



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

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

Seventh meeting

Geneva, 4–15 May 2015

Item 5 (a) of the provisional agenda*

Matters related to the implementation of the Convention: status of implementation

Responses received from parties to the questionnaire on paragraph 2 (c) of Article 11 and on Article 12

Note by the Secretariat

I. Introduction

1. As referred to in the note by the Secretariat on a proposal on ways of exchanging information on exports and export notifications (UNEP/FAO/RC/COP.7/5), the Secretariat sent out a questionnaire on paragraph 2 (c) of Article 11 and on Article 12 to parties to facilitate the provision of information for consideration by the Conference of the Parties at its seventh meeting.
2. The responses from parties are summarized below. Annex I to the present note contains a copy of the questionnaire. Annex II contains a compilation of information based on the responses from parties to the questionnaire. The present note, including its annexes, has not been formally edited.

II. Background

3. Paragraph 2 of Article 11 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade sets out the obligations and conditions relating to the export of chemicals listed in Annex III to the Convention in exceptional circumstances when an importing party has failed to transmit an import response or has transmitted an interim response that does not contain an interim decision. Paragraph 2 (c) of Article 11 provides that such exports can take place if explicit consent to the import has been sought and received by the exporter through a designated national authority of the importing party. Furthermore, the importing party is required to respond to such a request within 60 days and to promptly notify the Secretariat of its decision.
4. Article 12 of the Rotterdam Convention sets out the provisions pertaining to export notifications of a banned or severely restricted chemical, including requirements for their transmission and acknowledgement of receipt.
5. The Conference of the Parties at its sixth meeting considered a proposal on ways of exchanging information on exports and export notifications set out in a note by the Secretariat.

* UNEP/FAO/RC/COP.7/1.

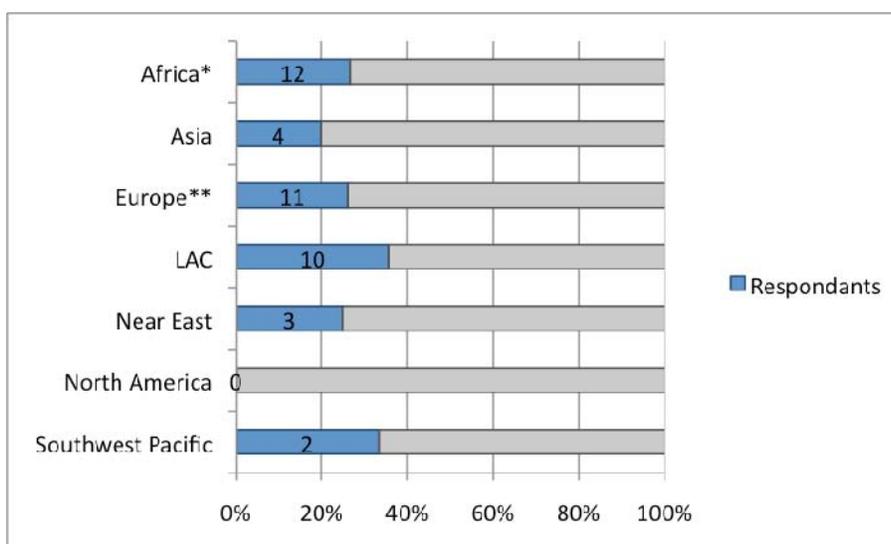
(UNEP/FAO/RC/COP.6/5). In decision RC-6/2, on exchanging information on exports and export notifications, the Conference of the Parties requested the Secretariat to prepare questionnaires for the collection of the information indicated in paragraphs 6 and 7 of the note by the Secretariat and invited parties to gather such information and to complete the questionnaires using that information. The Conference of the Parties also requested the Secretariat to compile the information received from parties and prepare a report on the information for consideration by the Conference of the Parties at its seventh meeting.

6. In response to the request in decision RC-6/2, the Secretariat prepared a questionnaire on paragraph 2 (c) of Article 11 and on Article 12, contained in annex I to this document. The questionnaire was sent out to the parties electronically on 28 February 2014 to facilitate provision of information by 31 April 2014.

III. Parties and observers that responded to the questionnaire

7. A total of 41 responses were received from parties (27% of all parties) and one response from an observer (Central African Republic). The regional distribution of the responses is provided in Figure 1. The parties that responded were Antigua and Barbuda, Australia, Bosnia and Herzegovina, Brazil, Burundi, Chad, Chile, China, Colombia, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Democratic Republic of the Congo, Ecuador, El Salvador, European Union, Georgia, Hungary, Japan, Kyrgyzstan, Latvia, Lesotho, Madagascar, Mali, Mauritius, Mongolia, Morocco, Oman, Panama, Philippines, Poland, Qatar, Republic of Moldova, Saint Kitts and Nevis, Serbia, Suriname, Switzerland, The former Yugoslav Republic of Macedonia, Togo and the United Republic of Tanzania.

Figure 1: Distribution of responses to the questionnaire by PIC regions



Note: * Including one observer country,

** Including 4 EU member parties that responded individually

IV. Countries that have established procedures for the control of chemicals

Question 1: What procedures are established in your country for the control of exports of chemicals listed in Annex III to the Rotterdam Convention under those exceptional circumstances where an importing party has failed to transmit an import response or has transmitted an interim response that does not contain an interim decision?

8. Sixteen parties (38% of the responses) reported having implemented procedures for the control of exports in their territories: Australia, Bosnia and Herzegovina, China, Croatia, Ecuador, European Union, Georgia, Hungary, Japan, Latvia, Mauritius, Poland, Republic of Moldova, Serbia, Switzerland and the United Republic of Tanzania. The information provided by these parties is reproduced in table 1 in annex II. Four additional parties reported that procedures were being developed or reviewed.

9. Seven parties reported that they were not producers or exporters of Annex III chemicals in their territories and that they did not have procedures established for export control. Fifteen responses contained either answers indicating that there was no information available or ambiguous information. Of those, 10 parties stated that they did not produce or export Annex III chemicals.

V. Implementation of the provisions related to export notifications

Question 2 (i): *To what extent has paragraph 2 of Article 11 of the Convention been applied in your country as the basis for export within the one-year period provided in that paragraph?*

10. Five parties (12% of the responses), Australia, Ecuador, European Union, Serbia and Switzerland reported on exports procedures implemented in line with the requirements of paragraph 2 of Article 11 of the Convention. Four of those five parties reported that paragraph 2 of Article 11 of the Convention had been applied as a basis for exports after the one-year period. One party reported that such cases had not occurred in its country. The information is reproduced in table 2 in annex II.

11. Twenty-two parties reported that paragraph 2 of Article 11 of the Convention was not applicable to their national situation because they did not export chemicals.

12. Seven parties reported that paragraph 2 of Article 11 was not applied because such cases had not occurred or the procedures were still being developed.

13. Eight responses contained either answers indicating that there was no information available or ambiguous information.

Question 2 (ii): *To what extent has paragraph 2 of Article 11 of the Convention been applied in your country as the basis for export after the expiration of the one-year period provided in that paragraph?*

14. Five parties (Australia, Bosnia and Herzegovina, European Union, Serbia and Switzerland) reported on procedures established for export after the expiration of the one-year period provided in paragraph 2 of Article 11. The information provided in those responses is reproduced in table 3 in annex II.

15. Thirty-seven parties reported that paragraph 2 of Article 11 of the Convention was not applicable to their national situation because such cases had not occurred or the information was not available.

VI. Exporting country information on export notifications

Question 3: Exports

- i. If your country has banned or severely restricted chemicals that are exported to other parties, what are the number of export notifications and the names of the related chemicals that your country has sent, having exported any of these chemicals to other parties?*
- ii. What is the number of acknowledgements of exports your country has received from importing parties?*

16. Thirty-three parties (79% of the responses) provided information on the number of export notifications sent and acknowledgments received. Of the those responses six parties (Australia, Ecuador, European Union, Japan, Serbia and Switzerland) reported the number of notifications sent and acknowledgments received, and the chemicals to which they related (see table 4 in annex II). The total number of export notifications that these parties reported to have sent was 3326, while the total number of acknowledgments received was 2245. However, the reporting periods were not the same in some cases, therefore no accurate annual estimate could be derived. From the total numbers indicated, the rate of confirmation of receipt in response to export notifications was about 67%.

17. Twenty-three respondents reported that they had not sent any notification. In some cases they indicated that they were not producers, nor exporters, or that the information request was not applicable to their national situation. Additionally, some EU member countries referred to the European Database of Export and Import of Dangerous Chemicals (EDEXIM) for detailed information.

18. Nine responses reported that the information was not available or the answers they provided were ambiguous.

VII. Importing country information on export notifications

Question 3: Imports

- iii. *If your country receives imports of chemicals from other parties, what is the number of export notifications that have been received by your country and the names of the related chemicals?*
- iv. *What is the number of acknowledgements of export notifications sent by your country to the exporting Party?*

19. Thirty-seven parties (88% of responses) provided information on the number of export notifications received and acknowledgements sent (table 5 in annex II). Two of them, Chad and Suriname, reported that they had not receive any import notification. The EU and three of the four EU member countries that reported individually referred to the European Database of Export and Import of Dangerous Chemicals (EDEXIM) for detailed information. Some importing parties also reported having received explicit consent requests from exporting parties.

20. The total number of export notifications that the parties reported to have received was 1557 and the total number of acknowledgements sent was 1491. However, the reporting periods were not the same in some cases, therefore no accurate annual estimate could be derived. From the total numbers indicated, the rate of confirmation of receipt in response to export notifications was about 96%.

21. Five responses reported that the information was not available or the answers they had provided were ambiguous.

Annex I

Questionnaire on paragraph 2 (c) of Article 11 and on Article 12

Name of country:

Name and title of DNA or DNAs:

Question 1

What procedures are established in your country for the control of exports of chemicals listed in Annex III to the Rotterdam Convention under those exceptional circumstances where an importing Party has failed to transmit an import response or has transmitted an interim response that does not contain an interim decision?

Question 2

Paragraph 2 of article 11 of the Convention states: *Each Party shall ensure that a chemical listed in Annex III is not exported from its territory to any importing Party that, in exceptional circumstances, has failed to transmit a response or has transmitted an interim response that does not contain an interim decision unless:*

- (a) *It is a chemical that, at the time of import, is registered as a chemical in the importing Party; or*
- (b) *It is a chemical for which evidence exists that it has previously been used in, or imported into, the importing country and in relation to which no regulatory action to prohibit its use has been taken; or*
- (c) *Explicit consent to the import has been sought and received by the exporter through a designated national authority of the importing Party. The importing Party shall respond to such a request within sixty days and shall promptly notify the Secretariat of its decision.*

The obligations of exporting Parties under this paragraph shall apply with effect from the expiration of a period of six months from the date on which the Secretariat firsts informs the Parties, in accordance with paragraph 10 of Article 10, that a Party has failed to transmit a response or has transmitted an interim response that does not contain an interim decision, and shall apply for one year.

Please provide information on:

- i. To what extent has paragraph 2 of Article 11 of the Convention been applied in your country as the basis for export within the one-year period provided in that paragraph?
- ii. To what extent has paragraph 2 of Article 11 of the Convention been applied in your country as the basis for export after the expiration of the one-year period provided in that paragraph?

Question 3

Article 12 of the Rotterdam Convention states:

- 1. *Where a chemical that is banned or severely restricted by a Party is exported from its territory, that Party shall provide an export notification to the importing Party. The export notification shall include the information set out in Annex V.*
- 2. *The export notification shall be provided for that chemical prior to the first export following adoption of the corresponding final regulatory action. Thereafter, the export notification shall be provided before the first export in any calendar year. The requirement to notify before export may be waived by the designated national authority of the importing Party.*
- 3. *An exporting Party shall provide an updated export notification after it has adopted a final regulatory action that results in a major change concerning the ban or severe restriction of that chemical.*

4. *The importing Party shall acknowledge receipt of the first export notification received after the adoption of the final regulatory action. If the exporting Party does not receive the acknowledgement within thirty days of the dispatch of the export notification, it shall submit a second notification. The exporting Party shall make reasonable efforts to ensure that the importing Party receives the second notification.*

Based on the requirements of Article 12 above, please provide the following information:

Exports to other Parties

- i. If your country has banned or severely restricted chemicals that are exported to other Parties, what are the number of export notifications and the names of the related chemicals that your country has sent, having exported any of these chemicals to other Parties?
- ii. What is the number of acknowledgements of exports your country has received from importing Parties?

Name of chemical exported	# of notifications sent	# of acknowledgements received

Imports

- iii. If your country receives imports of chemicals from other Parties, what is the number of export notifications that have been received by your country and the names of the related chemicals?
- iv. What is the number of acknowledgements of export notifications sent by your country to the exporting Party?

Name of chemical imported	# of export notifications received	# of acknowledgements sent

Annex II

Compilation of information based on responses received from parties to the questionnaire on paragraph 2 (c) of Article 11 and on Article 12

Table 1: Procedures established in countries for the control of exports of chemicals listed in Annex III under those exceptional circumstances where an importing party has failed to transmit an import response or has transmitted an interim response that does not contain an interim decision.

Country	Procedures
Australia	<p>The Australian Government requires all exporters of chemicals listed in Annex III to the Rotterdam Convention, except asbestos, to seek permission prior to export. The chemicals are not allowed to be exported until a valid export permit is held by the exporter for that particular consignment of chemicals to that particular country. Asbestos is subject to separate regulation and is highly restricted.</p> <p>For all Annex III chemicals except asbestos, Australia seeks explicit consent for the import in accordance with Article 11, paragraph 2c of the Rotterdam Convention when a clear response of consent or consent with conditions is not available. The request for explicit consent is sent using the export notification form supplied on the Rotterdam Convention website. If no response is received after 30 days, the notification is resent. If this method is still unsuccessful, an export permit is not issued and the chemicals are not permitted to be exported.</p>
Bosnia and Herzegovina	<p>As for the procedure, in one of part B&H prescribed by the Rules of Procedure for the procedure prior notification and consent procedure on the basis of prior information during the import and export of certain hazardous chemicals and products ("Official Gazette of the Republic of Srpska", No. 33/13) and the same procedure as the EU (Regulation 689/2008 which was then in force): If the importing country within 30 days does not submit a response on imports inform the DNA of the importing country that the answer did not come. If you do not get an answer of 60 days, a notice is sent again. If still does not get an answer, may be issued confirmation that the completed PIC procedure and approval for export, if there is information that for the chemical in the importing country issued the act of putting on the market and use. (Articles 19 and 20 of the Rulebook). B&H does not have export of hazardous chemical until now.</p>
China	<p>There is no such occurrence till today. The Ministry of Environmental Protection (MEP) of China conducts environmental registration system for importing/exporting chemicals listed in Annex III of Rotterdam Convention. In order to control of exports of chemicals listed in Annex III to the Rotterdam Convention under those exceptional circumstances, explicit consent letter to the import through a designated national authority of the importing Party is the prerequisite. After reviewing the explicit consent letter to the import and other required registration application documents, MEP will approve the issuance of the environmental registration certificate for exporting chemicals listed in Annex III of Rotterdam Convention.</p>
Croatia	<p>In that case Croatia contacts that importing Party DNAs via phone or email, but that situation didn't happened to us yet.</p> <p>Procedures established in the EU, see EU's submission for details.</p>
Ecuador	<p>To avoid these exceptional circumstances and exercise control over the substances listed in the Rotterdam Convention, activities are coordinated between the National Customs Service of Ecuador (SENAE) and the two institutions that are focal points of the Rotterdam Convention, the Ministry of Environment and Agrocalidad.</p>
European Union	<p>The rules for implementation of the Rotterdam Convention in the European Union are laid down in Regulation (EU) No 649/2012 concerning the export and import of hazardous chemicals. Pursuant to Article 14 chemicals listed in Part 3 of Annex I to that Regulation, which reflects Annex III to the Rotterdam Convention, for which no import decision is available are only allowed to be exported under the following conditions:</p> <p>a) Explicit consent to import has been sought and received by the exporter through the designated national authority of the exporter's Member State in consultation with the Commission, assisted by the Agency, and the designated national authority of the importing Party;</p>

Country	Procedures
	<p>b) If, after all reasonable efforts, no response to a request for explicit consent pursuant to point (a) has been received within 60 days, the designated national authority of the exporter's Member State may, in consultation with the Commission assisted by the Agency, on a case-by-case basis and subject to the second subparagraph, decide that the export may proceed, if no evidence from official sources of final regulatory action to ban or severely restrict the use of the chemical taken by the importing Party exists and where one of the following conditions is met:</p> <p>(a) there is evidence from official sources in the importing Party or other country that the chemical is licensed, registered or authorised; or</p> <p>(b) the intended use declared in the export notification and confirmed in writing by the natural or legal person importing the chemical into a Party is not in a category for which the chemical is listed in Part 3 of Annex I, and there is evidence from official sources that the chemical has in the last five years been used in or imported into the importing Party or other country concerned.</p> <p>An export based on the fulfilment of the condition under point (b) may not proceed if the chemical has been classified in accordance with Regulation (EC) No 1272/2008 as carcinogenic category 1A or 1B, or mutagenic category 1A or 1B, or toxic for reproduction category 1A or 1B or the chemical fulfils the criteria of Annex XIII to Regulation (EC) No 1907/2006 for being persistent, bioaccumulative and toxic or very persistent and very bioaccumulative.</p> <p>When deciding on the export of chemicals listed in Part 3 of Annex I, the designated national authority of the exporter's Member State shall, in consultation with the Commission assisted by the Agency, consider the possible impact on human health or the environment of the use of the chemical in the importing Party or other country, and submit relevant documentation to the Agency, to be made available by means of the Database.</p> <p>It should be noted that the obligations apply with effect from the listing of the chemical in Part 3 of Annex I to Regulation (EU) No 649/2012 (i.e. Annex III to the Rotterdam Convention) for an unlimited period.</p> <p>It should also be noted that the obligations apply to all exports of chemicals listed in Part 3 of Annex I (i.e. Annex III to the Rotterdam Convention), irrespective of the Convention use category. This means that all exports of chemicals listed in Part 3 of Annex I (i.e. Annex III) for which no import response has been submitted are subject to those obligations.</p>
Georgia	<p>Restricted and strictly limited chemical substances and pesticides' import-export is regulated by the Rotterdam Convention, Georgian Law of 1998 on "Pesticides and Agrochemicals" and Governmental Decree N184 of 28th September, 2006 "On Statute about Transit Permit Issuance, Limited Circulating Material Production, Transportation, Import, Export, Re-export, and on Approval of the List of Limited Circulating Materials".</p> <p>The above mentioned Decree is temporarily suspended until the July of 2014. Its attachment Annex #1, introduces "The Production, Usage and Restriction of Import-export and the List of Dangerous Chemical Substances Under the Strict Limitation of Usage". Annex #3 of Rotterdam Convention and the Order # 133/N of The Minister of Labor, Health and Social Affairs of Georgia of 26th March, 2011.</p> <p>As for now, the regulation and control of this substance in country is possible only with Rotterdam convention - annex III. Under this document National Food Agency manages the process of pesticides registration, import and usage in Georgia.</p>
Hungary	<p>The authorisation procedure of such exports is laid down by the Regulation (EU) of No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals.</p>
Japan	<p>Under Japanese trade regulation, a person who intends to export chemicals listed in Annex III to the Rotterdam Convention to a Party shall obtain approval from the Minister of Economy, Trade and Industry (Article 2 of Export Trade Control Order). The export approvals are issued only in the case i) that the uses of the chemicals do not fall under the categories of Annex III, or ii) that the uses of the chemicals fall under the categories of Annex III and prior consents of importing countries are acquired, so, there is not any procedure for the control of exports of Annex III chemicals where importing Party has failed to transmit an import response.</p>
Latvia	<p>Currently Latvia does not have any specific procedures, because we have no export of chemicals listed in Annex III to the Rotterdam Convention.</p> <p>Procedures established in the EU (cf. EU's submission).</p>

Country	Procedures
Mauritius	Normally, the DNA of the importing country is to be contacted to enquire about the restrictions or prohibitions that exist in the importing country. However, this situation never arises because we are a Small Island Developing State (SIDS) and we not produce or export dangerous chemicals.
Poland	Regulation 649/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2012 concerning the export and import of hazardous chemicals. It implements the Rotterdam Convention in the European Union and establishes procedures for controlling the export.
Republic of Moldova	<p>Policy: Policy on sound management of chemicals has been established by the Government Decision No. 973 of 18 October 2010 "On approval of National Programme on Sound Management of Chemicals in the Republic of Moldova", which covers, also, the relevant activity under Rotterdam Convention.</p> <p>Also, based on the Government Program "European Integration: "Freedom, Democracy, Welfare" and effectuated negotiations between the Republic of Moldova and European Union, the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, has been initialed by the Republic of Moldova in the year 2013. The Association Agreement covers activity related to transposition of European legislation into Moldavian national legislation and its implementation.</p> <p>Export of chemicals: It is necessary to mention that manufacture of chemicals, including chemicals listed in Annex III, does not exist in the Republic of Moldova. There are no any chemical enterprises in Moldova. As result Moldova does not export chemicals to countries parties to the Rotterdam Convention as well as to other countries.</p> <p>Border control: The border control of transboundary movement of chemicals effectuates in conformity with Customs Code No. 1149-XIV of 20 July 2000, with amendments and supplements.</p> <p>PIC: Law on Regulation of Entrepreneurial Activity by Authorization, No. 160 of 22 July 2011.</p> <p>Strengthening legal and regulatory framework: At the same time in order to implement the Rotterdam Convention and the above mentioned Association Agreement, the new Law on Chemicals and Regulation on Export and Import of Hazardous Chemicals have been developed, being under promotion for approval. This legislation covers all provisions of the Rotterdam Convention, being harmonized with the European Regulation No. 6492012 of the European Parliament and the Council of 4 July 2012 concerning the export and import of hazardous chemicals.</p>
Serbia	<p>Pursuant to Law on Chemicals ("Official Gazette of the RS" No. 36/09, 88/10, 92/11, and 93/12) and Rulebook on Import and Export of Certain Hazardous Chemicals ("Official Gazette of the RS" No. 89/10 and 15/13) the exporter shall, for the chemical from the List of Chemicals subject to PIC procedure (Section A – Additional Chemicals for PIC procedure and Section B – Chemicals listed in the Rotterdam Conventions) submit request to conduct the PIC procedure to the Ministry in charge of environmental protection, which is competent authority for Rotterdam Convention.</p> <p>Request contains information on exporter and importer and on chemicals identity. Based on the request, the Ministry in charge of environmental protection shall require prior consent from the designated national authority of the importing country, according to PIC procedure.</p> <p>Ministry in charge of environmental protection shall issue the acknowledgement that the PIC procedure has been conducted containing response (consent, consent under certain conditions or no consent), to the exporter who submitted the request to conduct the PIC procedure.</p> <p>Exporter is obliged to comply with the response given by the designated national authority of the importing country.</p> <p>The PIC procedure shall not apply for chemicals listed in the Rotterdam Convention where such chemical is used in the importing country in the category not listed for that chemical in the Rotterdam Convection.</p> <p>Customs authority shall examine whether the notification procedure and/or PIC procedure has been conducted.</p>
Switzerland	<p>According to Article 4 of the Ordinance on the Rotterdam Convention on the Prior Informed Consent Procedure for certain chemicals that are subject to international trade (PIC Ordinance of 10 November 2004, RS 814.82) exporters of substances or formulations included in Annex III of the Convention are required to observe the import decisions of Parties. If no import decision has been communicated, the exporter does not have the right to export unless:</p> <ul style="list-style-type: none"> • these are substances or formulations which, at the time of import, are registered in the importing Party;

Country	Procedures
	<ul style="list-style-type: none"> • these are substances or formulations for which evidence exists that they have been used, or imported into, the importing Party and in relation to which no regulatory action to prohibit their use has been taken; • if the exporter has received from the importing Party explicit consent to the import. <p>According to Article 17 customs offices perform sample control or at the request of the Federal Office of the Environment whether the obligations within the meaning of Article 4 are complied with in connection with exports of substances and formulations. If infringement is suspected, they are entitled to confiscate the goods.</p>
<p>United Republic of Tanzania</p>	<p>Pesticides: Currently there is no information available due to the fact that Tanzania does not export pesticides. However, according to Plant Protection Act No. 3 of 1997 PIC notification is a prerequisite prior to exporting pesticides listed under Annex III to the RC.</p> <p>Industrial chemicals: If exports of Industrial chemicals have to be permitted by the Registrar of Industrial and Consumer Chemicals (The Chief Government Chemist) according to the Industrial and Consumer Chemicals (Management and Control) Act No. 3 of 2003. At this point of application for export permit communication would be initiated with the importing country. However, in general Tanzania does not export chemicals; hence such cases have not been met.</p>

Table 2: Reported procedures on exports within the one-year period provided in paragraph 2 of Article 11.

Country	Procedures
Australia	Australia generally seeks explicit consent regardless of the time frame for which a response has not been available. This ensures that, in the spirit and the intent of the Rotterdam Convention, no country receives a hazardous chemical without receiving sufficient information to make an informed decision as to its receipt.
Ecuador	The provisions of paragraph 2 of Article 11 have been faithfully fulfilled and it has not been necessary to apply the exceptions.
European Union	<p>The obligations pursuant to Regulation (EU) No 649/2012 go beyond those of paragraph 2 of Article 11 of the Convention in various aspects, including that they</p> <p>a) apply with effect from the listing of the chemical in Part 3 of Annex I to Regulation (EU) No 649/2012 (i.e. Annex III to the Rotterdam Convention) for an unlimited period;</p> <p>b) apply to all exports of chemicals listed in Part 3 of Annex I (i.e. Annex III to the Rotterdam Convention), irrespective of the Convention use category. This means that all exports of chemicals listed in Part 3 of Annex I (i.e. Annex III) for which no import response has been submitted are subject to those obligations.</p> <p>Consequently, all exports of chemicals listed in Annex III, irrespective of the Convention use category, are subject to requirements that go beyond paragraph 2 of Article 11 of the Convention during the one-year period.</p>
Serbia	<p>Pursuant to Rulebook on Import and Export of Certain Hazardous Chemicals ("Official Gazette of the RS" No. 89/10 and 15/13), if Ministry in charge of environmental protection, in the period of 60 days from the day of delivering request for consent to the export of chemical from the List of Chemicals subject to PIC procedure (Section A – Additional Chemicals for PIC procedure and Section B – Chemicals listed in the Rotterdam Conventions), does not receive the answer from the competent authority of country to which the chemical is exported and if there is no official information on final regulatory action to ban or severely restrict use of that chemical, Ministry in charge of environmental protection may issue acknowledgment that the PIC procedure has been conducted with written consent of the Ministry to conduct export under the following condition:</p> <p>1) there is evidence from official sources in the importing country that for that chemical act that allows placing on the market is issued or</p> <p>2) the intended use declared in the export notification and confirmed in writing by the importer, is not in a category for which the chemical is listed in the List of Chemicals subject to PIC procedure (Section A – Additional Chemicals for PIC procedure and Section B – Chemicals listed in the Rotterdam Conventions), as well as that there are evidences from official sources that the chemical has been used in or imported into the importing country within the last five years.</p> <p>By way of derogation from item 2, Ministry can decide, for Chemicals listed in the Rotterdam Conventions, not to issue acknowledgment, if chemical is classified as carcinogenic, category 1A or 1B or mutagenic, category 1A or 1B or toxic for reproduction, category 1A or 1B or chemical meet criteria as persistent, bioaccumulative and toxic (PBT) or very persistent, very bioaccumulative (vPvB).</p> <p>For Chemicals listed in the Rotterdam Conventions, Ministry may, when deciding on the above mentioned, consider the possible effect of the chemical on the human health or environment of the importing country.</p> <p>Request for consent shall be submitted again before the end of the third calendar year after the consent was given, unless that consent specifies a different validity period.</p> <p>The export of chemical for which a new consent has been required, may continue pending a response to a new request for consent for an additional period which cannot exceed 12 months.</p>

Country	Procedures
Switzerland	<p>According to Article 4 of the Ordinance on the Rotterdam Convention on the Prior Informed Consent Procedure for certain chemicals that are subject to international trade (PIC Ordinance of 10 November 2004, RS 814.82) exporters of substances or formulations included in Annex III of the Convention are required to observe the import decisions of Parties. If no import decision has been communicated, the exporter does not have the right to export unless:</p> <ul style="list-style-type: none"> • these are substances or formulations which, at the time of import, are registered in the importing Party; • these are substances or formulations for which evidence exists that they have been used, or imported into, the importing Party and in relation to which no regulatory action to prohibit their use has been taken; • if the exporter has received from the importing Party explicit consent to the import. <p>According to Article 17 customs offices perform sample control or at the request of the Federal Office of the Environment whether the obligations within the meaning of Article 4 are complied with in connection with exports of substances and formulations. If infringement is suspected, they are entitled to confiscate the goods.</p>

Table 3: Reported procedures on exports after the expiration of the one-year period provided in paragraph 2 of Article 11.

Country	Procedures
Australia	Australia generally seeks explicit consent regardless of the time frame for which a response has not been available. This ensures that, in the spirit and the intent of the Rotterdam Convention, no country receives a hazardous chemical without receiving sufficient information to make an informed decision as to its receipt.
Bosnia and Herzegovina	Before the expiry of the approvals for exports shall submit a new request, unless in the meantime received response.
European Union	<p>The obligations pursuant to Regulation (EU) No 649/2012 go beyond those of paragraph 2 of Article 11 of the Convention in various aspects, including that they</p> <p>a) apply with effect from the listing of the chemical in Part 3 of Annex I to Regulation (EU) No 649/2012 (i.e. Annex III) for an unlimited period;</p> <p>b) apply to all exports of chemicals listed in Part 3 of Annex I (i.e. Annex III), irrespective of the Convention use category. This means that all exports of chemicals listed in Part 3 of Annex I (i.e. Annex III) for which no import response has been submitted are subject to those obligations.</p> <p>Consequently, all exports of chemicals listed in Annex III, irrespective of the Convention use category, are subject to requirements that go beyond paragraph 2 of Article 11 of the Convention after expiration of the one-year period.</p>
Serbia	<p>A new consent shall be required not later than 12 months of the submission of the first request for consent if the consent has not been received and the chemical has been exported in accordance with conditions mentioned in answer to previous question (i).</p> <p>Where the consent has been received after the export of the chemical in accordance with those conditions, the deadline for new submission of request shall apply.</p>
Switzerland	Obligations under Article 4 of the PIC Ordinance (these are the obligations in accordance with paragraph 2 of Article 11 of the Convention) apply to substances and formulations of Annex 2 of the PIC Ordinance that lists the substances and formulations of Annex III of the Convention. Once this Annex 2 is updated with the inclusion of new substances or formulations in Annex III of the Convention, the obligations under the Article 4 of the PIC Ordinance take effect. These obligations are not limited in time and continue to apply even after expiry of the time of one year referred to in paragraph 2 of Article 11 of the Convention.

Table 4: Number of export notifications sent and acknowledgements received by exporting countries.

Name of chemical exported	Number of notifications sent	Number of acknowledgments received
1,1,1-Trichloro-ethane	6	6
1,2-Dibromo-ethane	6	6
1,2-Dichloroethane	9	9
Ametryn	3	2
Arsenazo	1	1
Atrazine	9	0
Benzene	20	18
Bifenthrin	1	1
Cadmium	2	2
Cadmium oxyde	1	1
Cadmium sulfide	1	1
Carbon tetrachloride	12	12
Chloroform	14	14
Choline chloride	6	6
Dichlorvos	1	1
Ethylene oxide	4	4
Hydrogen cyanamide	1	1
Malathion	9	3
Mercury and mercury compounds	19	17
Methidathion	3	2
Methyl bromide	3	3
Nonylphenol	6	5
Nonylphenol ethoxylates	70	39
Octylphenol	45	44
Octylphenol ethoxylated	19	17
Paraquat	3	1
Perfluorooctane sulfonate	2	2
Permethrin	102	85
Phenylmercuric acetate	1	1
Potassium tetraiodomercurate (II)	2	2
Sodium arsenite	1	1
Tetraethyl lead	1	1
Triarsenic oxide	2	2
Wood creosote	3	3
Chemicals related to the EU notifications *	2938	1932
Total number of notifications	3326	2245

* See EDEXIM database at <http://edexim.jrc.ec.europa.eu/infoExportNotifications.php>

Table 5: Number of export notifications received and number of acknowledgement sent by importing parties.

Name of chemical imported	Number of export notifications received	Number of acknowledgements sent
1,2-dibromoethane	10	10
1,2-dichloroethane	12	12
1,3-dichloropropene	17	17
1,3-dichloropropene-chloropicrin	3	1
2-Naphthyloxyacetic acid	1	1
Acetochlor	3	3
ADDITIN RC 9320_16621	1	1
alachlor	1	1
aldicarb	1	1
Alkyl dimethyl benzyl ammoniumchloride	1	1
Alkyl phenol ethoxylate	1	1
Ametryn	1	1
Amitraz	1	1
Anthraquinone	6	6
Aradur 46S	2	2
Arsenic	1	1
Arsenic compounds	11	11
Asulam	1	1
Atrazine	13	13
Azinphos-methyl	5	5
Benzene	36	33
BIFENASE_17885	1	1
Bifenthrin	5	5
Bis(tributyltin)oxide	2	2
Butanedioic acid, [(dimethoxyphosphinothioyl)thio]-, diethyl ester	1	1
Butralin	2	2

Name of chemical imported	Number of export notifications received	Number of acknowledgements sent
Butylglycol	1	1
Cadmium and its compounds	29	27
Cadusafos 10%	1	1
Carbon tetrachloride	8	8
Chlorate	31	31
Chlorcalciferol	1	1
Chlorfenapyr	7	7
Chloroform	51	50
Chloropicrin	5	5
Cholecalciferol	2	2
Creosote and creosote related substances	16	16
Cyanamide	20	19
Cyhalothrine	4	4
Cyhexatin	2	2
Diazinon	19	19
Dichlobenil	6	6
Dichloropropene + Chloropicrin	5	5
Dichlorvos	14	14
Dicofol	1	1
Diethyl(dimethoxythiophos phorylthio) succinate S-[1, 2-Bis (ethoxycarbonyl)ethyl] O,O-dimethyl phosphoro-dithioate	1	1
Dinoseb	9	9
Dinoterb	1	1
Diphenylamine	49	47
Diuron	3	3
Endosulfan	1	1
Ethylene dichloride	4	4
Ethylene oxide	40	40

Name of chemical imported	Number of export notifications received	Number of acknowledgements sent
Fenarimol	1	1
Fenbutatin oxicide	1	1
Fenthion	9	9
Ferbam	41	34
Flufenoxuron	7	7
Haloxyfop – R Methyl ester 10.8%	7	7
Hexachloroetane	3	3
Hexakis distannozane, ethyleneglycol	1	1
Hydrogen cyanamide	1	1
Isononylphenol, ethoxylated	3	No information available
Liquid etiol	1	1
Malathion	18	18
Mebrom 98	1	1
Mercury and mercury compounds	53	52
Methidathion	4	4
Methomyl	16	16
Methyl bromide	10	10
Nonylphenol-polyglycol ester	1	1
Nonylphenols and nonylphenol ethoxylates	380	349
Paraffinic hydrocarbons	1	1
Paraquat	7	6
Paraquat dichloride	5	5
Pedilin shampoo_17603	1	1
Permethrin	157	149
PFOS	4	4
Phosalone	9	9
Potassium chlorate belongs to the group Chlorate	1	1
PREP-3_4563	1	1

Name of chemical imported	Number of export notifications received	Number of acknowledgements sent
Procymidone	3	3
Propanil	3	3
Propargite	5	5
Propisochlor	2	1
p-tert-Octylphenol	1	1
RHODAPEX CO 436 C_12458	1	1
Sodium chlorate	8	8
Sodium chloride	1	1
Sodium dioxoarsenate	3	3
Solignum Colourless TK	1	1
Steritox	1	1
Sto Pox 452 EP Komponente A,B	4	4
Sto Pox BB OS Komponente A, B	2	2
Sto Pox BI Komp. B	1	1
Sto Pox BV 88	1	1
Sto Pox KU 401/411 Komp. B	1	1
Sto Pox LH Komp. A	1	1
Sto Pox PH DVE Komponente A, B	4	4
Sto Pox TEP Multi Top Komp. B	2	2
Sto Pox WHG DECK 100/110 Komponente B	2	2
Tetraethyl lead	11	11
Tetraethyl lead [some also cover 1,2-dibromoethane (EDB) as well]	1	1
Texelan SPA01_11002	1	1
Thiocyclam hydrogen oxalate	1	1
Thiomersal		
Tolyfluanid	85	82
Treflan EC	2	2

Name of chemical imported	Number of export notifications received	Number of acknowledgements sent
Tributyltin chloride	3	3
Tridemorph	4	4
Trifluralin	13	13
Trimethyltin chloride	1	1
Triorganostannic compounds	1	1
Triorganostannic compounds other than tributyltin compounds	2	2
Zineb	30	30
Chemicals related to imports by Brazil	65	65
Chemicals related to imports by the EU from other parties *	76	76
Total number of notifications	1557	1491

* See EDEXIM database at http://edexim.jrc.ec.europa.eu/lib/import_notification.php?version=PUB