



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

Distr.: General
30 April 2018

English only

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 Parties¹ is available on the Rotterdam Convention website.¹ 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 2018.²
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.

¹ See

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

² 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 ¹ | 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 ² | 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 ³ | 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. |

¹ 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.

² 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).

³ 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 ⁴ | COP to request Parties opposing listing to provide scientific evidence | International | No | COP decision |
| n/a ⁵ | 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 ⁶ | 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 ⁷ | Examine further impacts of listing: <ul style="list-style-type: none"> - Factors considered by Parties in making listing decisions - Effects of listing on trade - Effects on human health and the environment - Relationship between the Chemical Review Committee and the Conference of the Parties | 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 available⁸</i> |
| 152, 161 ⁹ | Analyse how other conventions dealt with: <ul style="list-style-type: none"> - Promoting a shared understanding of key terminology - Amending the convention to address issues related to not being able to reach consensus - How to keep the Convention effective - Promoting improved information flows | International | Yes (voluntary) | Carry out study(ies) |

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

⁵ 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).

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

⁷ 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.

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

⁹ 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.

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|-------------------|---|---------------|-----------------|--|
| 152 ¹⁰ | 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 ¹¹ | Possible approach incl. actor(s) |
|---|--|--------------------------|-------------------------------------|--|
| 110, 120, 221, 320, 322, 323, 373 ¹² | 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 ¹³ | 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> |

¹⁰ 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.

¹¹ See footnote 1.

¹² 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.

¹³ 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.

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|-------------------|--|---------------|------------------------|---|
| | | | | <i>feedback how to make it more useful to Parties</i> |
| 242 ¹⁴ | 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 ¹⁵ | Possible approach incl. actor(s) |
|--|--|---------------|-------------------------------------|--|
| 110, 112, 113, 116, 130, 151, 211, 220, 241, 230, 231, 232, 340, 350, 371, 373, 382, 390 ¹⁶ | Provide tools, training, capacity building and projects on: <ul style="list-style-type: none"> - Customs controls - Import and export registers - Trade restrictions - Laboratory capacity - Legislation (incl. model regulatory frameworks and legislation on chemicals recommended for listing) - National action plan development and implementation - Collecting and/or accessing information about chemicals at national level - Identifying pesticide formulations that result in acute poisoning at the national level - Incident reporting - Generating information on health and environmental impacts - Risk analysis, risk evaluation - Chemical risk management - Processes under the Convention (notifications, SHPF proposals, import responses, export notifications, etc.) - Procedural steps for listing chemicals and the PIC procedure, using the diagram¹⁷ and consolidated list of available guidance and key terminology - Assisting industry in fulfilling their role under the Convention - Project development - Synergies among BRS - Train the trainers programmes - Ratification of the Convention | 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 | |

¹⁴ 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.

¹⁵ See footnote 1.

¹⁶ 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.

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

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|---|---|---------------|------------------------|--|
| 114, 115, 151, 340 ¹⁸ | 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 ¹⁹ | 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 ²⁰ | 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 ²¹ | 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) |

¹⁸ 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.

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

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

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

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|-------------------|--|--------------------------|---------------------------|--|
| 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 ²² | 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> |

²² 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 ²³ | 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 ²⁴ | 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 |

²³ See footnote 1.

²⁴ 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).