

Committee on Trade and Environment

RECENT DEVELOPMENTS IN MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAS)

Note by the Secretariat

I. INTRODUCTION

1. This Note provides Members of the Committee on Trade and Environment (CTE) with an update of the recent developments in two multilateral environmental agreements:

- Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. The Sixth Session of the Intergovernmental Negotiating Committee (INC) was held in Rome, Italy from 12 to 16 July 1999. The Seventh Session of the INC will be held in Geneva, Switzerland in September-October 2000. Information on this agreement was provided to the CTE by the Secretariat of UNEP Chemicals (IRPTC) at the MEA Information Session of 23 July 1998.¹
- Draft International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants (POPs). The Third Session of the Intergovernmental Negotiating Committee was held in Geneva from 6 to 11 September 1999. The Fourth Session of the INC will be held from 20 to 25 March 2000 in Bonn, Germany. Information, which includes the chemicals, pesticides and by-products that are listed as POPs, and the objective of the draft instrument, was provided to the CTE by the Secretariat of UNEP Chemicals (IRPTC) at the MEA Information Session of 23 July 1998.²

II. PRIOR INFORMED CONSENT CONVENTION (PIC)

2. The PIC Convention is a new multilateral environmental agreement, negotiated under the auspices of both the United Nations Environment Programme and the Food and Agriculture Organization.

3. The text of the PIC Convention was finalized at the Fifth INC³, and it was adopted at a Conference of Plenipotentiaries in Rotterdam, Netherlands on 10 September 1998. The Convention was open for signature at UN Headquarters in New York from 12 September 1998 to 10 September 1999. It will enter into force once 50 States have ratified it. As the Convention is not in force, it is operating on an interim basis through the INC. At the time of the Sixth INC, 63 countries had signed the Convention. There were no trade-related developments at the Sixth Session of the INC.

¹ Members may consult WT/CTE/W/91 (20 July 1998).

² Members may consult WT/CTE/W/91 (20 July 1998) beginning at page 5.

³ See document UNEO/FAO/PIC/INC.5/3 (17 March 1998) for the text of the Convention, which is available at the WTO Secretariat for consultation. The Articles of that Convention which are relevant for Members may also be consulted in document WT/CTE/W/86 (8 July 1998).

III. DRAFT PERSISTANT ORGANIC POLLUTANTS INSTRUMENT (POPs)⁴

A. CERTAIN ARTICLES CONTAINED IN THE PRELIMINARY DRAFT TEXT⁵

4. Article D, paragraph 1 was revised at the Third Session of the INC. In the Report of the Third Session, paragraph 46 states "A number of representatives spoke in favour of a ban on imports and exports of POPs. Some representatives pointed out that draft Article D should conform to relevant existing international trade treaties. Similar references were made to environmental treaties, such as the Rotterdam and Basel conventions. Many representatives maintained that an exception should be made for transboundary movements of POPs intended for destruction or disposal, with the proviso that such movements should be undertaken in an environmentally sound manner."

ARTICLE D: MEASURES TO REDUCE OR ELIMINATE RELEASES

Prohibition of the production and use of certain persistent organic pollutants

1. [Subject to the accessibility of financial and technical assistance,] each Party shall [prohibit] [prohibit [and] [or] take [other] [the] legal measures necessary to eliminate] [take the legal measures necessary to eliminate], the production[, import, export] and use of the chemicals listed in Annex A (Elimination), in accordance with the provisions in that Annex.

[1 *bis*. Each Party shall ensure that chemicals listed in Annex A, once their production and use have been banned, shall not be exported or imported except for the purpose of environmentally sound [destruction] [or] [disposal].]

⁴See documents UNEP/POPS/INC.1/7, UNEP/POPS/INC.2/6 and UNEP/POPS/INC.3/4 for a report of the First, Second and Third Sessions of the INC. These documents are available at the WTO Secretariat for consultation.

⁵Two Articles (J and K) on Technical Assistance, and Financial Resources and Mechanisms, are still to be developed. In the Report of the Third Session, paragraphs 87 to 89 state that: "A few representatives suggested that existing bilateral, multilateral and regional funding schemes could be used at the outset but that a new mechanism should be established once the instrument came into force ... Some representatives welcomed the suggestion that GEF should act as a financial mechanism in that regard. Some others and regional groups expressed concern about the ability of the GEF to fulfil that role."

The Implementation Aspects Group will develop a proposed consolidated text for Article J and K for review at the fourth Session. All other Articles reported in WT/CTE/W/112 (10 May 1999) were not revised at INC 3.