents, translation, simultaneous interpretation, reproduction and dispatch, and reporting	\$183,000.00
Travel and subsistence support to 28 participants from developing countries and countries with economies in transition	\$100,000.00
TOTAL	\$283,000.00

Annex

FLOW CHART FOR THE PROPOSAL OF THE CRITERIA EXPERT GROUP AT ITS SECOND SESSION
ON PROCEDURES FOR IDENTIFYING ADDITIONAL PERSISTENT ORGANIC POLLUTANTS AS
CANDIDATES FOR FUTURE INTERNATIONAL ACTION WITH TIME LINES





**Total time:
48-72 months**
