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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**

Eighth meeting

Geneva, 24 April–5 May 2017

Item 5 (a) of the provisional agenda[[1]](#footnote-2)\*

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

Proposal for activities to increase the number of notifications of final regulatory action

 Note by the Secretariat

 I. Introduction

1. At its seventh meeting, in decision RC-7/1, on a proposal for activities to increase notifications of final regulatory action, the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, among other things, urged Parties to exchange information in accordance with the provisions of the Convention by submitting notifications of final regulatory action for banned or severely restricted chemicals.
2. In the decision, the Conference of the Parties requested the Secretariat to collect various types of information, including:
	1. Scientific and technical information for risk assessment and decision-making;
	2. National legislation and other measures adopted by Parties to implement the Convention.
3. In addition, the Conference of the Parties requested the Secretariat to provide assistance to Parties, upon request, in order to facilitate an increase in the number of notifications of final regulatory action and to include in its technical assistance programme:
	1. Activities to support Parties in strengthening national coordination mechanisms for decision-making;
	2. Activities to advise Parties on the use of risk evaluations and exposure assessments completed in other countries and the use of international risk evaluations as bridging information to support their submissions in respect of notifications of final regulatory action.
4. Furthermore, the Secretariat was requested to carry out, subject to the availability of resources, a survey on the final regulatory actions adopted by Parties and to make the results of the survey available to all Parties by publishing them on the website of the Convention. The Secretariat was also requested to identify the main constraints faced by Parties when implementing Article 5 of the Convention.

 II. Implementation

 **A. Collection of information on final regulatory action**

1. As part of its efforts to collect information pursuant to paragraph 4 (a) of decision RC-7/1, the Secretariat, in a letter dated 6 July 2015,[[2]](#footnote-3) invited Parties to provide supporting documentation for notifications of final regulatory action, including scientific and technical information considered in their evaluation of risks, for those chemicals for which a second notification, from a prior informed consent (PIC) region other than that from which the first notification came, was required to trigger a review of the chemicals by the Chemical Review Committee. In addition, the Secretariat has collected scientific literature on chemicals that have been reviewed under the Rotterdam Convention and the Stockholm Convention on Persistent Organic Pollutants.
2. In order to give Parties user-friendly access to this and other related scientific information sources and tools, the Secretariat developed the final regulatory action (FRA) evaluation toolkit,[[3]](#footnote-4) which is aimed at assisting and enhancing the efforts by designated national authorities – especially those from developing countries – to facilitate scientifically sound decision-making and the submission of notifications of final regulatory action. A consultative meeting of a number of designated national authorities of developing countries was held in August 2015 to introduce and pilot test the toolkit. A few experts on the work of the Chemical Review Committee were also engaged in the consultation to identify areas for further improvement of the toolkit. Subsequently, two subregional consultations were held for designated national authorities, one involving four countries in East Africa and the other involving seven countries in Asia, with the aim of facilitating the introduction of the FRA evaluation toolkit and other tools related to the sound management of hazardous industrial chemicals and pesticides. Those activities were organized thanks to generous financial support provided by the European Union.

 **B. Collection of national legislation and other measures that have been adopted by Parties to implement the Convention**

1. The Secretariat has collected the texts of national legislation and other measures adopted by Parties to implement the Convention and made them available on the Convention website.[[4]](#footnote-5) As at 23 November 2016 the following Parties had transmitted such texts to the Secretariat: Bahrain, Canada, Ecuador and Jordan.
2. Proposed action pertaining to the transmission and collection of texts of national legislation and other measures to implement the Rotterdam Convention is set out in the note by the Secretariat on synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes (UNEP/CHW.13/24-UNEP/FAO/RC/COP.8/23-UNEP/POPS/COP.8/27).

 **C. Materials used in the delivery of technical assistance activities**

1. The FRA evaluation toolkit developed by the Secretariat has been used in various technical assistance activities.
2. Other materials available on the Rotterdam Convention website[[5]](#footnote-6) have been used in technical assistance activities implemented in collaboration with the regional centres of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Stockholm Convention; the regional and subregional offices of the Food and Agriculture Organization of the United Nations; and other partners such as the World Health Organization and other participating organizations of the Inter-Organization Programme for the Sound Management of Chemicals. For more information see the note by the Secretariat on technical assistance activities (UNEP/CHW.13/INF/34-UNEP/FAO/RC/COP.8/INF/24-UNEP/POPS/COP.8/INF/22).

 **D. Surveys undertaken by the Secretariat**

1. In response to the requests referred to in paragraph 4, above, the Secretariat carried out a survey on final regulatory actions adopted by Parties, as well as on the main constraints faced by Parties when implementing Article 5 of the Rotterdam Convention. A total of 23 Parties responded to the questionnaire, corresponding to 32 per cent of all Parties. Of the respondents, 17 were
developing-country Parties or countries with economies in transition and 6, including one responding on behalf of 27 Parties, were developed-country Parties. A compilation of responses to the survey received from Parties is set out in the note by the Secretariat on the matter (UNEP/FAO/RC/COP.8/INF/8).
2. The survey shows that 98 per cent of the respondents have at some time taken a decision to ban or severely restrict a chemical. However, only 27 per cent of the respondents have notified the Secretariat of their national decisions to ban or restrict certain chemicals. Developing countries have difficulties in developing adequate legislation and establishing functional national decision-making processes, including coordination mechanisms that lead to bans or restrictions of chemicals of concern. They also have difficulty in developing mechanisms for data analysis.
3. While the information requirements of Annex I to the Convention do not necessarily constitute a challenge for designated national authorities, they face difficulties in submitting notifications of final regulatory action that fulfil the Annex II criteria, especially with regard to paragraph (b) of Annex II.

 III. Proposed action

1. The Conference of the Parties may wish to adopt a decision along the following lines:

*The Conference of the Parties*

1. *Encourages* Parties to continue to provide the Secretariat with information that may assist other Parties in preparing notifications of final regulatory action, including:
	1. Scientific and technical information relevant to risk evaluation and
	decision-making on hazardous chemicals and pesticides;
	2. Texts of national legislation and other measures adopted by them to implement the Convention;
2. *Requests* the Secretariat:
3. To continue to collect and make available to Parties and other stakeholders in a user-friendly format the information referred to in paragraph 1 above;
4. To provide assistance to Parties, subject to the availability of funding, to facilitate the submission of notifications of final regulatory action, including individual assistance to ensure that notifications meet the information requirements of Annex I to the Rotterdam Convention.

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1. \* UNEP/FAO/RC/COP.8/1. [↑](#footnote-ref-2)
2. http://www.pic.int/TheConvention/ConferenceoftheParties/CallforInformation/FollowuptoCOP7/tabid/4563/language/en-US/Default.aspx. [↑](#footnote-ref-3)
3. <http://www.pic.int/Implementation/FinalRegulatoryActions/FRAEvaluationToolkit/tabid/4976/language/en-US/Default.aspx>. [↑](#footnote-ref-4)
4. <http://www.pic.int/?tabid=5325>. [↑](#footnote-ref-5)
5. <http://www.pic.int/Implementation/RessourceKit/tabid/1064/language/en-US/Default.aspx> and www.pic.int/Procedures/NotificationsofFinalRegulatoryActions/FormandInstructions/tabid/1182/language/en-US/Default.asp[x](file:///C%3A%5CUsers%5CMihajlovski%5Cpeakeg%5CAppData%5CLocal%5CTemp%5CDownloads%5Cwww.pic.int%5CProcedures%5CNotificationsofFinalRegulatoryActions%5CFormandInstructions%5Ctabid%5C1182%5Clanguage%5Cen-US%5CDefault.aspx). [↑](#footnote-ref-6)