



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

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### Working group on enhancing the effectiveness of the Rotterdam Convention

#### First meeting

Riga, Latvia, 4–6 June 2018

Item 4 (b) of the provisional agenda\*

#### Recommendations for enhancing the effectiveness of the Convention:

development of a set of prioritized recommendations for enhancing the effectiveness of the Convention

## Overview of priority actions to enhance the effectiveness of the Rotterdam Convention

### Note by the Secretariat

1. By decision RC-8/8, the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade at its eighth meeting (COP-8) invited Parties to submit information, through an online survey, on priority actions to enhance the effectiveness of the Convention and key information gaps related to such actions, and requested the Secretariat to prepare a report analysing the legal and operational implications of the proposed priority actions.
2. A compilation of proposed priority actions to enhance the effectiveness of the Convention submitted by Parties<sup>1</sup> is available on the Rotterdam Convention website.<sup>1</sup> As per decision RC-8/8, the Secretariat prepared a report analysing the legal and operational implications of the priority actions (UNEP/FAO/RC/EFF.1/2) and made it available to Parties and others for comments between 15 January and 31 March 2018.<sup>2</sup>
3. The annex to the present note contains an overview table of the priority actions to enhance the effectiveness of the Rotterdam Convention as submitted by Parties through the online survey. Additional proposals made by Parties and others through comments on the above-mentioned report are also taken into account. The table clusters these priority actions, which are described in more detail in the report analysing the legal and operational implications of the priority actions, in four areas and indicates at which level activities would be implemented, budgetary implications and a possible approach for implementation by respective actors. The priority actions have been grouped with a view to facilitating next steps, in particular the development of a set of prioritized recommendations on enhancing the effectiveness of the Convention and a report identifying further steps for consideration by the ninth meeting of the Conference of the Parties.

\* UNEP/FAO/RC/EFF.1/1.

<sup>1</sup> See

<http://www.pic.int/Implementation/EnhancingtheeffectivenessoftheConvention/Onlinesurvey/tabid/6215/language/en-US/Default.aspx>.

<sup>2</sup> The comments are set out in document UNEP/FAO/RC/EFF.1/INF/1.

4. The working group may wish to take the information set out in the present note into consideration in the development of prioritized recommendations for enhancing the effectiveness of the Convention.
5. The present note, including its annex, has not been formally edited.

## Annex

## Overview of priority actions to enhance the effectiveness of the Rotterdam Convention

### 1. Priority actions related to the process of listing chemicals in Annex III

Ref	Proposed priority action	Level	Budgetary implication <sup>1</sup>	Possible approach(es) incl. actor(s)
122	Establish expert team to assist Parties with the submission of final regulatory action	International	Yes (core / voluntary)	COP to set up expert team
			Yes (voluntary)	Secretariat to create an expert roster
111, 141, 142, 143, 146 <sup>2</sup>	Modify Chemical Review Committee (CRC) operations and increase consistency:	International		Some modifications could be accommodated within existing terms of reference and procedures of the Chemical Review Committee and managed by the Secretariat with the guidance of CRC for some proposals the terms of reference and/or procedures of the Committee would need to be revised
	- Increase number of Committee members		Yes (core)	
	- Translate/interpret into 6 languages		Yes (core)	
	- Involve observers more in Committee work		No	
	- Collect additional information from Parties that submitted final regulatory actions and/or other entities (as done for SHPF proposals)		No	
	- Increase guidance on Committee procedures		No	
	- Seek information from external experts, private sector and public interest bodies, non-member Parties		No	
	- Strengthen technical and scientific information on Committee recommendations		No	
	- Supplement information in decision guidance documents		Yes (core)	
	- CRC members to be trained on Convention and Committee operations		Yes (voluntary)	
	- Allow for more consultations and dialogue at CRC meetings (e.g. task group reports)		No	
	- CRC members to dedicate sufficient time to prepare for and actively participate in Committee meetings	National	N/A	Governments to take into account in nominating CRC members
145, 151	Create a framework for informing Parties about CRC work and discussing objections to listing prior to the meeting of the Conference of the Parties (COP)	International	No	COP to create framework <i>Note: Currently, Parties are invited to submit comments on the amendment proposals, which are published prior to the COP as an INF document.</i>
n/a <sup>3</sup>	Use of diplomatic channels to continue dialogue intersessionally to try to address any outstanding concerns Parties might have	Between Parties directly	No	Modalities to be determined.

<sup>1</sup> The table contains a preliminary indication of whether budgetary implications could be expected in the Rotterdam Convention general trust fund ("core") or the voluntary trust fund ("voluntary"). In addition, impact on staff time in the Secretariat needs to be considered, as it might not be possible for the Secretariat to accommodate all activities with the existing staffing component. Costs for national implementation are not reflected in this table.

<sup>2</sup> Additional priority actions reflected in this row were proposed in the commenting phase on the report on legal and operational implications of the priority actions by Canada and the United States of America (observer).

<sup>3</sup> This priority action was proposed in the commenting phase on the report on legal and operational implications of the priority actions by the United States of America (observer).

n/a <sup>4</sup>	COP to request Parties opposing listing to provide scientific evidence	International	No	COP decision
n/a <sup>5</sup>	Freeze discussions about chemicals for which consensus has not been achieved during several COPs, until new scientific evidence appears	International	No	COP decision
154	Permit a flexible entry into force of the listing of new chemicals for individual Parties and/or “opt out” mechanism of listing	International	No	Amendment to the Convention (Pursuant to Articles 21 and 22)
160	Voluntary prior informed consent (PIC) mechanism through individual or generic COP decision(s)	International	No	<i>Note: Currently, COP decisions for chemicals for which no agreement on listing could be found invite Parties to share information</i>
160, 161	Adopt new Annex for voluntary PIC procedure	International	No	Adoption of additional Annex (Pursuant to Article 22, paragraph 3)
n/a <sup>6</sup>	Adopt new Annex to allow for opt-out of PIC procedure for chemicals listed in that Annex (obligations of chemicals listed in that Annex would either be the same as for Annex III or different, such as promoting information exchange)	International	No	Adoption of additional Annex (Pursuant to Article 22, paragraph 3)
161	Amend the Convention to allow for voting on amending Annex III	International	No	Amendment to the Convention (Pursuant to Articles 21 and 22)
162	Amend the Convention to allow for voting on amending Annex III in combination with “opt-out” possibility	International	No	Amendment to the Convention (Pursuant to Articles 21 and 22)
151, 153 <sup>7</sup>	Examine further impacts of listing: <ul style="list-style-type: none"> <li>- Factors considered by Parties in making listing decisions</li> <li>- Effects of listing on trade</li> <li>- Effects on human health and the environment</li> <li>- Relationship between the Chemical Review Committee and the Conference of the Parties</li> </ul>	International	Yes (voluntary)	Carry out further study <i>Note: A first study was prepared for COP-8 (UNEP/FAO/RC/COP.8/INF/21); another study from the European Commission is available<sup>8</sup></i>
152, 161 <sup>9</sup>	Analyse how other conventions dealt with: <ul style="list-style-type: none"> <li>- Promoting a shared understanding of key terminology</li> <li>- Amending the convention to address issues related to not being able to reach consensus</li> <li>- How to keep the Convention effective</li> <li>- Promoting improved information flows</li> </ul>	International	Yes (voluntary)	Carry out study(ies)

<sup>4</sup> This priority was proposed in the commenting phase on the report on legal and operational implications of the priority actions by Colombia.

<sup>5</sup> This priority was proposed in the commenting phase on the report on legal and operational implications of the priority actions by the International Chrysotile Association (observer).

<sup>6</sup> This priority action was proposed in the commenting phase on the report on legal and operational implications of the priority actions by Colombia.

<sup>7</sup> Additional priority actions reflected in this row were proposed in the commenting phase on the report on legal and operational implications of the priority actions by Colombia.

<sup>8</sup> <http://www.pic.int/Implementation/EnhancingtheeffectivenessoftheConvention/Reportonpriorityactions/tabid/6234/language/en-US/Default.aspx>.

<sup>9</sup> Additional priority actions reflected in this row were proposed in the commenting phase on the report on legal and operational implications of the priority actions by Australia.

152 <sup>10</sup>	Promote a shared understanding of key terminology of the Convention: - Develop policy on key terminology	International	Yes (voluntary)	Clarify key terminology, e.g. through a glossary of terms for possible adoption by the COP or defining certain criteria (e.g. severity of incident of SHPF) by COP
	- Educate Parties on key terminology			Secretariat to undertake outreach activities
	- Provide more clarity on key terminology in Convention text			Amendment to the Convention (Pursuant to Articles 21 and 22)

## 2. Information exchange, including through the clearing-house mechanism

Ref	Proposed priority action	Level	Budgetary implication <sup>11</sup>	Possible approach incl. actor(s)
110, 120, 221, 320, 322, 323, 373 <sup>12</sup>	Strengthen information exchange between Parties, in particular on: - Final regulatory actions and risk evaluations - Import and export registers and notifications - Training industry on their role under the Convention - Other aspects of chemicals management systems  E.g. workshops, websites, databases, tools, regional networks for information exchange, regional meetings, side even at COP, online library, platform, updated Final Regulatory Actions toolkit, translation of tools / information in all 6 UN languages	Between Parties directly	No	Activities between Parties could be facilitated by the Secretariat
		International	Yes (voluntary)	Secretariat
324	Improve information on alternatives on listed / recommended chemicals	International	No	Secretariat to solicit and make information available
			Yes (voluntary)	Secretariat to consolidate information; COP might wish to consider mechanism to evaluate proposed alternatives
111 <sup>13</sup>	Improve information-exchange on final regulatory actions: - Secretariat to gather more detailed information on reasons that supported a Final Regulatory Action and share it with Parties; - Secretariat to share entire Final Regulatory Action upon receipt rather than a summary in the PIC Circular every six months	International	No	Modalities would need to be determined and information requirements defined <i>Note: The PIC Circular contains only a summary of the final regulatory actions</i>
240	Improve PIC Circular	International	No	Modalities would need to be determined <i>Note: The Secretariat has recently modified the presentation of the PIC Circular and welcomes</i>

<sup>10</sup> Additional priority actions reflected in this row were proposed in the commenting phase on the report on legal and operational implications of the priority actions by India.

<sup>11</sup> See footnote 1.

<sup>12</sup> Additional priority actions reflected in this row were proposed in the commenting phase on the report on legal and operational implications of the priority actions by Albania and New Zealand.

<sup>13</sup> Additional priority actions reflected in this row were proposed in the commenting phase on the report on legal and operational implications of the priority actions by Colombia.

				<i>feedback how to make it more useful to Parties</i>
242 <sup>14</sup>	Provide online system for PIC operations / carry out feasibility study on how the clearing-house mechanism can address the need for an online system	International	Yes (core / voluntary)	<i>Note: Access to PIC database and electronic systems for import responses and final regulatory action notifications exist</i>

### 3. Capacity-building and technical assistance including development of guidance and awareness raising

Ref	Proposed priority action	Level	Budgetary implication <sup>15</sup>	Possible approach incl. actor(s)
110, 112, 113, 116, 130, 151, 211, 220, 241, 230, 231, 232, 340, 350, 371, 373, 382, 390 <sup>16</sup>	Provide tools, training, capacity building and projects on: <ul style="list-style-type: none"> <li>- Customs controls</li> <li>- Import and export registers</li> <li>- Trade restrictions</li> <li>- Laboratory capacity</li> <li>- Legislation (incl. model regulatory frameworks and legislation on chemicals recommended for listing)</li> <li>- National action plan development and implementation</li> <li>- Collecting and/or accessing information about chemicals at national level</li> <li>- Identifying pesticide formulations that result in acute poisoning at the national level</li> <li>- Incident reporting</li> <li>- Generating information on health and environmental impacts</li> <li>- Risk analysis, risk evaluation</li> <li>- Chemical risk management</li> <li>- Processes under the Convention (notifications, SHPF proposals, import responses, export notifications, etc.)</li> <li>- Procedural steps for listing chemicals and the PIC procedure, using the diagram<sup>17</sup> and consolidated list of available guidance and key terminology</li> <li>- Assisting industry in fulfilling their role under the Convention</li> <li>- Project development</li> <li>- Synergies among BRS</li> <li>- Train the trainers programmes</li> <li>- Ratification of the Convention</li> </ul>	International	Yes (voluntary)	Implementation as part of technical assistance plan and TA upon request continuously ongoing, some activities could potentially be included in the mandate of the compliance committee proposed to be established in terms of Article 17
		National	N/A	

<sup>14</sup> Additional priority actions reflected in this row were proposed in the commenting phase on the report on legal and operational implications of the priority actions by New Zealand.

<sup>15</sup> See footnote 1.

<sup>16</sup> Additional priority actions reflected in this row were proposed in the commenting phase on the report on legal and operational implications of the priority actions by Albania, Australia, Central African Republic, Democratic Republic of the Congo, India, Switzerland, and Philippines.

<sup>17</sup> Report on legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention, appendix, pages 42-45.

114, 115, 151, 340 <sup>18</sup>	Develop guidance on: - Bridging information - Using data on pesticide suicides to identify chemicals for FRAs - Methodologies for risk evaluations - Methodology to guide Parties in taking national decisions on listing - Risk evaluations not based on risk assessments - Identification of elements of national action plans (all UN languages) - Identification, evaluation and controlling risks associated with highly hazardous pesticides	International	Yes (voluntary)	Implementation as part of technical assistance plan, taking into account existing guidance materials
150, 210, 241, 310, 311	Raise awareness on: - The Convention - Its objectives, purpose and value - Links between Convention and Sustainable Development Goals - PIC procedure - Risks of chemicals - Implications of listing chemicals in Annex III - Existing financial mechanisms	International	Yes (voluntary)	Outreach programme by Secretariat <i>Note: A number of guidance and outreach materials exist</i>
		National	N/A	National activities by Parties
n/a <sup>19</sup>	Implement outreach and capacity building activities through partnership approach with regional environmental organizations	International	Yes (voluntary)	Secretariat to work with partner organizations and report back to COP
n/a <sup>20</sup>	Using the PIC Circular as a means to circulating training materials without relying on internet connections	International	No	To include files on CD of PIC Circular that are sent twice a year
150	Sign a memorandum of understanding with the World Trade Organization (WTO) on exchange and dissemination of information about the Convention	International	No	COP to sign MoU or agree on other information exchange / awareness raising activities <i>Note: request for observer status in WTO Committee on Trade and Environment is pending</i>
n/a <sup>21</sup>	Rotterdam Convention Secretariat to participate actively in the sessions of the World Customs Organization (WCO) to ensure correct customs nomenclature of the chemical substances and products affected by the Convention	International	Yes (core / voluntary)	<i>Note: In line with Article 13 of the Convention, the Secretariat coordinates with the WCO on assigning Harmonized System codes for newly listed chemicals.</i>
380	Establish a financial mechanism	International	Yes (voluntary)	Amendment to the Convention (Pursuant to Article 21)

<sup>18</sup> Additional priority actions reflected in this row were proposed in the commenting phase on the report on legal and operational implications of priority actions by Argentina.

<sup>19</sup> This priority action was proposed in the commenting phase on the report on legal and operational implications of the priority actions by New Zealand.

<sup>20</sup> This priority action was proposed in the commenting phase on the report on legal and operational implications of the priority actions by Australia.

<sup>21</sup> This priority action was proposed in the commenting phase on the report on legal and operational implications of the priority actions by Argentina.

240	Promote active use of PIC Circular	International	Yes (voluntary)	Outreach programme / technical assistance plan <i>Note: User's guide for PIC Circular exists in 6 UN languages</i>
321	Secretariat to be proactive about approaching Parties in filling in forms, establish unified criteria for completion and evaluation of forms	International	No	Implementation as part of technical assistance plan, taking into account existing materials
370, 373	Translate the resource kit and other information / training / guidance into all UN languages	International	Yes (voluntary)	Implementation as part of technical assistance plan, taking into account translated parts
117	Organize subregional meetings to discuss region-specific difficulties	Between Parties directly	No	Implementation as part of technical assistance plan
		International	Yes (voluntary)	
120, 241, 373	Promote Party-to-Party support: - In-kind support for risk evaluations - Documentation - Mentoring or secondments	Between Parties directly	N/A	Ongoing as part of technical assistance plan (Secretariat)
		International	Yes (voluntary)	
374	Promote technology transfer	Between Parties directly	N/A	Modalities would need to be determined (e.g. through BC and SC regional centres)
		International	Depends on approach taken	
310, 361	Improve coordination between government and stakeholders, involve stakeholders in national implementation	National	N/A	Facilitation ongoing as part of technical assistance plan (Secretariat), Parties to follow up on national basis
n/a <sup>22</sup>	Oblige sellers of chemical products to raise awareness and provide training on how to handle chemicals	National	N/A	Develop legislation at national level
360	Establish national specialists units for chemicals and wastes management	National	N/A	National implementation <i>Note: support is available under the Special Programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm Conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management</i>

<sup>22</sup> This priority action was proposed in the commenting phase on the report on legal and operational implications of the priority actions by Suriname.



#### 4. Other processes

Ref	Proposed priority action	COP decision needed	Budgetary implication <sup>23</sup>	Possible approach incl. actor(s)
330, 331, 332	Adopt a compliance mechanism	International	Yes (core)	Amendment to the Convention (Pursuant to Article 21)
n/a <sup>24</sup>	Carry out effectiveness evaluation of the Rotterdam Convention	International	Yes (voluntary)	Intersessional working group could task consultant to carry out simple effectiveness evaluation
			Yes (core)	COP decision setting up another process for effectiveness evaluation

<sup>23</sup> See footnote 1.

<sup>24</sup> This priority action was proposed in the commenting phase on the report on legal and operational implications of the priority actions by the United States of America (observer).