

CRC-11/2: Tributyltin compounds

The Chemical Review Committee,

Recalling paragraphs 1 and 2 of Article 7 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade,

Recalling also its decision CRC-10/5, adopted at its tenth meeting in accordance with paragraph 6 of Article 5 of the Convention, in which it recommended to the Conference of the Parties that it should list tributyltin compounds in Annex III to the Convention as industrial chemicals,

Adopts the draft decision guidance document for tributyltin compounds¹ and decides to forward it, together with the related tabular summary of comments² and the note set out in the annex to the present decision, to the Conference of the Parties for its consideration.

Annex to decision CRC-11/2

Note to the Conference of the Parties on the rationale for the Committee's recommendation at its tenth meeting that the Conference should list tributyltin compounds in Annex III to the Convention as industrial chemicals

1. The Committee adopted decision CRC-10/5, by which it recommended that the Conference of the Parties should list tributyltin compounds in Annex III to the Convention as industrial chemicals. The present note is intended to assist the Conference of the Parties in its decision making and provide further information as to the Committee's discussions and rationale for its recommendation at its tenth meeting.

I. The Secretariat forwarded the notification from Canada on tributyltin compounds for the industrial chemical use category.

2. According to paragraph 5 of Article 5 of the Convention: "*When the Secretariat has received at least one notification from each of two Prior Informed Consent regions regarding a particular chemical that it has verified meet the requirements of Annex I, it shall forward them to the Chemical Review Committee...*"

3. On the basis of the above provision, the Secretariat forwarded to the Committee a new notification from Canada on tributyltin compounds for the industrial chemical use category. In transmitting the new notification, the Secretariat drew attention to two previous notifications of final regulatory action in respect of tributyltin compounds under the pesticide category submitted by Canada and the European Union, which had been reviewed by the Committee, considered and decided upon. The Secretariat had not received a notification in respect of tributyltin compounds in the industrial chemical use category from a second Prior Informed Consent region.

II. The Committee reviewed the notification from Canada on tributyltin compounds for the industrial chemical use category.

4. At the Committee's tenth meeting members of the Committee noted that the criteria in Annex II do not distinguish between use categories; as such they understood that their review of tributyltin compounds would take the chemicals into account regardless of the category to which the final regulatory action applied. In addition, responding to questions from members at that

¹ UNEP/FAO/RC/CRC.11/3/Rev.1.

² UNEP/FAO/RC/CRC.11/INF/8/Rev.1.

meeting, the Secretariat provided examples of previous experiences.³ The Committee noted that it had never before faced a situation, as at its tenth meeting, in which it had found a single notification of final regulatory action pertaining to a chemical in one use category to be valid when that same chemical had already been listed in Annex III in another use category. At its tenth meeting, the Committee reviewed the notification from Canada on tributyltin compounds for the industrial chemical use category and found that the new notification met the criteria set out in Annex II.

III. The Committee recommended to the Conference of the Parties that tributyltin compounds should be listed in Annex III as industrial chemicals.

5. The members of the Committee considered that as paragraphs 5 and 6 of Article 5 do not specify the need for notifications to relate to the same use category they could proceed with making a recommendation on listing based on the new notification, together with the previous notifications that had already been found to meet the criteria in Annex II. It was the understanding of the Committee at its tenth meeting that the rationale for this recommendation would apply to any chemical under any category forwarded to the Committee for its review.

6. Furthermore, in coming to its recommendation at its tenth meeting, the Committee noted that the categories of industrial chemicals and pesticides are treated differently by parties, which may have implications for the implementation of the Convention.

7. Although there was no notification on tributyltin compounds in the industrial chemical use category from a second prior informed consent region the Committee at its tenth meeting agreed that, as the notification from Canada met the criteria in Annex II to the Convention, the Committee should recommend to the Conference of the Parties that it amend the listing for tributyltin compounds in Annex III to the Convention by including tributyltin compounds as industrial chemicals.

8. Taking into account the previous conclusions by the Chemical Review Committee in respect of tributyltin⁴ and decision RC-4/5, on the inclusion of tributyltin compounds in Annex III to the Convention,⁵ the Committee at its tenth meeting decided to recommend in accordance with paragraph 6 of Article 5 of the Convention that the Conference of the Parties should list tributyltin compounds in Annex III to the Convention as industrial chemicals.

³ UNEP/FAO/RC/CRC.10/10, para 69.

⁴ UNEP/FAO/RC/CRC.2/20, annex II, section B.

⁵ UNEP/FAO/RC/COP.4/10, annex V.