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

Seventh session

Geneva, 14-18 July 2002

Item 5 of the provisional agenda*

Preparations for the Conference of the Parties

**BRIEF DESCRIPTION AND DRAFT TERMS OF REFERENCE FOR THE
PERSISTENT ORGANIC POLLUTANTS REVIEW COMMITTEE****

Note by the secretariat

1. Paragraph 6 of article 19 of the Stockholm Convention on Persistent Organic Pollutants begins with the words: "The Conference of the Parties shall, at its first meeting, establish a subsidiary body to be called the Persistent Organic Pollutants Review Committee for the purposes of performing the functions assigned to that Committee by this Convention." Subparagraph 6 (b) of the article states that "The Conference of the Parties shall decide on the terms of reference, organization and operation of the Committee".
2. In paragraph 5 of resolution 1, on interim arrangements, adopted by the Conference of Plenipotentiaries on the Stockholm Convention on Persistent Organic Pollutants, held in Stockholm on 22 and 23 May 2001, the Intergovernmental Negotiating Committee was invited to recommend draft rules of procedure, composition and operational guidelines for the functioning of the subsidiary body to be established under paragraph 6 of article 19 of the Convention for consideration by the Conference of the Parties at its first session. The text of the resolution may be found in appendix I to the report of the Conference (UNEP/POPS/CONF/4).
3. At its sixth session, the Intergovernmental Negotiating Committee established an open-ended contact group to consider issues relating to the terms of reference, operational guidelines and rules of procedure for the Persistent Organic Pollutants Review Committee. The report of the contact group is contained in

* UNEP/POPS/INC.7/1.

** Stockholm Convention on Persistent Organic Pollutants, article 19; Conference of Plenipotentiaries on the Stockholm Convention, resolution 1, paragraph 5 (in document UNEP/POPS/CONF/4, appendix I); report of the Intergovernmental Negotiating Committee on its sixth session (UNEP/POPS/INC.6/22), para. 102 and annex V.

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annex V to the report of the Intergovernmental Negotiating Committee on its sixth session. The Committee took note of the report of the contact group and requested the secretariat to use it as a basis for proposing a brief description and draft terms of reference for a subsidiary body to review candidate persistent organic pollutants for further consideration by the Committee at its seventh session.

4. In response to that request the secretariat has developed the following brief description:

“Pursuant to paragraph 6 of article 19 of the Stockholm Convention on Persistent Organic Pollutants, the Persistent Organic Pollutants Review Committee will be a subsidiary body of the Conference of the Parties, to be established by the Conference of the Parties at its first meeting. The Committee will perform the functions assigned to it under article 8 of the Convention. The Committee will examine information submitted by Parties in support of a proposal for listing of a chemical in annexes A, B or C of the Convention, based on the screening criteria specified in annex D. A screening evaluation of this information will be prepared by the Committee. This will be communicated to all Parties and observers, who will be invited to submit information specified in annex E. For each candidate that meets the screening criteria, a draft risk profile will then be prepared and considered by the Committee. For a chemical that it deems to be likely, as a result of long-range transport, to lead to significant adverse human health or environmental effects such that global action is warranted, the Committee will also request from Parties and observers further information on social and economic factors specified in annex F. The Committee will subsequently discuss options for measures and prepare a draft report for the Conference of the Parties that will include recommendations for listing the chemical in annexes A, B or C of the Convention.”

5. Also in response to the request referred to in paragraph 3 above, the secretariat has developed draft terms of reference for the Persistent Organic Pollutants Review Committee, which are annexed to the present note. The secretariat estimates that the cost of convening a session of a review committee of the type suggested in annex to the present note would be approximately \$150,000.

AnnexDraft terms of reference for the Persistent Organic Pollutants Review CommitteeA. Mandate

1. The Persistent Organic Pollutants Review Committee (hereinafter referred to as the “Committee”) is a subsidiary body to the Conference of the Parties of the Stockholm Convention on Persistent Organic Pollutants established in accordance with paragraph 6 of article 19 of the Convention. The Committee shall perform the functions assigned to it by article 8 of the Convention.

B. Membership

2. The members of the Committee shall be appointed by the Conference of the Parties. [When appointing the members, the Conference of the Parties shall give due consideration to the principle of equitable geographical distribution.]
3. The Committee shall consist of [30-40 members] [35 members. Each of the five United Nations regions shall be represented by seven members].
4. Members of the Committee shall be Government-designated experts in chemicals assessment or management, pursuant to paragraph 6 (a) of article 19 of the Convention.
5. When designating experts in accordance with paragraph 3 above, Parties shall have due regard to a balance between different types of expertise, and ensure that expertise in health and environment is represented. Parties shall provide curricula vitae, to be submitted to the Conference of the Parties, for experts designated in accordance with paragraph 3.
6. At its first meeting, the Conference of the Parties shall appoint half the members for three terms, and half the members for four terms.^a Members appointed at the fourth and subsequent meetings of the Conference of the Parties shall not serve more than two consecutive terms. For the purpose of the present terms of reference, “term” means the period that begins at the end of one ordinary meeting of the Conference of the Parties and ends at the end of the next ordinary meeting of the Conference of the Parties.^b

C. Invited experts

7. The Committee may invite additional experts who are not members of the Committee, as needed, to support it in its work. Those experts shall be selected according to criteria established by the Committee.
8. A roster of experts shall be established. Parties may designate experts to that roster, e.g., for areas of expertise or specific substance knowledge. The Committee should draw the experts which it invites from the roster. If specific expertise is not available for a certain issue from amongst the experts on the roster, the Committee may identify other experts as necessary.
9. Members of the Committee may invite experts to take part in the meetings of the Committee, as appropriate.

^a Should the Conference of the Parties decide that the Committee shall consist of an odd number of members, e.g., 35, in paragraph 3, above, then the first sentence of paragraph 6 will need to indicate more specifically how many members are to be appointed for three terms and how many members are to be appointed for four terms.

^b According to paragraph 1 of rule 4 of the draft rules of procedure of the Conference of the Parties and its subsidiary bodies, contained in annex III to document UNEP/POPS/INC.6/22, “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”.

D. Observers

10. The Committee shall be open to observers, including experts from Parties which are not represented by a member of the Committee.

11. The Committee shall invite experts from Parties that have submitted proposals for listing a chemical in annexes A, B or C of the Convention as observers to its meetings where the chemical is discussed.

E. Conflict of interest

12. The Conference of the Parties shall decide on conflict-of-interest issues for the members of the Committee.

13. The Committee shall decide on conflict-of-interest issues for experts invited to take part in the work of the Committee.

14. For experts from industry and other non-governmental organizations, the Committee shall identify through conflict-of-interest procedures where any potential conflict of interest lies in order to decide on their participation.

F. Confidentiality of data

15. In handling confidential information, the Committee shall ensure that paragraph 5 of article 9 of the Convention is respected. The Committee shall establish confidentiality arrangements as a matter of priority.

G. Officers of the Committee

16. The Committee shall elect from among its members [a president and a vice-president] [two co-chairs].

H. Administrative and procedural matters

17. The Committee shall apply, mutatis mutandis, the rules of procedure of the Conference of the Parties, taking into account paragraphs 4 to 8 of article 8 of the Convention.

I. Work plan

18. The Committee shall work in an efficient and timely manner and shall set priorities on chemicals as needed with regard to its workload. For each chemical under consideration the Committee shall establish a work plan with time frames. Work plans shall be flexible and determined by the workload and by the need to acquire information from all stakeholders. The Committee shall submit its work plan to the Conference of the Parties on a regular basis.

J. Meetings

19. The secretariat, in consultation with the officers of the Committee, shall prepare a provisional agenda for each meeting of the Committee. The provisional agenda shall be communicated to all participants in the Conference of the Parties at least six weeks before the opening of the Committee meeting.

20. The Committee should meet once a year, subject to availability of funds and work requirements. The meetings shall take place between meetings of the Conference of the Parties and be so scheduled that proposals for listing chemicals can go forward to the next meeting of the Conference of the Parties.

21. The Committee shall establish operational procedures for the distribution of documents to its meetings, in addition to the rules of procedure of the Conference of the Parties as applied to the Committee. Technical documents shall be distributed three months in advance of its meetings.

22. The Committee shall prepare the risk profiles and risk management evaluations for its meetings. Members of the Committee may lead the preparation of such documents, drawing in the first instance upon existing peer-reviewed material. The nominating Party or Parties may facilitate the process by submitting a proposal for listing of a chemical together with a draft risk profile and a draft risk management evaluation.

23. The Committee shall establish operational procedures to facilitate the establishment of ad hoc working groups, such as chemical-specific groups during meetings, and also to work intersessionally to support the expeditious work of the Committee. Such groups shall be chaired by at least one member of the Committee and may consist of members of the Committee as well as experts selected by the Committee. The establishment of formal subcommittees shall be avoided.

K. Language of meetings

24. The working language of the Committee, of its working groups and of documents shall be English.

25. The reports of Committee meetings shall be available in the six official United Nations languages.

L. Recommendations and reports to the Conference of the Parties

26. Recommendations to list chemicals in annexes A, B or C of the Convention shall be made by the Committee to the Conference of the Parties.

27. The Committee may make recommendations to the Conference of the Parties on its own functioning and operational procedures.

28. Reports by the Committee shall be publicly available and easily accessible. Any recommendation from the Committee shall provide the reasons for the decision, as well as dissenting views.

29. Decisions, recommendations and meeting reports of the Committee shall be available as meeting documents of the Conference of the Parties in the six official languages of the United Nations.

M. Budget

30. Financial support, i.e., travel and daily subsistence allowance, shall be made available to Committee members from developing countries and countries with economies in transition for participation in meetings of the Committee according to normal United Nations practice. The same conditions shall apply, subject to available resources, for invited experts from developing countries and countries with economies in transition.
